
HISTORICAL INSTITUTIONAL ABUSE INQUIRY

being heard before:

SIR ANTHONY HART (Chairman)

MR DAVID LANE

MS GERALDINE DOHERTY

held at

Banbridge Court House

Banbridge

on Tuesday, 8th April 2014

commencing at 10.30 am

(Day 24)

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

1 Tuesday, 8th April 2014

2 (10.30 am)

3 (Proceedings delayed)

4 (11.30 am)

5 WITNESS TL19 (called)

6 CHAIRMAN: Good morning, ladies and gentlemen.

7 MR MONTAGUE: Morning.

8 CHAIRMAN: Sorry we were rather later starting this morning
9 than we would have hoped. We will all have to try to do
10 better in this respect in future. Yes?

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

12 Our first witness today is TL19. I am going to call him
13 TL19 during his evidence, as I have done with all of the
14 other witnesses. He is aware, Chairman, that you are
15 going to ask him about taking the oath or affirming.

16 CHAIRMAN: Do you wish to make a religious oath or to make
17 an affirmation, which is a solemn promise? They have
18 the same legal effect. It's entirely a matter for your
19 personal choice.

20 **A. I'll take the oath.**

21 CHAIRMAN: Very well.

22 WITNESS TL19 (sworn)

23 CHAIRMAN: Thank you. Please sit down.

24 Questions from COUNSEL TO THE INQUIRY

25 MR AIKEN: If we can bring up on the screen, please,

1 SND-11659. TL19, appearing on the screen, as we will do
2 with all of the documents, is, all being well, your
3 first statement that you made to the Inquiry. I am just
4 going to ask you to look at it. It will have on it the
5 designation that has been given to you at the moment,
6 which is TL19.

7 The first thing that I want to ask you about is
8 anonymity has been given by the Inquiry to most
9 witnesses coming forward. Anonymity in the end until
10 the Inquiry decides otherwise is an issue for the
11 individual, and I just want to ask you do you want to
12 maintain your anonymity so that when these documents are
13 published, it won't be clear it's you? It is simply you
14 will see what you see on the screen at the moment.

15 **A. I would prefer to retain my anonymity at this time.**

16 Q. In addition if you look at the statement that's on the
17 screen, you'll see that it's got a black redaction where
18 otherwise your name might appear. So I just want you to
19 check that first page and make sure that's the same as
20 the first page of the statement that you gave apart from
21 the black marks.

22 **A. Yes.**

23 Q. Then if we skip over to SND-11660 and scroll down to the
24 bottom of SND-11660, you will see -- I am going ask you
25 to confirm that you have, in fact, signed the statement.

1 You can't do that just by looking at the screen. Can
2 you confirm you have signed the witness statement?

3 **A. I did sign the witness statement.**

4 Q. And that you want to adopt that as your evidence to the
5 Inquiry?

6 **A. I do.**

7 Q. I want to just quickly repeat that process if we look at
8 SND-16576, which is the second witness statement you
9 have given to the Inquiry in recent days, just to
10 confirm that is your statement.

11 **A. It is.**

12 Q. If we look at the last page, SND-16582, and again to
13 confirm that although it appears on the screen with the
14 black mark, you have, in fact, signed the statement?

15 **A. I did.**

16 Q. And you want to adopt that as your evidence to the
17 Inquiry?

18 **A. I do.**

19 Q. Now if we can go back to SND-16576, what I first want to
20 ask you about, TL19, is you worked in

21

22

23

24 **A. That's correct.**

25 Q. First of all, I just want to ask you to -- you were

1 . Is that right?

2 **A. Yes.**

3

4 Q. And what was that course you --

5 **A.**

6 .

7 Q. Then you worked for a year in

8 cial

9

10 **A. That's right.**

11 Q. Yesterday's witness was helping us with the structure

12 within the Board and I know that you, have, in fact,

13 tried to give a model to assist with that, which is at

14 SND-16577. What I want to do is try and understand at

15 the point where you were working in if we go

16 to the bottom left of the diagram, you have the District

17 Social Services Officers for

18 As I understand it, that's one person had

19 that role?

20 **A. That's correct.**

21 Q. Then beneath that -- I know we need to add in bits to

22 this diagram -- but you had a series of people reporting

23 to each other, eventually ending up at this individual?

24 **A. That's right.**

25 Q. And can you help me with -- there was a Senior Social

1 Worker beneath the District Social Services Officer?

2 **A. Beneath the District Social Services Officer there would**
3 **have been two managers, one for Residential Social**
4 **Services, the other for Fieldwork Social Services.**

5 Q. And you were on the side?

6 **A. On the fieldwork side there were then five offices**
7 **across the district. There was an office in**
8 **an office in , one in the and two --**
9 **three on the city side, but two of those teams were**
10 **together in There were Senior Social Workers**
11 **leading each of those teams.**

12 Q. So you've got the District Social Services Officer.
13 Then he has a team of Senior Social Workers?

14 **A. Uh-huh.**

15 Q. Then beneath that there was Assistant Senior Social
16 Workers?

17 **A. If we come down the District Social Services Officer,**
18 **the two Principal Social Workers, one responsible for**
19 **Fieldwork Services, one responsible for Residential**
20 **Services. Now these were -- these posts were eventually**
21 **filled. They were always in the structure, but it was**
22 **many years -- in fact, I became**
23 **and when the Board was established and**
24 **the Trust set up there had not been a**
25 **in until then. So there were**

1 gaps in the management from Senior Social Worker up to
2 Principal Social Worker in those first eight years.

3 Q. Before we return to the structure itself, just picking
4 that point up with you, there was difficulty fulfilling
5 or finding the staff to fill these posts. Is that
6 right?

7 A. That's right.

8 Q. Can you give the Inquiry some indication of the reasons
9 why it was difficult to fill these posts?

10 A. Well, initially the Western Board was the coming
11 together of the former County Fermanagh Welfare
12 Committee & Health Committee. It was the coming
13 together with County Tyrone, County Londonderry and the
14 Derry City Welfare Committee as well as hospital
15 management committees for the hospital, because that
16 existed. So it was a bringing together of a range of
17 health and social care services. There were very few
18 social workers and management in some of those areas,
19 and therefore when they go up together, there were many
20 gaps in the structure, and it took several years for
21 recruitment to take place in order to bring people in.
22 There was also training programmes established to enable
23 people who had basic qualifications to qualify as
24 qualified social workers and over the years then we
25 managed to fill the gaps, both at basic -- at social

1 work level, professional social work level, senior
2 social work level, Office Manager or AP level and then
3 Principal.

4 Q. So there was a shortage of qualified social workers to
5 come in to work within the Board?

6 A. Very much so.

7 Q. And that's something that improved over time?

8 A. Over time.

9 Q. At what point would you say, "We'd sorted that point,
10 that problem"?

11 A. That would be -- that's difficult to say. I think by
12 19... -- by 1980 I think we were achieving most --
13 getting most posts filled, but by that stage there was
14 also a changing culture within social work. As we got
15 into the '80s we started looking at specialisms and
16 people started to specialise in childcare and the
17 generic teams that had existed back in '72 and right
18 through where social workers would have carried a case
19 load that would have had -- dealt with services for
20 older people, people with mental health, learning
21 disability, physical disability as well as family and
22 childcare. So case loads would have been sizeable. It
23 could be nearly 60, 70 families in any one social
24 worker's case load or social work assistant's case load
25 and it would have been from all programmes of care.

1 Q. So when you took up your role as
2 , then you are handling not just
3 children's work but you are handling a broad spectrum
4 across the whole social work field?

5 **A. That's right.**

6 Q. And beneath -- if we go back to the diagram, you've got
7 above you -- who was the person who was performing this
8 role as the ...?

9 **A. The** was SND 496
10 SND 496 **and then the next person in post was the District**
11 **Social Services Officer,** SND 469 .

12 Q. So SND 469 was the person who was the District
13 Social Services Officer?

14 **A. Uh-huh.**

15 Q. And who was he reporting to?

16 **A. He would have reported to the Director of Social**
17 **Services and that was -- in the beginning that would**
18 **have been** SND 520 **and then later** TL 18

19 Q. Mr?

20 **A.** TL 18 .

21 Q. And we heard yesterday about TL 17 . Does he come
22 into this post?

23 **A. Yes.** TL 17 **is underneath the Director of Social**
24 **Services and to the right of this list, ADSS Family &**
25 **Childcare.** TL 17 **would have filled that post when**

1 **A. No, the**

2 Q. The area?

3 **A. Yes.**

4 Q. Then in you become the

5 **A. Yes.**

6 Q. Are you still at that point reporting to SND 469

7 SND 469

8 **A. Yes.**

9 Q. And in 1985 then you are promoted to become the

10

11 **A. That's correct.**

12 Q. So that would be you then moving to the very right-hand

13 side of the diagram?

14 **A. That's right.**

15 Q. Then you became the

16

17 **A. Yes.**

18 Q. And you carried on in that role until

19 **A. That's right.**

20 Q. Well, hopefully we can try to -- at any point that we

21 are trying to fix the time periods of your evidence you

22 can assist me by telling you who you were at that

23 particular point in time.

24 **A. Sure.**

25 Q. What I want to do, first of all, is ask you --

1 CHAIRMAN: Mr Aiken, just looking at the chart, SND-16577,
2 which box do you go into when you become

3

4 **A. I go into the box described as the**

5

6 CHAIRMAN: Yes. So all these other responsibilities were
7 part of your responsibility?

8 **A. Yes, after .**

9 CHAIRMAN: Thank you.

10 MR AIKEN: Then it gets worse after that, because you go
11 right to the top of the tree.

12 **A. When I become ,**

13

14 Q. And then you

15 **A. Yes.**

16 Q. The first issue that I would like to consider is about
17 Termonbacca and then about Bishop Street and about how
18 you would describe those homes from your experience. So
19 if we can take that back to when you first would have
20 been going into Termonbacca --

21 **A. Uh-huh.**

22 Q. -- can you remember at what point in your career you
23 would have first gone there?

24 **A. Yes. I would have started visiting Termonbacca in 1975,**
25 **because there were children who would have been under**

1 **the supervision of staff in the social work team I led**
2 **placed in Termonbacca. So I would have visited the home**
3 **from time to time.**

4 Q. Now to try to put this in context, at that point in 1975
5 within the Board you have Fort James?

6 **A. Yes.**

7 Q. You have a specialist family unit in Mourne Drive?

8 **A. Yes.**

9 Q. You don't yet have Harberton House?

10 **A. No.**

11 Q. You then have Termonbacca and Bishop Street?

12 **A. Yes.**

13 Q. Now how would you describe Termonbacca in terms of
14 a children's home? What was your impression of the
15 place when you were going in initially?

16 **A. It was a very large children's home, but I found the**
17 **environment to be warm and caring and I found the staff**
18 **that I dealt with, particularly one of the sisters there**
19 **and the houseparents, to be very caring.**

20 Q. Now the sister that you're talking about, can you --

21 **A. That would be SR2.**

22 Q. That's SR2?

23 **A. Yes, I think so.**

24 Q. So in 1975 when you were there --

25 **A. Uh-huh.**

1 Q. -- you found her and those you came in contact with --
2 saw them a positive way?

3 **A. Yes.**

4 Q. Yesterday SND484 described taking a child to Termonbacca
5 and expecting the child to find it intimidating --

6 **A. Uh-huh.**

7 Q. -- the nature of the large building, large grounds, gate
8 going in --

9 **A. Yes.**

10 Q. -- the large structure with lots of children. Is that
11 a fair summary or how would you describe it compared to
12 the other homes you were aware of?

13 **A. Well, it was a very large home, as I've said. It had --**
14 **I mean, there were probably 40 or more children, 60**
15 **children probably at one stage in the home. So it was**
16 **a very large establishment, and I think for children it**
17 **might well have been intimidating, but I felt that the**
18 **caring and the atmosphere of the home was welcoming.**

19 Q. One of the issues that SND484 raised that was a concern
20 for her was about what she called children being
21 institutionalised.

22 **A. Yes.**

23 Q. There was a statutory bias in favour of fostering --

24 **A. Uh-huh.**

25 Q. -- and that the nature of the home made securing

1 a successful fostering arrangement more difficult.

2 **A. Uh-huh.**

3 Q. Is that a view you would share?

4 **A. I wouldn't have been aware of that, to be honest,**
5 **because I probably wasn't working closely enough with**
6 **the children who were coming out of care to be fostered,**
7 **but I think that it -- institutional, yes. I think it**
8 **was very large and therefore I think that children could**
9 **become institutionalised in the setting.**

10 Q. Then in 1976 SND332 takes up a post. How would you
11 describe your working relationship with him and how that
12 affected the Board working with Termonbacca?

13 **A. I believe that SND332 was a very exceptional**
14 **professional social worker and a very keen advocate for**
15 **the children who were placed in Termonbacca. I think**
16 **that he brought a professionalism to the environment, to**
17 **the staff group there, and I think that his relationship**
18 **with the Board and particularly with the residential**
19 **social work staff was very positive in attempting to**
20 **raise the standards to those that were then applying in**
21 **the statutory sector.**

22 Q. So that's your impression of Termonbacca?

23 **A. Yes.**

24 Q. We are going to come for reasons that you are aware of
25 to look at some specific matters to do with Bishop

1 Street in the early '90s --

2 **A. Uh-huh.**

3 Q. -- by which time it was a two-unit, ten children per
4 unit, so it was small, albeit in a big building, small
5 children's home. Do you have experience of Bishop
6 Street at the same time in the mid '70s as you did for
7 Termonbacca?

8 **A. I don't recall having that same contact with Bishop**
9 **Street as I did with Termonbacca, but I certainly would**
10 **have visited from time to time with children who were in**
11 **care, but I don't have the same memory of being as**
12 **involved with them.**

13 Q. Now what I want to do is ask you to look at a document,
14 SND-1464, please, which is -- we did this with SND484
15 yesterday. This is a report written -- sorry.
16 HIA-1464. My apologies -- written by SND 521
17 who was someone in the Ministry of Home Affairs working
18 in Children's Services, and she was carrying out
19 an inspection of all of the voluntary homes. What you
20 will see on the screen -- you have had an opportunity to
21 consider this beforehand, but if you want to just take
22 a moment or two rather than reading it out again,
23 because everybody is getting tired hearing me do that.

24 **A. Uh-huh.**

25 Q. If you take a moment just to read through it, you will

1 see the way that she describes Termonbacca and Bishop
2 Street.

3 **A. Uh-huh. Yes.**

4 Q. Now, to summarise that, she is describing a place where
5 she expects to be very difficult for a child and
6 somewhere where there's not love and how it's really
7 a place that needs a complete overhaul and all the help
8 that the Ministry of Home Affairs can give, and
9 ultimately the Department of Health will need to tell us
10 what was done by them on foot of this memo from SND 521
11 SND 521 but what I want to ask you, TL19, is whether
12 what she is describing, whether you can recognise that
13 from your time going in in the mid '70s?

