

THE INQUIRY INTO HISTORICAL INSTITUTIONAL ABUSE 1922 TO 1995

MODULE 9

CLOSING WRITTEN SUBMISSIONS FOR
THE HEALTH AND SOCIAL CARE BOARD

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CONTENTS

1	Introduction	3
2	Manor House and the Welfare Authorities	5
3	Registration and Inspection	8
4	Contact between Children and Persons from Outside the Home	15
5	Peer Sexual Abuse	25

1. INTRODUCTION

- 1.1 The Inquiry is tasked to investigate historical institutional abuse and examine if there were systemic failings by institutions or the State in their duties towards those children in their care between the years of 1922-1995.
- 1.2 In Module 9, the Inquiry has heard evidence in respect to Manor House, Lisburn.
- 1.3 The Health and Social Care Board (HSCB) has confined its written submissions to the following:
 1. Registration, Monitoring and Inspection;
 2. Contact between Children and Persons Outside the Home; and
 3. Peer Sexual Abuse.
- 1.4 To assist with the second topic identified, detailed analysis has been undertaken regarding two Non-Applicant families who were known to social services in Chapter 4.
- 1.5 In extracting these issues the HSCB has sought to identify those matters in Module 9 that touch upon their responsibilities and that will further develop themes seen and addressed in earlier Modules.
- 1.6 If the Inquiry has any further issues outstanding for the HSCB as a result of evidence heard in this Module, the HSCB will respond accordingly.

BACKGROUND

- 1.7 **Manor House**, located in Lisburn, County Antrim, was a voluntary

children's home that existed from 1927 until November 1984, with "gaps in operation at the outset and in the mid 1950s"¹. Following the enactment of the Children and Young Person Act 1950, it was registered as a Voluntary Children's Home on 29 June 1950, by the Ministry of Home Affairs.

- 1.8 The voluntary organisation responsible for the Home's operation was The Society for the Irish Church Missions to the Roman Catholics², now know as Irish Church Missions. The stately home was donated to the organization, and thus this was not a purpose built children's home. A Social Worker familiar with the home in the early 1980's described: "*an old building which always exuded a homely atmosphere*"³.
- 1.9 Following re-opening in 1957 it was a Home that accommodated up to 20 children of both sexes. It received private placements directly from parents, and received children from the Welfare Authorities (later Social Services) as described further in Chapter 2.
- 1.10 The Home closed in November 1984.
- 1.11 Manor House Lisburn is the first Voluntary Home associated with the Protestant faith to be considered by the Inquiry.

¹ As described by Ms C Smith QC, Senior Counsel to the Inquiry in her opening. Transcript Day 173, page 3, lines 5 - 6

² The background to this organisation was described in the opening. Transcript Day 173, page 5, beginning at line 7

³ Statement of MH 37, paragraph 5.4 at MNH 403

2. MANOR HOUSE HOME AND THE WELFARE AUTHORITIES

2.1 As noted in Chapter 1, children were placed in Manor House Home by the Welfare Authorities and later Social Services.

2.2 In Module 4, the HSCB detailed in Chapter 1 analysis that demonstrated that the Nazareth Homes in Belfast were populated largely by 'privately' placed children right up until the late 1960's.

2.3 Of the six Applicants to the Inquiry in this Module it appears that five were 'private placements' and just one was known to the Welfare Authority⁴.

2.4 Documentation to the Inquiry offers a further insight into the nature of children placed. In this respect the HSCB offers the following analysis from the Admission Book provided by Irish Church Missions for the three year period after re-opening⁵:

Year	Welfare Placements ⁶	Total Children Placed ⁷
Nov - Dec 1957	9	10
1958	63	65
1959	26	60
1960	16	35

2.5 Documentation available for the mid 1960 period details the following:

⁴ HIA 366

⁵ MNH 3900 - 3913

⁶ These details are taken from: MNH 3023, MNH 3018, MNH 3015, MNH 3019

⁷ The home had capacity for around 20 children, their actual occupancy is not recorded in the Home's committee minutes, save for 21 March 1968 at MNH 3789

Yr End	Welfare Placements ⁸	Total Children in Residence ⁹
31 March 1965	12	
31 March 1966	13	
31 March 1967	12	
31 March 1968	4	21

