

DEPARTMENT OF HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

STATEMENT TO THE HISTORICAL INSTITUTIONAL ABUSE INQUIRY

MODULE 7

YOUTH JUSTICE INSTITUTIONS

(ST PATRICK'S TRAINING SCHOOL/ RATHGAEL/ LISNEVIN/ HYDEBANK)

30 July 2015

HISTORICAL INSTITUTIONAL ABUSE INQUIRY: MODULE 7**RULE 9 REQUEST DATED 3 JULY 2015 IN RESPECT OF ST PATRICK'S TRAINING SCHOOL**

I, Hilary R Harrison will say as follows:

This statement is provided on behalf of the Department of Health, Social Services and Public Safety in response to the HIAI Rule 9 Request dated 3 July 2015 which requires the Department to address questions regarding the DHSS inspection functions in relation to training schools.

1. The HIAI Rule 9 request dated 3 July 2015 seeks a response by the Department by 30 July 2015 on the following issues:
 - Whether inspections of training schools were carried out routinely and/or adequately or at all; and
 - Whether the Social Work Advisory Group (SWAG)/ the Social Services Inspectorate (SSI) adequately communicated any adverse findings to the predecessors of the Department of Justice for follow up action to be taken.
2. The Rule 9 request also requires the Department to indicate by 7 August 2015 what systemic failings, if any, it is in a position to acknowledge in the context of Module 7. The information currently available to the Department regarding inspections of individual training schools is that which has been received from the HIAI. This in turn relates only to inspections of the St Patricks Training School. In addition to explaining wider contextual issues, this statement therefore of necessity focuses on the inspection process as it related to the St Patrick's Training School and on an overview report of the inspection of the four training schools referred to below. As further information becomes available, the Department may be in a position to comment on the frequency of the inspection process and issues arising in respect of Rathgael/Lisnevin and Hydebank Schools.

Inspection of training schools: legislative powers and administrative responsibility

3. St Patrick's School was certified as an industrial school in 1873 and subsequently under the 1908 Children Act (the 1908 Act). From 1922 to 1950, the Ministry of Home Affairs (MoHA) was responsible under this Act for the exercise of inspection functions in relation to reformatories and industrial schools. The 1908 Act conferred on the MoHA a duty to inspect certified reformatories and industrial schools at least once a year. The Department does not currently hold any information regarding such inspections other than three reports relating to Nazareth Lodge Industrial School. These were made

available to the HIAI as part of the statement made on behalf of the Sisters of Nazareth by Sr Cataldus during Module 1 of the Inquiry.

4. By the time the Children and Young Persons Act (NI) 1950 (the 1950 Act) was implemented, reformatories and industrial schools were no longer operational, having been replaced by remand homes for juvenile offenders and training schools to which lesser offenders, children not attending school; children in need of care and attention and refractory children could be sent. St Patrick's School was designated a training school under the 1950 Act, which introduced the legal framework for the operation of training schools and enabled the court to impose a training school order, in respect of a child requiring such provision. The subsequent Children and Young Person's Act (NI) 1968 (the 1968 Act) effectively re-enacted the provisions relating to training schools contained in the 1950 Act.
5. Section 104 (4) of the 1950 Act and section 132 (4) of the 1968 Act imposed a duty on the MoHA to inspect remand homes, although there is no reference in the Acts or in subordinate legislation regarding the frequency with which such inspections should take place. A similar duty did not exist in respect of training schools. Rather, a power to inspect such institutions was conferred on the MoHA by virtue of sections 136 (1) of the 1950 Act and section 168 (1) of the 1968 Act which provided that the MoHA:

“may appoint for the purposes of enactments relating to children and young people (including this Act) such number of inspectors (being persons having special qualifications or experience in the care of children) as the Ministry of Finance may approve and they shall perform such duties as the Ministry may direct.”

Both remand home and training school functions might be carried on at the same site.

6. Sections 136 (2) and 168 (2) of the 1950 and 1968 Acts respectively empowered inspectors so appointed to enter any place where a child was maintained under the provisions of the Acts and provided that the power of the Ministry to inspect voluntary homes would

“extend in like manner to any place other than a voluntary home in which a child is maintained under this Act”.

7. There were no provisions in the legislation regarding the frequency with which such inspection powers might be exercised.
8. From the evidence of archive records received from the HIAI, it would appear that between 1950 and 1972 and prior to the implementation of the Health and Personal Social Services (NI) Order 1972 (the 1972 Order), inspection functions under the 1950 and 1968 Acts in respect of training schools were undertaken by MoHA children's inspectors and medical officers who were responsible for the inspection of children's homes. The HIAI will note that the names of Miss K Forrest and Dr N Simpson, which featured significantly in

previous modules of the Inquiry with reference to MoHA inspections of voluntary children's homes, also appear in the documentation associated with inspections of St Patrick's training school during the 1950s and 1960s.

9. Arrangements for the conduct of training school inspections changed between 1972 and 1974 following the implementation of the 1972 Order. Paragraph 12 of Schedule 16 to the 1972 Order substituted the following section 168 (1) for the former section 168 (1) of the 1968 Act:

“(1) A person authorised by the Ministry may, on production if required of his credentials, at any reasonable time enter any premises in which a child is maintained under this Act and-

- (a) inspect the premises; and*
- (b) make such examination into the state and management thereof and the condition and treatment of children therein as he thinks requisite”.*

10. Subsection (2) of the new section 168 made it an offence to *“wilfully obstruct an authorised person in the execution of his duties”*. A further subsection (3) provided that refusal to allow an authorised person entry would, for the purposes of section 32, *“be deemed to be a reasonable cause to suspect that a child or young person is being neglected in a manner likely to cause him unnecessary suffering or injury to health.”*
11. Previous statements to the HIAI by the Department have noted that the major restructuring of health and social care services under the 1972 Order resulted in the transfer from the MoHA of policy, administrative and inspection responsibilities for children's homes under the 1968 Act to the newly created Department of Health and Social Services (DHSS). The arrangements in respect of training schools and other aspects of the 1968 Act with reference to children found guilty of offences were more complex, as were the provisions relating to the power under the 1968 Act to inspect training schools.
12. A number of functions under the 1968 Act, including those relating to training schools, attendance centres and remand homes were reserved to the Secretary of State in accordance with the provisions of the Northern Ireland (Modification of Enactments – No 1) Order 1973 (the 1973 Order) made under the Northern Ireland Constitution Act 1973 (the 1973 Act). Therefore, these remained the responsibility of the newly created Northern Ireland Office (NIO). Additional functions under the 1968 Act, including Fit Person's Orders, in so far as they related to the treatment of children and young persons found guilty of offences were also reserved in the 1973 Order to the Secretary of State. Operational difficulties that this presented to Health and Social Services Boards were overcome by a subsequent agency arrangement made under section 11 of the 1973 Act, whereby the DHSS undertook these functions on behalf of the Secretary of State. The Functions of Health and Social Services Boards (No 1) Direction (Northern Ireland) 1974 provided for the local discharge of these functions by Boards.

13. By virtue of the Departments Transfer of Functions Order (NI) 1973, all remaining functions under the 1968 Act, including those contained in section 168 which related to the powers of inspection, transferred to the DHSS, subject to the provisions of the 1973 Order. Critically, for the purposes of this submission to the HIAI, Article 2 (2) of the Departments Transfer of Functions Order (NI) 1973 provided that the Secretary of State, as well as the Department of Home Affairs (i.e. the UK Home Office) “*may exercise functions under sections 147, 167¹ and 168 of the Children and Young Person’s Act (Northern Ireland) 1968.*” In effect, it would appear that the Departments Transfer of Functions (NI) Order 1973 together with the Modification of Enactments (NI) Order 1973 created a power of inspection on both the NIO and the DHSS in relation to all children’s institutions maintained under the 1968 Act. In practice, NIO retained responsibility for the inspections of training schools and the DHSS assumed responsibility for inspections of children’s homes. The Social Work Advisory Group (SWAG), subsequently the Social Services Inspectorate (SSI), was evidently the body authorised by both the DHSS and the NIO to discharge each Department’s respective powers of inspection.
14. It would appear that this was an arrangement agreed between NIO and the DHSS and the Department understands that by 1995 the NIO was funding in full or in part, the costs of an SSI Assistant Chief Inspector and two Inspector posts to provide to the NIO inspection and policy advisory services in respect of juvenile justice and probation services.

The MoHA arrangements and those established between the NIO and SWAG/SSI regarding the frequency of inspections

15. Prior to the transfer of training school inspection functions to the DHSS in the early 1970s, it would appear from the evidence received to date from the HIAI that inspections of St Patrick’s training school may have been carried out by MoHA children’s inspectors in the years, 1950; 1951;1952; 1956; 1958; 1960; 1962; 1967 and 1971. As noted above there was a power rather than a duty under the 1950 and 1968 Acts to inspect such institutions. Nevertheless it would appear that the MoHA exercised this power at least bi-annually, and perhaps annually during these years. It is not presently known by the Department whether this frequency of inspection applied to other training schools.
16. It is also presently unclear to the Department whether inspections of training schools were undertaken by SWAG on behalf of the NIO between the early 1970s and the early 1980s. The Department has already postulated to the HIAI that an apparent lack of inspection activity in relation to children’s homes during these years may have been due to the impact of the Seebohm report² which proposed a shift in emphasis from a regulatory focus to the establishment by central government departments of advisory and supportive relationships with service providers. The Department is presently seeking to obtain further information regarding training school inspections during this

¹ Sections 147 and 167 referred to the acquisition of land and the carrying out of investigations/inquiries

² Report of the Committee on Local Authority and Allied Personal Social Services HMSO London 1968

period, as it is possible that this change of focus may have extended to the NIO.

17. The few inspection reports or references to reports presently available to the Department would indicate that the inspections prior to the early 1980s followed a methodology and style of reporting similar to that adopted by the MoHA in the inspection of children's homes. The Department has already commented extensively in its written and oral evidence to the HIAI on the fact that the model of inspections and reporting adopted prior to the early 1980s were reflective of standards at the time.
18. During the period May 1987 to April 1988, SSI undertook on behalf of the NIO a programme of inspection of the four training schools and produced in October 1989 an overview report summarising key issues. Commentary was provided on a range of issues, including:
 - the aims and objectives of the schools;
 - the children and young people resident;
 - the staff;
 - the premises;
 - daily life and care of individual;
 - education, voluntary training, employment;
 - aftercare;
 - health care;
 - regulations and records; and
 - monitoring arrangements.
19. Each section of the report contained information summarising overview findings in respect of the above to inform strategic planning. At present the Department does not access of these inspection reports. However, it is noted that an extensive inspection of St Patrick's Training School took place in 1988, presumably as part of this programme, which resulted in some 52 recommendations. A follow up inspection carried out in 1990 found that the school had not made an acceptable standard of progress in implementing the recommendations. The situation was deemed by the NIO and the SSI to be of such gravity that the NIO wrote to the Chair of the Management Board, intimating that unless action was taken by the school within a matter of days, the Chief Inspector, SSI would *"have no alternative but to advise the Health and Social Services Boards not to send any children to St Patrick's"*.
20. The only further information to hand in relation to the frequency of inspections between 1988 and 1995 includes entries in the school's log books which refer to inspections having been carried out in 1992, 1993 and 1994 by an SSI, Mr W Donnell. These appear to have been interspersed by frequent visits by Mr Donnell. The Department has the report of the 1993 inspection which contained two recommendations aimed at (a) reducing the length of time children were spending in the secure unit of the school and (b) ensuring that Board members were discharging appropriate the statutory visiting

requirements of the Training School Regulations.

21. The Department has, however, noted that a minute dated 3 May 1995 from Mr McElfatrick (Assistant Chief Inspector, SSI) to Dr McCoy (Chief Inspector)³ regarding an SSI report into the death of a child, STP 81, during his period of committal to St Patrick's Training School made reference to each school being subject to a major inspection every fourth year. Mr McElfatrick also made reference to "regulatory and unannounced visits" which were evidently a further form of monitoring and inspection of the schools undertaken by SSI. In the absence of additional documentation in relation to these arrangements, the Department is currently attempting to seek further information from former Social Services Inspectors about the agreed frequency, purpose and reporting of such visits, the stage at which these arrangements were introduced and whether they changed over time.
22. With reference to the request of the HIAI to comment on whether inspections of training schools were carried out routinely and/or adequately or at all, based on the limited information to hand, the Department believes that inspections of St Patrick's may have been routinely undertaken during the 1950s and 1960s. By today's standards, these may not have been sufficiently thorough, but were reflective of standards of the day. A more rigorous style of inspection appears to have been introduced during the 1980s, perhaps in tandem with similar developments in children's homes inspections.
23. It would appear, however, that the NIO raised the issue of the adequacy of SSI inspection arrangements in 1995 as part of its consideration of the SSI report into the death of STP 81. Mr McElfatrick's minute (referred to in paragraph 21) suggests that some strain was placed on the SSI/NIO relationship as a consequence of the findings and recommendations of the STP 81 report, in respect of which Mrs Madden (Assistant Secretary, NIO) appeared to have expressed some disappointment. Mr McElfatrick undertook to review the report with the SSI inspector involved and in discussion with the Chief Inspector determine whether anything additional should be incorporated into the report. Mr McElfatrick intimated that there was a need for a review of the role of SSI in NIO work. He acknowledged that the Chief Inspector already had it in mind to raise this with Mr Daniell, an Assistant Under Secretary within NIO. It is presently not known whether a review did take place at this time.

The communication between SWAG/SSI and the NIO in relation to adverse inspection findings and follow up action

24. The Department's understanding is that SWAG/SSI reports were provided in full to the NIO. The 1988 inspection referred to above is an example to hand of the rigour with which NIO pursued inspection findings and ensured, together with SSI, that action to implement recommendations was instituted by the school. The Department has no reason to believe that the same level of communication, scrutiny and co-operation was not characteristic of the relationship between the NIO and SSI in relation to all inspections.

³ SPT 12712

The Department's current position regarding whether it is in a position to acknowledge systemic failing in the context of Module 7.

25. Based on the limited information currently available to the Department in respect of Module 7, the Department is not in a position to comment on the question of systemic failings with reference to its role in relation to St Patrick's Training School. This, with respect, is also likely to be the position by 7 August 2015. If following the receipt of further information, such failings or other weaknesses emerge regarding the role of this Department within this Module, the Department will acknowledge these in a further statement to be made at a later stage.