14 **A. No, I don't. I don't think that it was a loveless place**
15 **or in any way depressing. As I say, I found it**
16 **an environment that was positive and constructive. As**
17 **I said, I think that it was very large, Termonbacca.**
18 **I think that the Nazareth House, Bishop Street home was**
19 **located in an environment in which there was an old**
20 **people's home, there was a school, and so I think that**
21 **we now know that you wouldn't develop residential**
22 **facilities of either that size or with that -- in that**
23 **locale. Again you would be looking at much smaller,**
24 **family-based facilities and we now have facilities of**
25 **six or eight children. So it has changed dramatically**

1 I think by the mid '70s. I don't think it was like as
2 described there by the inspector.

3 Q. So, to summarise that, however it came about, what
4 SND 521 was experiencing in the early '50s was
5 not what you were experiencing in the mid '70s?

6 A. No.

7 Q. And then Termonbacca closed up in 1982 and Bishop Street
8 ultimately changed dramatically from being a large
9 institution type environment to being small units --

10 A. Uh-huh.

11 Q. -- by the '80s.

12 A. Yes.

13 Q. Now what I want to do is to look at an issue that arises
14 and that's the role of the Western Board in voluntary
15 homes. Now I want to be clear I am not asking you at
16 this point in respect of children that you were placing
17 in these homes. We will come to that. What I am
18 talking about at the moment is the role that the Board
19 played in the homes generally, whether or not you placed
20 a child there.

21 Now a number of issues have been raised by the
22 Department of Health that I want you to take the
23 opportunity to think about and tell the Panel your view
24 on. If we can just go to SND-11660, because it's
25 a particular point that you make in your first statement

1 that a number of these matters arise from. It is where
2 you say at number vi:

3 "The board had no legal responsibilities towards
4 children placed voluntarily at Nazareth."

5 By that I am taking to be Termonbacca and Bishop
6 Street.

7 "Its responsibility was to those children that it
8 placed there."

9 **A. Uh-huh.**

10 Q. So at this point in your statement you are delineating
11 clearly between children that were in care of the Board,
12 who were going to be placed somewhere, whether that
13 turned out to be Bishop Street or Nazareth, as opposed
14 to those who were voluntarily admitted to Bishop Street
15 or Nazareth House as a result of whatever circumstances
16 that arose for them and their families. So you had no
17 involvement in it and the point I am making, as
18 I understand, here was there was no legal obligation on
19 you in respect of those children. They were not in care
20 under the terms of the Children & Young Persons Act.

21 **A. Yes.**

22 Q. Now what I want us to do is we can look at HIA-364,
23 please, and I am going to try to set the scene for
24 a line of questioning that hopefully will make sense if
25 I do it this way. If you just increase the size of the

1 page for me. So section 103 -- scroll down further,
2 please, so we get the bottom of the page. Section 103
3 is effectively the gateway or the threshold by which
4 someone would come into care, so where it appears to the
5 Board by the time we are talking about with respect to
6 a child in their area appearing then to be under the age
7 of 17 and he has either not got a parent or guardian or
8 (b) that his parents or guardian is unable, if I can
9 summarise it in this way, to provide proper
10 accommodation, maintenance and upbringing, and in either
11 case that the intervention of the Board is necessary in
12 the interests of the welfare of the child, at that point
13 if those tests were met, it would be the duty of the
14 Board to receive the child into care.

15 Do you recognise that now when you look back?

16 **A. I do, yes.**

17 Q. No that's the gateway that placed an obligation on the
18 Board to take children into care and look after them.

19 **A. Yes.**

20 Q. Now the point that -- if we then look at section 113,
21 which is at HIA-372, when you assumed the care of
22 a child who met the criteria, section 113:

23 "Where a child is in the care of the Board, it is
24 the duty of the Board to exercise their powers with
25 respect to him so as to further his best interests and

1 to afford him the opportunity for the proper development
2 of his character and abilities."

3 So you have two obligations. One is a duty to take
4 children into care in certain circumstances.

5 **A. Uh-huh.**

6 Q. Then this is the duty that was imposed on you when you
7 had the children in care. Now the question that's
8 posed, and I am trying to wrap this up as best I can and
9 ask you to comment on it, let's say in the '70s you
10 still had significant numbers of children in Termonbacca
11 and Bishop Street who were voluntary admissions.

12 **A. Uh-huh.**

13 Q. A minority, a growing minority and eventually a majority
14 were being placed there by the Board, but there was
15 a raft of children who were not placed by the Board and
16 therefore not "in care", if I can put it that way.
17 That's the context.

18 The question that's being asked is: well, would most
19 of the children in those two homes who were there
20 voluntarily, as it were, had been abandoned, taken there
21 by priests, whatever the circumstances, not have met the
22 care threshold and essentially were children who would
23 have met the section 103 definition of children who were
24 needing to be in the care of the Board? Do you
25 understand what I am getting at?

1 **A. I do.**

2 Q. Well, is that -- is that something that was ever
3 considered to your knowledge?

4 **A. I don't think so. I certainly have no recollection of**
5 **anyone considering assessing the need of the children**
6 **there, whether or not they should be received into care.**
7 **They were already in a place of safety. They were being**
8 **looked after and it was not -- I don't ever have any**
9 **memory of that being raised as a possibility.**

10 Q. One of the -- you will no doubt have worked out where
11 this is going, but one of the consequences of the child
12 being in care is that the Board maintained the child --

13 **A. Yes.**

14 Q. -- and either placed it in services that it was itself
15 funding or placed it in a voluntary home and paid for
16 the child to be there --

17 **A. Yes.**

18 Q. -- and obviously in addition to paying for the child had
19 the oversight that came with the social worker being
20 assigned to them, visiting taking place with six monthly
21 reviews. The suggestion that's being made is if those
22 children met the threshold, they should have been
23 availing or getting the benefit of all of that care and
24 protection.

25 **A. Yes.**

1 Q. But to your recollection nobody ever within the Board
2 thought proactively about addressing the fact there's
3 these 200 children in these two homes?

4 **A. That's right. I don't think they did. It may have been**
5 **assumed -- perhaps that's not what we are here to**
6 **consider -- that, in fact, the parents didn't want the**
7 **child to be in State care, but they were happy for the**
8 **child to be in the care of the Sisters of Nazareth, but,**
9 **as I said earlier, I'm not aware that we -- that the**
10 **Board ever considered through the residential staff**
11 **asking for an assessment of those children and even**
12 **seeing should they be received into care.**

13 Q. There is -- so there wasn't this proactive move from the
14 Board in the '70s by the time that you had got schooled
15 up, by which I mean staff in place and so on. So that
16 proactive approach hadn't been taken, but there are
17 examples I just ask you to comment on.

18 If we go to SND-2018, please -- and you had
19 an opportunity to look at this earlier, TL19 --

20 **A. Yes.**

21 Q. -- you thought that this was -- well, that's singularly
22 unhelpful. If we go a few pages back, please. Just
23 stop there for a moment, please. If you just scroll
24 down for me to the next page -- to the next page. Just
25 stop there. Right. If you can go to SND-2015. We have

1 got a technological breakdown. While Miss Caslin is
2 helping me out with that I am going to set the scene for
3 this.

4 We are going to shortly ask you to look at a letter
5 from SND 483 from what had become the Diocese &
6 Welfare Committee, which was, as I understand it, under
7 the auspices of the Diocese of Derry, the Roman Catholic
8 Diocese of Derry, and was involved in engaging with
9 children that came to their attention, writing to the
10 Board asking them to take into care I think in this
11 particular exchange it is three children or two
12 children -- we will see shortly -- taking two children
13 into care who were already living in Termonbacca. Are
14 you -- as you try and reflect on this now --

15 **A. Yes.**

16 Q. -- were you aware of that type of exchange happening at
17 the time, ie children who were already in Termonbacca
18 being brought to the attention of the Board and inviting
19 the Board to take them into care, ie to start funding
20 them and looking after them under the scheme that
21 operated?

22 **A. No, I hadn't been aware that specific children would**
23 **have been selected or identified rather as potentially**
24 **being received into care unless it was an alternative**
25 **type of care being proposed which the statutory sector**

1 **would have provided.**

2 Q. Well, what the exchange that we are shortly going to see
3 I hope shows is that this letter comes to the Board and
4 then ultimately it is considered, and SND 468 , who,
5 as I understand it, was in the Fieldwork team --

6 **A. Yes.**

7 Q. -- was the person to whom the Fieldwork social officers
8 reported --

9 **A. Uh-huh.**

10 Q. I can't remember his title.

11 **A. He would have been Assistant Principal Social Worker --**

12 Q. He's the Assistant Principal Social Worker.

13 **A. -- accountable to SND 469 .**

14 Q. By this point in '75 you are not his next in command?

15 **A. No.**

16 Q. His next in command was SND 469 --

17 **A. Uh-huh.**

18 Q. -- SND 469 , and he writes back in fairly short
19 terms basically taking the children into care.

20 **A. Yes.**

21 Q. It may be, Chairman and Members of the Panel, there will
22 be problems for the core participants if they don't have
23 a copy of this document, but I will deal with that over
24 lunchtime, if that's acceptable.

25 If we just look at the letter that comes in from the

1 Diocese & Child Welfare indicating the three boys -- at
2 least two of those names -- in fact, three of those
3 names will be already familiar to the Inquiry Panel --
4 and saying that:

5 "The above named boys at present are in St. Joseph's
6 Home, Termonbacca. Their home is receiving no
7 maintenance for any of them and I therefore request your
8 Board to take them into care under section 103 of the
9 '68 Act."

10 They set out what information they have, indicate
11 efforts have been made to trace the parents, the
12 mothers, and that has been unsuccessful:

13 "In most cases nobody knew of the existence of these
14 children and investigations were stopped when it was
15 found it may cause hardship or even break up a family."

16 So that's actually written to SND 469 .

17 **A. Yes.**

18 Q. Then the reply at SND-2015 --

19 CHAIRMAN: Before we read that can you interpret the
20 handwritten note at the bottom? It is not very clear on
21 my copy, Mr Aiken. It seems to be:

22 SND 468 something is discussed ..."

23 MR AIKEN: That's what I am about to ask TL19.

24 CHAIRMAN: "... with^{SND 483} -- with SND 483

25 **A. Yes. I think the letter has come to SND 469 . He**

1 has sent it -- a copy to SND 468 who is the

2 , saying:

3 "As discussed ..."

4 He has obviously discussed it with SND 468 and he is
5 saying:

6 "Please discuss with SND 483

7 The consequences of that is the memo -- the letter
8 that then goes out on 22nd March.

9 MR AIKEN: Then on 22nd March he writes back saying:

10 "I refer to your letter about the above-named boys.
11 They have been received into care under section 103 and
12 with effect from the suggested date. For the time being
13 it is proposed the boys remain in St. Joseph's Home
14 while the possibility of foster care is considered."

15 Of course, the foster care being considered, that
16 was the primary aim of any child who was in care --

17 **A. Yes.**

18 Q. -- was to see them boarded out?

19 **A. That's right.**

20 Q. What I -- you weren't aware of this particular example?

21 **A. No.**

22 Q. But would you agree with me that it raises a number of
23 issues. Obviously the Sisters of Nazareth congregation
24 would have known on foot of what happened thereafter, ie
25 you started having payment obligation for these

1 children; you started presumably visiting them with
2 a social worker.

3 **A. Uh-huh.**

4 Q. We can check the records to make sure that's likely to
5 have happened. Maybe the Board's representatives will
6 check that for us. That would have perhaps raised, "Oh,
7 well, we can do that with other children".

8 **A. Yes.**

9 Q. Do you know -- this might be the tip of the iceberg, for
10 instance. Do you know if that did happen with other
11 children?

12 **A. I am not aware of it happening at all, no.**

13 Q. In addition to the -- obviously SND 483 --

14 **A. Uh-huh.**

15 Q. -- who was the , then
16 also knows it takes place.

17 **A. Yes.**

18 Q. We haven't seen any documents. Presumably you are not
19 aware of whether there are any documents that suggest
20 that there was a review done at some stage and a stop
21 being put to this type of exchange?

22 **A. No, not at all. As I say, I think that the sentence
23 where it says there:**

24 **"They will stay where they are but we are
25 considering foster care",**

1 I presume that was the rationale for agreeing to
2 receive the children into voluntary care and retain them
3 or keep them -- allow them to stay at Termonbacca with
4 a view to having them boarded out.

5 Q. Just to be clear, voluntary care you are talking about
6 section 103 --

7 A. **103.**

8 Q. -- care under the responsibility of the Board, but there
9 were two ways to come. You could come in under the
10 court order or come in voluntarily.

11 A. **Yes.**

12 Q. And you are talking -- so it is separate from the
13 voluntary private admission?

14 A. **Placement. Private. Yes, separate from private it's**
15 **about.**

16 Q. Hopefully we will have no more technical hitches, TL19,
17 but we will wait and see.

18 So that was one way that -- can I also ask you to
19 consider at the very least when that letter came in
20 1975, and we don't yet know if there were letters before
21 or after it, there's another message that comes from it
22 and it is that -- to the Board people who are looking at
23 it, so in this case it is at least SND 468 and ^{SND 469}
24 SND 469 It is that, "There are children in St.
25 Joseph's Home who might qualify or might need to be in

1 care under section 103 and be our responsibility", and
2 you are not aware of any further inquiry that that type
3 of letter might have caused, which is, "How many more
4 children like this would we need to get our hands on?",
5 if I can put it that way?

6 **A. Yes. No, I am not aware that any discussion took place**
7 **regarding reviewing the children in care and**
8 **determining -- reviewing those children in care who were**
9 **placed by parents or other third party placements but**
10 **not through the Board to determine whether or not we**
11 **should be involved in their future care.**

12 Q. Another issue that the Department of Health raised --
13 I want us to go back to HIA-383, because whatever about
14 the -- reviewing proactively the children who were
15 voluntary admissions by the time the Board is up and
16 functioning under section 131 of the Act -- if we just
17 can scroll down. This is a section that we talked about
18 earlier, but you didn't get to see the actual wording,
19 but what it does is place an obligation -- I will just
20 read it to you:

21 "Where it comes to the knowledge of a Board that
22 there is in their area any child who has attained the
23 upper limit of compulsory school age ..."

24 If I just stop there, as I understand it, at this
25 point in time we are talking about 16?

1 **A. Uh-huh.**

2 Q. "... and who at the time when he attained that age or at
3 any subsequent time was, but is no longer, in the care
4 of a voluntary organisation ..."

5 So we are talking about someone who was in
6 a voluntary home. There is no distinction being made
7 between whether they were there placed by the Board or
8 not.

9 **A. Uh-huh.**

10 Q. "... then, unless the authority are satisfied that the
11 welfare of the child does not so require, they shall be
12 under a duty so long as he has not attained the age of
13 18 to advise and befriend him ..."

14 So what we've got, if I just stop there to unpack
15 this, is an obligation placed on in this case the Board
16 in respect of every child who is in voluntary care after
17 the age of 16 and before they reach the age of 18 to
18 advise and befriend them.

19 **A. Uh-huh.**

20 Q. Now the caveat to that is this:

21 "But where the Welfare Authority", or where the
22 Board, "are satisfied that the voluntary organisation
23 have the necessary facilities for advising and
24 befriending him, the [Board] may make arrangements
25 whereby, while the arrangements continue in force, [the

1 child, 16-year-old] are be advised and befriended by the
2 voluntary organisation instead of the [Board]."