- 2.6 Save therefore for the last of these years, it appears that over half of the children resident in Manor House in the mid 1960's were welfare authority placements.
- 2.7 This contrasts with the situation in Nazareth House and Nazareth Lodge, where it was previously noted that in the same year, 1965, Nazareth House Belfast had 31 welfare and 88 voluntary placements; Nazareth Lodge Belfast had 29 welfare and 81 voluntary placements¹⁰.
- 2.8 By 1981 it is known the Home was inspected by the Social Work Advisory Group, Department of Health and Social Services, in September 1981, with a report issuing thereafter in December 1981. At the time of Inspection it is recorded that there were a total of 17 children in residence, 16 of which were placements by Health and Social Services Boards¹¹.
- 2.9 The HSCB has filed evidence in this Module from MH 37 [REDACTED] [REDACTED] a Social Worker who had direct interaction with Manor House. This offers the Inquiry the following insight into the view taken

⁸ These details are taken from: MNH 3023, MNH 3018, MNH 3015, MNH 3019

⁹ The home had capacity for around 20 children, their actual occupancy is not recorded in the Home's committee minutes, save for 21 March 1968 at MNH 3789

¹⁰ As discussed in HSCB Module 4 Closing Submissions, Chapter 1, paragraph 1.7

¹¹ MNH 10015 - 12 were from Eastern HSSB and 4 from Southern HSSB

by a Social Worker in relation to the care provided to children by this Home:

“During my contacts with Manor House I never had any cause to be concerned about the standard of care provided to any of the [] children. I considered the children and their mother to have always been treated with respect and dignity, sometimes under very challenging circumstances, and their care to have been appropriate at all times.”¹²

- 2.10 It appears clear that the Welfare Authorities were using this Home following its re-opening in November 1957, with Health and Social Services Boards continuing to be responsible for children residing there until its closure in 1984. It is within that context that the HSCB make the submissions that follow.

¹² Statement of MH 37, paragraph 7 at MNH 407

3. REGISTRATION AND INSPECTION

- 3.1. Manor House Lisburn was registered as a voluntary children's home between 29 June 1950 and 1 November 1984¹³.
- 3.2. The Ministry of Home Affairs ("the Ministry") and, later on, the Department of Health and Social Services ("the Department") was the regional registering authority for all voluntary homes in Northern Ireland and this included Manor House Lisburn. This point was made in the HSCB closing submissions in Module 4 and the authority for this proposition is found in section 99 of the Children and Young Persons Act (Northern Ireland) 1950¹⁴ and section 127 of the Children and Young Persons Act (Northern Ireland) 1968¹⁵.
- 3.3. As the registering authority, the Ministry, and later the Department, had the power to remove a voluntary home from the register, so long as not less than 28 days notice in writing of its proposal to deregister was given to the voluntary home, where at any time it appeared to the Ministry (or Department) that the conduct of the voluntary home "*was not in accordance with the regulations made or directions given...or is otherwise unsatisfactory...*"¹⁶
- 3.4. The Voluntary Homes Regulations 1952¹⁷ and Children and Young Persons (Voluntary Homes) Regulations (Northern Ireland) 1975¹⁸ set out a number of important mandatory requirements upon the administering authority of each voluntary home in Northern Ireland.

¹³ MNH 2314

¹⁴ HIA 232

¹⁵ HIA 379

¹⁶ HIA 233, section 99(4) of the Children and Young Persons Act (Northern Ireland) 1950 and HIA 379, section 127(4) of the Children and Young Persons Act (Northern Ireland) 1968.

¹⁷ HIA 287

¹⁸ HIA 444

The core duty on the administering authority of the voluntary home is found in regulation 4 which states that *the administering authority shall ensure that each home in its charge is conducted in such a manner and on such principles as will further the well-being of the children in the home*¹⁹.

- 3.5. The 1952 and 1975 Regulations also empowered the Ministry (and later Department) to give directions about the accommodation of children and the administering authority was required to comply with any directions so given by the Ministry (and later Department). Such directions included limiting the number of children who at any one time could be accommodated in the home; limiting the period during which any child could be accommodated in a home; and requiring any child to be removed from a home and to be placed in another home or in a Welfare Authority home or to be boarded out.
- 3.6. In her opening of Module 9, Ms C Smith QC examined important events in the history of Manor House following the coming into operation of the Children and Young Persons Act (NI) 1950 and the statutory requirement for registration. It is known that the Ministry of Home Affairs registered Manor House as a Voluntary Children's Home and that the registration was granted, pending an inspection, on 29 June 1950²⁰. It is submitted that the pending status of the registration supports the view that the Ministry's registration and inspection duties and functions were interlocking.
- 3.7. Given the Ministry's power to remove a voluntary home from the register where it appeared to the Ministry that the conduct of the voluntary home "*was not in accordance with the regulations made or*