Hilary R Harrison

30 July 2015

**DEPARTMENT OF JUSTICE
AND
DEPARTMENT OF HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY
JOINT STATEMENT TO THE HISTORICAL INSTITUTIONAL ABUSE
INQUIRY**

MODULE 7

TRAINING SCHOOLS AND YOUTH JUSTICE INSTITUTIONS

21 August 2015

Department of Justice Declaration

I, Karen Pearson, will say as follows:

This statement, has been provided on behalf of the Department of Justice (DOJ) in response to the Rule 9 request of the Historical Institutional Abuse Inquiry (HIAI) dated 22 July 2015. It has been prepared jointly with the Department of Health, Social Services and Public Safety (DHSSPS) on the basis of information contained in files currently held by both Departments and such evidence received from the HIAI as it has been possible to review within the required timeframe. As further information becomes available, it may be necessary to provide to the HIAI, revised or supplementary statements.

Mr Nick Perry's Statement dated 17 May 2013, sets out the history and role of the DOJ and its predecessors, namely the Ministry of Home Affairs (MoHA) from 1922 to 1972 and the Northern Ireland Office (NIO) from 1972 to 1995.

Department of Health, Social Services and Public Safety Declaration

I, Hilary R Harrison will say as follows:

This statement (in so far as it refers to inspections of Training Schools and related activities undertaken by Inspectors from the former Department of Health and Social Services and its predecessors) has been provided on behalf of the DHSSPS in response to the HIAI Rule 9 Request dated 22 July 2015. The information presented here supplements the DHSSPS statement dated 30 July 2015 already submitted to the HIAI in respect of Module 7.

The role of the Department of Health and Social Services (DHSS) between the years 1972 and 1995 was, by arrangement with the NIO and through the auspices of the DHSS Social Work Advisory Group (SWAG) and subsequently, the Social Services Inspectorate (SSI), to:

- inspect and carry out other investigations related to Training Schools and juvenile justice institutions as requested by NIO; and
- provide policy and professional practice advice in relation to the functioning of the schools and juvenile justice system.

The DOJ and DHSSPS have reviewed a significant volume of archived documentation in the preparation of this statement. Given the gaps in our records and limited corporate memory of events which go back decades, it is not possible to confirm with absolute certainty the veracity, completeness and accuracy of the information provided. This statement represents the best efforts of both Departments, in collaboration, to bring together and explain the

most significant events and major developments relating to children and young people in the justice field during the period 1922 to 1995.

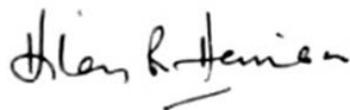
The statement contains annotations indicating which Department will act as lead witness in respect of the various matters addressed.



Signed:

Date: 21 August 2015

Karen Pearson



Signed:

Date 21 August 2015

Hilary Harrison

HIAI Question1**1. A brief history and background to Training Schools**

- 1.1 A number of reformatories, industrial schools, training schools and borstals¹ existed in Northern Ireland during the 1922-1995 period. A broad timeline for these has been provided in Annex A to Mr N Perry's statement to the HIAI dated 17 May 2013 (SNB 95334-95346). From 1922 to 1972, the Department responsible for training schools and juvenile justice was the Ministry of Home Affairs (MoHA). Following the proroguing of the Northern Ireland Parliament the NIO was established and assumed the former responsibilities of MoHA in relation to policy and legislation governing training schools and other juvenile justice services.
- 1.2 During the period 1922 to 1950, industrial and reformatory schools were the two main types of institutions within the juvenile justice system for children under the age of 17 years. Under the Children Act 1908 (the 1908 Act) (Exhibit 1), industrial schools were generally intended for the rescue, care and protection of children who by reason of family circumstances, environment or company were in danger of becoming delinquent. Reformatory schools were intended for the training and reformation of older boys who had committed offences (Exhibit 2)².
- 1.3 A significant change in the juvenile justice system was brought about by the Children and Young Persons' Act 1950 (the 1950 Act) (SPT 80001-80062), which replaced former industrial schools and reformatories with establishments to be known as "remand homes" and "training schools". The Children and Young Persons Act (Northern Ireland) 1968 (the 1968 Act) (SPT 80096-80114) affirmed the 1950 legislation by maintaining the place of remand homes and training schools on the continuum of responses to troubled and troublesome young people. Under the provisions of the 1950 and 1968 Acts, (SPT 80001-80062; SPT 80096-80114) a juvenile court was empowered to commit a person under the age of 17 found guilty of an offence, to custody in a remand home. The court also had the power to make a Training School order in the case of both offenders and children who may not have offended but who were in need of care, protection or control.
- 1.4 There were no establishments in Northern Ireland that operated exclusively as remand homes. The remand function until 1973 was

¹ Institutions run by HM Prison Service and intended to 'reform seriously delinquent young people'.

² The Roots of Rathgael booklet, page 1, Spectator Newspapers, Bangor. Document submitted to the inquiry on [date]. Not yet allocated a Bates reference number. It is attached for convenience at Exhibit 2.

administered through four training schools, established on the basis of gender and religion, namely: St Patrick's and St Joseph's Training Schools which catered for Catholic boys and girls respectively and Rathgael and Whiteabbey Training Schools, established for non-Roman Catholic boys and girls. A fifth non-denominational training school, Lisnevin, opened in 1973. Hydebank Young Offenders Centre (YOC), a Category C³ institution opened in June 1979, and replaced the closed borstal at Lisnevin.

- 1.5 The information to follow focuses on the four main institutions of particular interest to the Inquiry.

St Patrick's Training School

- 1.6 The St Patrick's institution was established in 1862 by the Roman Catholic Church and managed directly by the Diocese of Down and Connor. It was an Industrial school and from 1921 also catered for the reception of reformatory boys. In 1951, following approval by the MoHA under the 1950 Act (section 106) (SPT 80001-80062) it became a training school. St Patrick's was also registered as a remand home under section 104 of the 1950 Act (SPT 80001-80062). It continued to function as a training school/remand home until 2001?

Rathgael and Whiteabbey Training Schools

- 1.7 Between 1950 and 1956 work was undertaken to amalgamate Malone Training School, Balmoral Training School and Whiteabbey Training School for Girls. The Malone and Whiteabbey Training Schools Act (Northern Ireland) 1956 (Exhibit 3)⁴ brought about a new Board of Management appointed by the Minister of Home Affairs. This resulted in the combining of Balmoral and Malone Training Schools into premises at Lislea Drive, Belfast, in 1958. The borstal part of Malone Training School was moved to Woburn House, near Millisle, County Down. A significant problem facing the new Board of Management at that time was accommodation. Although premises were altered, extended and modified the Board came to the conclusion in 1958 that a purpose built establishment was required. In 1959 the Board purchased the site at Rathgael Road, Bangor and in 1968, the Malone and Whiteabbey Training Schools Act (Northern Ireland) 1968 (Exhibit 4)⁵ established the Rathgael Training School. The Malone Training School for Boys was

³ A category C prison is a low security closed prison for people who cannot be trusted in an open prison, but are considered unlikely to make a determined escape attempt.

⁴ Document submitted to the inquiry on [date]. Not yet allocated a Bates reference number. It is attached for convenience at Exhibit 3.

⁵ [Document submitted to the inquiry on date]. Not yet allocated a Bates reference number. It is attached for convenience at Exhibit 3.

closed. In 1985, Whiteabbey Training School closed and the girls moved to the Rathgael Training School, thus creating for the first time a mixed gender Training School facility.

- 1.8 In the early 1990s, the accommodation units in Rathgael were restructured to enable the separation of children admitted for reasons of care and those who were offenders.

Lisnevin Training School

- 1.9 Lisnevin opened in 1973 at premises formerly called Kiltonga Home, on the outskirts of Newtownards, County Down. The new school provided secure residential assessment facilities for 20 remand boys and a longer term facility for another 20 committed boys, and was non-denominational. It was managed by a Board of Management set up by virtue of an Indenture between the Management Boards of St Patricks, St Josephs, Rathgael and Whiteabbey and MoHA. The membership of the Lisnevin Board was made up from members of the other Boards.
- 1.10 In 1978 the residential assessment unit of Lisnevin was relocated to the YOC Juvenile Remand Unit, Crumlin Road, Belfast and the longer term treatment unit (also known as the special unit) moved to Millisle in 1981. A 10-bed secure remand unit was opened in 1985 following the closure of the Juvenile Remand Unit at the YOC in Belfast. This meant that young people between the ages of 10 and 17 were no longer held within the adult penal system. Lisnevin closed in 2003.

Hydebank Young Offenders' Centre

- 1.11 Hydebank Young Offenders Centre opened in June 1979. It was built to manage up to 325 young people, normally between the ages of 16 and 21. 15 year old boys who were convicted of certain offences including terrorist related offences, or who were considered manageable within the open school system were managed in Hydebank. Hydebank was managed by a Governor, and management team, and operated within prison rules. Hydebank continues in operation to the present day and currently also houses the women's prison.

HIAI Question 2

2. **An explanation of the statutory scheme or schemes relating to Training Schools during the period being investigated by the HIA Inquiry, including how it changed over time**

2.1 Mr Perry's statement dated 17 May 2013 (SNB 95334-95346) has outlined the various statutory schemes that applied to training schools and their antecedents in the period 1922 to 1995. The paragraphs to follow trace the development of the key primary legislation and policy initiatives that shaped changes over time.

The Children Act 1908 (the 1908 Act)

2.2 Although reformatory schools had been first established in 1858 under the Poor Law (Amendment) Act, at the beginning of the period of the Inquiry's interest, reformatory and industrial schools were established, operated and managed under the 1908 Act (Exhibit 1)⁶. That Act put measures in place to regulate the care of children and young people. Section 133 of the Act (Exhibit 1) applied its provisions to Ireland, where the Chief Secretary for Ireland ("the Chief Secretary") was to substitute for the Secretary of State. Following the partition of Ireland, the Ministry of Home Affairs for Northern Ireland became responsible for reformatory and industrial schools and inherited the powers exercised by the Chief Secretary of Ireland in that jurisdiction.

2.3 The 1908 Act (Exhibit 1) empowered the Chief Secretary, following an inspection, to certify that any reformatory or industrial schools were fit for the reception of youthful offenders or children to be sent there⁷. The Chief Secretary was also empowered to withdraw such certification if dissatisfied with a school's condition, rules, management, or superintendence. In that circumstance, the children or young people would have to be discharged or transferred to another certified school⁸. To inform the Chief Secretary's view, each certified school was required to be inspected at least annually by an inspector or assistant inspector appointed by the Chief Secretary⁹.

2.4 Section 69 of the 1908 Act (Exhibit 1) empowered the Chief Secretary to discharge or transfer a child or youthful offender. Under section 70 of the 1908 Act (Exhibit 1), the Chief Secretary's consent was also required for the disposal of a child or youthful offender to any trade, calling or service or by emigration¹⁰.

2.5 The 1908 Act (Exhibit 1) placed general statutory duties on the institutions in respect of how children and young people were to be cared for. Managers of certified schools were "*deemed to have undertaken to*

⁶ Later amended by the Children (Amendment) Act (N.I.) 1931.

⁷ Children Act 1908, s.45(1)&(2).

⁸ Ibid., s.47 - s.51.

⁹ Children Act 1908, s.46.

¹⁰ Ibid., s.69&s.70

teach, train, lodge, clothe and feed” children and ‘youthful offenders’¹¹. Managers of certified schools were also empowered to make rules regarding the management and discipline of the school and these rules were subject to approval by the Chief Secretary. The Chief Secretary could also require schools to make rules¹².

2.6 The 1908 Act (Exhibit 1) also made various provisions in relation to the funding of reformatory and industrial schools, together with measures which governed the circumstances in which children and young people were sent to the schools. Essentially, subject to certain limitations¹³, if a youthful offender was ordered to be sent to a certified school, it was the duty of the local council to provide for his reception and maintenance¹⁴. It was the duty of the local education authority to provide for the reception and maintenance of remaining children such as school refusers sent to certified industrial schools¹⁵. The Chief Secretary was empowered to recommend that money be paid from the Treasury towards the expenses (including removal expenses) of any child or youthful offender up to certain limits¹⁶.

2.7 The 1908 Act (Exhibit 1) also included various general measures designed to tackle cruelty to children and young people. Under these provisions, any person:

“who has the custody, charge, or care of any child or young person who wilfully assaults, ill-treats, neglects, abandons, or exposes such child or young person to be assaulted, ill-treated, neglected, abandoned, or exposed, in a manner likely to cause such young person unnecessary suffering or injury to his health (including injury to or loss of sight, or hearing, or limb, or organ of the body and any mental derangement), that person shall be guilty of misdemeanour” and liable on conviction to punishment¹⁷.

Shaping the 1950 Act

2.8 A number of significant matters arose prior to the 1950 Act (PST 80001-80062), which influenced the policy and the 1950 Act. In January 1923, R Dawson Bates, Minister MOHA, appointed a Committee “to enquire

¹¹ Ibid., s.52

¹² Ibid., s.54.

¹³ Ibid., s.74(5).

¹⁴ Ibid., s.74(1).

¹⁵ Ibid., s.74(2).

¹⁶ Ibid., s.73

¹⁷ Ibid., s.12(1).

into the number and character of committals to reformatory and industrial schools, care of boys and girls after leaving the schools, the financial position, costs to be borne by Treasury, local authorities and parents and the provision of a borstal institution for youthful offenders". The Committee made a number of recommendations (SPT 17081-17147) including:

- the provision of a Juvenile Courts system in separate buildings;
- children and young persons on remand to reformatory and industrial schools as places of detention should be kept separated from those already committed;
- suitable buildings (at a reasonable cost) should be made available for a borstal institution to be established in Northern Ireland;
- the substitution of the term 'reformatory' by 'training school'.

2.9 In 1935, following developments in England and Wales which used probation services much more frequently to support children than was the case in Northern Ireland, the Committee on the Protection and Welfare of the Young and Treatment of Young Offenders (known as the Lynn Committee) was established. In 1936, appointing Probation Officers became the responsibility of the Minister MOHA.

2.10 The Lynn Committee published its report in 1938 (SPT 14461-14587). The report examined a number of issues that were believed to be contributory factors to offending behaviour in young people including: unemployment, inadequate housing, cinemas, dance halls and street trading. Due to the outbreak of World War II (1939 – 1945) recommendations emanating from report were not advanced at that time.

2.11 However, on 19 January 1948, the Minister of Home Affairs wrote to the Prime Minister of Northern Ireland about the lack of control over the juvenile justice system and the prospects of the introduction of a Children's Bill (SPT 17149-17154). His letter stated:

"There is complete chaos in the matter of responsibility for the treatment of young offenders. The public, and probably most Members of Parliament, think that my Ministry is responsible for the care, treatment and reformatory education of the children who are committed to one or other reformatory or industrial schools. They also think that I have powers and functions in connection with the prevention of juvenile

delinquency.