3 So trying to turned that into layman's terms, if
4 I~may, you have got this obligation to engage with
5 children in voluntary homes who are over the age of 16.
6 That's a duty that's on the Board to do that. The only
7 way out of that duty is to check that the voluntary home
8 that they were in are satisfactorily performing that
9 function and agreeing with the voluntary home that they
10 will continue to do that --

11 **A. Uh-huh.**

12 **Q.** -- until the child becomes 18. Now what I want to ask
13 you is did that actually happen?

14 **A. I don't believe it did. I am not -- aftercare --**
15 **leaving and aftercare services didn't develop until much**
16 **later, certainly in the '80s before we had structured**
17 **leaving and aftercare, and it took a range of ways and**
18 **services from supported housing and accommodation within**
19 **the grounds of children's home like Fort James or indeed**
20 **accommodation across the city in Derry. It was much**
21 **later that that developed and also in providing**
22 **appropriate support and enabling them to look at work**
23 **opportunities and so on. So I am not aware back in the**
24 **mid '70s and moving forward to the '80s that that was in**
25 **place.**

1 Q. If I just look at a number of issues that arise from
2 that, TL19, if I may, by the time you are talking about
3 the '80s in terms of aftercare being developed by that
4 stage Termonbacca is closed.

5 **A. Yes.**

6 Q. And the Bishop Street premises is filled with
7 effectively Board children by that point in time.

8 **A. Right. Uh-huh.**

9 Q. Two units of ten each and they are from the Board by and
10 large.

11 **A. Yes.**

12 Q. So this issue we are looking at doesn't arise in terms
13 of the aftercare you were providing. You were providing
14 anyway for Board children.

15 **A. Uh-huh.**

16 Q. Is it the case you are simply not aware of any move made
17 by the Board to address the requirements of section 131?

18 **A. Once we started providing care -- aftercare, it was
19 provided for all children who were in the care of the
20 home. We didn't segregate children who were in
21 Harborton from children who were in Nazareth House. So
22 that children would have been catered for in that
23 service development. That would be my opinion.**

24 Q. But you are not aware of any effort by the Board to
25 engage in the aftercare of the private admissions that

1 are being talked about in section 131?

2 **A. No.**

3 Q. Now what I want to do now is park the issue of the
4 Board's involvement in voluntary homes generally and
5 I want to look at the issue of the Board placing
6 children that are in care under the Children & Young
7 Persons Act --

8 **A. Uh-huh.**

9 Q. -- into voluntary homes in the context of Bishop Street
10 and Termonbacca. I am now drilling down into children
11 that were your responsibility and you were placing in
12 these homes.

13 **A. Yes.**

14 Q. That is the context of what I'm going to ask you now.
15 The first thing I want to ask you to address, if you
16 can, is you've got -- if you take an example, you've got
17 a child who is in care. You don't have an immediate
18 foster placement available and you have to put that
19 child in a children's home. Who was making the decision
20 about where a child would go?

21 **A. The referral would be considered between -- initially**
22 **between the social worker and the Senior Social Worker**
23 **as to how the child could be best cared for and then**
24 **the -- in discussion with the officer manager, the**
25 **Assistant Principal Social Worker in the office.**

1 Agreement would be reached, for example, residential
2 care is in the child's best interest. At that stage
3 then contact would be made with the home, be it the
4 voluntary or statutory home, with a view to seeing if
5 there was a place, and if there was, could the child be
6 placed there.

7 Q. So in -- is this on the residential side rather than the
8 fieldwork side?

9 A. The fieldwork side would be responsible for doing the
10 assessment and determining whether or not residential
11 care was appropriate. The residential side would be
12 advised of the attempt to seek a place in either
13 voluntary or with the statutory sector.

14 Q. So to try to place this in the late '70s, between '75
15 and '80, when you are in this general area --

16 A. Yes.

17 Q. -- we are talking about the fieldwork social workers
18 talking to SND 468 --

19 A. Uh-huh.

20 Q. -- SND 468 potentially talking to you, you
21 potentially talking to SND 469 about where a child
22 should go and then some one of you speaking to the
23 residential --

24 A. Yes.

25 Q. -- people and having them make the arrangements?

1 A. No. It wouldn't have been as I want to use the word
2 bureaucratic as that. I think the social worker would
3 talk to the Senior Social Worker and it would have been
4 within the office that APSW would have said, "This is
5 the appropriate way forward".

6 Now if it was a voluntary admission, in other words,
7 the parents were saying, "Yes, you can do this", a
8 section 103 as opposed to it being an emergency
9 admission, section 99, if it was a section 99, you were
10 going to have to go to court to present the arguments
11 for receiving a child into care and placing the child,
12 if it was -- but you would have made -- ensured that you
13 had a place in either -- before you have would have gone
14 to court, and certainly when you were going to go to the
15 parents to discuss the placement you would have wanted
16 to ensure you had somewhere for the child to go, and
17 that would have been -- sorry -- just to end, that would
18 have been as a result of conversation with the
19 residential staff, who over -- had oversight of the
20 residential services.

21 Q. So we've got -- we've got SND 468 and you and ^{SND 469}
22 SND 469 On the residential side who were the
23 individuals who were performing these roles?

24 A. Initially TL 20 was the of that
25 , initially at

1 , but later at level, and
2 he had three staff. Eventually it was TL 4 who
3 was the or
4 with responsibility for liaising between
5 the Board -- sorry -- the Trust as it became, unit of
6 management as it was up until the Trust was established,
7 and the voluntary home.

8 Q. And where does -- we have heard the name and the Panel
9 is aware of the name SND 502

10 **A. Yes.**

11 Q. Where does SND 502 fit in the structure?

12 **A. She was in the structure where**

13 -- where TL 17 subsequently followed
14 SND 502 into that post.

15 Q. So this liaison is going on and a decision is made to
16 place the child in either Termonbacca or Bishop Street
17 in this case we are talking about.

18 **A. Uh-huh.**

19 Q. I am not going to bring it up again, but the section 113
20 duty that's -- in fact, I will just show it so it is
21 contextualised. HIA-372, please. This is the
22 obligation that's on the Board --

23 **A. Uh-huh.**

24 Q. -- in any decision that's made is:

25 "... to exercise their power with respect so as to

1 further his best interests and afford him opportunity
2 for the proper development of his character and
3 ability."

4 Now what I'm going to give you, because we don't
5 have it in the bundle as yet, and the Department of
6 Health kindly referred us to a monitoring of residential
7 childcare services that was issued in 1983. You are
8 only seeing this now as well --

9 **A. Uh-huh.**

10 Q. -- SND 468 -- TL19. It may be something you don't
11 recognise. You will get a copy I promise very shortly.

12 TL19, the point that I want to you look at in this
13 particular context is in paragraph 17, which is at the
14 bottom of page 3. This memo obviously covers a wide
15 range of issues about the residential childcare service
16 and it is written in 1983, by which time Termonbacca is
17 closed and we have had -- the Kincora scandal broke in
18 the papers in the summer of 1980. The Hughes Inquiry
19 has not yet taken place, but we have had the Sheridan
20 Report in and around this time in 19... -- just see if I
21 can find the right date for -- in 1983 the Sheridan
22 Report is published. So this may be on foot of that,
23 but even though it postdates the time I'm going to talk
24 to you about at paragraph 17, it says:

25 "The terms of this circular apply to the Board's

1 monitoring of statutory children's homes. Boards also
2 place children in voluntary homes and retain
3 responsibility in law for the care of such children.
4 Hence Boards must satisfy themselves about the standards
5 of care being provided for each child placed in
6 a voluntary home. Boards are not involved in monitoring
7 the overall standards, either professional or material
8 of voluntary homes", because that was a duty that fell
9 upon the Department. "However, Boards need to receive
10 information about professional standards of care and the
11 quality of the facilities in voluntary homes in order to
12 help them assess the suitability of a home as
13 a placement for a child in their care. This information
14 is obtained in a number of ways including the inspection
15 of voluntary homes carried out by the Department's
16 Social Work Advisory Group", which is an issue I am
17 going to come to with you, "and discussions will be held
18 with the voluntary organisation to determine how the
19 information might best be made available to the Boards."

20 So that's being written in 1983, but what I am going
21 to suggest to you is it didn't need a memo like this to
22 draw attention to the obligation that was on any Board
23 placing a child --

24 **A. Uh-huh.**

25 **Q.** -- wherever it was placing it to be satisfied that in

1 doing so they were complying with their duty under
2 section 113.

3 **A. Yes.**

4 Q. Now you address partly how this was done if we can go to
5 SND-16579 -- this is in your second statement --
6 question 3 that you were responding to. Can we bring
7 up, please, SND-16579? That's great. Thank you. So
8 the question was posed recently to you, TL19:

9 "How did the Board satisfy itself about the quality
10 of care provided in both homes?"

11 You indicate:

12 "The steps taken were residential team staff from
13 the district visited the homes to check on the quality
14 of care provided."

15 Then:

16 "Children's cases were discussed by the social
17 worker and the line manager at monthly professional
18 supervisory meetings."

19 Now if we just take the second one, SND484 was
20 talking about the supervisory file, the supervision file
21 that would be on her --

22 **A. Uh-huh.**

23 Q. -- which would record her interaction with SND 468
24 for instance, where points of importance would be passed
25 on and recorded, and the Board, as I understand it, are

1 going to try and produce those files --

2 **A. Yes.**

3 Q. -- because we have not received them to date, but the
4 other way that you -- what I take you to be saying there
5 is well, if there were any specific issue that had come
6 to the attention of the social worker, it would be
7 passed up the line --

8 **A. Yes.**

9 Q. -- via this method.

10 **A. That's right.**

11 Q. But that's a -- would you accept from me a reactive
12 response to a problem arising that would be being
13 passed, something that has come to their attention?
14 Their purpose of doing their monthly visits with their
15 children was not to assess the quality of care being
16 provided in the children's home.

17 **A. No. The -- I think that the -- if we take the second**
18 **point which is the cases, that was to discuss whether**
19 **the purpose of the placement, care plan for the child**
20 **and the future of the child was -- if they were -- that**
21 **was still being achieved and we were moving in that**
22 **direction. So the social worker would discuss their**
23 **views on how that was progressing and also that the**
24 **quality of care was being met.**

25 With regard to the residential team staff, they were

1 there because their role was to look at the standards of
2 care being provided and they were also looking at what
3 was provided in the statutory sector and looking to see
4 how they could approach the voluntary sector to achieve
5 those standards so there was of a level playing field in
6 both settings.

7 Q. Well, I made you aware of this this morning.

8 A. **Yes.**

9 Q. To date the Inquiry has not received any documents that
10 would suggest that the Western Board were carrying out
11 these type of assessments on Termonbacca or Bishop
12 Street. So who --

13 A. **Yes, yes.**

14 Q. If that is the position, ie documents don't exist or
15 they did exist and no longer do, and we will need
16 an explanation about that, the other alternative is that
17 it was being done but not written down. Who would have
18 been doing that that you are describing there of the
19 residential team basically checking out --

20 A. **Yes.**

21 Q. -- where they are going to put somebody?

22 A. **I would have thought that TL 4 did monthly**
23 **reports to the Principal Social Worker Residential**
24 **Services and that they would have also gone to the ADSS**
25 **Childcare.**

1 Q. Those monthly reports you are talking about were not
2 about individual children?

3 **A. No.**

4 Q. They were about the voluntary home?

5 **A. Voluntary home and the relationship between the Board
6 through the unit of management and their monitoring of
7 the standard.**

8 Q. That's an issue that the Board's representatives will
9 immediately pursue for the Inquiry, but your belief is
10 that the person in that residential side was carrying
11 out --

12 **A. Yes.**

13 Q. -- these reviews of the care home as opposed to the
14 children?

15 **A. Yes.**

16 Q. For instance -- and this is an issue I touched on with
17 you earlier -- would you accept that one of the
18 important checks to try to keep something's quality up
19 is to inspect it, to monitor it, to review it?

20 **A. Uh-huh.**

21 Q. Can we look at HIA-445, please? You are aware, TL19,
22 that the system -- the legislative scheme that was put
23 in place for the two types of homes, those who were
24 Welfare Authority or became Board run --

25 **A. Uh-huh.**

1 Q. -- and voluntary homes, were different?

2 **A. Yes.**

3 Q. Two sets of regulations. In your case eventually it
4 became a Minister's direction I think that had to be
5 complied with for what became Board homes, but both in
6 1952 and then again in 1975 the voluntary homes were
7 subject to a set of voluntary regulations. They weren't
8 voluntary. They were obliged to comply with them, but
9 they were called voluntary regulations --

10 **A. Uh-huh.**

11 Q. -- and regulation 4 required:

12 "The administering authority", which was the
13 organisation that operated the home, so in this case the
14 congregation of the Sisters of Nazareth, "shall ensure
15 that each home is in its charge conducted in such
16 a manner and on such principles as will further the
17 well-being of the children in the home."

18 Then paragraph 2 of regulation 4:

19 "The administering authority shall make arrangements
20 for the home to be visited at least once in every month
21 by a person who shall satisfy himself whether the home
22 is conducted in the interests of the well-being of
23 children and shall report to the administering authority
24 upon his visit and shall enter in the record book
25 referred to in the schedule his name and the date of his

1 visit."

2 So what was being set up to run from 1952 was
3 a requirement for the organisation running the home, so
4 it was Barnardo's, Sisters of Nazareth, whichever
5 organisation was doing it, to run a system of monitoring
6 and inspecting and visiting to make sure that the homes
7 were being run properly.

8 Now if we can look at SND-15845, and
9 has given a series of statements to the Inquiry.
10 This is one that she provided in February of this year
11 and it is paragraph 3 that I want you to look at. She
12 was being specifically asked -- if we just stop there,
13 please, the witness was specifically asked on behalf of
14 the Order to address compliance with the '52 voluntary
15 regulations and the '75 voluntary regulations, and you
16 will see at paragraph 3:

17 "As far as I can identify no single person was
18 appointed to visit either Termonbacca or Bishop Street"
19 -- and I presume this means "or either of the Belfast
20 houses" -- "and it would appear that monthly
21 investigations were not carried out in accordance with
22 the legislation."

23 Now the regulation 4 duty was a mandatory duty, was
24 a "shall be done". The Sisters of Nazareth are saying
25 they didn't do that. That's an issue for them, but what

1 I am asking you about now in terms of the Board is was
2 it ever known that one of the checks that the legislator
3 put in place to try to ensure the well-being of the
4 children was not actually being carried out by this
5 voluntary home or these two voluntary homes into which
6 the Board was placing children?