¹⁹ HIA 288

²⁰ MNH 2314 and 2733

directions given...or is otherwise unsatisfactory..."²¹, it is also submitted that compliance with the Regulations and Ministerial monitoring and checks regarding compliance were interlocking responsibilities. The administering authority of Manor House had a continuing burden of ensuring and demonstrating compliance with the Regulations and the Ministry had responsibility to monitor and check that the Home was being conducted in compliance with the Regulations.

- 3.8. The symbiotic responsibilities upon the Voluntary Home and the Ministry is demonstrated by the following extract of J B O'Neill, Assistant Secretary's 1954 memo in regard to Manor House:

*"The Ministry has to perform its functions as set out in the appropriate Acts of Parliament and ... it cannot maintain on the register of voluntary homes any home in which conditions are as unsatisfactory as they are in this case. Unless the Committee can assure the Ministry that the immediate steps -- that immediate steps will be taken to bring the home up to the necessary standard, I am afraid that the Ministry will have no alternative but to withdraw the home from the register."*²²

- 3.9. However, it appears from the contemporaneous documentation that MH 46 had not heard of the Voluntary Homes Regulations when Miss Forrest visited in 1953 and that members of the Manor House Committee were "*completely in the dark*"²³ about the Regulations. Given the mandatory nature of the regulations and their role in ensuring that standards in the Home were such to further the wellbeing of children living there²⁴, this must surely be a matter of concern.

²¹ HIA 233, section 99(4) of the Children and Young Persons Act (Northern Ireland) 1950 and HIA 379, section 127(4) of the Children and Young Persons Act (Northern Ireland) 1968.

²² MNH 2837

²³ MNH 2865, Minute of meeting between the Ministry of Home Affairs and Manor House Committee on 17 April 1953.

²⁴ Voluntary Homes Regulations 1952, Regulation 4

- 3.10. The events of the 1950s also demonstrate that the Ministry contemplated transferring the Home as a going concern to the Welfare Authority²⁵. However, it does not appear that the Ministry took the step of giving directions under Regulation 12 of the Voluntary Homes Regulations 1952, of which regulation 12(3) provides that *“the Ministry may direct any child to be removed from a home and to be placed in another home or in a welfare authority home or to be boarded out, or to be otherwise dealt with.”*
- 3.11. It is also noteworthy that the Department acquiesced in the decision of the administering authority of Manor House to place the privately placed children in Dublin when the Home closed in July 1953. There is no indication that the Ministry made checks regarding the standard of accommodation and staffing arrangements in the Dublin home, which was, of course, outside the jurisdiction of Northern Ireland. Nor is there any indication that the Ministry considered giving a direction under regulation 12(3).
- 3.12. On a more positive note, the HSCB notes that prior to the closure of Manor House in 1953, Miss Forrest inspected the Home on a weekly basis²⁶. It is submitted that this shows that Ministry chose to exercise its power of inspection, described in the statute as a power *“at all reasonable times to enter the home and make such examination of the state and management thereof and the condition and treatment of the children therein as he thinks requisite...”*²⁷, in a flexible way, commensurate with prevailing circumstances at the time.

²⁵ MNH 2855

²⁶ MNH 2813

²⁷ HIA 237, section 102(2) of the Child and Young Persons Act (Northern Ireland) 1950; HIA 383, section 130 (2) of the Child and Young Persons Act (Northern Ireland) 1968

- 3.13. However, such an approach has not been seen in other Modules to date which have examined Voluntary Homes. Nor is it seen in the inspection practices that developed in the 1980s, when it appears that the Department adopted a formulaic approach to the timing of inspections, a point that is developed in paragraphs 3.7.1 to 3.7.8 of the HSCB's written submissions in Module 4.
- 3.14. It is also striking that Manor House is the only home investigated by the Inquiry so far which the Department wished to deregister. It is known that Miss Forrest's assessment of the Nazareth Homes in Derry in 1953²⁸ was also bleak but this did not prompt a discussion about deregistration within the Ministry.
- 3.15. In addition, it appears that it was not until the mid-1980s that the Department began to consider regularly reviewing registration of voluntary homes. Mr. Buchanan gave evidence to the Hughes Inquiry about this issue in 1984 and said:

" A. ... Once a registration is made, it can of course be withdrawn if something were unsatisfactory. But apart from that there is no specific provision for review.