Although the State accepts complete responsibility for all wrongdoers over 16 years of age it declines to accept responsibility for those under 16.

The law provides that children under 16 may be sent to reformatory or industrial schools, but it does not provide any premises to which they may be sent. These premises must be provided by local authorities or by religious bodies or by voluntary charitable organisations. My Ministry has no direct or effective control. Home Office inspectors do visit the schools or homes, and they report on dietary, cooking, cleanliness and general order of the place... I do not appoint, nor can I dismiss staff, nor do I have the power to direct any course of training or treatment or reformatory education. In short, I neither control nor direct policy.”

- 2.12 The Minister's letter outlined a number of proposals to address the lack of effective control:
- the transfer of responsibility for the provision of reformatory and industrial schools from local authorities, religious bodies and charitable organisations to the State;
 - the making of one central authority responsible for the care, treatment and reformation of all convicted children (it was suggested that this should be the Children's Department within the MOHA);
 - that MOHA should have the right to appoint staff who are to deal with the children; and
 - the need to legislate to give the central authority power to care for and protect children who, by reason of circumstances, stand in need of such protection.
- 2.13 The Minister noted that there would be additional cost but emphasised “... *this child service is a disgrace and has been starved for the past twenty years and we have trailed behind Britain*”. Additionally, he noted that the Catholic Church would still have the right to run its own institutions, subject to the Ministry's control of general policy.
- 2.14 Also in 1948, a white paper was presented by the Government of Northern Ireland entitled ‘The Protection and Welfare of the Young and the Treatment of the Young Offender (SPT 14588-14627)’ which reiterated the concerns of the Minister. The report underscored the

tensions between Government, local authorities and voluntary bodies. In one passage the following observation was made: “...*It can be claimed that only as a last resort is any juvenile offender sentenced to reformatory and industrial schools. At the present time the duty of providing for the reception and maintenance of children and young persons sent to these schools by the court devolves to local authorities but it is the responsibility of the Minister (MOHA) to certify such schools as fit and proper*”.

2.15 The white paper(SPT 14588-14627), which cited the Curtis report¹⁸, noted that for well over a century the country had generally appreciated and had relied on voluntary effort for the care of neglected and other children. This voluntary work supplemented the facilities which had existed under the Poor Law code. It recommended that it was essential, and to ensure co-ordination, for one single Department i.e. MOHA to deal with all aspects of legislation affecting the care of the young and the treatment of young offenders. Other relevant recommendations of included:

- Welfare Authorities in relation to their responsibilities for children should come under the control of the MOHA;
- Voluntary Organisations operating homes for children should be required to comply with certain conditions;
- managers of institutions for delinquent children and young persons should be subject to measures of control;
- the establishment of Juvenile Courts on a new basis and the Probation Service should be extended;
- new legislation was required in relation to after-care schemes; and
- the appointment of an Advisory Committee to be known as the Child Welfare Council.

2.16 These recommendations and the above policy influences formed the basis of the Children and Young Persons Act (Northern Ireland) 1950 (SPT 80001-80062).

The Children and Young Persons Act (N.I.) 1950 (The 1950 Act)

¹⁸ An official Committee was set up under Miss Myra Curtis, the Committee looked at a wide range of issues including: destitution, the homeless, war orphans, disabled children, children removed from their families and adoption. The report heavily criticised the poor conditions found in many institutions and the lack of staff training. The Curtis Report’s proposals formed the basis of the 1948 Children’s Act in England and Wales

- 2.17 The 1950 Act (SPT 80001-80062) was made in order to “clear away the last remaining traces of the old poor law in relation to children” and introduce “new and wider responsibilities” for welfare authorities¹⁹. It was also an attempt to “consolidate so far as possible all legislation regarding the care of children and their protection against moral and physical danger”²⁰. The 1950 Act (SPT 80001-80062) reflected the increasing focus by the State on the new policy arena of social services in which the wellbeing of children was considered to be “bound up with the welfare of the community as a whole”. As the Northern Ireland Government’s 1948 white paper, The Protection and Welfare of the Young and the Treatment of the Young Offender (SPT 14588-14627), had made clear, the policy intent underpinning the 1950 Act (SPT 80001-80062) was to ensure that “every child and young person... whose future welfare is endangered either by neglect or by infringement of the law shall be dealt with in the manner best fitted to enable him to take his place as a valuable member of the community”²¹.
- 2.18 The 1950 Act (SPT 80001-80062) made changes to the oversight of ‘certified schools’, which were now to be merged and referred to as ‘training schools’. The court could order a child or young person guilty of an offence to be sent to a training school or a remand home pending disposal. The court could also make a Training School order if a child or young person was need of care, protection or control (whether or not they had committed an offence).
- 2.19 The Curtis report on the care of children (which formed the basis of the 1948 Children Act in England and Wales) recommended that ultimate responsibility for defining requirements, maintaining standards, and all aspects of legislation affecting the care of the young should rest with one central department. Thus, in relation to their responsibilities for children, welfare authorities came under the control of the MoHA (SPT 14588-14627).
- 2.20 MoHA was accorded the power to provide and maintain certified training schools and to make rules about the manner in which children committed to the schools were to be dealt with and the duties of those who cared for them.

The Child Welfare Council

¹⁹ 2nd Reading, 23 November 1949 (col. 1865)

²⁰ Ibid.

²¹ Command Paper 264, p. 12.

- 2.21 The 1950 Act (SPT 80001-80062) also established the Child Welfare Council (CWC) which was given statutory authority to advise MoHA on any matter referred to it by MoHA in connection with the Ministry's performance of its functions under the 1950 Act. The CWC could make representations to the Ministry with respect to any matter affecting the welfare of children and young persons. In its report on Juvenile Delinquency²², (Exhibit 5) published in 1954 (the 1954 report), the CWC recommended "*constructive use of leisure*" in Training Schools "*as well as training for work In many cases rehabilitation might more easily be effected by awakened interests rather than by punitive measures*". The 1954 report (Exhibit 5) stressed the importance of a good basic education for training school pupils and, recognising the vulnerability of children who might face a period of idleness between the school leaving age and the taking up of employment, the CWC recommended that the "*law be amended to permit children being retained in Training Schools for an additional year over the present school leaving age.*"²³ In 1960, the CWC produced a report on the "Operation of Juvenile Courts in Northern Ireland" (Exhibit 6)²⁴ (The 1960 report).
- 2.22 The 1960 report (Exhibit 6) made a number of recommendations. With reference to training schools, the CWC noted that "*many of the juveniles committed to Training Schools come from very unsatisfactory homes*" and it seemed to the CWC that "*if they are to provide any lasting benefit from their training, a concentrated effort for improvement in their homes must be carried out before they return there*". The CWC also recommended that the court should be given the power to direct the welfare authority, where necessary, to have a welfare officer visit the home for the purpose of giving advice and assisting the rehabilitation of the home²⁵. It also included the raising of the age of criminal responsibility from 8 to 10 years old. The recommendations of the CWC reports were to positively influence the development of court practice and juvenile justice proceedings over succeeding years.

The Children and Young Persons (NI) Act 1968 (The 1968 Act)

- 2.23 Following the 1950 Act (SPT 80001-80062), there was a rapid expansion in the statutory sector provision of residential care and as an increasing number of children came into the State's care. The 1968 Act (SPT 80096-80114) effectively re-enacted the provisions of the 1950 Act (SPT

²² Juvenile Delinquency Interim report of the Northern Ireland Child Welfare Council. HMSO 1954

²³ Paragraph 100 page 22.

²⁴ Operation of Juvenile Courts in Northern Ireland. Report by the Northern Ireland Child Welfare Council 1960. HMSO Belfast

²⁵ *Ibid* paragraph 37.

80001-80062) in relation to training schools with some amendments and raised the age of criminal responsibility (8 years in the 1950 Act) to 10 years. Under the 1968 Act (SPT 80096-80114), following the granting of three consecutive place of safety orders a child could be committed to a training school for a period of up to fifteen weeks, without the intervention of the court.

The Health and Personal Social Services (NI) Order 1972 (the 1972 Order)

- 2.24 Following the proroguing of the NI Parliament, the NIO assumed responsibility for training schools. Shortly thereafter, the Health and Personal Social Services (NI) Order 1972 made amendments to the arrangements for the financing of training schools; local authorities and parents were no longer required to make contributions. Following this, training schools were divided into two categories: (i) those which were funded by the NIO but managed by voluntary boards and (ii) those funded directly by the NIO and managed by boards appointed by the NIO.

The 1979 Children and Young Persons Review Group (The Black Committee)

- 2.25 The most significant policy development in the 1970s was the work of the Black Committee²⁶ which reported in 1979 (HIA 570-638). The Committee's remit was to look at services and legislation for children and young persons. The review group's recommendations were wide-reaching but clearly advocated a clear distinction between the treatment of juvenile offenders and children in need of care, making the proposal that care cases should be separated from justice cases. While the report was generally well received, the key recommendation called into question the future of training schools and this was met with considerable hostility, including from churches and local politicians²⁷. (Exhibit 7)
- 2.26 A lack of political consensus meant that there was no possibility of legal separation at this time, leading to a decision by the Secretary of State to allow the Training Schools to continue in existence while ensuring the separation of children in need of care and young offenders in independently operated units in the same campus. This in effect split

²⁶ The Children and Young Persons Review Group

²⁷ Submission from G Buchanan (DHSS) to Lord Skelmersdale, August 1989 (ref. JK/139/89)

justice and care cases administratively, even though both remained under the control of the NIO²⁸.

The Children (NI) Order 1995 (The 1995 Order)

- 2.27 Further structural changes were made to the administration of training schools under the Children (NI) Order 1995, which stopped short of a full implementation of the 1979 Black Committee's recommendations. The 1995 Order introduced a statutory framework for the restriction of liberty of children looked after by Health and Social Services Trusts. The concept of committal to training school no longer applies to children in care. A child's liberty can no longer be restricted for more than 72 hours without the intervention of the court. A Health and Social Services Trust may apply to the court for a secure accommodation order and if the court agrees, it can make an order giving permission for the child to be kept in secure accommodation and specifying the maximum period for which this will be allowed.

HIAI Question 3

- 3. An explanation of the regulatory regime for Training Schools that the statutory schemes set up, including how it or they changed over time.**
- 3.1 The 1923 "Report of the Departmental Committee on Reformatory and Industrial Schools in Northern Ireland" (SPT 17081-17147)²⁹ referred to the rules governing industrial schools approved by the Minister under section 54 of the 1908 Act (Exhibit 1). The rules covered the lodging; clothing; dietary; instruction; moral guidance; discipline and punishment of children, together with regulations in relation to the running of the institution. Little information is currently available regarding how these rules were implemented.
- 3.2 Following the introduction of the 1950 Act, MoHA introduced the Training School Rules 1952 (extant until 1999) which provided the main provision for the operation of training schools (SPT 80063-80073). The main features included:
- composition, role and remit of the Board of Management, including responsibility for "appointment, suspension or dismissal of staff of the school, provided that no person shall be appointed without the Ministry's approval";

²⁸ A formal split did not take place until the commencement of the Children (Northern Ireland) Order 1995 in November 1996

²⁹ See para 2.8

- the Ministry's role in setting limits on numbers of boys or girls;
- details on the role of the manager responsible to the Board of Management for the efficient conduct of the school and to obtain authority of the Board (and notify Ministry) before leaving the school for more than 2 days;
- the care of boys and girls, suitable clothing, sufficient and varied food, approved by the Ministry;
- detailed provisions on discipline and punishment, including rewards, corporal punishment to be avoided, forfeiture of privileges, limits on separation; limits on corporal punishment (shall not exceed six strokes, to be witnessed by another member of staff, no other boys or girls present), record of punishment, potential dismissal for breaching the rule;
- record keeping;
- medical officer responsibilities; and
- the Board to arrange for the school to be opened for inspection on behalf of the Ministry.

3.3 Whilst the legislation governing training schools did not change significantly over the years in question, nevertheless change was being initiated through the oversight by MoHA of the way in which the care children was being delivered by the schools. For example with reference to the health of children a MoHA Inspector wrote in September 1955 to the Ministry's Chief Medical Officer stating that medical officers had for some time supervised the health of children but highlighted the fact that *"...our medical officers do not visit homes on a routine basis but are 'on call' for the MOHA ... I have felt for some time that our staff should be making an annual visit to each and reporting through medical channels to you only in this way can a composite annual report be completed"* (SPT 14419-14420). The Departments' review of the records of medical officers appointed by Boards of Management of the Malone School indicate that inspections were conducted annually by the school's medical officer and submitted to the Governor and MOHA³⁰. The records initially comprised half a page (*"the boys generally looked healthy"*) and gradually become more detailed (records reviewed, comments on access to dentist, general health, facilities, absconding levels and punishment (*"strap used in several cases; deprivation of privileges"*). Individual medical records were introduced by the mid-

³⁰ Medical Inspectors Report annually from 1941 to 1954 (PRONI Records)

1950s, reflecting the changes in practice that were sought by the 1952 Rules (SPT 80063-80073). The 1952 Memorandum by the Home Office on the Conduct of Children's Homes, which set out amongst other standards the desired medical arrangements for children's homes appeared to inform the practice of the schools' medical officers (SPT 80080-80095).

- 3.4 By the late 1950s MoHA officials were more involved with staffing matters for these schools. Whilst officials met with the managers of the schools operated by religious orders, they had very little involvement in the day-to-day running or decision-making. On the transfer of responsibilities from MoHA to the NIO, a Training Schools Branch was established in NIO to provide policy direction and funding for the schools and NIO officials held regular meetings with the Boards. As noted above (paragraph 1.4), 1973 saw the establishment of the first non-denominational training school, Lisnevin, where the Board's membership comprised representatives from each school. This initiative was seen to bring together the expertise and learning of the different schools, and maintain a 50/50 balance between the two main religious denominations.
- 3.5 In 1986, the decision by the Secretary of State³¹ (paragraph 2.26) (Exhibit 7) to separate children committed to training schools for care reasons from those who had offended was a further step in modernising the juvenile justice system and the implementation of the Black Committee recommendations.
- 3.6 The 1989 SSI Report, "Residential Child Care in Northern Ireland: The Training Schools" (The 1989 SSI Overview Report) (SPT 16222-16310) which summarised the findings of inspections of the four extant schools (namely, Rathgael, St Patrick's, St Joseph's and Lisnevin Training Schools) during the period 1987-88 noted:

"For many years the schools fulfilled the role as defined for them by statute. The numbers of children being admitted to the schools probably peaked in the early 1970s when, at one stage, some 450-500 young people were in residence in Training Schools. At that time numbers meant that, in effect, routine programmes of education, vocational training and counselling were being pursued in a fairly institutional way.