7 **A. I don't think it was known.**

8 Q. You can guess the next question that's coming, TL19,
9 which is: did nobody check?

10 **A. I -- I don't know, because I am not one to separate out**
11 **responsibilities, but the residential social care side**
12 **of the house did have visits and certainly monthly**
13 **reporting was one of the issues that would have been**
14 **part of their remit. Now I think back to what I just**
15 **said earlier, I think that there were monthly**
16 **reporting -- I think monthly reporting was going on, but**
17 **I would not have been party directly to it.**

18 Q. That is the Board --

19 **A. The Board.**

20 Q. -- engaging with --

21 **A. With the ...**

22 Q. -- the home. What I am asking about -- and perhaps the
23 answer is you have said you don't know -- is whether the
24 Board ever satisfied itself that the voluntary homes
25 they were using were, in fact, complying with the

1 legislative requirements --

2 **A. Uh-huh.**

3 Q. -- that were imposed on them?

4 **A. No. I --**

5 Q. I said to you in fairness to you I am not directly all
6 of this in your direction, because I drew to your
7 attention the 1983 SWAG report, which is a departmental
8 inspectorate reviewing, and there are some points we are
9 going to come to in it for other reasons, but having
10 looked at it -- and for the record, Members of the
11 Panel, it begins at SND-9976 and runs until SND-10003 --
12 it is a matter which the Department of Health will need
13 to address, but this long document, which is looking at
14 a very different Bishop Street, by which time it is two
15 units of ten children, doesn't draw attention to the
16 non-compliance with the inspection system that was put
17 in place or not put in place. So that's a matter that
18 will need to be addressed by the Department --

19 **A. Uh-huh.**

20 Q. -- but you can't comment any further other than to say
21 you don't know of it being done --

22 **A. No.**

23 Q. -- this check to make sure compliance was achieved. You
24 may tell me in the end that the answer is going to have
25 to be the same, but can we look at SND-2231? This is

1 a record that we discussed earlier this morning, TL19,
2 which I discussed with SND484 yesterday. She was
3 assigned to work with the HIA 69 family. Again their
4 name shouldn't be reported. This document, which is her
5 case report where she kept the record of what was going
6 on with the children, has this incident in March of
7 1978. It indicates:

8 "SND332 contacted [her] re HIA69", whose name should
9 not be made known, last Friday. Called at
10 the mother's. HIA69 was there but very unhappy at the
11 . Has been getting on
12 badly with SR6", who is SR6, whose name again shouldn't
13 be reported, "culminating in an incident where he
14 alleges she caught him by the throat. However,
15 eventually agreed to go unaccompanied -- to go
16 accompanied by his mother. We talked to SR6, who said
17 that she understood that HIA69 was unhappy but that she
18 felt he was quite insolent to her and that she'd lost
19 her temper with him. His mother agreed we should try to
20 find a placement for him with a family."

21 Now SND484 in her evidence yesterday was indicating
22 SR6 was accepting -- the way this is recorded it appears
23 to suggest she was accepting having assaulted the child
24 and that's what SND484 was saying yesterday, she was, in
25 fact, accepting at the time.

1 The issue that arises out of that -- I do not want
2 to go through it in detail with you, but what happened,
3 there was no police involvement. There was no
4 suspension of SR6. There was no removing of HIA69. In
5 fact, it continues to be an attempt to restore the
6 relationship with SR6 for a period of time.

7 Then if we skip over to the next page, eventually
8 you will see by April '78:

9 "Phone call from SR6 -- HIA69 -- cannot cope with
10 him. Wants him removed."

11 Then you will see down on 20th April SND484 has
12 managed to get:

13 "Fort James have agreed to take him."

14 Then there is a telephone call from SR2 on 24th
15 April. That's the nun you had a good word for.

16 **A. Yes.**

17 Q. She says she's talked to HIA69 and has agreed to take
18 him into her group. That's how the issue was managed.

19 Now what I'm going to ask you so you have the
20 context, the context is how did the Board go about
21 ensuring that the staff the voluntary home were using
22 were appropriate for looking after children? I am doing
23 that through this particular incident.

24 When you look at it now, I appreciate we are looking
25 in 2014. Put yourself back in 1978 when, yes, corporal

1 punishment was still acceptable in school and so on and
2 so forth. You have a 13-year-old who has been grabbed
3 by the throat by someone who is looking after them in
4 the children's home.

5 A. Yes. Well, I think looking back, I mean, today --
6 I mean, even in those days it was a serious adverse
7 incident and it should have been treated as such. The
8 discussion that took place clearly between the social
9 worker and SND332 and the home with sister was
10 an attempt to get some sort of mediation and let it be
11 known, "We now know that you have lost your temper and
12 throttled or assaulted a child and clearly this is not
13 acceptable". The possibility of getting a placement
14 immediately back again in the context of the day could
15 prove very difficult, and it was attempting to be
16 resolved, but it was attempting to be resolved. It
17 wasn't being covered up. It wasn't in any way not being
18 dealt with. How -- today it looks as if it was
19 ineffectively dealt with, but today is very different in
20 the terms of the circumstances. The fact that SND332
21 was aware of it and he was working there full-time
22 I think would have led SND484 to think, "Well, this is
23 now able to be monitored closely and sister's behaviour
24 can be recorded".

25 Now I think in that context it may have been felt

1 **that that was an adequate, not necessarily**
2 **an appropriate, but an adequate response to the**
3 **situation.**

4 Q. SND484 was clear that this was an incident of such
5 a nature that it would have been brought back to SND 468
6 SND 468

7 **A. Yes.**

8 Q. That's why the issue of the supervision files was raised
9 --

10 **A. Uh-huh.**

11 Q. -- because she thought there might be mention of it
12 there. That's a matter that can be looked at. Leaving
13 that aside --

14 **A. Uh-huh.**

15 Q. -- the specific incident, you have got in a voluntary
16 home an incident of this nature.

17 **A. Uh-huh.**

18 Q. You have explained the context of the day in terms of it
19 is 1978 we are talking about, not 2014. Would that not
20 even then have set off alarm bells within the Board
21 about what might be going on in this voluntary home?
22 For instance, if --

23 **A. Yes.**

24 Q. Before you answer that if I give you the context. You
25 have got a worker, a nun in this case, who has been

1 caught --

2 **A. Uh-huh.**

3 **Q.** -- assaulting a child. Would that not cause, "Well, how
4 many more of these might there be?"

5 **A. Yes. I think that -- I think that it would have raised**
6 **alarm bells. Yes, I think they would. I think no other**
7 **children were saying this was happening in spite of the**
8 **relationship that was being -- that existed between them**
9 **and their social worker, but I do think there was also**
10 **another issue, and that is that the nature of children**
11 **in care was changing. Nazareth House, be it Termonbacca**
12 **or at Bishop Street, were previously receiving young**
13 **children into care and many of them were staying for the**
14 **-- growing up there. Where you were receiving children**
15 **who were coming into care at an older age, it may -- it**
16 **was I think that the Sisters believed that that was**
17 **a more difficult area for them to operate, and indeed**
18 **I think that discussions took place subsequently about**
19 **their ability to manage these difficult teenagers. So**
20 **I think that there's -- it did raise alarm bells and**
21 **I think that we did look at who could best be placed**
22 **there in future.**

23 **Q.** And was that a general issue that was on the radar as
24 opposed to arising from this specific incident?

25 **A. I think it was generally on the radar and certainly with**

1 the development of Harberton House, where we were
2 bringing children in and having assessments, detailed
3 assessments taking place, reviewing the situation after
4 a week, determining the appropriate placement and then
5 reviewing regularly on a monthly basis, and the CET, the
6 Core Evaluation Team, met I think on a weekly basis to
7 review the children in care, there was a very different
8 rigour brought into the whole question of monitoring
9 behaviour and where it was it appropriate to place such
10 children.

11 Q. You deal with a particular issue at -- if we go to
12 SND-16581. Your answer to your question 7 which relates
13 to something that SND 465 described, who was
14 another field social worker, whenever she was -- in
15 fact, if we perhaps look at what she had to say at
16 SND-5630. You will see just in the second -- sorry it
17 is not numbered unfortunately, but in the second
18 paragraph:

19 "Statutory Social Services had no role in the
20 operation of Termonbacca or Nazareth House."

21 We've covered that. There's a mistake about who was
22 operating them.

23 "However, I do recall there was a representative
24 from Social Services played a liaison visitor role with
25 Nazareth House in the

1 I am just wondering is this you describing the
2 person from the residential side who went --
3 I can't remember. You gave me a name which I've
4 forgotten.

5 **A. I think it is. I think that's a role that** TL 4

6 --

7 Q. Is this TL 4

8 **A. -- would have played in his role and I think he was in**
9 **that role from the to the**

10 Q. You touch on it at SND-16581, where you say you are
11 aware of that taking place. Now it wasn't something you
12 had involvement with. Is that right?

13 **A. That's right.**

14 Q. But you are aware of it taking place?

15 **A. Uh-huh.**

16 Q. And it may be something TL 4 can help the Inquiry
17 with?

18 **A. I would have thought so.**

19 Q. Now, having done all of that, TL19, the wonderful
20 subject of finance I'd like to turn to you with. I want
21 to try to -- there's obviously many years and lots of
22 involvement. I want to try to keep this as focused as
23 I can. The -- what I want to turn to first just to try
24 to set the context, voluntary homes were paid for
25 children that were placed there by the Board and there

1 was a debate that we are going to see about the
2 mechanism by which that should be done, whether per
3 capita, per head per child payment, which could go up
4 and down depending on how many children are there, or
5 you would pay for X number of places which you may or
6 may not use, but you are paying for them.

7 **A. Yes.**

8 Q. That's an issue that rears its head through certainly
9 the later years where you are in situ in the and
10 with Bishop Street, Termonbacca having closed in
11 '82.

12 **A. Right.**

13 Q. What I want to do is just set that in context slightly
14 by drawing your attention to the 1983 SWAG report that
15 we mentioned for a different reason earlier.

16 Now if we can look at SND-9999, the Panel will have
17 opportunity to read all of this report, but this is
18 a particular section that deals with funding. It says:

19 "The home derives its income from per capita charges
20 paid by Boards and by public donations. Because four of
21 the young people are not in the care of any Board the
22 Order is responsible for their maintenance and for the
23 proportion of overheads accruing to them."

24 I think there were 20 places by this time, 16 of
25 which were Board places and there were four still

1 voluntary or private:

2 "This means that only four-fifths of total costs are
3 charged to Boards.

4 The maintenance charge being paid at the time of the
5 inspection was £63.02 per week. This was the charge for
6 1981/82, as agreement to increase the amount for 1982/83
7 had not been reached with the Western Board. By
8 comparison with charges in most other voluntary homes
9 this is modest and it represents no more than one-third
10 of the cost of maintaining a child in a Board's home."

11 So the suggestion that's there is that in 1981/82 --
12 I haven't verified this but I am assuming for present
13 purposes that it's right -- that the cost of maintaining
14 a child in a Board home was £180 per week --

15 **A. Uh-huh.**

16 Q. -- and £63 per week was being paid only to the Sisters
17 of Nazareth:

18 "The reasons why the weekly charge is so low are:

19 (i) The staff/child ratio is low",

20 which is an issue we are going to come to talk
21 about, the staffing levels, and the Panel has already
22 had to consider the low levels of staff from earlier
23 evidence.

24 "(ii) The Sisters' salary costs are not charged
25 against the children's home, because they are charged to

1 the school and funded by the Department of Education."

2 That brings them outside the budgetary issue:

3 "(iii) Some of the overheads are shared with the
4 elderly persons' home and economies of scale are
5 achieved.

6 (iv) The cost of employing staff at Nazareth House
7 is lower than in most other homes -- staff do not
8 receive sick pay, no overtime is paid for, no
9 sleeping-in allowances are paid and superannuation costs
10 are not incurred."

11 Another point:

12 "(v) 20% of residents are fully maintained by the
13 Order."

14 Then the sixth point is I presume other private
15 providers charged management costs or some of them did
16 and no management costs were being charged for by the
17 Sisters.

18 Then on the next page, please:

19 "Of the total budget of 57,000 for 82/83 only 30%
20 was salary costs compared with 75 to 80% in other homes.
21 The Order incurred a working deficit of £25,000 for that
22 year."

23 Now there are other issues about the reluctance or
24 otherwise of the congregation to make its total figures
25 available and I am assuming this is a reference to

1 someone who prepared the balance sheet specifically for
2 the children's home in order to allow these figures to
3 be discussed. So leaving that issue aside, and taking
4 it at face value, that appears -- what's being paid here
5 is the reason that these SWAG inspectors are identifying
6 for it and they then say:

7 "The existence of three facilities on the site, each
8 sharing certain common services, staff and the same
9 management means that the apportionment of overhead
10 costs is complex. It is unusual today to find staff
11 holding full-time teaching and residential childcare
12 posts simultaneously. The effect of this arrangement is
13 to hold down costs. This dual functioning is not
14 recommended and it is doubtful whether in the longer
15 term it will be viable.

16 Some of the recommendations of this report have cost
17 implications, particularly those relating to staffing
18 levels and the present funding arrangement is not such
19 as to enable the Order to recoup from Boards sufficient
20 to cover the additional costs involved. It is
21 questionable whether a voluntary organisation, whose
22 sole function is to provide services to Boards, should
23 be expected to carry a working deficit of 44%, ie 25,000
24 of a total budget of 57,000 in 1982/83.

25 It is recommended that the Department raise the

1 matter of funding with the Western Health & Social
2 Services Board with a view to determining a more
3 satisfactory method of calculating the per capita
4 charge."

5 So 1983 the issue is being flagged up.

6 **A. Yes.**

7 Q. I want you to look at a memo. I appreciate you can't --
8 you are not the person who is being chased in 1983, but
9 if we look at SND-14510, please, unfortunately the
10 author of this memo has been cut off at the bottom of
11 the page, but it records various efforts that were made
12 post the publication of this report, which was published
13 you can see -- they did the inspections in '83. The
14 report was published on 30th December '83.

15 Then they describe various efforts to get speaking
16 to TL 17 about this issue of funding.

17 I think part of the issue was that they based their
18 findings or their comments on you see in the first
19 paragraph evidence of files held in the home, and I just
20 want to show you what they were referring to when they
21 were drawing attention to various criticisms that they
22 had identified.

23 If we just skip back, please -- we will come back to
24 this document. If we just go back to SND-9994, which
25 was paragraph 8.3 of the SWAG report that's being

1 referred to by the author, and you will see that -- if
2 we just magnify that, please. Scroll down to
3 paragraph 8.3:

4 "Reviews are normally held three monthly, though
5 staff acknowledge that not all social workers visit
6 children as frequently as they ought and on occasions
7 reviews lapse. From the evidence in the files the
8 advisers are not satisfied that the admission of the
9 children to the home is adequately documented, that
10 children are being visited as often as they should be by
11 supervising social workers or that reviews are being
12 held regularly. No evidence existed" -- keep going,
13 please -- "existed in the home's records that regular
14 reviews had taken place. Nazareth House staff do not
15 prepare written reports ...", and so on.

16 Now it is an issue for the Sisters of Nazareth about
17 their record-keeping, but the suggestion from this
18 document is that visitations were not taking place as
19 they ought to have been. If we go back then to
20 SND-14510, you see the third line:

21 "Paragraph 8.3 of the report was critical of social
22 work practice in respect of children accommodated in the
23 home who were the responsibility of the Western Board.
24 However, it was stressed that the social work advisers'
25 findings were based on evidence in files held in the

1 home",

2 which may have been an issue in itself.

3 "But chapter 12 of the report dealt with the
4 financial situation of the home in general and per
5 capita payments in particular and a recommendation was
6 made for the Department to take this matter up with the
7 Western Board."

