

## THE HISTORICAL INSTITUTIONAL ABUSE INQUIRY

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Written submissions on behalf of the Diocese of Derry

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*Introduction*

1. These written submissions are made in an effort to assist the Inquiry to comprehend the relationship between the Diocese and the Sisters of Nazareth children's homes at Termonbacca and Nazareth House. They are designed to augment the written and oral evidence already given to the Inquiry on behalf of the Diocese by Bishop Edward Daly and Father Francis Bradley.
2. The Diocese is concerned that some assumptions appear to have been made about the degree of influence that a Diocesan Bishop may have over the activities of Religious Orders residing and carrying on their work within the boundaries of his Diocese. The Diocese believes it is important that this influence is not overstated as this may give the Inquiry an erroneous understanding of the position both in Canon Law and in practice.

*Canonical Position*

3. During the time period spanning the Inquiries terms of reference the applicable canon law was the 1917 Code also known as the Pio-Benedictine Code. It was subsequently superseded by the Johanno-Pauline Code of 1983 which came into effect on the 28<sup>th</sup> November of that year.
4. The Sisters of Nazareth were, at all relevant times, a pontifical order within the meaning of canon law. That is to say the order was directly answerable to the Holy See. The Diocesan Bishop had limited authority over such a religious order<sup>1</sup> who function autonomously and who were answerable, in the first instance, to their Superior. In the case of the Sisters of Nazareth their Superior was based in London.

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<sup>1</sup> Canon 615 1917 Code

5. If a Diocesan Bishop became aware of concerns about matters of doctrine or morals within any particular order he was required to notify the competent Superior who was required to take the appropriate action.<sup>2</sup> If no action was taken the Bishop could refer the matter to the Holy See but could not interfere directly.
6. The responsibility of the Bishop for doctrinal matters and not matters of internal organisation or discipline of the Religious Orders was, for the most part, duplicated in the 1983 Code.

#### *1951 Records*

7. The Inquiry has asked about the exchange of correspondence between Bishop Farren and the Mother Superior of the Sisters of Nazareth in 1951. It should be noted that in that instance the Bishop of the day was approached by a member of the congregation. She had apparently raised an issue which touched on the issue of the educational abilities of boys at Termonbacca. The Bishop appointed three Priests with educational expertise to investigate the matter. He passed the contents of their report to the Mother Superior in London who took what she deemed to be the necessary action.<sup>3</sup>
8. The issue arising on this occasion appears to have related to education of the children. As the boys at Termonbacca attended school in the Diocese and the Teachers were employed by a Catholic School, this was a matter which would have touched on the Bishop's sphere of influence and was accordingly no doubt a matter of concern to him.
9. It is particularly notable that this instance appears, from Diocesan records, to be the only time that there has been any involvement of the Bishop in an issue arising in one of the homes. Further this involvement was precipitated by an approach to him from a member of the congregation. This, it is submitted, tends to confirm that the Canonical position was reflected in practice over the period of the Inquiry's terms of reference.
10. It further demonstrates that where an issue was brought to the attention of the diocese it did not hesitate to act as required within the canonical structures.

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<sup>2</sup> Canon 618 1917 Code

<sup>3</sup> SND 6210, 6212 & 6213.

11. As the Inquiry panel knows from the evidence of Bishop Daly he could recall only one instance where he received anything in the form of a complaint relating to the Sisters of Nazareth homes which related to an individual who had been separated from her brother as a result of the Child Migration Scheme to Australia.

#### *Funding*

12. The Diocese played no formal role in the funding arrangements of the Sisters. Part of the funding of the Sisters' work would have been by the collection of Alms. On occasion the Diocese contributed voluntarily by donation. The only formal arrangement was to facilitate the collection of alms annually in churches across the Diocese which occurred from the mid-1980's onwards.
13. As the evidence of Bishop Daly has outlined the Sisters depended upon the generosity of the church laity in the diocese who were generous with their time and assisted with fundraising in whatever way they could.