As the spirit of the Black Report began to permeate the criminal justice system, coupled with changes in child care policy, social work though and the need to ensure a more effective use of resources, Training

³¹ Submission from senior official (DHSS) to Minister, August 1989 (ref. JK/139/89)

Schools' management began to approach the task of dealing with young people in a more constructive, thoughtful and systematic way".

- 3.7 The 1989 SSI Overview Report (SPT 16222-16310) sets out resulting positive changes in the philosophy of the schools and their approach to the care of young people.

HIAI Question 4

4. An explanation of who, at any given time, was executing the regulatory regime set down in the statutory scheme or schemes.

- 4.1 The day-to-day management of industrial and reformatory schools remained with the religious and charitable institutions that owned them.
- 4.2 It has already been noted above, that in 1948, the Minister for Home Affairs, made clear the lack of control which his Ministry had over the juvenile justice system. He confirmed that the Ministry undertook visits of schools and reported on dietary, cooking, cleanliness and the general order of the schools. In taking forward a new children's bill he highlighted the fact that the Catholic Church would still have the right to run their own institutions, subject to the Ministry's control of general policy.
- 4.3 The 1950 Act (SPT 80001-80062) which established training schools and the 1952 Training School rules (SPT 80063-80073) provided clear policy direction and stronger administrative structures. These including setting out: the role and remit of the Board; the role of the manager responsible to the Board of Management and the effective conduct of the school; provisions on discipline and punishment; and record keeping. The Rules (SPT 80063-80073) stated that the Board should arrange for the schools to be open for inspection on behalf of the Ministry. The Rules (SPT 80063-80073) provided a more robust management arrangements providing greater record keeping and transparency to the management of schools.
- 4.4 Boards of Management were responsible to MoHA for the effective conduct of schools, and inspections by MoHA were the main vehicle for providing assurance that schools were being run effectively and providing appropriate care and services. In maintaining an efficient standard throughout the school, Boards of Management were also required to take into consideration any reports which the Ministry brought to their notice.

- 4.5 Visits to and inspections of the schools were a further important element of statutory oversight by MoHA/NIO. With reference to the period prior to 1950, the Departments have noted some reports by the Department of Education Inspectors in the bundle of evidence received to date in respect of St Patrick's Industrial School (SPT 10376-10386). Inspection reports by MoHA Inspectors during the period that St Patrick's operated as an industrial school are not currently available and it is therefore not possible to comment on the extent to which the inspection regime informed statutory oversight of the school during this period.
- 4.6 However, the DHSSPS statement to the HIAI dated 30 July 2015 (Exhibit 9) refers to evidence indicating that from the inception of St Patrick's as a training school, inspections may have been carried out with relative frequency between the years 1950 and 1971. There is also some evidence of inspection activity and frequent visiting of the school by Inspectors from the DHSS's Social Work Advisory Group (SWAG) and subsequently, the Social Services Inspectorate (SSI) during the mid 1980s and 1990s. Inspection reports and possibly feedback from Inspectors' visits to the schools were submitted to the appropriate policy branches within MoHA and NIO. The responsible policy branches within these Departments directed any necessary follow up action.
- 4.7 An example of such oversight was evident, when following a major inspection of St Patrick's School in 1988, a follow-up inspection by SSI in 1990 found that the school had not made an acceptable standard of progress in implementing the recommendations of a 1988 inspection report. The situation was deemed by the NIO and the SSI to be of such gravity that the NIO wrote to the Chair of the Management Board, stating that unless action was taken by the school within a matter of days, the Chief Inspector, SSI would *"have no alternative but to advise the Health and Social Services Boards not to send any children to St Patrick's"*.³² (Exhibit 9)
- 4.8 Again, with reference to the degree of oversight of the schools exercised by the NIO, the HIAI may wish to note the "Review of the Circumstances Leading to the Death of STP 81", undertaken by SSI in 1995 (SPT 12601-12921). STP 81 was an [REDACTED] year old boy who had been placed by the [REDACTED] Health and Social Services Board ([REDACTED]) in St Patrick's School under the provisions of a place of safety order. The review was undertaken at the request of the NIO and DHSS due to perceived deficiencies in the reports into the child's death produced by the [REDACTED] and the St Patrick's School. It resulted in some 23

³² Paragraph 19 of DHSSPS statement to HIAI dated 30 July 2015.

recommendations, most of which were directed at the management board of the Training School.

- 4.9 During the same year, 1995, as part of a series of audits in the training school system to appraise the adequacy of the financial controls in each of the schools, the NIO Internal Audit Unit carried out an assessment of the arrangements in St Patrick's. As a consequence of the audit findings, the Criminal Justice Services Division of the NIO arranged for the St Patrick's Management Board to invite Price Waterhouse to conduct an exercise in the school. It was recognised the management structure of the school also needed to be appropriate to manage and supervise the institution's core task of providing care, treatment and education for the boys. In that context the NIO commissioned SSI to carry out a parallel exercise to review and make recommendations regarding the St Patrick's management structure. The SSI report (SPT 16316-16342), completed in 1996, made 18 recommendations, including several aimed at helping the school restructure in preparation for the changing profile of juvenile justice and care services to be introduced by the implementation of the Children (NI) Order in November 1996.

HIAI Question 5

5. How the regulatory regime was executed in practical terms

- 5.1 The Children and Young Persons Act 1950 (SPT 80001-80062) established training schools and set out clarity behind the structures and relationship between the MOHA and Boards of Management. Boards of Management had responsibility for the day-to-day running of the Schools, and they operated within the instructions provided through the 1952 Training School Rules (SPT 80063-80073).
- 5.2 The MOHA developed policy in respect of the juvenile justice system, created the legislation necessary to deliver policy objectives, and put in place oversight arrangements to provide arms-length control of training schools. Essential to the oversight of training schools were a number of controls: Finance Committees, Board Minutes, standards of care, visits and Inspections.
- 5.3 In the period prior to the mid-1980s there is some evidence in log books, letters and minutes of inspections taking place in schools and of a variety of people visiting: doctors, educators, social workers, probation officers, civil servants and political figures. The reports, which these inspections and visits may have produced, have not been found in the Departments'

records. We have, therefore, no documentation to bring before the Inquiry for this early period. However, the sections of this statement to follow set out in detail the inspection arrangements and procedures that prevailed during the period in question based on the information currently to hand.

- 5.4 The Training School Branch in the NIO introduced monthly meetings with management and Board members of each of the training schools. Retained minutes indicate that these meetings were mainly about administrative issues, particularly finance, accommodation, legislative developments. Training School Branch also appear to have received the Management Board Minutes covering issues such as litigation, finance, education, reports of Board visits, and staffing issues. File disposal makes it hard to assess what level of follow up was applied to these minutes.
- 5.5 Training School Rules (SPT 80063-80073) required at least one member of the Board to visit once a month. Management Board visits reports appear to have been sent to the Board Secretary and shared with management. It is not clear if they were shared with the NIO or MoHA. Early records indicate that visits took place around 4-8 weeks. There was a focus on quality and cleanliness of facilities and general atmosphere. Overall the visitors were generally impressed, though towards the end of the period they express more concern about the need for renovations as a result of wear and tear. Initial reports are brief (one paragraph) but by 1989, 1-2 pages is more common (Exhibit 10).
- 5.6 In 1982, during the period of public focus on Kincora, the DHSS commissioned a review by the Department of Health in England of the arrangements for the monitoring of homes and hostels for children and young people. Whilst the report produced in 1983 and known as the 'Sheridan report', (HIA 639-655) dealt with the need for clear understanding of the extent of HSS Board and Departmental responsibility in the management, supervision, monitoring and inspection of children's homes, it also served to introduce a framework of self-monitoring arrangements for children's homes. In 1986, a DHSS Circular³³ required the administering authorities of children's homes to put in place stringent monitoring and reporting arrangements to both Health and Social Services Boards and the DHSS (SPT 80115-80118). With reference to voluntary homes the circular stated '*The Department is*

³³ Department of Health and Social Services Circular ref: All48/83 to Chief Administrative Officers of each Health and Social Services Board, the Central Services Agency, Director and the Northern Ireland Staff Council

requesting voluntary bodies to review and, where necessary, strengthen the monitoring arrangements which they operate and to submit to the Department a statement of their arrangements as endorsed by the managing body'. The administering authorities of voluntary children's homes subsequently established similar monitoring and reporting arrangements.

- 5.7 Our assessment of the file suggest that the arrangements set out in the 1986 DHSS circular would have extended to training schools. It is noted that the 1989 SSI Overview Report (SPT 16222-16310) with reference to monitoring activity by the Training Schools' Boards of Management, cited the 1986 DHSS circular and recommended that *"a system of monitoring akin to that used within the Health and Social Services Boards in respect of their residential child care services"* should be adopted.
- 5.8 In 1989, guidance on the role of the Board Visitor was introduced by the NIO (SPT 80074-80079), including a 2-page pro forma covering record keeping; quality of social/emotional and physical care; examination of personal files; conversations with young people; conversations with staff; physical environment; any specialist observations; other matters; recommendations). The visitor was to be accompanied by a member of staff when gathering these observations. It is likely that these changes were introduced as a consequence of the recommendation in the SSI Overview report referred to above.

HIAI Question 6

6. The requirements to be recognised as a Training School and how those requirements were assessed and by whom

1922 – 1950

- 6.1 From 1922 to 1950, the Minister of Home Affairs in the Northern Ireland Government was empowered under the Children Act 1908 (Exhibit 1), upon application by the managers of any reformatory or industrial school, to certify any such school. In practice, many schools will have already been certified by the Chief Secretary of Ireland prior to the partition of Ireland. However, the 1908 Act (Exhibit 1) required the certifying Minister to first direct the Chief Inspector of Reformatory and Industrial Schools to examine the condition and regulations of the school and its fitness for the reception of youthful offenders or children. The Minister had to be satisfied that a school was fit for purpose before certifying it.

- 6.2 The certification could also be withdrawn by the Minister if, at any time, the Minister was dissatisfied with the condition, rules, management, or superintendence of a certified school.

1950-1995

- 6.3 As previously, the managers of training schools could, under the 1950 Act (SPT80001-80062), apply to MoHA to approve the school for that purpose. The Ministry could issue a certificate of approval after making “*such inquiries as it [thought] fit*”. Certificates were advertised in the Belfast Gazette. The Ministry could withdraw the certificate if it was dissatisfied with the condition or management of a training school, or if it considered its continuance as a training school unnecessary. It could also, additionally, by serving notice on the school, prohibit the admission of persons to the school. (s.106)
- 6.4 These provisions were then effectively reproduced in the Children and Young Persons Act (NI) 1968 (SPT80096-80114). However, that Act also provided that the Ministry itself could provide training schools and make arrangements with other bodies or persons for the provision of such schools (s.137, 138).

HIAI Question 7

- 7. What guidance there was at any given time for how Training Schools were to be operated including in relation to staffing ratios, facilities, etc.**

- 7.1 Following the enactment of the Children and Young Persons Act (Northern Ireland) 1950 (SPT 80001-80062), which brought about the change from reformatory and industrial schools to training schools, the establishment of a dedicated borstal, and provided MOHA with central authority, the Ministry of Home Affairs issued a circular (7/1950, March 1950) (Exhibit 11) which set out guidance in relation to the training schools. The circular highlighted a number of key changes: extension of age limits; duration of Training School orders; provision of court materials to school management; retention of child after the expiry of the Training School order period; and provision of supervision and recall of children who have left the school.
- 7.2 The 1989 SSI Overview report (SPT 16222-16310) noted that training schools had by that time developed their own policy documentation setting out their aims and objectives, directives to staff and procedural guidance. That wider policy and best practice awareness affecting the

care of children in children's homes following the Kincora case in the early 1980s had filtered through to the training schools is evident from the profile of staff qualifications and training set out in the above report, indicating continuing professional development of the service.

- 7.3 Inspectors found, for example, that there had been an extensive programme of secondments to full-time training in the late 1970s early 1980s. Several senior staff had completed a post-qualifying course, and most of the schools had a policy of recruiting professionally qualified staff to fill vacancies as they arose. In addition there was a commitment to sending staff on short term courses organised by the DHSS; Health and Social Services Board, voluntary organisations and universities. Several in-service training courses had also been arranged on subjects such as Sexuality in a Child Care Setting; Child Sexual Abuse; Staff Supervision and Handling Aggression and Conflict³⁴.

HIAI Question 8

8. The staffing ratios that were expected for Training Schools, including where that changed over time

- 8.1 The NIO and DHSSPS are presently unable to locate any information relating to staff ratios or staffing requirements in training schools prior to the 1980s.
- 8.2 What we can say is that the Social Work Advisory Group (SWAG) and subsequently, SSI, provided advice on care staffing ratios and training needs. The information available to us suggests the 'Castle Priory formula' was used to calculate the staff requirements of the schools, allowing for differing staff ratios per type of unit providing care i.e. Open Units; Assessment/Reception Units and Closed/Secure Units. In addition to the basic Castle Priory formula, account was taken of staff leave entitlement and extra staff hours required during the school holidays. Staffing levels across the four training schools were generally found to be satisfactory with some shortfall noted resulting in employment of temporary staff and overtime working in some units. Overall, the view of the DHSSPS is that staffing ratios in the training schools in 1989 compared favourably with and may well have represented an improvement on the ratios that existed in a number of children's homes at that time.

³⁴ 1989 SSI Overview Report paragraphs 5.9-5.11

- 8.3 Annual exercises were undertaken by NIO, usually in November of each year, to agree the staff required for the forthcoming financial year for all training schools³⁵. (Exhibit 7)

HIAI Question 9

9. How the inspection regime for Training Schools operated, including where that changed over time

- 9.1 It has been noted above that the 1908 Act (Exhibit 1) required that inspections of industrial schools and reformatories should be carried out annually. Whilst it would appear the evidence received from the HIAI includes some reports of inspections of the St Patrick's Industrial School made by DE Inspectors, there are no MoHA inspection reports currently available to the DHSSPS and DOJ in respect of this facility.
- 9.2 Prior to the transfer of training school inspection functions to the DHSS in the early 1970s, the evidence indicates that inspections of St Patrick's Training School were carried out by MoHA children's inspectors in the years, 1950; 1951;1952; 1956; 1958; 1960; 1962; 1967 and 1971. (SPT 10440-10496) It is not presently known by the Departments whether this frequency of inspection applied to other training schools. It is also presently unclear to the Department whether inspections of training schools were undertaken by SWAG on behalf of the NIO between the early 1970s and the early 1980s. DHSSPS has already postulated to the HIAI that an apparent lack of inspection activity in relation to children's homes during these years may have been due to the impact of the Seebohm report³⁶ which proposed a shift in emphasis from a regulatory focus to the establishment by central government departments of advisory and supportive relationships with service providers. It is possible that this change of focus may also have been reflected in the approach of the NIO to its inspection requirements.
- 9.3 The few inspection reports or references to reports presently available to the Departments would indicate that the inspections prior to the early 1980s followed a methodology and style of reporting similar to that adopted by the MoHA in the inspection of children's homes. The DHSSPS has already commented extensively in its written and oral evidence to the HIAI on the fact that the model of inspections and

³⁵ Presentation to the Rathgael Board by Mary Madden, NIO, on 18 January 1993. Document submitted to the inquiry on [date]. Not yet allocated a Bates reference number. It is attached for convenience at Exhibit 7.