8 Then follows:

9 "I have checked my records and on the day following
10 the inspection I telephoned the Board to seek
11 an appointment with", and at that time it was TL 17
12 "to discuss amongst other matters items arising from
13 Nazareth House."

14 You will see eventually they get a meeting not with
15 TL 17 but with SND 469 --

16 **A. Uh-huh.**

17 Q. -- who saw them with TL 4 on 22nd March. They
18 discussed the standards of care provided the Nazareth
19 House, the use of the home by the Western Board, the
20 relationship between the Board staff and the home and
21 admissions and reviews, etc, information provided by
22 social workers to Nazareth House. He wasn't in
23 a position to talk about per capita charges. So this
24 author pursued meeting TL 17 . You will see:

25 "Eventually I met TL 17 on May 11th at Board

1 headquarters. He informed me that the Board had
2 approved a revised per capita rate for Nazareth House in
3 1982. However, the letter to the Nazareth -- Mother
4 Superior must have been lost and he had just written to
5 her again. His view was that the rate paid to Nazareth
6 was reasonable by comparison to that paid to other
7 voluntary homes managed by this Order."

8 Someone was being asked to bring those facts to the
9 attention of someone else.

10 Now the rates. Someone has helpfully done
11 a handwritten document that allows us -- that we were
12 looking at earlier. If we look at SND-14769 --
13 Chairman, I am just noticing it is 1 o'clock. I am
14 happy to continue. There is probably quite a bit of
15 material to do with finance.

16 CHAIRMAN: I think might be helpful for us to look at these
17 before we resume again, but just pausing at that point,
18 TL19, if we go back to the handwritten memo we were
19 looking at just a moment ago --

20 MR AIKEN: SND-14510, please.

21 CHAIRMAN: -- this all comes as the result of the SWAG
22 report, and part of that report identifies that
23 essentially the Sisters of Nazareth are solely providing
24 services to the Board, because by now Nazareth House is
25 full of -- not merely largely but completely full of

1 children placed there by the Board for whom the Board
2 was responsible.

3 **A. Yes.**

4 CHAIRMAN: So in modern day jargon the Board is buying
5 services from the Sisters of Nazareth.

6 **A. Yes.**

7 CHAIRMAN: I know that's not the way the nuns would look at
8 it, but in financial terms that's what's happening, and
9 yet the SWAG report points out that for all the reasons
10 that are set out in much greater detail the Sisters are
11 carrying a loss of 25% of their -- of what they charge,
12 what they reckon it cost them. The SWAG report says it
13 is questionable whether that's proper because all they
14 are doing is providing services to the Board. So the
15 Board is profiting essentially, getting it cheap, to be
16 blunt about it?

17 **A. Yes.**

18 CHAIRMAN: The next response we see is this handwritten memo
19 in which it emerges that, however it came about, there
20 is going to be an increase in the per capita payment,
21 but the point is made, well, this Order is or this home
22 is being reimbursed effectively pretty well the same
23 rate as other homes provided by the same Order.

24 **A. Uh-huh.**

25 CHAIRMAN: That doesn't really answer the question whether

1 they are really getting what they deserve to get, does
2 it?

3 **A. No, it doesn't.**

4 CHAIRMAN: It doesn't answer the broader picture?

5 **A. No.**

6 CHAIRMAN: It just means that --

7 **A. That's right, Mr Chairman. I think that -- I think that**
8 **the -- it could be interpreted, as you rightly put it,**
9 **that we were getting care on the cheap by using the**
10 **Sisters of Nazareth, because we paid them a level of per**
11 **capita fee that was less than clearly was the economical**
12 **rate for running the home. At the same time there would**
13 **have been other financial pressures on childcare within**
14 **the actual Board itself and the running of its**
15 **facilities, and as the Department were writing to us**
16 **telling us we needed to look at the level of money being**
17 **paid to the Sisters of Nazareth, we were writing to them**
18 **asking them for support to enable to us provide care in**
19 **some of our facilities to meet the needs of the**
20 **children.**

21 **The -- so there was -- there was a shortage of**
22 **resource generally financially. However, I do think**
23 **that shortly after -- this is 1983. Is that right?**

24 CHAIRMAN: Well, it looks as if it's probably written -- it
25 is not dated that I can see, but it is presumably

1 March/April of '84.

2 A. '84, because at that stage the four Boards had begun to
3 look at the overall -- the question of what should the
4 per capita or the capitation fee be for voluntary
5 residential care and attempting to reach a more --
6 a level playing field right across Northern Ireland so
7 that there was, in fact, a better rate of payment which
8 reflected the costs of running the residential
9 facilities.

10 CHAIRMAN: Well, I appreciate that in any of these
11 discussions one should never lose sight of the fact that
12 there are other claims on the Board and indeed on
13 governments for money. So there is never just
14 an open-handed approach. "You can have what you want."

15 A. But I do think -- just to add, Mr Chairman, I think that
16 this began to be -- the problem began to be much more
17 clearly stated and I think that provincially we moved to
18 try and improve that position. I don't know whether
19 there's figures available. This was not within the
20 fieldwork side of the house. It was in the residential
21 side of the house, these discussions, and at the Board
22 level with TL 17 and others, but I think there was
23 a effort made across the four Boards to get a better
24 figure and more recognised, suitable figure for
25 capitation.

1 CHAIRMAN: Thank you very much. Well, we will sit again at
2 2 o'clock.

3 (1.07 pm)

4 (Lunch break)

5 (2.00 pm)

6 MR AIKEN: Chairman, Members of the Panel, before lunch
7 I was starting to address the issue of finance. TL19,
8 the Chairman has already addressed you with some matters
9 pulling them together. So I am going to try to deal
10 with it in a short form, if I can, but just bring the
11 matters that I think I need to highlight and ask you to
12 comment on to your attention.

13 We have looked at the SWAG raising the issue in '83
14 and some of the reasons for the funding issue being
15 there and steps taken to meet TL 17 . I was asking
16 you before you began giving your evidence TL 17 is
17 still alive but not necessarily resident in this country
18 --

19 **A. That's right.**

20 Q. -- but perhaps some efforts can be made to get in touch
21 with him to see can the Inquiry hear from him.

22 You -- by the time we are in the then you
23 are -- you have got

24

25 **A. Yes. I became**

1

2 Q. So you are

3 and that is that in June 1993, if we can take a look at
4 SND-14759, please, this is again looking at this issue
5 of funding and the issue of the per capita payment, and
6 the matters that were developing around it. So it has
7 rumbled on within the Western Board from the '80s at the
8 very least and here we are in June of 1993 and you have

9 SND 469 writing to you a memo and saying:

10 "On 2nd June 1993 [he, SND 469 spoke with SR2
11 concerning a training issue. During the course of the
12 conversation I also mentioned that the Board had now
13 made available the monies for the two additional
14 temporary members of staff."

15 So this breaks into a debate that was already
16 underway about SR2 wanting more money to fund more
17 staff.

18 "She again indicated that this level of funding", ie
19 that would allow the two additional members of staff,
20 "was unacceptable and she did not want to proceed with
21 it at present. She did not want to give the impression
22 that by accepting the funding for these two additional
23 staff that she was also agreeing to the proposed
24 contract with Foyle Community Unit."

25 Now the Chairman touched with you about if you could

1 be buying services. At this point this time a contract
2 was being negotiated between the Board and the Sisters
3 of Nazareth in Bishop Street for the taking of children
4 in care from the Board. She (sic) goes on to say:

5 "She was adamant that she wanted Nazareth House to
6 receive the economic rate for the care they provide
7 which is in the region of £596 per week per child. She
8 feels that she requires 3 or 4 additional staff rather
9 than 2."

10 Now if we just break off at that point to put that
11 in context, if we go to SND-14769, it will allow you to
12 have a look at the handwritten page someone has
13 helpfully written out in the discussions that were
14 taking place at the time the various developments that
15 there were in the increase in the capital rate. If we
16 can scroll further down so that we find a home for this,
17 we are really at the last entry at £418 per week. So
18 what's being sought by the organisation -- the voluntary
19 organisation that you are negotiating with is
20 a significant increase from the £418 to, if we can go
21 back, please, to SND-14759, to the £596 per week. So
22 that's over -- over 20% possibly, almost 25% of
23 an increase.

24 "She feels she requires three or four additional
25 staff rather than two.

1 She also referred to her letter of 28th May", which
2 was copied to you. "This letter is the response by
3 Nazareth House management committee to the discussion
4 that took place on the proposed contract which would
5 eventually reduce the numbers placed by Foyle Community
6 Unit to 14.

7 I expect ..." -- I am not sure who we are talking
8 about there -- "and her team ..."

9 Let me see if I can ... SND 508

10 "I expect SND 508 and her team will be following
11 this up with further discussions and I also think that
12 I would be invited to such discussions in my role as the
13

14 What is that? Can you ...?

15 **A. she became with the beginning**
16 **of the Board.**

17 Q. Then he says this, TL19:

18 "As you know, I have always been concerned about the
19 staffing levels in Nazareth House but the present
20 proposed per capita figure of £596 represents a very
21 significant increase."

22 Let me just stop there. This is suggesting that ^{SND 469}
23 SND 469 and you had been prior to 1993 and over
24 a period of time leading up to 1993 -- he had been
25 making you aware or discussions had been taking place

1 between you about concern over the staffing levels in
2 Nazareth House. Can you recollect how that developed
3 that led to describing it in this way while he was
4 addressing a particular point here about per capita
5 rates in '93, but the suggestion certainly is there is
6 a historical background to your interaction with him
7 about the staffing levels in Nazareth House. Can you
8 remember that now?

9 A. I don't particularly remember that issue, but what I do
10 know is in respect of the first line of that that is now
11 on the screen concerning a training issue, the
12 Certificate in Social Services, which was the CSS
13 programme, was a programme for residential staff and it
14 was -- came out of the Hughes Report into the question
15 of having professional staff working in residential care
16 following Kinchora and the fallout from that. Staff at
17 Nazareth House were being trained, and it was a point --
18 .5 of your time was away from work, and therefore we
19 were replacing staff who went on the course with
20 replacement staff. So for every two who went on the
21 course you got one additional member of staff. I think
22 that that refers in part to the number of staff that
23 they are talking about.

24 The second issue which is around about the overall
25 level of staffing, then I think that's -- I am not clear

1 about that debate or discussion having taken place. So
2 there was a debate, if I can just clarify that,
3 regarding replacement staff for those going on the CSS
4 course, and for each person who went you got an extra .5
5 funded, and therefore if there were four people going on
6 the course, you would have had two extra staff.

7 Q. So for you there is two issues going on here.

8 A. Yes.

9 Q. There is that specific issue about how two was being
10 replaced with one --

11 A. That's right.

12 Q. -- for a particular purpose, but SND 469 also seems
13 to be signalling he's always had this concern about
14 staffing levels, which seems to be a more generalised
15 concern --

16 A. Uh-huh.

17 Q. -- and -- but yet then comes the "but".

18 A. Uh-huh.

19 Q. "The present proposed per capita figure of 596
20 represents a very significant increase. This poses very
21 real questions for the unit of management as to whether
22 they can afford to pay this rate or whether alternate
23 services can be developed which are more cost effective
24 and which meets the assessed needs of children."

25 Then he goes on to raise the issue about Nazareth

1 House needing to consider themselves whether it -- there
2 was a debate over the particular method that would be
3 used to calculate moving from a per capita basis to --

4 **A. Overall funding of places.**

5 Q. -- overall funding of places. I am not going to look at
6 it with you, but there are documents that suggest that
7 alternative means had been offered and from the Board's
8 perspective they were suggesting to the Sisters of
9 Nazareth that that was a potentially more advantageous
10 method for the congregation --

11 **A. Uh-huh.**

12 Q. --but they were being met with a disinclination towards
13 taking that approach and wanting to stay more with the
14 per head --

15 **A. Right.**

16 Q. -- method, but can you -- obviously we began this in the
17 early '80s --

18 **A. Uh-huh.**

19 Q. -- with that issue about per capita payment. By 1993 we
20 are still having this issue and certainly signalling
21 your Department about a concern about the staffing
22 levels in Bishop Street, which was part of your overall
23 children's provision --

24 **A. Yes.**

25 Q. -- by this point. Can you now reflecting -- you have

1 got this decade where this issue seems to run. Can you
2 give any view now about whether it was exclusive to this
3 Bishop Street issue or is this -- we are looking at this
4 particular issue. Is this reflective of a wider problem
5 that there was over funding generally? Can you put any
6 flesh on it?

7 **A. I can't really. I would only be surmising that it was**
8 **a wider area, namely the level of resource available --**
9 **pardon me -- and so, as it says there:**

10 **"... poses significant problems for the unit of**
11 **management to determine how many places they could buy**
12 **at £596 per child",**

13 **as opposed to the rate being offered. So I can't**
14 **offer any further clarity to that position.**

15 **Q.** Just on that subject we will maybe finish this train and
16 then I will bring you to another document for
17 a different reason that might assist with that. It does
18 show a wider context. This memo is written to you, and
19 then on 8th July 1993, if we look at SND-14761, there is
20 a minute of a meeting that takes place, and you are not
21 as far as I'm aware present at it, but other members of
22 your staff are.

23 **A. Uh-huh.**

24 **Q.** That is the debate going on about how the funding should
25 be organised, but it does indicate, if we scroll

1 a little further down, please, to the next page, that --
2 just stop there. In fact, if we can go back up, please.
3 Yes. If we just stop there. Just take it up slightly,
4 please. So this debate is going on over how the costs
5 should be calculated and the method that should be used
6 and how matters should be dealt with and, in fact, SR2
7 raises the issues that SWAG had identified as why the
8 costs were lower, amongst other things. She says:

9 "... especially concerned did not take on board the
10 unfavourable conditions of service of staff. Staff
11 conditions at Nazareth House compare unfavourably with
12 those of the Board insofar as residential social workers
13 working 40 hours per week and have only 9 bank holidays.

14 In the course of further discussion SND425",
15 which is SND 522

16 **A. Uh-huh.**

17 Q. Where was his role in the --

18 **A. He was I think**
19 **within the unit of management.**

20 Q. The What in layman's terms did
21 that mean he was in charge of?

22 **A. He would have been in charge of the**

23

24 Q. Residential services or the fieldwork?

25 **A. Fieldwork Services.**

1 Q. Fieldwork services. So in the course of the discussion
2 he indicates that an additional £42,000 was available
3 for this year to increase the staffing levels, which
4 would in effect raise the per capita charge to £451 per
5 week. So some more money had been found --

6 **A. Uh-huh.**

7 Q. -- but not what SR2 was looking for.

8 It rumbles on. If we go to SND-14753, SND 510 --
9 can you tell me who SND 510 was?

10 **A. He was the . Later**
11 **that post would be referred to as the**

12 .