Q. Is there presently any consideration being given to any provision nationally to have a review of registration?

A. Yes, there is some thinking being given to that as a possibility. An annual review which will obtain information from each voluntary body covering certain specified types of information, and this information would come to the government department concerned and

²⁸ HIA 1462 - 1464

*would enable the registration issued to be considered on a regular basis in light of the information.*²⁹

A memo penned by Dr K F McCoy on 30 August 1984, also states
*"...there is to be an annual review of the registration of voluntary homes. Our annual inspection of voluntary homes should be linked to this and form an integral part of this activity."*³⁰

- 3.16. It is submitted that Dr McCoy's memo is further evidence of the interlocking nature of the Department's registration, monitoring and inspection functions. However, the Inquiry may question the fact that it was not until mid 1980s that consideration was given to establishing a review system for the registration of voluntary homes, particularly when the Ministry had so anxiously scrutinized the continued registration of Manor House in the 1950s.
- 3.17. To conclude, it is submitted that the events of the 1950s in Manor House serve to highlight the interplay between compliance with the Regulations, standards in the Home, and inspection and registration by the Ministry. They also show that the Ministry of Home Affairs used its power of inspection in an appropriately flexible way, whenever the Department had identified non-compliance with the Regulation's and serious shortcomings in the standards of the Home.
- 3.18. It is noteworthy, however, that due to intervention from the Minister, the Ministry of Home Affairs did not de-register Manor House because the *"Minister felt...that the local Committee was a well-meaning and kindly body of persons (as indeed they certainly were) and that their failings were due to utter ineptitude rather than lack of good intentions and he instructed the*

²⁹ MNH 2242-2243

³⁰ MNH 2240

*division not to withdraw the certificate in any way that would bring scandal upon them.”*³¹ It is submitted that this was an irrelevant consideration and could be viewed as an example of the interests of those responsible for running the Voluntary Home being prioritized over the wellbeing of children in the Home.

³¹ MNH 2330

4. CONTACT BETWEEN CHILDREN AND PERSONS FROM OUTSIDE THE HOME

4.1 In this Module the Inquiry has heard from four Applicants. The HSCB discerns a theme between three of them, in that they each have complaints which arise from contact the Applicants had as children with persons visiting the home:

4.1.1 HIA 289, who was placed in Manor House from [REDACTED] - [REDACTED] [REDACTED], complained of sexual abuse by a visitor to the home - MH 16 [REDACTED] [REDACTED]³²

4.1.2 HIA 290, who was placed in Manor House from [REDACTED] - [REDACTED] [REDACTED], and [REDACTED] - [REDACTED], complained of sexual abuse by "a frequent visitor to the home who came from the local army barracks"³³.

4.1.3 HIA 365, who was placed in Manor House from [REDACTED] - [REDACTED] [REDACTED] and [REDACTED] - [REDACTED] complained of sexual abuse by "a man from the Army that often visited the home"³⁴.

4.2 The evidence indicates that each of these children were privately placed in Manor House, and thus had no involvement with the Welfare Authority.

4.3 Two families have however been identified that had involvement with Social Services in respect of whom a similar theme arises.