#### *Placement of children in the Homes*

14. As has been confirmed in evidence the Diocese played no role in the placement of children in the care of the Sisters of Nazareth at either Termonbacca or Bishop Street. Nor was there any diocesan role in the placement of infants in the nursery at Fahan.
15. The Diocese cannot exclude the possibility that individual priests were involved directly in the placement of children in the care of the Sisters. If this did occur this would have been at the individual Priest's own volition. There are no Diocesan records which suggest that this did happen nor would there have been any involvement at a Diocesan level. There is no role defined for a priest to become involved in such placements and no policy existed at diocesan level for such a practice. The priest would have been the central leader in these communities and would have been a source or assistance in all aspects of life for many.
16. The Diocese is aware that the Sisters of Nazareth's admission records entries provide that placements were "recommended by" individual Priests. The Diocese is unaware what this expression means. It does not believe that this connotes an encouragement by Priests to families to place children in the

homes. It may perhaps be that families approached the local Parish Priest for assistance as there would have been, in many cases, no-one else for them to turn to. These Priests may have, in turn, contacted the Sisters of Nazareth on behalf of the family. Alternatively such families may have contacted the Congregation directly who may then have contacted the local Parish Priest to seek some background information. There are no Diocesan records which might assist in divining the precise meaning of the expression.

*Diocesan Child Welfare Society (CWS)*

17. As has been explained in evidence this was an umbrella organisation set up to co-ordinate the work of the Sisters of Nazareth Adoption Society & St Mura's Adoption Society. These organisations came into being to formalise the structures for the adoption of children on both sides of the border within the Diocese. Civil legislation required that adoption services be provided by a registered body. The two bodies were exclusively concerned with adoption procedures and no other aspect of child welfare.
18. Initially these services were provided in the Derry Diocese by the Down & Connor Child Welfare Society who had begun its operation in their own diocese but assumed responsibility throughout Northern Ireland. In due course a similar body was set up in the Derry diocese. This was not an autonomous operation until 1977. Prior to then the adoption services were administered under the control of Down & Connor. This period around 1976-1977 was a transition period within the systems for adoption and the development of the arrangement within the Derry Diocese. The role described in documentation before the Inquiry (SND 18271) may perhaps be one based on the Down & Connor model. This was not a role which she had when the Derry CWS achieved autonomy.
19. It should be noted that there are no representatives from the Sisters of Nazareth present at that meeting as might be expected if the role of a Child Welfare Adviser relating to children in their care was being discussed or was in place. Sister Emmanuel was from the Congregation of the Good Shepherd<sup>4</sup> and was a member of the Down & Connor Catholic Family Welfare Society (see correspondence from Bishop Edward Daly to Bishop Philbin dated 9<sup>th</sup> November 1975 *et seq*). Similarly the diocese does not appear to have been represented at that meeting.

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<sup>4</sup> See correspondence from her to Bishop Daly dated 13<sup>th</sup> January 1977

20. Whilst **SND 483** was paid by both the Derry Diocese and Down & Connor this was to reflect the fact that she was working within the former's area and providing services to those living there. During 1976 she would have worked under the direction of Down & Connor insofar as the Derry diocese is aware.
21. In correspondence dated the 30<sup>th</sup> December 1975, Sister Emmanuel of the Down & Connor Society has written to **SND 483** setting out her role. Whilst it appears to be envisaged by Down & Connor that she would have some role in residential child-care this did not occur. As the minutes of the Sisters of Nazareth Adoption Society meetings provided to the Inquiry show, her responsibility was solely with adoption services during her employment by the Derry diocese.
22. The reference to her having been employed by Derry diocese in the correspondence dated the 21<sup>st</sup> November 1977 from Bishop Daly to Mr Blackham is accurate to the extent that Derry diocese contributed to her salary. It is submitted that from the context of that correspondence there is a financial issue being raised and what the diocese is seeking is grant aid to cover the contribution to her salary by the diocese from the beginning of 1976.
23. In the 1975 correspondence referred to above it is clear that **SND 483** worked for the Down & Connor Society "with special responsibility for areas in (the Derry) diocese".
24. A number of suggestions were made during the time that the CWS in Derry was developing. Some proposals came into being, many did not. The desire of the parties to assist the children is apparent yet many ideas did not attract the support of all necessary to develop the procedure. The proposed role of the Child Welfare Adviser in respect of those children in care was not one which was performed by her in her time with Derry CWS, her role was confined to adoption services.
25. Such a role that had been proposed would not have been considered necessary in any event as a Social Worker was appointed to the Sisters of Nazareth homes in 1977.
26. Document SND-17148 sets out a number of proposals relating to the work of the adoption societies and the CWS. The majority of these proposals in that document were carried into action with the exception of those relating to