13 Q. So was he at this point in time

14 **A. Yes, he was the**

15

16 Q. He indicates on 7th October that:

17 "TL19, I had a very detailed discussion with SND 511

18 SND 511

19 Who was SND 511

20 **A. The**

21 Q. Within the

22 **A. Yes.**

23 Q. Right. So here is the internal dynamic now coming into
24 play.

25 **A. Sorry. Within the unit of management in 1993.**

1 Q. Right. Within the --

2 **A. Unit of management. He would have been the**
3 **in the unit of management. SND 508 by then**
4 **I think was the**

5 Q. Can we put some feet on what was the unit -- what did
6 the unit of management cover we are talking about now?

7 **A. The area.**

8 Q. So was this a renaming but in effect the same?

9 **A. Yes, it was the same organisation technically.**

10 Q. But the budget that we are talking about that SND 511
11 SND 511 was debating with SND 510 was for that
12 specific area?

13 **A. Yes. I -- I'm -- it's really around dates that I'm --**
14 **SND 511 had been the at the**
15 **and then became**
16 **at the , and about October 1983 that may well have**
17 **been the position. So I should clarify that. Probably**
18 **by October '93 he was at the and the**

19
20 Q. So this may be SND 510 going --

21 **A. To one of his staff and saying, "What is the position**
22 **regarding ...?"**

23 Q. He says:

24 "I had a very detailed discussion on Tuesday last in
25 which he shared with me a developing problem in relation

1 to the funding of appropriate staffing levels for the
2 above facility", being Nazareth House:

3 SND 511 emphasised that on any comparator the
4 staffing levels at Nazareth House are not in any way
5 comparable with what is available elsewhere. To that
6 end he believes it is essential that Foyle will make
7 available to Nazareth House a sum of money to a level of
8 roughly £40,000 that will enable that organisation to
9 improve the staffing to children ratio.

10 I would very much like to discuss the wider
11 implications of this issue with you at our next meeting
12 and also how you see the foster care budget currently
13 overspent at a level of £100,000 being addressed."

14 So there are a number of things this throws up. One
15 is you can see the pressure financially that your --

16 **A. Yes.**

17 Q. -- area was already under, because you had overspent,
18 which I've now come to know in civil service terms is
19 a big problem.

20 **A. Uh-huh.**

21 Q. And then -- it's almost as bad as an underspend
22 apparently but not quite. Is that fair?

23 **A. I think so, yes.**

24 Q. Now in addition to that issue he's raising this staffing
25 issue, having been raised with him by SND 511

1 Do you -- can you now when you see this -- do you -- can
2 you remember how this was resolved? I take they got the
3 £40,000?

4 **A. I don't remember. I can't be clear at all, even though**
5 **I'm reading this and -- but I can't be clear at all.**

6 Q. I think if we look at whether the handwritten document
7 helps -- no, it doesn't. It's a matter we maybe can --
8 it seems that -- the terms of this seem rather definite
9 that the money is going to be --

10 **A. Uh-huh.**

11 Q. -- made available.

12 **A. Yes.**

13 Q. But you can't remember whether that in fact --

14 **A. I would assemble from the tenor of the memo that it says**
15 **it's essential that it's made available. So I would**
16 **have assumed that it was made available.**

17 Q. So that's the same budget that is talked about in the
18 last paragraph then. So he'll have to put money in.

19 **A. To enable that payment to be made.**

20 Q. Because you will not be able to overspend --

21 **A. Further.**

22 Q. -- further?

23 **A. On overall childcare budget.**

24 Q. Then there's a memo from SND 511 on
25 13th October at SND-14764 and this is to you as well.

1 It's -- this time he wants to -- everybody wants to talk
2 to you about this it seems.

3 **A. Uh-huh.**

4 Q. You may not recall that now at this remove. SND 510
5 was coming for you and now SND 511 is knocking
6 on the door as well. He says he believes you have been
7 kept informed of the negotiations. He talks about
8 formalising a contract with Nazareth House.

9 "... Unit recognised that the cost per child per
10 week approach that had been used in the past was not
11 really appropriate in a situation where the cost of
12 Nazareth home, like many of our own facilities, is
13 largely fixed within ranges of activity. As Foyle
14 Community Unit plan to reduce the number of children
15 placed in Nazareth House and in our statutory homes in
16 line with the regional and Board strategies, it is
17 important to frame the contract in such a way as to
18 ensure as far as possible the financial stability of the
19 Nazareth House Children's Home."

20 This perhaps in layman's terms conveys the point the
21 Chairman was making to you earlier, which is by now
22 Nazareth had all their eggs in one basket --

23 **A. Yes.**

24 Q. -- and there was a concern being expressed not to do
25 anything -- whatever arrangements were set, not to

1 financially destabilise --

2 **A. Yes.**

3 Q. -- the provision that they could give.

4 "Although this was ..."

5 He then talks about, and I am not going to look at
6 them, the detail of the two options that were designed
7 and he indicates this alternative method was offered,
8 but the Sisters of Nazareth don't recognise the benefits
9 of it as far as he's concerned.

10 "We are going to continue on then as a result with
11 the per capita payment method."

12 **A. Yes.**

13 Q. He then says:

14 "However, I feel it would be helpful for us to meet
15 to discuss in more detail the contract with Nazareth
16 House Children's Home and I have asked" -- it is not the
17 famous one -- to arrange a meeting."

18 Now can you -- do you remember -- does this help you
19 remember your involvement in this?

20 **A. It doesn't, no. I can understand certainly there was --**

21 **I remember the discussion as it took place regarding the**
22 **fact that for Nazareth House to remain sustainable, it**
23 **was better to give a grant that would be against the**
24 **costs of running the home in total rather than on a cost**
25 **per child basis, because if the number of children there**

1 dropped, then the income would drop and the overall
2 funding would be reduced to the Sisters. So it was in
3 that context the discussion took place. Clearly the
4 financial people within the Board, the Trust and the
5 Sisters of Nazareth were having that discussion.

6 Q. And it seems that that alternative method was not
7 attractive --

8 A. To the --

9 Q. -- to the congregation.

10 A. Yes.

11 Q. Now how that all ends -- we may have some gaps in our
12 documentation that we have received, but by 1995 the
13 Sisters had decided to end the provision of care.

14 A. Yes.

15 Q. And there's correspondence thanking them for their work.

16 A. Uh-huh.

17 Q. And that brings a close effectively to Bishop Street.

18 A. Uh-huh.

19 Q. What -- where did you get the replacement places, if you
20 like, if you needed places, and Bishop Street provided
21 them and then Bishop Street was no more?

22 A. Yes. I think as the numbers of children placed there
23 were reduced, that we looked at -- I think there was
24 a series of both using some of our own residential
25 care -- Harberton House would be the main source I think

1 report to us or the Department of Health or both, but
2 the review then produces this report and you are writing
3 on foot of it.

4 **A. Yes.**

5 Q. You are writing at the
6 time, and there seems to be reference to minutes as
7 well. So perhaps all of the documents around this can
8 be produced to us.

9 But if we go to the second page at SND-16592, which
10 is a point I wanted to draw your attention to in the
11 context of finance -- sorry -- the third page -- here
12 you are talking -- just scroll up, please. Just stop
13 there. You are -- perhaps if I let you explain this.
14 You are writing to summarise what is going to be done on
15 foot of the report that highlighted the problem of peer
16 abuse in '91.

17 **A. Uh-huh. First of all, there was an identified need for**
18 **waking night staff and in the context of that a request**
19 **has been made for £35,000 in meeting the increased**
20 **staffing needs there, and they also talk about**
21 **increasing the boarded out payments to enable us to be**
22 **able to address the needs of some of these young people**
23 **by having them fostered. Then the -- it goes on to talk**
24 **about the efforts being made, of all the competing**
25 **demands and the need for additional resources to be made**

1 **available.**

2 Q. If we just scroll down, please, to the next page. So
3 there's -- what has been identified immediately throws
4 up a financial issue --

5 **A. Yes.**

6 Q. -- and money has had to be put in to resource the waking
7 night staff in Harberton?

8 **A. Uh-huh.**

9 Q. And then the other issue in terms of trying to deal with
10 the type of problem that has been identified --

11 **A. Uh-huh.**

12 Q. -- is -- you explain then in this final page. Can you
13 explain to the Panel what you are putting in place here?

14 **A. Yes. It was hoped we would develop an assessment and
15 treatment unit within the Board and it would be located
16 within Harberton by using a bungalow that was in the
17 grounds of Harberton, and it was to develop a service
18 there that would meet the needs of these adolescents and
19 to be able to both assess them and provide appropriate
20 treatment within the Board.**

21 Q. And was this in the context of people caught up in this
22 --

23 **A. Yes.**

24 Q. -- sexual peer abuse?

25 **A. Yes. It was a result of the need and the recognition we**

1 needed to develop a service to -- an assessment process
2 to identify the need of these young people. So out of
3 that then we were writing to say that we have had these
4 discussions, the Board and the Foyle Unit of Management,
5 and we are now wanting to take that forward.

6 Q. Did you get the money ultimately to do this?

7 A. Yes. I think we certainly developed a service following
8 that. Clearly the impact of such a review at the time
9 was very significant to the Board and we recognised the
10 need to take forward the recommendations from the
11 report.

12 Q. May I ask you -- obviously this is the start of the
13 '90s. Had sexual peer abuse been on your radar up until
14 this issue --

15 A. No.

16 Q. -- arising?

17 A. No, I don't think it had. In fact, this issue was
18 identified by a member of staff within Harberton, who,
19 having identified it, immediately raised it, and out of
20 that came the decision by the Board that it was
21 important to review through the report you have just
22 referred to chaired by _____ and _____ and
23 _____ that we should identify how this was
24 happening, how we were going to manage it into the
25 future, and out of that, the report and its

1 **recommendations, we then move forward, but if it had not**
2 **been on the radar I don't think before that.**

3 Q. Now that was '91. Then the issue then followed through
4 to the Sisters of Nazareth's Bishop Street premises. If
5 we look at SND-14755.

6 **A. Uh-huh.**

7 Q. So in May '93, and this is just at the start of those
8 discussions that led through to October '93 over money,
9 but this is a memo that's not written to you, but does
10 involve I think SND 469

11 **A. Yes, and** SND 522

12 Q. SND 469 and SND 522 and this is talking about
13 night staff now at Nazareth House.

14 **A. Uh-huh.**

15 Q. "... a brief telephone conversation ... some weeks ago.
16 In the interim SR2 has forwarded this letter to me
17 requesting funding for these staff. My calculation is
18 that this would amount to £21,000 per year.

19 Waking night staff were introduced in Nazareth in
20 November 1992 following a number of incidents in the
21 home during the night where peer abuse was suspected."

22 So it seems that in addition to what did happen in
23 Harberton --

24 **A. Yes.**

25 Q. -- in '91 or before it the Sisters of Nazareth have

1 identified a similar problem going on in 1992. Now the
2 details of that the Inquiry hasn't any more information
3 on at this point, and that's maybe something the
4 congregation can take forward for us, if possible, but:

5 "I flagged this issue up in the paper I prepared
6 prior to the discussion about the capitation fee, though
7 this was not debated in depth at subsequent discussions,
8 although you will recall that SR2 did raise it at the
9 meeting that you attended ..."

10 Then he talks about having raised the issue with
11 SND 511 . He indicates that:

12 "Nazareth are requesting what amounts to
13 a development of service for which the unit is not
14 funded."

15 Now what do you take him to mean by that?

16 **A. Well, I think that he's obviously saying that in order
17 to sustain the waking night staff service that there's
18 going to need to be an increased resource to meet that.**

19 Q. If we scroll further down then, he says:

20 "I believe that the incidents that occurred in
21 Nazareth were sufficiently severe -- serious to warrant
22 the introduction of waking night staff. Given this
23 situation and the fact that we have already introduced
24 waking night staff to one of our own facilities,
25 I~believe that we have no alternative but to agree to

1 this request. However I am of the opinion that the
2 Board should provide the funding for this additional
3 service."

4 **A. Uh-huh.**

5 Q. Do you know -- maybe there is no way for you to tell
6 now, but do you know -- do you remember if that was, in
7 fact, paid?

8 **A. I don't know.**

9 Q. And whether maybe the capitation fee that was then
10 calculated --

11 **A. Would have included that as part of the --**

12 Q. -- in the discussions that flowed included that.

13 **A. Okay.**

14 Q. It seems to come to an end as an issue. So it may well
15 be it was resolved. Again this was an issue coming up
16 in the '90s. The issue of sexual abuse by staff on
17 children --

18 **A. Uh-huh.**

19 Q. -- had come in the '80s, the start of the '80s.

20 **A. Uh-huh.**

21 Q. Were steps -- can you remember steps being taken by your
22 Board on foot of the Kincora scandal breaking at the
23 start of the '80s? I appreciate Hughes published
24 a report and steps were taken to introduce a complaints
25 card and so on and so forth. Do you remember what your

1 Board did?

2 **A. I don't. I -- sorry. I don't remember what steps we**
3 **took in the light of the Hughes Report. What I do**
4 **recall is that it was the whole issue of both enhancing**
5 **the training of staff working in residential facilities,**
6 **residential social workers and houseparents being**
7 **trained, and that was a very significant agenda that was**
8 **followed through by the Board and it applied both in the**
9 **statutory residential care as much as in the voluntary**
10 **sector.**

11 Q. So this was an attempt to professionalise the service?

12 **A. And to ensure that staff were aware of the issues that**
13 **needed to be monitored and looked out for in the care of**
14 **the children and particularly those adolescent children**
15 **that were now in care.**

16 Q. There's just one matter before I deal with the last
17 issue with you briefly that I want to go back to. If we
18 can look again at the SWAG report in '83, SND-9994,
19 paragraph 8.3, now this is where the officials are
20 complaining about social workers not doing all of the
21 meetings they are supposed to do and not documenting as
22 much as they should document. In fairness to you I have
23 to put that alongside SND-14510, which is the note
24 suggesting these findings were based on a review of
25 files, but can you remember obviously the Inspectorate,

1 if I can call it that, sending this type of report in --

2 **A. Uh-huh.**

3 Q. -- to the Board is bound to have --

4 **A. Yes.**

5 Q. -- caused quite a few ructions.

6 **A. Yes.**

7 Q. Can you remember taking action on foot of what was being
8 suggested here?

9 **A. I don't. I think that my view is that, in fact, visits**
10 **were being undertaken on a regular basis to the**
11 **residential children's homes and the children that were**
12 **in care were being seen. I do think that -- I see it**
13 **says here:**

14 "Reviews are normally held every three months."

15 So I would have thought that monthly visits were
16 taking place in the main. There may have been
17 exceptional reasons, sick leave or staffing shortages,
18 but in the mean I would have thought that monthly visits
19 were taking place to residential homes at that time.

20 Q. So although this was highlighted, your recollection is,
21 having looked on foot of this report, there was no major
22 systemic problem to fix?

23 **A. That would be my view, yes.**

24 Q. And in fairness they did say they were looking at files
25 in the home --

1 **A. Uh-huh.**

2 Q. -- rather than in your Board --

3 **A. Yes.**

4 Q. -- to do that. Now the last issue that I want to touch
5 on with you is -- I want to finish on a positive note,
6 if I may. At SND-14775 you have already indicated that
7 you regarded SR2 in warm terms, and you may not remember
8 this, but this is her writing to you in July 1994
9 shortly before you moved on I think again to a different
10 post.