³⁶ Report of the Committee on Local Authority and Allied Personal Social Services HMSO London 1968

reporting adopted prior to the early 1980s was reflective of the accepted approach at that time.

- 9.4 From the 1980s onwards there was a growing awareness of child protection issues and the measures that could be taken to improve monitoring and inspection. The HIAI has already received DHSSPS testimony to the fact that the Kincora case in the early 1980s and the Hughes Inquiry, which reported in 1986, led to a more rigorous inspection approach to children's homes and, it would appear, to training schools. NIO papers from 1991³⁷ state that the inspection arrangements for training schools were replaced with a formal financial arrangement with DHSS, and provided a draft paper setting out expectations for SSI inspections. Inspectors were required to apply standards of fairness, equity of treatment and noted the importance of balancing the need for a recognised set of rules alongside "tender care". The SSI were also to advise NIO inter alia on control and aftercare issues in training schools.³⁸ The SSI agreed with NIO that each training school would receive two unannounced visits each year³⁹.
- 9.5 NIO papers appear to confirm these arrangements. A note from the Director of Rathgael to senior staff in 1992 which recorded a meeting at Stormont, indicated that: inspections were to take place every four years (reports were to be made available to Social Services Boards and other relevant people); two unannounced visits were to be undertaken by SSI; and Annual Monitoring Reports were to be returned to the Management Board, the NIO and SSI by the Directors of each of the training schools based on the format introduced for children's homes.
- 9.6 Major inspection reviews of the four extant training schools were undertaken during the 1987-1988 period. The report in relation to the inspection of Rathgael School is the only one of the reports presently available. It demonstrates an in-depth consideration of several aspects of the school, resulting in several recommendations. A similarly intensive inspection of St Patrick's Training School took place in 1988⁴⁰. This has already been commented upon in paragraph 4.7.
- 9.7 From the evidence presently available to the DOJ and DHSSPS, it would appear that from the mid 1980s until the closure of the schools, major inspections of training schools may therefore have taken place at four-

³⁷ Letter from Deputy Director Alan Shannon to Director Rathgael TS July 1991

³⁸ Letter from Deputy Director Alan Shannon to Director Rathgael TS July 1991 - role of SSI. Also notes that Lisnevin (not others) has own Centre Rules to update 1952 rules.

³⁹ 1993 letter from SSI.

⁴⁰ 1988 SSI Inspection Report held by HIA, in the Rathgael Evidence bundle no reference allocated.

yearly intervals⁴¹ interspersed by more frequent less intensive reviews, referred to as ‘regulatory’ inspections. With reference to the latter reports currently available, it would appear that these made brief comment on the extent to which training schools were complying with relevant aspects of the 1952 regulations (SPT 80063-80073).

HIAI Question 10

10. Who carried out the inspections

- 10.1 The 1923 Report of the Departmental Committee on Reformatory and Industrial Schools in Northern Ireland(SPT 17081-17147), stated that a MoHA Principal Medical Officer was conducting inspections of reformatories and industrial schools. Appointments of Assistant Inspectors were also pending at that time. Inspections of the “literary” and “technical” instruction of the boys were also undertaken by Inspectors from the then Ministry of Education (ME).
- 10.2 From the evidence of archive records received from the HIAI, it would appear that between 1950 and 1972 and prior to the implementation of the Health and Personal Social Services (NI) Order 1972 (the 1972 Order) (Exhibit 12), inspection functions under the 1950 (SPT 80001-80062) and 1968 Acts (SPT 80096-80114) in respect of training schools were undertaken by MoHA children’s inspectors and medical officers who were responsible for the inspection of children’s homes. The HIAI will note that the names of Miss K Forrest and Dr N Simpson, which featured significantly in previous modules of the Inquiry with reference to MoHA inspections of voluntary children’s homes, also appear in the documentation associated with inspections of St Patrick’s Training School during the 1950s and 1960s. (SPT 10384-10386; SPT 10390; SPT 10393-4)
- 10.3 Previous statements to the HIAI by the DHSSPS have noted that the major restructuring of health and social care services under the 1972 Order (Exhibit 12) resulted in the transfer from the MoHA of policy, administrative and inspection responsibilities for children’s homes under the 1968 Act (SPT80096-80114) to the newly created DHSS.
- 10.4 By virtue of the Departments Transfer of Functions Order (NI) 1973 (Exhibit 13), certain functions under the 1968 Act (SPT 80096-80114),

⁴¹ Victor McElfatrick’s minute

including those contained in section 168 which related to the powers of inspection, transferred to the DHSS, subject to the provisions of the 1973 Order. Critically, for the purposes of this submission to the HIAI, Article 2 (2) of the Departments Transfer of Functions Order (NI) 1973 provided that the Secretary of State, as well as the Department of Home Affairs (i.e. the UK Home Office) “may exercise functions under sections 147, 167⁴² and 168 of the Children and Young Person’s Act (Northern Ireland) 1968.” (SPT 80096-80114)

- 10.5 In effect, it would appear that the Departments Transfer of Functions (NI) Order 1973 together with the Modification of Enactments (NI) Order 1973 created a power of inspection on both the NIO and the DHSS in relation to all children’s institutions maintained under the 1968 Act but responsibility for the implementation of section 132 (4) of the 1968 Act (SPT 80096-80114) which imposed a duty on the MoHA to “cause remand homes to be inspected” fell to the NIO. In practice, NIO retained responsibility for the inspections of training schools and the DHSS assumed responsibility for inspections of children’s homes. The SWAG, subsequently the SSI, was evidently the body authorised by both the DHSS and the NIO to discharge each Department’s respective powers of inspection from 1973 onwards.

HIAI Question 11

11. What guidance or criteria were the inspectors expected to apply, including how that changed over time

- 11.1 Previous submissions to the HIAI by the DHSSPS have stated that standards for the inspections of children’s homes were first established by SWAG/SSI in 1986 when a DHSS circular (SPT 80115-80118) set out criteria which included regulatory and good practice standards devised to improve the process of inspection, the self-monitoring arrangements of children’s homes and the monitoring information requirements of the DHSS. These may have informed the format of inspections of training schools but as the various sections of the training school reports available for this period are not prefaced by standards statements, it is difficult to know whether this was the case.
- 11.2 A standards document entitled “Statement of Standards and Criteria for Juvenile Justice Centres in Northern Ireland“(Exhibit 11) was issued by

⁴² Sections 147 and 167 referred to the acquisition of land and the carrying out of investigations/inquiries

the NIO in January 1999 and informed the subsequent inspections by SSI of the new Juvenile Justice Centres, established by the Criminal Justice (Children) (NI) Order 1998.

HIAI Question 12

12. How Training Schools were funded, including how that changed over time

12.1 The 1908 Act (Exhibit 1) provided the Chief Secretary with powers to recommend that monies be paid from Treasury towards the expense of any child or youthful offender up to certain limits. The Act (Exhibit 1) also included Local Councils to provide for children's reception and maintenance, but industrial schools run by voluntary organisations could also receive children privately admitted to care. In such cases the support of these children came from voluntary subscriptions and donations, to the body responsible for the school.

12.2 The Committee established by the Minister for Home Affairs in 1923 recommended that funding of homes should be by capitation grant of 2s,6d, per head per week from the Government and an equal amount provided by Local authorities (SPT 17081-17147).

12.3 During the 1950s and 1960s, training schools were financed through Government Grant, Local Authority/Welfare Authority grant, and in certain circumstances contributions from parents (Exhibit 1). However, the 1952 Training School Rules (SPT 80063-80073), drawn up under the 1950 Act (SPT 80001-80062), set out, inter alia, the responsibilities of the Management Board of the school. Pertinent rules regarding finance included:

- The Board of Management shall appoint a finance committee and such other committees as they think necessary for the efficient management of the school.
- The Board of management shall meet so far as practicable once a month at the school.
- The Board of management shall maintain an efficient standard throughout the school and for this purpose they shall take into consideration any report which may be communicated to them by or on behalf of the Ministry.
- The Board of Management shall exercise an effective control over all expenditure.

- The Board of management and any committee appointed by them shall keep minutes of their proceedings and these minutes shall be open to inspection by an Inspector of the Ministry.
- 12.4 Article 150 of the Children and Young Persons Act 1968 (SPT 80096-80114) brought in new funding arrangements, confirming that funding for training schools was to be provided and controlled by Government. The grant, which was to cover the full costs of maintaining a child in a training school, was administered by MOHA and the NIO.
- 12.5 There is evidence to suggest that the NIO produced a document outlining the conditions for the payment of grant to training schools (Exhibit . It set out the key points in the financial relationship between the NIO and the schools and required schools to:
- Furnish the NIO with reports and accounts on request.
 - Permit the audit by NIO of records and accounts.
 - Comply with any directions by the NIO in respect of such records and accounts.
 - Maintain records and accounts as directed by the NIO.
 - Prepare an annual statement of accounts.
 - Submit statements of account to the Comptroller and Auditor General.
 - Submit quarterly and annual estimates of expenditure and maintain financial records enabling the school to monitor spending and plan future operation.
- 12.6 A key resourcing matter for training schools was staffing. The legislation has indicated that although Boards of Management had responsibility for acquiring and releasing staff, Staff could only be appointed by the Board after approval was obtained from the MOHA and NIO.
- 12.7 St Patrick's Training School was an employer in its own right and managed the movement of Brothers within their schools. They also employed ancillary staff, which would not necessarily been brought to the MOHA/NIOs notice. The St Patrick's Board would have sought approval of appointment of secular staff necessary to work with the children. The MOHA/NIO would have provided vetting of staff prior to their appointment.

12.8 All training schools submitted budgets for approval to MOHA/NIO and raised financial pressures with MOHA/NIO. Boards would provide estimates in October for the incoming business year, and following receipt of additional information and satisfactory explanations the MOHA/NIO would approve budgets. Grant was claimed on a monthly basis, and taking account for preventing debit balances and the existence of unnecessary large credit balances, payment would be approved and made to the school.

HIAI Question 13

13. Who could come to be resident in a Training School

13.1 The following main groupings of children comprised the population of training schools from the inception of training schools under the 1950 Act (SPT 80001-80062) to the implementation of the Children (NI) Order 1995:

- children who had been found guilty of an offence in respect of whom the court had granted a Training School order;
- children accused of an offence who were awaiting trial or disposal by a juvenile court and had been placed on remand by the court;
- children placed temporarily in the school by HSS Boards (and from 1992, HSS Trusts) under the provisions of a place of safety Order;
- children who were formerly in the care of HSS Boards in respect of whom the court had granted a Training School order;
- children who were committed by the court under the provisions of an interim detention order or a Training School order for non-attendance at school.

13.2 The papers available to us suggest that the number of “care” children in training schools at any one time outweighed the number of “offender” children committed to training school.

HIAI Question 14

14. The circumstances under which an individual could come to be resident in a Training Schools, including how that changed over time

- 14.1 With reference to children admitted to Training Schools for reasons of care and control, the 1950 (SPT 80001-80062) and 1968 Acts (SPT 80096-80114) empowered an HSS Board, with the consent of a Justice of the Peace, to place a child formerly in its care, in training school under the provisions of a Place of Safety order. Such an order committed the child to the training school for a period of up to 5 weeks. If necessary, HSS Boards could seek up to 3 consecutive orders (i.e a period of up to 15 weeks) to assess the child and make appropriate provision for his/her future care.
- 14.2 Place of Safety orders were generally sought on children who had long care histories and whose behaviour was not capable of being managed within a children's home setting. Often the behaviour was such that it presented a serious risk to the child or other residents. It was considered that temporary periods in a training school could provide helpful 'time out' for a child and in later periods, the greater accessibility of the schools to psychological and psychiatric care meant that multi-disciplinary assessment was more readily available to the child in the training school setting than was the case in the children's home. Many children returned to the care of the HSS Boards prior to the expiry of their Place of Safety Orders. In the case of significant numbers of children, however, care within a more structured and secure setting was deemed to be the only viable long term means of managing them. In such situations the HSS Boards would ask the court to grant a Training School order in respect of the child.

HIAI Question 15

15. Anything else the Department considers it should bring to the HIA Inquiry's attention in respect of these matters

- 15.1 During the review of archived materials and Departmental files, the DOJ and DHSSPS have found a number of reports relating to investigations of allegations of abuse in Training Schools during the 1922-1995 period that will be of interest to the HIAI. It was not appropriate to address these matters within the context of the responses to the above questions posed by the Rule 9 request. It is the intention of the DOJ and DHSS to address these in a further joint statement to be submitted within a timeframe to be agreed with the HIAI.

Department of Justice and Department of Health, Social Services and Public Safety
Joint Statement to the Historical Institutional Abuse Inquiry Dated 21 August 2015
Index of Exhibits

Exhibit 1 – The Children Act (1908)

Exhibit 2 – The Roots of Rathgael

Exhibit 3 – The Malone and Whiteabbey Training Schools Act (Northern Ireland) 1956

Exhibit 4 – Malone and Whiteabbey Training Schools Act (Northern Ireland) 1968

Exhibit 5 – The Juvenile Delinquency Report (1954)

Exhibit 6 – The Operation of Juvenile Courts (1960)

Exhibit 7 – Submission from G Buchanan (DHSS) to Lord Skelmersdale, August 1989

Exhibit 8 – Ministry of Home Affairs (MoHA) Inspector's letter 1955

Exhibit 9 – DHSS Statement 30 July 2015

Exhibit 10 – Reports on visits to training schools 1956 - 1990

Exhibit 11 – Ministry of Home Affairs (MoHA) circular – 7/1950 (March 1950)

Exhibit 11 - Health and Personal Social Services - Establishment and Determination of
Health and Social Services Boards Order (1972)

Exhibit 12 - Northern Ireland Departments (Transfer of Functions and Adaptation of
Enactments) Order (1973)

DEPARTMENT OF JUSTICE
AND
DEPARTMENT OF HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY
SUPPLEMENTARY JOINT STATEMENT TO THE HISTORICAL INSTITUTIONAL
ABUSE INQUIRY

MODULE 7

TRAINING SCHOOLS AND YOUTH JUSTICE INSTITUTIONS

21 September 2015

Declaration

This statement to the Historical Institutional Abuse Inquiry (HIAI) has been prepared on behalf of the Department of Justice (DOJ) and the Department of Health, Social Services and Public Safety (DHSSPS) and supplements information already provided to the HIAI in the joint DOJ/DHSSPS statement dated 21 August 2015.