children in care and the care of children after they left either Termonbacca or Nazareth House, Bishop Street.

27. The note of a meeting between Bishop Daly, Mr Blackham, Director of Social Services and Miss Lennox Asst. Director, makes it clear that the diocesan position on the Sisters of Nazareth homes was that these were the responsibility of that Order.
28. The Panel's attention is also drawn to the statement of **SND 540** who was employed by the CWS from September 1981. Her evidence is emphatic in stating that the CWS was a managerial body whose sole purpose was responsibility for overseeing the work of the two adoption agencies. She does not describe it ever having had any other area of child welfare responsibility. This is also the evidence of Bishop Daly who was intimately involved in the setting up of the CWS. The diocesan records relating to the CWS and the two adoption agencies provided to the Inquiry when read as a whole and allied to the relevant oral and written testimony are compelling evidence of its limited role relating to adoption only.
29. It is misleading to isolate individual documents which may permit of a more ambiguous interpretation when viewed out of context and the Panel should not, it is respectfully submitted, allow itself to be drawn into such an exercise to suit a particular theory of the facts.

#### *Visits by Priests and Chaplaincy*

30. The Panel is respectfully reminded of the evidence of Bishop Daly in this regard. It has been suggested in earlier correspondence from the Inquiry that Diocesan priests may have "unfettered access" to the children's homes. Diocesan priests had no role (save for the work of appointed Chaplains set out below) in providing pastoral care to the children in the homes. This was confined to the elderly who were also cared for by the Sisters of Nazareth. It is probable that any such visits were by parish priests visiting the elderly in the homes who had formerly resided in the priest's locality, priests from the diocese who visited would not have been engaged on diocesan business.
31. Further, the evidence provided to the Inquiry shows that any caller would have been met at the front entrance and would have been enquired to state their business before being permitted entry.

32. Bishop Daly's evidence in relation to the appointment of Chaplains to the homes is again unequivocal. Their role was primarily that of attending to the pastoral care of the sick and elderly and not the Children of the homes. This is why there was no Chaplain appointed to Termonbacca. The Chaplains would also have said mass for the Sisters themselves.

### *Conclusion*

33. It is respectfully submitted that the evidence demonstrates that the diocese did not have any role in the operation, supervision or funding of the voluntary care homes run by the Sisters of Nazareth at St Joseph's, Termonbacca or Nazareth House, Bishop Street, Derry during the time period covered by the Inquiry's terms of reference.

34. The diocese wishes to be clear that it deeply regrets and abhors any instances of abuse whether caused by systemic problems in the provision of residential care in the homes themselves, in the management and supervision of the homes by all responsible for the management and supervision, or carried out by others from outside entering the homes. The diocese is naturally concerned that such instances may have occurred within the diocesan boundaries even though it was unaware of them. The diocese has provided any assistance it can to the Inquiry and hopes that it has contributed constructively to its work. If the diocese can assist any further in the work of the Inquiry it will be happy to do so. It looks forward to the Inquiry's recommendations in due course which will of course be closely studied and any relevant matters will inform the diocesan actions in the future.

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