11 **A. No.**

12 Q. No. You are still -- you are still the
13 at this point?

14 **A. Yes.**

15 Q. And this is about assistance you must have rendered that
16 she was thanking you for in that it sounds like a member
17 of her staff was being -- was graduating from having
18 completed their qualification.

19 **A. Uh-huh.**

20 Q. Do you have any recollection of that now?

21 **A. No, I don't regrettably.**

22 Q. You don't?

23 **A. I think this is obviously someone who has been in the
24 care of Nazareth House and who has graduated as a nurse.**

25 Q. Yes.

1 **A. And --**

2 Q. She seems to regard you -- you can't see this on the
3 screen, but she describes you as TL19. Is
4 that an elevation due to you?

5 **A. Yes. I was a**

6

7 Q. She's got your title right then. She says at the end:

8 "Once again, TL19, your ongoing support is very much
9 appreciated."

10 Were you involved with her and can you recall
11 engagement between you and her in terms of Bishop Sheet
12 and the running of the home?

13 **A. I remember visiting her when she was in charge of Bishop**
14 **Street and from time to time I would have met them,**
15 **normally at functions or formal occasions, like, for**
16 **example, the graduations of CSS -- their staff who were**
17 **qualifying as CSS students, and from time to time I may**
18 **have had a visit to the home, but that was it, and**
19 **perhaps this is one of the good news stories to come out**
20 **of residential care.**

21 Q. Well, whatever you did on this occasion, she seems to
22 have thought credit was due to you.

23 TL19, that's all the questions that I want to ask
24 you. Just remain where you are. The Panel Members may
25 want to ask you some matters.

1 Questions from THE PANEL

2 MR LANE: Just to clarify a point that arose soon after our
3 break. If you remember, Mr Aiken raised the question of
4 the two staff that were turned down by SR 2 ,
5 two posts.

6 **A. Yes.**

7 Q. Would those posts have been ones which were being funded
8 directly by the Department to cover training?

9 **A. Yes.**

10 Q. So they wouldn't have actually affected the weekly
11 amount then?

12 **A. That's right. That's -- if those -- as I made the**
13 **point, if that -- if those two posts were to replace**
14 **staff going on CSS training, then they would have been**
15 **funded directly by the C... -- by the Department to us**
16 **and to the Sisters. It wouldn't have affected the**
17 **overall per capita charge.**

18 Q. Thank you, and in terms of the closure of the homes
19 clearly an enormous number of bed spaces were lost in
20 the course of the period we have been talking about.

21 **A. Yes.**

22 Q. Was there also a much greater reduction in the number of
23 children coming into care generally?

24 **A. Into long-term care, yes. The numbers would have**
25 **reduced. There was a very significant programme for**

1 developing foster care in the area. We developed
2 a staff -- team, an adoption -- sorry -- a fostering
3 team to recruit, train and to support fieldwork staff in
4 placing children in appropriate foster care, and also
5 through the Core Evaluation Team at Harberton House,
6 because of the assessments that were taking place, many
7 children were being diverted out of care, going back
8 home and family support was coming into play as well to
9 enable that to happen.

10 Q. One last question. In relation to Harberton House you
11 mentioned the use of the bungalow --

12 A. Yes.

13 Q. -- not only for assessment but also treatment. What
14 sort of treatment was had in mind?

15 A. Well, we had a very close working relationship with the
16 psychologists that were employed, were staff belonging
17 to the Education & Library Board, and we worked with
18 them in a very multi-disciplinary approach to assessment
19 and support for the children who were there, and we also
20 had staff who were trained in the whole question of
21 psychological support and help to children in care.

22 Q. Thank you very much.

23 CHAIRMAN: May I just ask one general question, TL19, not
24 really about anything that you have said so far, but you
25 have just referred to and agreed that the numbers in

1 long-term residential care were dropping.

2 **A. Uh-huh.**

3 Q. Is it fair to ask or to say if one starts at the
4 beginning of your career, perhaps a decade or so before
5 that as well, a very large number of children placed in
6 Termonbacca were, as we know, there voluntarily; in
7 other words, either a parent or the family had placed
8 them there?

9 **A. Uh-huh.**

10 Q. Many of the children, of course, were illegitimate and
11 there were all sorts of reasons why that meant they were
12 being placed there. The impression I get is by the time
13 one gets to the '80s and '90s more and more of the
14 children who go into long-term residential care were
15 coming from very disturbed family backgrounds as opposed
16 to merely people who are affected by social or what some
17 might regard as moral considerations, and did that -- if
18 that's correct, did that create problems for the staff
19 in simply coping with them?

20 **A. Yes. I think that over the span of 20 years perhaps the**
21 **children coming into care -- it was sometimes described**
22 **as care versus justice. Children coming into care were**
23 **coming in because they had behavioural difficulties and**
24 **therefore we needed to have staff who were able to cope**
25 **with them and work with those young people, and it was**

1 all part of the development of staff within the
2 children's home. So the longer -- the children who were
3 in residential care for longer periods of time had much
4 more serious problems. In the earlier periods I would
5 have thought that many of the children coming into care
6 was through serious neglect and a failing on the part of
7 families to be able to look after and care for their
8 children in a way that was considered effective.

9 Q. A different point has been raised in some of the
10 documents we have seen and touched upon by many of the
11 witnesses, who say, to put it in a very simple fashion,
12 there were very few nuns to look after a very large
13 number of children, perhaps one nun to something like
14 forty children, and then we see at the period that
15 you're -- you have just dealt with reference to staffing
16 ratios and so on. It would seem that if what the
17 earlier people say, and indeed I think SR2 -- SR2 said
18 this in one of her witness statements, it was a very
19 long-term problem in Termonbacca where there simply
20 weren't enough people to cope --

21 A. Yes.

22 Q. -- with looking after the significant number of
23 children.

24 A. I think that that's accurate, that the number -- I mean
25 if we are only considering the Sisters --

1 Q. Yes?

2 A. -- I mean, they did have houseparents and, in fact, it
3 was many of those who were the people who were
4 subsequently trained, and certainly it was the
5 houseparents who were trained who transferred to and
6 were working in Nazareth House after Termonbacca had
7 closed, and indeed many of those people when Nazareth
8 House closed came and worked in Harberton House and in
9 other children's homes that we had developed, much
10 smaller homes within the city.

11 Q. I do appreciate that there were extra resources being
12 introduced into the home at various times, but would it
13 be accurate to say that, notwithstanding that, there was
14 always a process of catching up --

15 A. Yes.

16 Q. -- because even if more people were coming in, the
17 demands were becoming more complicated?

18 A. Yes. I think that in social work generally, but
19 certainly in residential care in particular, I think
20 that it was the number of staff were not adequate often
21 to meet the needs of the numbers of children, and
22 certainly back to a point I made at the beginning or
23 earlier, and that is that these homes were huge.
24 I mean, sixty children perhaps in Termonbacca. I mean,
25 it was very big, and again if we were looking at it

1 **today, you wouldn't want to be in that position.**

2 Q. Thank you very much.

3 Well, thank you for coming to speak to us, TL19,
4 particularly since we understand you have and
5 therefore this is yet another intrusion into your

6 Thank you for coming to help us today.

7 **A. Thank you.**

8 **(Witness withdrew)**

9 MR AIKEN: Chairman, Ms Smith going to deal with the next
10 witness.

11 CHAIRMAN: Yes.

12 MR AIKEN: Perhaps if we take five minutes.

13 CHAIRMAN: I was going to suggest we should perhaps take our
14 regulation break just at this point. So five minutes
15 will be enough. We will hopefully start again at 2.55.

16 (2.50 pm)

17 (Short break)

18 (2.55 pm)

19 DISCUSSION RE PROVISION OF SPREADSHEET BY SISTERS OF
20 NAZARETH

21 CHAIRMAN: Just before we start with the next witness,
22 Ms~Smith, Mr Montague, there is something we would like
23 to raise with you on behalf of your clients, which is
24 this. There has been much discussion not merely today
25 but on occasions throughout our hearings as to the need

1 to identify as exactly as we can how many people there
2 were and their respective roles looking after the
3 children in both Termonbacca and Bishop Street; in other
4 words, not the total complement, whether it is of
5 sisters or lay staff or whatever, but those who were
6 looking after the children specifically in both
7 institutions, because there have been references today,
8 for example, to houseparents, and we are not clear
9 whether -- if we are looking at particular date or even
10 a time span, whether there were houseparents then or did
11 they just come later. So something in the nature of
12 a spreadsheet with, on the one hand, if there are only
13 two sisters responsible, did they have any extra help in
14 that year? If not, then that space is blank, and then
15 one might have a later year where, let's say, there was
16 one houseparent, and also to have the names of the
17 individuals concerned.

18 MR MONTAGUE: Chairman, can I assure you we have been
19 endeavouring to do this for some time. It is a bit like
20 jigsaw identification, because of the accepted paucity
21 of records. So we are having to piece together with
22 different registers, and records have been lost and
23 perhaps destroyed in time when we left Termonbacca, but
24 I can assure you that we will continue to do that, and
25 there are representatives from the congregation in court

1 today, and we will continue to endeavour to provide you
2 with a proper analysis.

3 CHAIRMAN: Yes, because at the moment really what everyone
4 is having to work from are these rather fragmentary
5 references either in witness statements or in the
6 employment sheets which came from Hammersmith, and it
7 would be very helpful for us to have this information,
8 although I appreciate if it can't be given at least in
9 terms of a name, if we even knew the numbers of people
10 who it is thought were performing a particular role,
11 even if the individual sister or the individual
12 houseparent cannot be named, that's I think better than
13 nothing.

14 MR MONTAGUE: Certainly I respectfully agree. We had
15 a witness yesterday referring to eight sisters being in
16 charge, the witness who gave evidence yesterday
17 afternoon, yes. So that was something we were looking
18 into.

19 CHAIRMAN: Well, we are not really concerned so much with
20 the overall numbers of nuns in either house at the time.
21 Some are dealing with other responsibilities.

22 MR MONTAGUE: Of course not.

23 CHAIRMAN: But just those for the children.

24 MR MONTAGUE: Yes. Thank you.

25

1 WITNESS HH5 (called)

2 MS SMITH: Chairman, this afternoon's next witness is HH5,
3 who is quite happy for me to call him by his first name.
4 He has been given a designation "HH5" and he would -- as
5 far as the Inquiry permits -- allow him to retain his
6 anonymity, he would prefer that to be the case.

7 **A. Yes.**

8 CHAIRMAN: Yes. Now do you wish to take a religious oath or
9 to make an affirmation, which is a solemn promise? Both
10 have the same legal effect. It is entirely a matter for
11 you to make the choice.

12 **A. A religious oath.**

13 WITNESS HH5 (sworn)

14 CHAIRMAN: Thank you. Please sit down.

15 Questions from COUNSEL TO THE INQUIRY

16 MS SMITH: Thank you, HH5. HH5, you have provided two
17 statements to the Inquiry. They can be found at
18 SND-5628 and SND-16391. I am not going to call them up
19 at the moment, but I am going to ask you to expand on
20 some of the information you give in those statements, as
21 the Inquiry Panel has had the opportunity to read them
22 in advance of this afternoon's evidence.

23 Can I ask you, first of all, you were an employee of
24 the Western Health & Social Services Board between

25 Isn't that correct?

1 **A. That's correct, yes.**

2 Q. We were talking earlier today about what your employment
3 record had been prior to you taking up that period of
4 employment, and I believe that you actually worked in
5
6

7 **A. That's correct, yes.**

8 Q. You worked
9

10 **A. Yes.**

11 Q. Correct me if I get any of these facts wrong, please,
12 HH5, but at that stage you were working as part of
13 as I understand it, and
14

15 Is that correct?

16 **A. That's correct, yes.**

17 Q. So you

18 **A. Yes.**

19 Q. And you were first employed with -- as
20

21 **A. Yes, that's right.**

22 Q. Had you any at that time?

23 **A. I had**

24 at that time.

25 Q. Can you just help the Inquiry with when you did become

1 you actually obtained?

2 **A. I went to in and I did the**
3 **, and I went to**
4 **, where I got my**

5 Q. We were just talking about those courses. The
6 course would have been full-time for part of the period
7 and then you worked back on placement?

8 **A. Yes, that's correct.**

9 Q. And the course was full-time.
10 You were during the time that
11 you were . Is that correct?

12 **A. That's correct, yes.**

13 Q. So apart from those periods between you
14 were then of

15 **A. That's right, yes.**

16 Q. And then between and you covered a number of
17 homes, including and

18
19 **A. Yes, that's right.**

20 Q. Now if we can just expand a little on your time, first
21 of all, what you say in your statement -- perhaps if I
22 can just bring you to that. You say you also undertook
23 during that
24 time. Is that in the latter part of your career?

25 **A. Yes, that was in the latter part of my career, yes.**

1 Q. That would be outside the terms of reference of this
2 Inquiry.

3 **A. Yes.**

4 Q. But in the course of your duties in in
5 and could you explain exactly what your role in the
6 home was?

7 **A.**

8 ,

14 Q. You were essentially in the role of

15

16 **A. yes.**

17 Q. And you and you went then to
18 where?

19 **A. I then went to at that time. It was --
20 it hadn't opened. So I was there as part of the
21 planning process to actually open the home.**

22 Q. And I believe opened in Is that correct?

23 **A. That's correct.**

24 Q. During -- you obviously had a involved in
25 the Social Services sector and the residential childcare

1 sector in Northern Ireland. During that period of time
2 can you assist the Inquiry with what the standard of
3 residential childcare was like, for example, in the
4 1970s?

5 **A. I think at the time when I came back and started in the**
6 **work it would be safe to say that the care provided was**
7 **in many ways primary care. It was, you know, looking**
8 **after the children's sort of physical needs, making sure**
9 **they were well cared for, that they were -- they went to**
10 **school, that they had adequate food. So really at that**
11 **stage there was much more emphasis on, you know,**
12 **providing children with that type of care when I came**

13

14 **Q. Did things change from that position?**

15 **A. Yes, they did, because at the time that I came in the**
16 **Board had already been beginning to take on a much more**
17 **structured and formal approach to working with children**
18 **who were in care in terms of setting up a review system**
19 **to begin to look at children and make plans for**
20 **children, and that was really in the process of**
21 **happening at the time when I came into the trust.**

22 **Q. In your statement you do say that you were involved in**
23 **the development of this review process. Is that**
24 **correct?**

25 **A. Yes. From onwards there was a**

1 appointed to the Board, TL 17 ,
2 and he was very, very -- he was very prominent in
3 actively promoting, you know, good practice in childcare
4 and particularly in residential care, and I worked
5 alongside of him in setting up the whole, you know,
6 protocols and procedure in relation to
7 which was then the

8 Q. And were you -- you were actually -- it was suggested
9 that you were attached effectively to TL 17 for
10 that purpose. Is that correct?

11 A. Well, we worked very closely together during that period
12 and following on from that for a couple of years.

13 Q. And as a result of that development what changes came
14 about?

15 A. I think there were significance changes. I think that
16 the way in which children were looked after in terms of
17 planning, in terms of beginning to look at the
18 environment that they lived in and looking towards
19 smaller units, smaller homes where they could live,
20 looking at making proper plans in terms of care
21 planning, and again we were trying to open up the system
22 to include children and to include their parents in the
23 whole process of care, if that was possible.