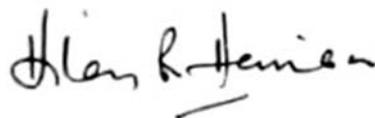
The statement sets out:

- the statutory roles and responsibilities of the DOJ and the DHSSPS predecessor Departments, namely, the Ministry of Home Affairs (MoHA); the Northern Ireland Office (NIO) and the Department of Health and Social Services (DHSS) in relation to industrial schools, training schools and children committed to such institutions; and
- matters relating to the knowledge of the above Departments of allegations of abuse of children in training schools during the period under consideration by the HIAI.

The statement has been prepared on the basis of information contained in files currently held by both Departments and such evidence received from the HIAI as it has been possible to review within the required timeframe. As further information becomes available, it may be necessary to provide to the HIAI, revised or supplementary statements.

**Signed****21 September 2015**

Karen Pearson (on behalf of the Department of Justice)

**Signed****21 September 2015**

Hilary Harrison (on behalf of the Department of Health, Social Services and Public Safety)

1. The statutory responsibilities of the MoHA; the NIO and the DHSS in relation to industrial schools; training schools and children committed to such institutions

The 1908 Children Act (the 1908 Act)

- 1.1 The DOJ/DHSSPS joint statement dated 21 August 2015, set out an overview of the statutory framework that applied between 1922 and 1995. That statement explained that prior to the establishment of training schools under the Children and Young Persons Act (NI) 1950 (the 1950 Act), the 1908 Act empowered the Chief Secretary for Ireland to direct the Chief Inspector of Reformatory and Industrial Schools to examine and provide a report on the condition and regulations of each industrial school or reformatory and its fitness for the reception of children. If satisfied with the report, the Chief Secretary could certify the school as fit for the reception of youthful offenders or children to be sent there^{1,2}. Each school was to be inspected at least once a year³. The school rules were subject to the approval of the Chief Secretary⁴ who had the power, if dissatisfied with the condition, rules, management or superintendent of the school, to withdraw the school's certificate, or to prohibit the admission of children for a time specified by notice⁵.
- 1.2 With reference to the care of individual children, the 1908 Act required the consent of the Chief Secretary to:
- the 'boarding out' of a child under the age of 8 years to a suitable person until the age of 10 and thereafter, if appropriate⁶;
 - the transfer of a child from an industrial school to a reformatory⁷;
 - the discharge of a child and, where appropriate, his recall to the school⁸; and
 - the transfer of children between reformatories and industrial schools⁹.
- 1.3 In 1922, the above powers and duties of the Chief Secretary for Ireland transferred to the Minister for Home Affairs. Of the four juvenile justice institutions to be considered by the HIAI, St Patrick's is the only one that was formerly a certified industrial school.

¹ 1908 Act section 45 (1) and 45 (2)

² From 1922, these responsibilities transferred to the Minister for Home Affairs.

³ 1908 Act section 46 (3)

⁴ 1908 Act section 54

⁵ 1908 Act section 47

⁶ 1908 Act section 53

⁷ 1908 Act section 58 (3)

⁸ 1908 Act section 69 (1)

⁹ 1908 Act section 69 (2)

The Children and Young Persons Act (NI) 1950 (the 1950 Act) and the Children and Young Persons (NI) Act 1968 (the 1968 Act)

1.4 The 1950 Act established remand homes and training schools in place of industrial schools and reformatories. The 1968 Act effectively re-enacted most of the statutory powers and duties of the Ministry of Home Affairs (MoHA) as set out in the 1950 Act. In summary, with reference to remand homes, the MoHA had a duty under the 1950 and 1968 Acts to:

- provide remand homes or make arrangements with other bodies for the provision of such homes (this was a duty under the 1950 Act but was a power under the 1968 Act)¹⁰;
- establish and maintain a register of remand homes¹¹ ;
- cause remand homes to be inspected¹²;

and had the power to:

- make rules for: the inspection, regulation and management of remand homes; the classification, treatment, employment, discipline and control of persons detained; and the visitation of detained persons¹³; and
- remove a remand home from the register¹⁴.

1.5 With regard to training schools, the MoHA had the power to:

- approve¹⁵, or from 1973, provide¹⁶ training schools;
- inspect training schools¹⁷;
- withdraw the certification of a training school¹⁸ or prohibit the admission of children to a school¹⁹;
- make rules for the management and discipline of training schools²⁰; and
- give directions to the managers of the schools in relation to premises or equipment; number and grades of staff employed; and the education, training or welfare of children under the care of the school managers

¹⁰ 1950 Act section 104 (1); 1968 Act section 132 (1)

¹¹ 1950 Act section 104 (3); 1968 Act section 132 (3)

¹² 1950 Act section 104 (4); 1968 Act section 132 (4)

¹³ 1950 Act section 104 (4); 1968 Act section 132 (4)

¹⁴ 1950 Act section 104 (5); 1968 Act section 132 (5)

¹⁵ 1950 Act sections 106 (1) and 108(1); 1968 Act section 138 (1)

¹⁶ This power related only to the 1968 Act, section 138 (1) as amended by paragraph 7 of Schedule 16 to the Health and Personal Social Services (NI) Order 1972;

¹⁷ 1950 Act section 136; 1968 Act section 168 (1)

¹⁸ 1950 Act section 106 (2); 1968 Act section 137 (2) (a)

¹⁹ 1950 Act section 106 (2) ; 1968 Act section 137 (2) (b)

²⁰ Fourth Schedule to the 1950 Act; Schedule 5 to the 1968 Act

where it appeared to MoHA that the provision with regard to these matters was unsuitable or inadequate²¹.

1.6 With reference to the care of individual children, the MoHA could order the discharge of a child from the care of the managers or the transfer of a child to another training school²². The consent of MoHA was required in circumstances where the managers of the school wished to:

- board a child out with a suitable person²³;
- extend a child's period of detention in the school²⁴; or
- place a child out on licence during the first twelve months of his/her detention²⁵.

1.7 NIO/DHSS records²⁶ show evidence of Departmental responses to requests received from training school managers in relation to the above. NIO and DHSS considerations in respect of such requests are considered further in paragraph 1.15 below.

1.8 Under the 1950 and 1968 Acts, the MoHA, through its inspectors, was required to review the progress made by persons detained in training schools with a view to ensuring that they were placed out on licence as soon as they were "*so fit to be placed out*"²⁷. The Training School Rules (Northern Ireland) 1952 (the 1952 Rules) also placed requirements on the Board of Management of a training school to:

- review the progress of each child and all the circumstances of his/her case at specified intervals²⁸;
- consider, at each review, the date at which the boy or girl was likely to be fit to be placed out on licence²⁹; and to
- maintain a Licensing Register showing the date and result of the review and the reason for the decision³⁰.

1.9 Rathgael Training School records made available to the NIO and DOJ by the HIAI indicate that licensing committees (and later, review committees) were in

²¹ These provisions applied only under paragraph 3 of Schedule 5 to the 1968 Act

²² Paragraph 9 (1) of the Fourth Schedule to the 1950 Act ; paragraph 12(1) of Schedule 5 to the 1968 Act

²³ 1950 Act section 75(3); Schedule 5 to the 1968 Act

²⁴ 1950 Act section 77; 1968 Act section 90 (1)

²⁵ Fourth Schedule to the 1950 Act, Schedule 5 to the 1968 Act

²⁶ Relevant NIO/DHSS records have already been submitted to the HIAI

²⁷ Paragraph 6(2) of the Fourth Schedule to the 1950 Act; Paragraph 8 (3) of Schedule 5 to the 1968 Act

²⁸ The 1952 Rules, rule 46 (1)

²⁹ The 1952 Rules, rule 46 (2)

³⁰ The 1952 Rules, rule 46 (4)

place to review the status of individuals, at least since July 1982. These committees generally met on a monthly basis. Samples of the minutes of licensing committee meetings can be found at Annex A(i & ii)). Licence books containing copies of the licences and covering the same period are also available. Samples of licences are presented at Annex B. In addition, samples of the Rathgael Management Board's Review Committee minutes are attached at Annex C.

- 1.10 An amendment to section 138 of the 1968 Act, by virtue of paragraph 7 of Schedule 16 to the Health and Personal Social Services (NI) Order 1972 (the 1972 Order) imposed a duty on the MoHA, in the event of a deficiency in training school accommodation to *“take appropriate steps”* under section 138 *“to remedy the deficiency”*³¹.
- 1.11 With regard to this requirement, there may well have been responses at various stages by MoHA and NIO to pressures on specific schools. Also, as noted in the joint statement dated 21 August 2015, whilst the overall numbers in St Patrick's, Rathgael and Whiteabbey Training Schools declined, new provision was established, in the form of Lisnevin Training School in 1973; Hydebank Juvenile Justice Centre in 1979; and the Whiteabbey/Rathgael amalgamated provision in 1985. Of more importance, however, is the strategic development by the NIO and DHSS of juvenile justice services and services for children in need of care and protection. *“A Better Future: 50 Years of Child Care in Northern Ireland 1950-2000”*³² profiles the policy shift from institutional provision to community based supervision and intervention approaches in the case of children who were offenders. Such initiatives, together with the implementation of the Children (Northern Ireland) Order 1995 which led to the establishment of a regional secure care unit for looked after children, were the result of specific steps taken by the NIO and the DHSS to address in a more effective manner, the needs of those children who might formerly have been committed to training schools.

Implementation of the 1972 Order with regard to the exercise of functions under the 1968 Act

- 1.12 Article 72 of the 1972 Order placed a duty on the MoHA to provide or secure the provision of personal social services under the 1968 Act. Paragraph 1 of Schedule 16 to the 1972 Order substituted references in the 1968 Act to welfare authorities for references to MoHA. In effect, this meant that the roles and responsibilities of welfare authorities under the 1968 Act became the

³¹ Prior to the substitution of section 138, the duty to take appropriate steps to remedy such a deficiency was on local authorities

³² Report published by the DHSSPS in 2003. See Chapter 5 *“Juvenile Offending”*. SPT-10215

responsibility of the MoHA. These were in turn delegated by the MoHA to Health and Social Services Boards (HSS Boards) by virtue of the Functions of Health and Social Services Boards (No 2) Direction (Northern Ireland) 1973 (Annex D).

Division of responsibilities between MoHA and DHSS in 1973¹

1.13 Article 5a of, and Part 1 of Schedule 2 to the Departments (Transfer of Functions) Order (NI) 1973 transferred the functions of the MoHA under the 1968 Act to the DHSS subject to the provisions of the Northern Ireland (Modification of Enactments – No 1) Order 1973, (the Modification Order). Article 2 (1) of, and Schedule 1 to, the Modification Order transferred amongst other functions, the following functions of the Minister and MoHA under the 1968 Act to the Secretary of State insofar as they related to children and young persons “found guilty of offences”²:

- receiving notifications in relation to children and young people to be brought before the juvenile court for allegedly committing an offence or being in need of care, protection or control and making investigations and providing information as to the home surroundings, school record, health and character of the child where no arrangements to investigate had been made with a probation officer (section 53);
- the power to direct the recall of children released from detention and the right to be notified of the recall of children recalled by the managers of a training school (section 89 (3) to (5));
- consent to the extension of a child’s period of detention in training school (section 90);
- power to make regulations in relation to children and young persons committed by the court to the care of ‘fit persons’ and causing such persons to be visited (section 142 (2) and (4));
- power to board out children subject to a fit persons order (section 142(3));
- discretion to discharge a child from the care of a fit person and allow arrangements to be made for the emigration of a child; (sections 143 (1) and (2));
- applying to the court to revoke a fit person order in certain circumstances (sections 143(6) and 145(2));

¹ **Erratum:** With reference to paragraph 13 (2nd sentence) of the DSSPS Statement to the HIAI dated 30 July 2015 it should be noted that it was Article 2(2) of the Modification of Enactments (NI) Order 1973 (rather than the Departments Transfer of Functions (NI) Order 1973) which provided that the Secretary of State, as well as the Department of Home Affairs, may exercise the functions in sections 147, 167 and 168 of the 1968 Act.

² Schedule 1 to the Modification Order

- directing where a child who has escaped from the care of a fit person should be returned to (section 144(2));
 - allowing the care and control of a child to be taken over by a family member or friend (section 145(1));
 - applying for contribution orders or affiliation payments in respect of the care and maintenance of children in training schools or committed to the care of fit persons (sections 156 (4); 158 (2) and 159(1));
 - discretion to remit contribution or affiliation payments received in whole or in part to a person entitled to receive such contributions (section 160).
- 1.14 The functions set out at paragraph 1.13 were exercised by the NIO in relation to offender children. In relation to ‘care’ children, as noted above (paragraph 1.12), the former functions of welfare authorities which had transferred from MoHA to the DHSS were delegated to HSS Boards. In practice, therefore, the functions set out in paragraph 1.13 retained by the DHSS under the 1968 Act were those relating to the following and only in relation to ‘care’ children: the recall of children (section 89); the extension of training school orders (section 90); the regulation making power and causing children to be visited (section 142)³⁵; the discharge of a child from the care of a fit person (section 143 (1) and (2); and the remittance of payments (section 160).
- 1.15 A file currently held by the DHSSPS³⁶ contains a record of requests by training school managers to the NIO regarding the extension or discharge of training school orders in respect of “care” children in relation to some 14 young people during the period September 1994 to September 1996. Reviews of two of the children’s cases referred to the DHSS by NIO and considered in 1995 by DHSS policy branch and the Social Services Inspection (SSI) are attached by way of example at Annex E.
- 1.16 A minute from the NIO dated 9 April 1990 to the DHSS (Annex F), with reference to the consideration of requests to extend a child’s training school order, the NIO noted:

“In dealing with [such] applications... for offenders, we intend to seek to impose a 3-month period of notice before expiry of the training school order, although we are of course obliged to consider any application notwithstanding this. Our reason for the 3 months notice is to encourage the schools to formulate proper plans for integrating young persons into the community as

³⁵ The latter (i.e. causing children to be visited) applied only where the child was in the care of the HSS Board. Where the child was in the care of a fit person other than the HSS Board, this function was delegated to the HSS Board.