The [REDACTED] Family

³² HIA 289's Statement to the Inquiry at paragraphs 6 to 9, at MNH 086 - 087

³³ HIA 290's Statement to the Inquiry at paragraphs 9 to 12, at MNH 002 - 003

³⁴ HIA 365's Statement to the Inquiry at paragraphs 4 to 5, at MNH 008

- 4.4 The [REDACTED] family comprised of three siblings: MH 22 [MH 22], [MH 41] and [REDACTED]. The following factual summary is noted:
- 4.4.1 There were a total of [REDACTED] siblings in the family. MH 22 was placed in Manor House from [REDACTED] - [REDACTED]. By the date of her placement MH 41 [MH 41] and another sister were already resident in the home. MH 41 was placed on [REDACTED].
- 4.4.2 They were accepted into care on [REDACTED] following their mother's death having been previously known to Social Services from [REDACTED]. After their mother's death their father was unable to meet their needs. Three of the siblings were placed in Manor House after placements with relatives broke down.
- 4.4.3 MH 22 had an assigned Social Worker from [REDACTED] County Welfare Committee who visited her in Manor House - for example [REDACTED]³⁵. Records in respect of her suggest there were [REDACTED] Social Workers who dealt with three of the siblings.
- 4.4.4 On [REDACTED], during a social work visit the Social Worker learnt about plans for MH 41 to stay with MH 20 and MH 21 [MH 20 & MH 21] from [REDACTED] with another boy from the home. The Social Worker recorded: "MH 9 [MH 9] confirmed this and was reassuring about this couple's interest in the children as they have been regular visitors over a number of years". It is also recorded: "MH 9 is concerned about MH 41's "sex education" ... She had asked MH 20 to have a word with him and had been "counselling" him in this area herself."³⁶ MH 41 continues to report staying weekends with "[REDACTED]"³⁷ which may be MH 20.

³⁵ MNH 13456. For dates of monthly visits between [REDACTED] - [REDACTED] (save August [REDACTED]) see MNH 13459. Dates of visits in later [REDACTED] recorded at MNH 13461

³⁶ MNH 13475

³⁷ MNH 13484

- 4.4.5 Later in or around [REDACTED] MH 22 was fostered by MH 20 and MH 21. She subsequently disclosed sexual abuse occurring within that placement, which led to her return to residential care and the de-registration of MH 20 and MH 21 as foster carers.
- 4.5 The Inquiry is aware that MH 20 was subsequently convicted of sexual offences against children. The evidence suggests:
- a. That MH 9, [REDACTED], made arrangements for a child in her home to spend weekends out with the family without securing the prior consent of the Social Worker;
 - b. The Social Worker considered MH 9's personal view of the couple to be sufficient information as to their suitability for MH 41 to spend a weekend with in [REDACTED].
- 4.6 The HSCB is also not aware of MH 41 making a contemporaneous complaint against MH 20 or MH 21 of his treatment during periods visiting or staying with the family. It is however known that a later complaint was made³⁸.
- 4.7 This issue relates to the interaction between children in residential care and befrienders, a situation previously addressed by the HSCB in earlier Modules, with particular reference to the Closing Submissions to Module 1, Chapter 11 and Module 4, Chapter 5, in which the HSCB referenced the 1952 Memorandum by the Home Office on the Conduct on Children's Homes, paragraph 34 of which states:
- "It is essential that children should learn to make friends outside the home and should be used to meeting other young people and to visiting ordinary homes.... it is important that a child who has no parents or other relatives who*

³⁸ MNH 6329 records allegations made by MH 41 during a police investigation in 2002.

visits him, or whom he visits, should be befriended individually by local people who are on friendly terms with the staff of the home. .."³⁹

4.8 In this Module there is documentary evidence as to how the issue of befrienders was addressed by Manor House, Lisburn, and in particular by the management committee. The issue of "Hospitality to Children" was on the committee's agenda for their meeting of 16th November 1964⁴⁰ but owing to shortage of time it was "*decided to leave this matter until the next meeting*".

4.9 On 18 January 1965 the following entry appears in the Manor House Home Committee minutes:

Hospitality to Children: Earlier legislation on this matter was reviewed and the matter was further discussed. It was then proposed by Dr McCann and seconded by Mr Frizelle that the rules be amended as follows:-

1. *No child to be allowed out overnight except in care of their parents or guardians in approved circumstances.*
2. *Where a child is invited out for a day or part thereof the invitation can be accepted only where the child is accompanied by a member of the Child Care Staff of the Home approved by the Matron.*
3. *Notwithstanding Clause 2, in exceptional circumstances an invitation may be accepted for a child to be allowed out for a day or part thereof, provided the person concerned is approved by the Matron and Secretary, or, Matron and a member of the Committee of this Home."*⁴¹

4.10 This deliberation occurred in the context of this Home being used by Welfare Authorities (as discussed in Chapter 2). Despite that, the HSCB notes that there was no inclusion of any requirement to either consult with,

³⁹ HIA 476

⁴⁰ MNH 3623

⁴¹ MNH 3630

or seek a decision from, those authorities. This, it is submitted, gives an insight into the degree of autonomy considered to be held at that time by voluntary Homes. The HSCB also respectfully suggests that this position is not surprising as it is in keeping with evidence received in Module 3 from [REDACTED] regarding action taken by him some 7 years later in 1972:

“In July 1972 I was alerted by Divisional Staff that Nazareth Lodge Children’s Home had been allowing couples who wished to befriend or visit children, to take them out without any assessment as to their suitability. I contacted the Mother in Charge to express my concern as to what had been happening and wrote to her in July 1972 confirming that couples and families should be approved by the Welfare Department before children in our care were allowed out, even for day visits and asking her to notify our Department in these circumstances. I also informed the other Voluntary Homes of this policy and our Divisional staff.”⁴²

- 4.11 The HSCB submitted in Module 4 that: “there was social work knowledge in the early 1970s about the need for families to be approved before they could be entrusted with looking after children in the care system and his stance on the matter represents good social work practice at the time”. The evidence in this Module supports that submission and it would also appear that prior to the 1970’s social work knowledge in this area was not as developed, but that is likely to be reflective of practice and knowledge of that time.
- 4.12 The HSCB notes that the approach taken by the [REDACTED] Area Board Social Worker for MH 41 was not in keeping with the approach advocated by [REDACTED] in 1972. It appears that MH 41 may have been visiting and staying with MH 20 and MH 21 in [REDACTED] without any prior Social Services assessment of the couple, or indeed any assessment being commenced even though the Social Worker had learnt of the arrangement. It is also the case, however, that in subsequent years MH 20 and MH 21 undertook an

⁴² RUB 5569 - witness statement of [REDACTED] filed in Module 3 dated 11 November 2014

assessment to become registered as foster carers. They completed that rigorous process successfully and thus there was clearly no indication of any mal intent towards children on their part at that time. It is submitted as likely, therefore, that any assessment of their suitability to befriend MH 41 would, in all likelihood, have resulted in an approval of the arrangements.

- 4.13 It is not known to what extent this was given consideration by the Manor House Home Committee, nor what steps they took as a result of the correspondence recalled by [REDACTED]⁴³.

The [REDACTED] Family

- 4.14 In Module 1, [SND 500] SND 500 gave evidence about the difficult task facing Social Workers working with children in residential care who try to achieve 'a healthy balance between safety and between allowing normal and healthy opportunities for the young people that [they] have got responsibility' for."⁴⁴

- 4.15 It is clear that children residing in residential care come into contact with adults as a result of their daily lives. Social Workers, it is submitted, would have encouraged the involvement of children in activities such as those that would be normal to children that lived with their own families. This would promote normal childhood experiences, notwithstanding their placement in residential care.

⁴³ The minutes of the Committee are not available. It is noted that two minute books were provided by Manor House to the Police regarding [MH 20] are no longer available - MNH 2010. It is also noted that when the committee considered it appropriate, offers of hospitality to children were declined following the Home's policy being accepted in January 1965 - see for example: 3676, 3680, 3702, 3783.

⁴⁴ See SND 500's oral evidence in the transcript for day 28, page 66 lines 1-12

4.16 MH 23 [MH 23] offers another example of sexual abuse of a child in residential care by a person unconnected with the Home. A summary of his circumstances can be described thus:

4.16.1 There were [redacted] siblings in the family, who were placed in Manor House, Lisburn, in [redacted].

4.16.2 MH 23 first met [redacted] while at a holiday camp in Portrush organized for boys in the Home in [redacted]. No offences are alleged to have occurred at that time.

4.16.3 In May [redacted] [redacted] met MH 23 in Lisburn and drove him to his home. Offences were disclosed to have occurred during this time. On [redacted] [redacted] called at Manor House, asked for MH 23 and spoke to him for around half an hour. MH 23 was seen and noted to be distressed. A member of staff within the home took steps to ensure [redacted]' car registration number was noted.

4.16.4 Information about this incident was passed to the [redacted] Health and Social Services Board the following day, [redacted]. MH 23's Social Worker, MH 37 [MH 37], visited on [redacted].