³⁶ This file has been submitted in full to the HIAI but has not yet been returned to the NIO/DHSSPS in the HIAI evidence bundle.

they approach the expiry dates of their orders and where they have no homes to go to”.

Allegations of abuse in training schools – the information provided here supplements that provided within the DOJ statement dated 28 August 2015

2. The allegations by STP 30 in [REDACTED] in relation to St Patrick’s Industrial School and the state of knowledge about child sexual abuse around that time³⁷

2.1 The DHSSPS statement dated 19 September 2014 to the HIAI in relation to Rubane House made brief reference to allegations of sexual abuse against members of staff in the St Patrick’s Industrial School having been made known to the MoHA in [REDACTED].

2.2 The then Minister for Home Affairs, Edmond Warnock received information in February or March [REDACTED] from a barrister, James Brown, regarding allegations made by STP 30 then aged [REDACTED] yrs, a resident of St Patrick’s School. Mr Brown was representing STP 30, on a ‘breach of school rules and attempted assault charge’, when the child alleged physical abuse of himself by a De La Salle brother and sexual propositioning of him by another brother. He also alleged sexual abuse by three members of staff against boys at St Patrick’s. This was not disclosed in the court case as the barrister thought it was ‘not relevant’, but he appears to have been asked (perhaps by STP 30 mother) to bring the issue to the Minister’s attention. The Minister (formerly a barrister) wrote what may have been a private letter to a fellow MP and barrister, James McSparran, the then MP for the Mourne District, seeking advice about *“how best he could be assured that all is well at Milltown”* and making reference to a previous suggestion seemingly made by Mr McSparran that the Bishop of Down and Connor might be asked to investigate the matter.

2.3 Bishop D Mageean, subsequently led an Ecclesiastical Investigation in which he interviewed all the members of staff and some older boys. The Bishop found the *“charges of immoral conduct”* alleged by the child against Brothers BR 83, BR 1 and BR 86 to be *“devoid of all foundation”*³⁸. In a subsequent letter in April [REDACTED], the Bishop reassured the Minister to this effect. In his letter of response, the Minister expressed relief that this had been the finding. However it is noted that during the investigation, one of the staff referred to other boys having made allegations against three brothers (two of whom also featured in STP 30 allegations), possibly in [REDACTED]

³⁷ SPT 10550 -10601

³⁸ SPT 10579

and [REDACTED]. These do not appear to have been reported to the MoHA at the time, nor was the fact that this information had emerged during the investigation reported to the MoHA by the Bishop. It was also alleged by one of the older boys during the investigation that younger boys were being abused in the lavatories (i.e peer sexual abuse). This also was not brought to the Minister's attention.

- 2.4 To our knowledge the next allegations to be made known to the MoHA in relation to the abuse of children, were the Rubane incidents which occurred some sixteen years later in [REDACTED] and in respect of which, the DHSSPS has already commented to the HIAI in some detail³⁹. The DHSSPS has postulated that it is unlikely that officials dealing with the [REDACTED] issues would have been aware of the [REDACTED] Ecclesiastical Investigation into St Patrick's Industrial School⁴⁰.
- 2.5 The DHSSPS statement dated 19 September 2014 noted that the sexual abuse by staff of children in institutional care was not recognised as a potentially much wider issue in Northern Ireland until the early 1980s when the Kincora scandal broke. Indeed, the sexual abuse of children within families and the community also appeared only to have been fully recognised in its own right around 1984 when HSS Boards began collating statistics on the incidence of child sexual abuse.⁴¹ The DHSSPS statement also noted that the conclusions reached by MoHA in [REDACTED], following investigation of the Rubane allegations by the police and the de La Salle Order, were probably reasonable in the light of prevailing knowledge (or lack of it) about sexual abuse at that time, as well as the apparently implicit trust then placed in the caring nature of religious orders.
- 2.6 There is no document available to indicate if the police were notified of the [REDACTED] allegations whether by the family of STP 30, his legal representatives, the De La Salle Order or the MoHA. By contrast it is clear that the [REDACTED] allegations were appropriately reported to the police.

The 1950 and 1952 Home Office Guidance

- 2.7 With further reference to knowledge about the potential for abuse of children around the time and shortly after the STP 30 allegations were made, the the DOJ and DHSSPS have noted that the evidence received by both Departments from the HIAI in respect of Module 7 included two circulars issued in 1950 and 1952 respectively by the UK Home Office to correspondents and to headmasters and headmistresses of approved schools

³⁹ DHSSPS statement to the HIAI dated 19 September 2014

⁴⁰ Paragraph 19 of the above DHSSPS statement

⁴¹ see paragraphs 40-43 of the May 2014 Departmental Supplementary Statement

in England and Wales. The 1950 circular concerned the “Investigation and Hearing of Complaints against Members of the Staff of Approved Schools”⁴² and the 1952 document dealt with “Indecent practices in approved schools for boys and criminal offences involving the interests of boys or girls detained in approved schools”⁴³. Reference was made to the latter in the closing submission of the Health and Social Care Board (HSCB) to the HIAI in respect of Module 3, although the HSCB did not at that time have access to a copy of the relevant document. These circulars obviously constituted important guidance issued by the Home Office during an early period when offences committed by staff and the sexual abuse of children in institutions by staff or peers were, from today’s perspective, understood to be unthought-of and generally unknown. The circulars indicate that there was awareness in the Home Office, at the very least, of the potential for staff to abuse children and for peer abuse to occur. The guidance in each of the circulars is unambiguous in terms of the requirement to report to the police any information which gives reason to suspect that a criminal offence may have taken place and for managers of schools themselves not to undertake any form of inquiry as this might *“impinge on the functions of the police and might prejudice subsequent court proceedings.”*

- 2.8 The above circulars were obtained by the DHSSPS, in the case of the 1950 circular, from the UK National Archives in February/March 2015, and in the case of the 1952 circular, from the personal papers of a Mr R Rollinson in January 2015, a contributory author to the report of the Ryan Commission⁴⁴. The DOJ and the DHSSPS have not to date found any evidence to suggest that the existence of these documents was known to MoHA, the responsible Northern Ireland Government Department at that time, nor are we aware of any similar guidance having been issued at that time to training schools here. With regard to the situation in England, Rollinson noted: *“Once circulated, this guidance seems to have sunk without a trace, only to be “discovered” over 40 years later by David Berridge during his own research into abuse in residential care”*⁴⁵.

3. The [REDACTED] allegations, apparently unknown to NIO until 1994

- 3.1 In 1993, when investigating a complaint by a former resident of St Patrick’s Training School alleging sexual and physical abuse by members of staff and residents, the police received complaints (unrelated to the original matter under investigation) from 4 former residents against DL 137, a former

⁴² SPT-11404

⁴³ SPT-11406

⁴⁴ The Commission to Inquire into Child Abuse (CICA) in Ireland. Mr Rollinson’s chapter in the report of the CICA is entitled **“Residential Childcare in England, 1948 – 1975: A History and Report.”**

⁴⁵ The DOJ and DHSSPS have been unable to locate the Berridge research to which Mr Rollinson refers.

at St Patrick's in the years . The complainants alleged sexual abuse by DL 137 while they were resident in St Patrick's.

3.2 On 29 November 1994, Ms Mary Madden (then, Assistant Secretary NIO) received from Mr Brian Gibson (Solicitor) a file containing 19 pages of typed and handwritten documents in relation to DL 137. On the following day, Ms Madden passed the documents to Mr Jim Daniell (then Assistant Under Secretary, NIO), who in turn passed them to the police on 30 November 1994⁴⁷. The police files contain a minute dated 1 December 1994⁴⁸ which refers to an NIO official having received a 'document' from a solicitor which he, in turn, passed to the police on 30 November 1994. The document to which reference is made is not clear but may have been the file referred to above. The police minute stated: *"A cursory examination of the document would suggest that responsible people at St Patrick's Training School either knew or suspected DL 137 of unlawful activity towards inmates."*

3.3 The documentation that follows the above minute in the evidence bundle appears to be copies of original documents held by St Patrick's which show that while employed by the Training School:

- DL 137 was given a severe warning by the School in January [REDACTED] when he admitted offering money to boys for "illegal purposes"⁴⁹,
- In March [REDACTED], he tendered his resignation following allegations by 3 boys (not the 1995 complainants referred to above) that included "sexual molestation" and apparent incidents of soliciting and indecent assault⁵⁰; and
- DL 137 appeared to have been given an employment reference by the Principal of St Patrick's in September [REDACTED] which refers to him being *"diligent and conscientious in his work."*⁵¹

3.4 These alleged offences were not notified to the police at the time⁵². There is nothing in the evidence that suggests that NIO were notified in [REDACTED] or in

⁴⁶ SPT 21389;

⁴⁷ SPT 21388

⁴⁸ SPT 21367

⁴⁹ SPT 21381-2

⁵⁰ SPT 23172

⁵¹ SPT 21638

⁵² SPT 21393

█ of the allegations or the circumstances of **DL 137** resignation.

- 3.5 **DL 137** was convicted in 1988 of serious sexual offences against male children but St Patrick's did not feature in this prosecution – it would appear that the children concerned were not in care. He was given a 7 year prison sentence which was reduced on appeal to 4 years. In 1994, when the fresh allegations emerged, the police interviewed staff at St Patrick's. A police file was passed to the DPP recommending that **DL 137** be prosecuted for sexual abuse crimes against the 4 former residents of St Patrick's.
- 3.6 The DHSS Pre-Employment Consultancy Service (PECS), which made provision for employers, including voluntary organisations, to inform the DHSS of persons dismissed or resigning in circumstances suggesting that children may be placed at risk if that person were to be appointed again to a position involving responsibility for children's welfare, was not introduced until October 1983. Nevertheless, the allegations regarding the Kincora home had first come to public attention in January 1980. **DL 137** employment was terminated in March █ and he was given a positive employment reference by St Patrick's in September █. Of concern is the fact that at the time, despite heightened public concerns regarding Kincora and the vulnerability of children in care, neither the police nor the NIO were notified by the school of the allegations against **DL 137**.

4. The allegations made by **STP 135 in 1991 following his arrest for sexual offences against children in the community**

- 4.1 In 1991, **STP 135**, then an adult aged █ years and already a convicted sex offender, was arrested and charged with the abuse of several children in the community. He was convicted in October 1992 and sentenced to 7 years imprisonment for sexually abusing several children whilst working as a volunteer with a voluntary emergency ambulance organisation in the West Belfast area. During the course of his interviews by the police, **STP 135** alleged that he himself had been the victim of sexual abuse during his two year period of committal to St Patrick's Training School in █ as a "refractory" child. The police carried out a full investigation of the **STP 135** and other related complaints of former residents in 1993.
- 4.2 The DHSS's SSI was not involved in the St Patrick's investigation. However, SSI was asked in 1992 by the then DHSS and NIO Ministers to carry out an investigation into the circumstances of **STP 135** abuse of children during his involvement, as an adult, with a number of community organisations. These included adult social services agencies, probation services and organisations working in the criminal justice field. The report of the SSI investigation, "An

Abuse of Trust” published in December 1993, contained a number of recommendations aimed at strengthening child protection practice across a range of statutory and voluntary organisational procedures.

5. The [REDACTED] and 1998 allegations in relation to Rathgael Training School

5.1 The SSI received a copy of an anonymous letter sent to the Northern Health and Social Services Board (NHSSB) in December [REDACTED]. The letter contained allegations to the effect that: (a) a girl had been sexually assaulted by other girls in the school; (b) boys were able to keep runaway girls in their unit and have sex with them; and (c) a senior member of staff had been engaging in inappropriate activities with boys, during which, it was alleged, sexual acts had taken place with a named boy. This information was shared with the NIO by SSI. When contacted, senior management at Rathgael confirmed that the police had already been involved in the investigation of (a) and (b). In relation to (c), the named boy was to be interviewed and police were to be involved if he indicated that sexual activity had occurred. The member of staff concerned was placed on precautionary suspension. A subsequent contact from the school’s senior management to NIO confirmed that on the basis of Rathgael’s inquiries, the allegations in relation to (c) were found to have been unfounded. The precautionary suspension of the staff member was to be lifted. The NIO undertook to inform all HSS Boards. Annex G contains the currently held DHSS information in relation to these allegations.

5.2 In December 1998, the SSI Chief Inspector, Dr McCoy received a letter from RGL 128 [REDACTED], a member of the Rathgael Training School’s staff, who was at the time of writing, on long term sickness absence. With reference to Rathgael, RGL 128 [REDACTED] letter stated *“During my time there I witnessed what can only be described as a total lack of concern towards the young people in their care, coupled with inappropriate management conduct”*. Dr McCoy immediately arranged for Mr Victor McElpatrick (Assistant Chief Inspector, SSI) and Miss Marion Reynolds (SSI Inspector) to interview RGL 128 [REDACTED] and a former colleague of hers, RGL 129 [REDACTED], who had left Rathgael in 1997 and had subsequently received an out of court settlement of an unfair dismissal claim against the school.

5.3 In essence, the most serious allegations made by these former staff related to incidents which they recounted as having occurred from the early 1990s. These included alleged incidents of peer abuse and physical and/or sexual assault on children by three named members of staff, one of whom had since retired. There were further allegations that a senior staff member was informed of some of the concerns but did nothing about it and statements made in general about unsatisfactory management within the school.

5.4 The SSI immediately notified all relevant parties. Three members of Rathgael staff were suspended as a precautionary measure. The first strategy meeting to consider the allegations and how the investigation would be taken forward was held in early January 1997 involving the Director of Rathgael and representatives of the police, the Ulster Community and Hospitals HSS Trust, the NIO and SSI. Several meetings of this grouping were held throughout 1999 and it is also noted that during this time, the NIO and SSI also held discussions about the allegations regarding the management issues within the school. Some 80 interviews were conducted by the police of staff and some former residents of Rathgael. No charges were preferred due to lack of evidence. The strategy grouping involving the police was stood down in October 1999. A Joint Protocol Grouping involving the other agency representatives continued to meet to pursue aspects of the inquiry that had implications for future child protection practice⁵³.

6. The [REDACTED] suspension of a member of the Rathgael Training School staff⁵⁴

6.1 In June [REDACTED], the Rathgael and Whiteabbey Schools Management Board terminated the employment of a member of staff who was a temporary unqualified residential social worker at Rathgael Training School. Whilst off duty, the member of staff, RG 166, had been seen in the company of a [REDACTED] year old girl who was a resident of the Rathgael centre at the time. The girl subsequently returned to the school late from a period of home leave. A full investigation conducted by the [REDACTED] RG 16 at the school concluded that although nothing untoward had happened, RG 166 had acted in a highly unprofessional manner. The school's Management Board accepted RG 16 recommendation that RG 166 employment should be terminated on the basis of gross misbehaviour. Dr McCoy, the Chief Inspector, SSI was advised of the decision on 24 June [REDACTED] ^{RG 166} case was also referred to the DHSS PECS scheme. Information regarding the outcome of this referral is not presently available.