4.17 The HSCB notes that the abuse of [MH 23] was considered by the [Hughes Inquiry] who concluded at paragraph 12.9:

*"In view of the isolated nature of the offence, and the absence of any evidence that [A5] was in contact with [redacted] between summer [redacted] and May [redacted], we found that neither the residential staff nor his Social Worker could reasonably have been expected to prevent it."*⁴⁵

⁴⁵ MNH 10276

4.18 The HSCB submits that there was and continues to be a balance to be struck for children in residential care, with an aim to offer such children opportunities for normal childhood experiences, while ensuring their safety and wellbeing. This was recognized in correspondence dated 20th July [REDACTED] wherein M A Nelson, Assistant Director of Social Services, Southern Health and Social Services Board, notified Mr Wilde, Chief Social Work Advisor at the Department of Health and Social Services of the issues that had arisen in relation to MH 23, together with a complaint made by his mother, noting:

“Manor House is a voluntary Home and the Department of Health and Social Services is responsible for the conduct of its affairs. I have no way of knowing if [REDACTED] allegation that “MH 23 was allowed on three recent occasions to leave Manor House in the company of a man in his late forties” has any substance. I would however suggest that it is more likely that the boy was being afforded only the kind of freedom that is the right of every child in residential care.”

4.19 M A Nelson, ADSS, also noted within this correspondence that there had been no complaints by the Social Workers involved: *“about the quality of child care in Manor House and they have visited the [REDACTED] children regularly.”*⁴⁶

4.20 This correspondence appears to have followed telephone notification to the Department on 19th July [REDACTED], on foot of which Dr K McCoy suggested: *“a supportive visit to Manor House might be appropriate at this time”*⁴⁷.

4.21 While no documentation has been seen that shows immediate action by the Department, it is clear that a visit was undertaken to Manor House on 22nd September [REDACTED] by Mr Chris Walker, Department of Health and Social Services. The focus of this visit was the information regarding sexual

⁴⁶ MNH 2548 - 2549

⁴⁷ MNH 2550

conduct between MH 25 and MH 39 [MH 39] that was reported at the start of that month. Within his Memo of that visit he commented:

“MH 9 obviously resented MH 39’s removal from the Home and clearly felt that MH25 was at least as much to blame as MH 39.”⁴⁸

- 4.22 No actions were identified to be taken by the Department within that Memo, nor has any other documentation been seen to suggest follow-up.

Concluding Remarks

- 4.23 Section 80 of the Children and Young Persons (Northern Ireland) Act 1950 and section 113 of the similarly entitled 1968 Act imposed a general duty on Welfare Authorities to exercise their powers with respect to children in their care so as to further their best interests and to afford them opportunity for the proper development of their character and abilities.
- 4.24 In performing their duties, Social Workers responsible for children in residential care, were tasked with ensuring that their care arrangements were in their best interests and also afforded them opportunities for their proper development. The HSCB submits that this involved a balancing exercise whereby commensurate with the child’s age and stage of development, children would have been encouraged to develop interests and friendships outside the residential Home and part of Social Services’ planning for their care included exposure to normal childhood activities and experiences.
- 4.25 In the HSCB’s view, the Social Services records in Module 9 generally demonstrate that Welfare Authorities and Health Boards monitored the care

⁴⁸ MNH 2551 – 2552

given to individual children through visiting the children⁴⁹, the holding of reviews, liaison with the Home and direct Social Work contact with the child and that this was in keeping with good social work practice at the time.

⁴⁹ As acknowledged by Ms C Smith QC in her opening to Module 9 - Transcript Day 173, page 150, lines 5 - 7

5. PEER SEXUAL ABUSE

- 5.1. Consistent with the picture emerging from previous Modules, it is now known that peer sexual abuse was an issue in Manor House.
- 5.2. It is of note that instances of peer sexual abuse in Manor House were brought to the attention of Social Services in the 1980s, which corresponds with the experience in other residential homes investigated by the Inquiry in earlier Modules. It also corresponds with the timeframe when there was significant developments and growth in social work knowledge about childhood sexual abuse.
- 5.3. The Social Services files held in relation to the [REDACTED] family contain a number of significant recordings relating to alleged peer abuse. These recordings demonstrate how Social Services responded to disclosures and/or reports of peer sexual abuse as set out in the paragraphs below.

MH 25 [MH 25 [REDACTED]]

- 5.4. On Saturday 4 September [REDACTED], a child who was resident in Manor House told MH 28 [MH 28 [REDACTED]], Assistant House Parent, that she had witnessed sexual conduct between MH 25 and a male resident in Manor House on 'Thursday evening'⁵⁰. The Southern Health and Social Services Board was advised about this incident on Monday 6 September [REDACTED] and it appears that the Social Worker and Senior Social Worker visited Manor House that afternoon and that Dr McCann, a member of the Manor House management committee was also in attendance. The Social Worker then accompanied MH 25 to the police station and from there to the Health Centre for a medical examination.