7. The 1993 STP 134 allegations relating to the period [REDACTED] in St Patrick's Training School⁵⁵

7.1 In July 1993, Dr Kevin McCoy, the then Chief Inspector, SSI, was approached by Detective Sergeant Michael Kildea regarding complaints made by a ^{STP 134} [REDACTED], supported by his social worker, that he had been

⁵³ The files to which this information relates were submitted in full to the HIAI. The DHSSPS will supply a copy of any further specific documentation requested.

⁵⁴ The files to which this information relates were submitted in full to the HIAI. The DHSSPS will supply a copy of any further specific documentation requested.

⁵⁵ SPT 18459-60

sexually abused by peers and staff and was subject to severe physical punishment while resident in St Patrick's Training School in [REDACTED]. D/S Kildea was seeking information from SSI regarding staff and children who may have been in the school at that time. Dr McCoy's minute⁵⁶ regarding this contact indicates that SSI Inspectors were asked to provide D/S Kildea with whatever help possible. Dr Kildea also confirmed to Dr McCoy that^{STP 135} STP 135 allegations of abuse at St Patrick's were being investigated at that time.

7.2 The STP 134 investigation uncovered allegations against BR 26 [REDACTED]. Mr Gary Wardrop's statement to the HIAI dated 28 August 2015 (page 6) provides further information regarding the advice given by SSI and the handling of the matter by the NIO.

8. **Complaints relating to the 1994-1995 period in Lisnevin**⁵⁷

8.1 In 1991, the NIO funded the establishment of an Independent Representation Scheme (the IR Scheme) for children detained in Lisnevin. The IR Scheme was operated by the Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO) which recruited volunteers and trained them in a range of relevant areas, including child protection, to act as Independent Representatives. Their role was to listen to the views of young people, to make these views known to management and senior staff within the school and where possible, to facilitate resolution.

8.2 A review by NIACRO's Youth Justice Unit of all complaints received during the operation of the IR Scheme between the years 1994⁵⁸ to 2000, indicated that during the period 1994-1995, 11 complaints were received from 10 young people relating to physical or verbal abuse by staff or peers. Subsequent communications and reviews by SSI and NIO with the Juvenile Justice Board identified those which needed to be re-examined within a child protection framework. The NIO and DHSSPS do not presently have access to any further documentation detailing how this matter was progressed.

⁵⁶ *Ibid*

⁵⁷ The files to which this information relates were submitted in full to the HIAI. The DHSSPS will supply a copy of any further specific documentation requested.

⁵⁸ Complaints dating from the inception of the IR Scheme in 1991 were not considered.

		CONTENTS	
INTRODUCTION			PAGE
1.	HISTORICAL BACKGROUND		1-2
2.	THE CHILDREN AND YOUNG PERSONS RESIDENT		3
3.	MANAGEMENT AND STAFFING		3-16
4.	LOCATION AND PREMISES		17-18
5.	SHORT-TERM CARE		19-35
6.	ADOLESCENT CARE UNITS (LONG-TERM CARE)		36-53
7.	YOUTH TREATMENT		54-70
8.	COMMUNITY CARE		71-80
9.	EDUCATION/VOCATIONAL TRAINING		81-83
10.	DIET AND KITCHEN		84-87
11.	HEALTH CARE ARRANGEMENTS		88-91
12.	RELIGION		92
13.	OFFICIAL VISITORS		93-94
14.	OFFICIAL RECORDS		95-97
15.	PSYCHOLOGICAL/PSYCHIATRIC SERVICES		98-99
16.	INTEGRATION WITH THE COMMUNITY		100
17.	VOLUNTEERS/COMMUNITY SERVICE VOLUNTEERS		101
18.	BARNARDO'S HOME FINDING PROJECT		102-103
19.	CONCLUSIONS		104-105
20.	RECOMMENDATIONS		106-110
APPENDICES			

19.0 CONCLUSIONS

- 19.1 Residential child care staff are in a powerful position vis-a-vis the children in their care and unfortunately on occasions this has been misused. The Department of Health and Social Services promulgated discussion on how to prevent this arising and concluded that children coming into residential care and their parents were entitled to have explained to them what type of environment the children were being brought into and the purpose and role of the staff caring for them. They were also to be made aware of the types of treatment, which under any circumstances, would not be acceptable and which would give grounds for making a complaint. Channels for making complaints and procedures for recording and investigating them were set out in a Circular on 30 April 1985. The provision of a complaints procedure has been universally accepted in principle and with some adaptation could be extended to the training schools including the Rathgael Centre.
- 19.2 During the past four years Rathgael Centre has gone through an unprecedented period of change. In the first instance it was necessary to absorb and totally integrate the girls, formally accommodated at Whiteabbey Training School. Staff at Rathgael had previously no experience of dealing with disordered and difficult girls. Similarly the former Whiteabbey staff were faced with moving to a new campus, absorbing new management arrangements and having to work with boys, for some a threatening and anxiety provoking experience.
- 19.3 Following the decision of the Secretary of State, that a split campus, providing for Care and Youth Treatment, would come into being, it became necessary for staff to act in new roles, to draw up new systems of management, to implement new policies and practices, whilst at the same time providing a continuing residential care service for some of the most difficult boys and girls in the Province.
- 19.4 Such massive structural changes have not been without their own difficulties. Senior management, to their credit, have sought to bring about a new dynamic, encourage new thinking and attempted to change many of the institutional practices that were a feature of life in the old training school system.
- 19.5 The Inspectors have made a number of recommendations that is hoped will bring about a change in emphasis in the residential task and lead to an enhancement of the quality of care provided at the Centre. Some of the recommendations can be implemented with little difficulty, whilst some will require more time. The Inspectors were impressed by many features in the Centre. There is a substantial programme of diversion located in Short-Term

Care, with some 85% of admissions being placed in alternative settings. Of the three Adolescent Care Units, one has been totally integrated with considerable success, after much effort in bringing together boys and girls in a setting that, ten years ago would have been totally unheard of in the training school system. Youth Treatment are absorbing many elements of good practice and it is hoped that under the present leadership will continue to improve. The Eastside Project, under the supervision of the community care team has attracted national recognition as an innovative and effective method of supporting young people upon their return to the community.

- 19.6 The Inspectors are satisfied with the standards of care being provided at the centre but would caution against the dangers that an element of complacency might creep in. Instead the period between now and the introduction of the new child care legislation should become a time of change and improvement, where management strive to raise the standards of good social work practice to meet the ever changing needs of the young people in their care.

20.0 RECOMMENDATIONS

- 20.1 Each house unit should be lead by a senior residential social worker. (Para 3.4).
- 20.2 It is recommended that there shall only be 2 grades of staff in each Unit ie: senior residential social worker and residential social worker. (Para 3.4).
- 20.3 The present information system within the school should be reviewed and regularly monitored (para 3.5).
- 20.4 Staffing levels should be calculated using the criteria set out in Para 3.6.
- 20.5 For 130 beds there should be 96 whole time staff or equivalents at senior residential social worker and residential social worker grades (para 3.10).
- 20.6 Staffing arrangements at the Centre should be so revised as to provide a single corps of staff at unit level to cover days, evenings and week-ends (para 3.12).
- 20.7 Duty rosters should be revised so as to provide better staff cover in the evenings and to facilitate later bed times for boys and girls (para 3.13).
- 20.8 The role, function and structure of the senior management team should be reviewed by the Management Board. (Para 3.22).
- 20.9 Individual professional supervision should be introduced throughout the Centre. (Paras 3.23, 5.57, 8.8).
- 20.10 At least one residential social worker should sleep in each house unit at night. (Para 3.30).
- 20.11 Staff effectiveness and attitudes should be monitored by management. (Para 3.32).
- 20.12 An attempt should be made to make the boys unit in Short Term Care less institutional by the use of more plants, pictures and cushions. (Para 5.4).
- 20.13 The dining room in Short Term Care should be made more homely. (Para 5.5).
- 20.14 It is recommended that new bed linen, curtains and lampshades be provided in Houses 9 and 9A. (Para 5.10).
- 20.15 The current policy of censoring all mail and telephone calls should be reviewed. (Para 5.25).
- 20.16 The practice of locking children in their bedrooms in House 9 and 9(A) should be discontinued. (Para 5.27).

- 20.17 Consideration should be given to mixing boys and girls in Houses 9 and 9(a). (Para 5.31).
- 20.18 It is recommended that an information booklet be produced for the benefit of children and their parents. (Para 5.33).
- 20.19 Each child's file should contain their photograph. (Para 5.40).
- 20.20 A form shall be used to set out more clearly the care plans for each child in Short Term Care. (Para 5.43).
- 20.21 It is recommended that fire drills shall take place more frequently in accordance with stately instructions. (Para 5.47).
- 20.22 It is recommended that a list of residents' names be attached to the Fire Drill Book and the time taken to evacuate the building be recorded. (Para 5.47).
- 20.23 Staff should have the opportunity to attend appropriate training courses and a Training Needs' Assessment should be introduced. (Paras 5.53, 8.4).
- 20.24 The means of fire escape, through the staff accommodation at the ends of Houses 2 and 3, shall be reviewed when the next fire inspection, requested by the director, takes place. (Para 6.4).
- 20.25 All three Adolescent Care Units should be integrated gradually. (Para 6.7).
- 20.26 The responsibility for young persons on extended leave should be transferred to the community care team after one month. (Para 6.9).
- 20.27 Teaching staff should take full responsibility for day attenders. (Para 6.10, 9.6).
- 20.28 A more flexible approach should be taken in the transfer of boys from Care to Youth Treatment. (Para 6.11).
- 20.29 The bathroom area in House 10 should be improved ahead of the scheduled refurbishing (para 6.22).
- 20.30 The call system in Shamrock House should either be repaired or replaced. (Para 6.25).
- 20.31 It is recommended that storage space is provided for the young people's personal clothing, that steps be taken to make their beds more comfortable, that attention is paid to the other fixtures and fittings and that the bedrooms are decorated. (Para 6.28).

- 20.32 A more representative admission/review panel should be established for the Close Supervision Unit. (Para 6.35).
- 20.33 The system of recording confinements in the Close Supervision Unit should be reviewed (para 6.40).
- 20.34 No young person shall exceed an aggregate of 72 hours within a 28 day period locked in their bedroom, excluding the normal period between bedtime and the morning rise (para 6.40).
- 20.35 Bedtimes in Shamrock House should be brought into line with the other Adolescent Care Units. (Para 6.41).
- 20.36 Consideration should be given to direct placement to the Adolescent Care Units (para 6.51).
- 20.37 Boys and girls should be more actively involved in their reviews. (Para 6.53, 7.39).
- 20.38 The school-based marks system should be synchronised with those in the Care units. (Para 6.55, 9.8).
- 20.39 Young people should be given the opportunity to manage their own financial affairs. (Para 6.58).
- 20.40 The Centre's policy on smoking should apply to staff and children alike. (Para 6.59, 7.46).
- 20.41 The present policy on smoking should be reviewed with a view to encouraging non-smoking. (Para 6.60).
- 20.42 A senior residential social worker should be appointed to fill the unit management post in House 5. (Para 7.6).
- 20.43 The staff team in House 4 should have the opportunity to visit similar secure units in Great Britain. (Para 7.12).
- 20.44 Deductions for board and lodgings should not be made from YTP "wages". (Para 7.16).
- 20.45 A reasonable balance of male/female residential social workers should be maintained in House 6 (para 7.20).
- 20.46 Boys should be allowed to stay up to watch late night TV at weekends if they wish (para 7.31).
- 20.47 Staff should sit with boys at meal times (para 7.33).
- 20.48 Old training school phrases should slip from common usage. (Para 7.33).
- 20.49 The symbolic locking up of boys in Youth Treatment is unnecessary and shall be discontinued (para 7.34).

- 20.50 Young people shall be given the opportunity to participate in their reviews. (Para 7.39).
- 20.51 The chairing of children's reviews in Youth Treatment should become a function of senior staff. (Para 7.40).
- 20.52 The format of the quarterly review should be examined (para 7.40).
- 20.53 All weekend leave should terminate at the same time. (Para 7.43).
- 20.54 The marks system operating throughout the Centre should be reviewed. (Para 7.44, 9.8).
- 20.55 It is recommended that management review the whole policy of smoking and this should apply uniformly throughout the Centre. (Para 7.46).
- 20.56 The levels of clothing money operating in Care and Youth Treatment should be reviewed. (Para 7.48).
- 20.57 All members of the community care team should be encouraged to attend training courses. (Para 8.4).
- 20.58 The administrative arrangements for the community care team should be reviewed. (Para 8.11).
- 20.59 An answerphone shall be provided at the Eastside Project and consideration shall be given to the provision of part time assistance. (Para 8.37).
- 20.60 Recording systems in the Eastside Project should be reviewed. (Para 8.46).
- 20.61 Consideration should be given to the appointment of an additional social worker to the Eastside Project. (Para 8.47).
- 20.62 Young persons, who are day attenders shall be supervised from the school and their names removed from the house roll as being on extended leave. (Para 9.6)
- 20.63 The allocation of meals in general shall be reviewed and an effort made to rationalise the process. (Para 9.8).
- 20.64 Every effort should be made to maximise the use of Runkerry Centre. (Para 9.9).
- 20.65 The issues regarding the quantity, quality and temperature of food should be examined. (Para 10.2).
- 20.66 Management should examine the feasibility of changing the present catering arrangements. The refurbishing programme shall not act as an impediment to the introduction of cooking in units when practicable. (Para 10.6)

- 20.67 The present practice of dispensing medication should be reviewed. (Para 11.9).
- 20.68 The supervision of the contraception pill should be reviewed immediately. (Para 11.10).
- 20.69 The practice of "sick parades" should be reviewed. (Paras 11.10 and 7.28)
- 20.70 The practice of residential social workers taking children to hospital and other clinics at short notice should be reviewed. (Para 11.20).
- 20.71 A system of monitoring, akin to that used within the Health and Social Services Boards should be implemented. (Para 13.4).
- 20.72 An Admissions and Discharges Register should be maintained (para 14.2).
- 20.73 Steps should be taken, as soon as possible, to resolve the several issues regarding fire inspections and practices set out in paragraph 14.10. (Para 14.9).
- 20.74 Senior management shall review the present operation of the Barnardo's Home Project in as far as it relates to the Rathgael Centre. (Para 18.11).