⁵⁰ MNH 390

- 5.5. The Hughes Inquiry found that *“The home’s and the Board’s staff acted promptly and correctly interviewing the boy and A5’s sister in order to establish whether misconduct might have occurred and the Police were informed at an early stage⁵¹.”* However, in a memo dated 16 September [REDACTED] Mr. Johnston, Assistant Principal Social Worker expressed concerns to Mr. Moore, Director of Social Services in the Southern Health and Social Services Board, about the length of time in informing Mr. Forbes SSW about the incident; querying why Lisburn Social Services was informed first (am) Dungannon (pm); and the attitude that the boy appeared to be an injured party and that Social Services might be spoiling his chances to gain admission to the army⁵².
- 5.6. It is the HSCB’s view that such an attitude, if allowed to prevail, would have served to promote the interests of the boy over those of MH 25, which is something the Social Services in this case was not prepared to do. It is submitted by the HSCB that the records show that the steps taken by the Social Workers upon being notified of the incident concerning were entirely appropriate and that the welfare of MH 25 was their paramount consideration throughout.

MH 27 [REDACTED]

- 5.7. On 6 March [REDACTED], Lisburn RUC telephoned Mr. Forbes Senior Social Worker to enquire if the Southern Health and Social Services Board had ever heard about MH 27 having been sexually interfered with whilst in Manor House. Mr. Forbes told him that to his knowledge there had not been any complaints made about such an incident. However, it is known from documentation generated in the [REDACTED] incident concerning [REDACTED] MH 25 that MH 25 had made an allegation that MH 27 had been involved in

⁵¹ MNH 10276, paragraphs 12.10-12.12 of the Hughes Report

⁵² MNH 396

sexually inappropriate behaviour with a boy in the Home. It is also known from the records that Mr. Forbes was involved with MH 25 when she made this allegation in [REDACTED]. Mr Forbes's response to the police enquiry may indicate that he relied on his memory of events rather than checking the records relating to the family which would have been more appropriate in the circumstances.

- 5.8. In June [REDACTED], MH 27 told the Deputy Officer in Charge of [REDACTED] children's home (where MH 27 was then residing), that she had been raped in Manor House. On 22 June [REDACTED], MH 27 stated that everything she said had happened in Manor House was not true and MH 27 was seen shortly thereafter by Dr Manwell, Assistant Specialist in Child Psychiatry who opined that *"it seems clear from her detailed description that two incidents occurred in Manor House with an older boy but MH 27 does not seem to understand the actual meaning of rape...⁵³"* Documents dated January [REDACTED] and April [REDACTED] also record that MH 27 told staff she was raped in Manor House. However, there does not appear to have been any information forthcoming from MH 27 about who assaulted her. Nor does it appear that there was any follow-up with the Police.

MH 23 [REDACTED]

- 5.9. In July [REDACTED], MH 23 disclosed and described experiencing and witnessing coercive peer sexual abuse whilst he was resident in Manor House. MH 23 also talked about having sex with his sister MH 25 in Manor House and he named four older boys responsible for the peer sexual abuse and staff of Manor House who were aware of his sexual relations with MH 25.
- 5.10. In the HSCB's view, the Social Services records show that MH 23's disclosures were very promptly investigated by Social Services and that

⁵³ MNH 360 - 361

appropriate and prompt protective steps were taken by Social Services immediately following the disclosures to the Social Worker MH 37 as MH23 was removed from the residential home which was also home to MH 25 'to enable a full investigation to be carried out'⁵⁴.

- 5.11. The records also show that MH 23 had spoken to the police in connection with the peer sexual abuse allegations and that the Assistant Director of Social Services in the Southern Health and Social Services Board wrote to the Deputy Chief Superintendent of the RUC on 14 August [REDACTED], making a referral 'for whatever action you consider appropriate' in connection with the information that had come to light about MH 23's conduct towards other children⁵⁵. An internal memo in the Southern Health and Social Services Board also shows that the Southern Board pursued this with the police⁵⁶ and the police notified the Southern Health and Social Services Board on 21 January [REDACTED] that the D. P. P. has directed no prosecution⁵⁷.

⁵⁴ MNH 380

⁵⁵ MNH 382

⁵⁶ MNH 384

⁵⁷ MNH 386