24 Q. Can you say at that time as part of the development of
25 that review system, as it were, the whole review of the

1 structures, did you with TL 17 visit other homes or
2 was that part of the task?

3 **A. Well, initially in terms of looking at setting up the**
4 **structures he would have made a number of visits to**
5 **Termonbacca, specifically maybe to sit in on reviews to**
6 **get an idea of what was happening there.**

7 Q. Just if I can come back to the visits that you paid to
8 Termonbacca, can I ask, first of all, what was your
9 impression of the place when you first arrived?

10 **A. Well, I mean, I didn't have an awful lot of contact with**
11 **Termonbacca in terms of the building itself. When**
12 **I went there at that stage, it was quite -- you know,**
13 **it's quite a big building. It was very tidy, very well**
14 **organised and very clean, very -- well, you know, it was**
15 **a very well kept building, and I didn't see that much**
16 **beyond. When we went to reviews, you were gone into the**
17 **parlour or sitting room or something, and we would have**
18 **stayed in and we wouldn't have been beyond that in terms**
19 **of my contact at that time.**

20 Q. You didn't see how the children were living in
21 Termonbacca or how -- who was looking after them, for
22 example, or how they were fed or clothed or anything
23 like that?

24 **A. No, I did not have that -- that experience at all.**

25 Q. Okay. At these meetings in Termonbacca who would have

1 been present?

2 **A.** Well, from my recollection at the meetings I attended it
3 would be -- as it was a review, it probably would have
4 been the child's social worker, one of the sisters,
5 usually maybe the sister in charge of the home, and
6 there may have been other people there who might have
7 had an interest in the review. The -- in my time there
8 there was a social worker who was based in the home,
9 SND332, and I think SND332 would have attended those
10 reviews as well.

11 **Q.** And in respect of those meetings can you say who would
12 have chaired them, for example?

13 **A.** I can't really recall, but I presume it would have been
14 the Fieldwork either Senior Social Worker or Assistant
15 Principal Social Worker who was responsible for
16 Fieldwork Services who normally have chaired reviews.

17 **Q.** And what was your recollection of those meetings about
18 the management and structure of Termonbacca? Did you
19 learn anything at those meetings about it?

20 **A.** It's just my observation that a lot of the information
21 was provided maybe directly by the sister who was in
22 charge, if there was any report, and sometimes they did
23 an internal review report, and that would have been
24 presented by the sister to the -- to the review.

25 **Q.** You say that the -- that you recall a social worker,

1 SND332, being present at those review meetings at that
2 time.

3 **A. Yes. That's right.**

4 Q. Which would have been in the late Is that right?

5 **A. Yes. This would have been probably**

6 Q. And can you recollect what his input would have been
7 into the meetings?

8 **A. I honestly can't -- I can't recollect, but I know he did**
9 **have input into the meeting, but I can't exactly**
10 **remember what that was.**

11 Q. Well, at that time in the did you get to know
12 any of the nuns who were in Termonbacca?

13 **A. Not that -- not particularly in Termonbacca. There was**
14 **one sister who had been in Termonbacca who I --**
15 **subsequently went on to move to Nazareth House. I think**
16 **at the time I came she had been in Termonbacca but had**
17 **left but then came back and then came to Nazareth House,**
18 **SR2.**

19 Q. SR2. Would that be correct?

20 **A. SR2, yes.**

21 Q. Can you just say -- you had been working in
22 and had something to compare with what you were seeing
23 in Termonbacca at that stage. Can you say how they did
24 compare?

25 **A. Well, I think the contrast was just there was this large**

1 building whereas was an It was
2 structured, you know, differently. It was much smaller
3 and it was -- it appeared to be much -- again in terms
4 just physically of the building I was only limited to
5 what I saw. Just my perception was that it was --

6 would have been much more homely in terms of the
7 environment and -- but again that was just based on my
8 limited observation of the home.

9 Q. Did you -- you have just talked there about SR2 and
10 about Nazareth House. Did you have contact with
11 Nazareth House as part of this review or later in your
12 career?

13 A. Later -- later on probably through the and right up
14 until the I would have had involvement with
15 Nazareth House in Bishop Street and with SR2.

16 Q. And how did that come about? How did that involvement
17 come about?

18 A. Well, again it was part of we were in
19 a sense and some children would have come from Nazareth
20 to We would have also been involved --
21 particularly in the I was in
22 for a year from I think to and I would have
23 therefore been visiting the home and carrying out, you
24 know, the residential reviews and also having -- for
25 that period of time having to prepare like a monthly

1 management monitoring report in relation to the home.

2 During that time particularly I got to know SR2 really
3 well.

4 Q. Can you say what your view of her management skills was,
5 what your view -- what view you formed of her
6 essentially?

7 A. I mean, I saw SR2 as being extremely caring, you know,
8 almost motherly individual in terms of her interaction
9 with the children. She was extremely professional in
10 that she was trying really hard to bring up the
11 standard, you know, of care, and we had a particular
12 interest in trying to improve, you know, the staff, the
13 training and development of staff. So my overall
14 impression of SR2 was very positive.

15 Q. One of the things that has been put is that as children
16 moved away from being placed in Termonbacca, Nazareth
17 House on a voluntary basis and became children who were
18 placed there by Social Services and would have been
19 involved with social workers, that brought social
20 workers more into contact with the two homes, with both
21 Termonbacca and Nazareth House?

22 A. Well, I believe that's true, but when you compare it
23 with the earlier period in which, you know, there seemed
24 to be less contact, yes.

25 Q. Would you accept, therefore, that the practices that

1 were being employed in the statutory sector would,
2 therefore, have had a greater influence on the Sisters
3 of Nazareth and how they then ran their homes?

4 **A. Yes, I believe so and I think particularly because --**
5 **I am trying to recall how Nazareth was constructed at**
6 **that time, because earlier on there were two units**
7 **within Nazareth. I know SR2 had responsibility for one**
8 **of them. I think it later evolved into one unit.**
9 **I know SR2 was very, very keen to actually implement any**
10 **suggestions or any support she was offered and she took**
11 **advantage of that.**

12 **Q.** That involvement with yourself and people like that
13 increased their awareness of the under... and the
14 expectation of the standard of care that would be
15 required then. Would that be fair?

16 **A. I would imagine that was so, yes.**

17 **Q.** Have you any idea whether the Trust itself -- and maybe
18 you have no idea about this -- whether the Trust would
19 have ensured that the Sisters were brought up-to-date on
20 knowledge and research about different practices?

21 **A. I wouldn't have specific knowledge of it, but I do know**
22 **that a colleague of mine had responsibility for visiting**
23 **the home during, you know, the late '80s and through the**
24 **'90s, TL 4, and I know that TL 4 was extremely**
25 **positive in trying to promote that, sharing of that sort**

1 of information, you know, with the sisters and with SR2
2 in particular.

3 Q. Thank you. HH5, can I -- you have talked about your
4 limited experience of Termonbacca and obviously were
5 more involved in Nazareth House. Did you see more of
6 the layout of Nazareth House and how children were
7 treated there than did you in Termonbacca?

8 A. Oh, yes, definitely.

9 Q. And what was your impression of Nazareth House?

10 A. Well, again Nazareth House -- in keeping with what
11 I have said before, Nazareth House and SR2 in particular
12 were making real efforts to try to create a much more
13 family environment for the children, and that was
14 a difficult task given the location of the home, which
15 was, you know, in a building which also had a school
16 alongside it, had another residential home for older
17 people, and they were all combined. So I mean, it took
18 a great deal of effort and creativity and ingenuity to
19 try to work with that.

20 Q. Can I ask did you have any role in placing children in
21 either home?

22 A. No, I did not.

23 Q. For example, when there was no place in , you

24 --

25 A. No.

1 Q. -- you wouldn't have had any role in that at all?

2 **A. No, that was not my role.**

3 Q. Do you say you spoke with children who then came to

4 or from Termonbacca --

5 **A. Yes, that is correct.**

6 Q. -- in your statement? Did they also come from Nazareth
7 House?

8 **A. Yes, they would have. Some of them would have come from
9 Nazareth House.**

10 Q. Well, you talk about having a weekly meeting with
11 children in in the You say that
12 children there spoke freely and they spoke about their
13 time in Termonbacca. Can I ask, first of all, what was
14 the purpose of those meetings, HH5?

15 **A. Well, again in keeping with what we were trying to do,
16 you know, about opening up opportunities for children to
17 talk about and be part of the process, it was again part
18 of the structure in that we would meet
19 regularly with the children, and it -- there were
20 children's meetings, because they were ostensibly, you
21 know, run by the children. They contributed to the
22 agenda. Sometimes they would chair the meetings.
23 Sometimes somebody would take a note, and again these
24 would just discuss the day-to-day living arrangements in
25 , to take suggestions from them, for people to**

1 talk to them about things that were going on in the home
2 and help them contribute towards things like activities
3 and different things or deal with issues that might come
4 up during the week.

5 Q. Now do you remember that certainly in your statement --
6 and if we can just pull this up, please, SND-5628. Can
7 I just confirm, first of all, this is a statement that
8 you provided to the Inquiry back in November 2013 and
9 you recognise that, HH5, as the statement that you
10 prepared? You will see that in place of your name it
11 has got the designation "HH5".

12 **A. Yes, that's the statement.**

13 Q. If we can just scroll down there, you will see that --
14 if I can just scroll on, please, to the following page,
15 to the last page there, it says:

16 "Throughout my time in and
17 there were a number of direct admission children
18 from Termonbacca and others who had previously been
19 there. While some of these children spoke of their
20 experience of care in Termonbacca, it was generally of
21 a regimented, structured regime where they had been
22 segregated by age and sex from siblings and where
23 religion dominated their lives."

24 Were the children open in talking to you about this,
25 about Termonbacca?

1 **A. Yes, yes, they were.**

2 Q. Did they make specific complaints you can recall?

3 **A. There were no specific complaints made to me other than**
4 **one, and it is in my statement, by one individual child,**
5 **but other than that they just talked generally about the**
6 **environment and about living in Termonbacca.**

7 Q. Now you say this one child and you name that child in
8 your statement.

9 **A. Yes.**

10 Q. I am going to use the name just for ease of reference.
11 He is not a person who has come to the Inquiry,
12 but he was a boy called SND 33

13 **A. That's correct.**

14 Q. He described how he had been bullied and abused by older
15 boys. Do you remember that?

16 **A. Yes, I do.**

17 Q. Can you remember what else he told -- you say he also
18 made allegations of physical abuse by a nun whom he
19 alleged used a shower rod. What do you remember about
20 that allegation, what he said?

21 **A. Just as we were -- as children were talking about the**
22 **experiences, they were again generally talking about the**
23 **regime, and then they referred -- I thinking initially**
24 **they were talking about bullying, being bullied by older**
25 **boys, you know, and from that then he said that he had**

1 been bullied, you know, and sort of physically knocked
2 about by older boys at that stage, and then he had also
3 said and there was a nun when he had done something
4 wrong that had one time on one occasion that she had
5 taken either a curtain or a shower rod -- I can't
6 remember which -- and had beaten him with it.

7 Q. And how did you respond to that?

8 A. Well, I was really taken aback at that stage and I think
9 some of the other children were as well.

10 Q. Did you remember -- do you remember the name of the nun?
11 Did he give a name?

12 A. The -- initially I was not sure about it and again the
13 name that comes to mind is SR6, but I'm not sure that
14 was the correct name. It's just a name after thinking
15 through, and it is such a long time ago that's --

16 Q. Thinking back on it, that seems to be the name that
17 comes to your mind?

18 A. That seems to be the name that comes to mind.

19 Q. After he made this complaint you say you were shocked.
20 Did you do anything?

21 A. Again I had spoken to him about it. Obviously as the
22 protocol at that time directed, you know, I passed that
23 on to the social worker. I know that ^{SND 33} subsequently
24 then went ahead -- went on to make allegations, you
25 know, different allegations, and I think they were

1 followed up at the time by the -- you know, by the
2 police as far as I can recall.

3 Q. Can I just ask you you know -- you remember some of the
4 names of the children --

5 **A. Yes.**

6 Q. -- who went through your care over the years.

7 **A. Yes.**

8 Q. One of those was someone called HIA352. Do you remember
9 that?

10 **A. Yes, I do remember HIA352.**

11 Q. HIA352 has given her account of that incident to the
12 Inquiry --

13 **A. Uh-huh.**

14 Q. -- both in her witness statement, which I showed you
15 earlier --

16 **A. Yes.**

17 Q. -- and also in what she said. What she said was that
18 you had actually got together all of the children from
19 Termonbacca. Do you remember doing that?

20 **A. I don't have a clear recollection, but it is possible,
21 yes, that it happened.**

22 Q. She believed that that might have happened because your
23 foster placement -- the foster placements were all
24 breaking down, and in an attempt to find out what was
25 going on with this group of children you might have

1 brought them all together to talk at a meeting.

2 **A. I don't recall that, but it is possible.**

3 Q. She said that you actually asked her had a certain
4 sister -- and she gave a different name to SR6 --

5 **A. Uh-huh.**

6 Q. -- ever hit her in Termonbacca. Do you remember doing
7 that?

8 **A. I don't have any recollection of that, no.**

9 Q. You told her that you had been told by boys who had been
10 moved from Termonbacca to that this particular
11 nun used to whip the boys with curtain wire and left
12 their legs stinging.

13 **A. The only one that I know spoke to me directly about it**
14 **is -- was** ^{SND 33} .

15 Q. She also went on to say that you said that you wanted to
16 take the matter further -- that if children wanted to
17 take the matter further or initiate court proceedings
18 due to the treatment they had received, you were happy
19 to assist if they wanted you to. You told them they
20 could speak to a solicitor, because the treatment they
21 were describing was unacceptable. Can you make any
22 comment on that?

23 **A. Well, I can't recall the exact form of words that**
24 **I used, but I do know, as I always did with kids in**
25 **situations, I said, "If there's anything that has**

1 happened, if you have anything you want to talk about,
2 you can talk to your key worker" -- we had a key worker
3 system in place, a primary worker in place -- "talk to
4 them. Talk to your social worker. Talk to someone.
5 Even if you can't talk to anybody in the system, if you
6 want to talk to somebody outside, I would arrange that
7 for you and that would include if you wanted to talk to
8 a solicitor". I would have said that on different
9 occasions, you know, to other children where there were
10 difficulties.

11 Q. It is possible she remembers something, some sort of
12 a conversation along those lines?

13 A. Yes, it is possible, yes.

14 Q. Can you -- you say that there were children who came
15 both from Nazareth House and Termonbacca and would have
16 been at these weekly meetings. Can you remember any
17 complaints about Nazareth House in the same way that
18 there were complaints about Termonbacca?

19 A. No, I cannot.

20 Q. You also say in your statement that some spoke kindly
21 about some of the care staff. I wonder do you remember
22 anyone in particular being spoken of in that way?

23 A. Yes. Again thinking back on this, there were a couple
24 people who I subsequently worked with who would have
25 worked originally in Termonbacca, and the children would

1 **have had a very positive word. Her name was** SND 21
2 SND 21 **Her name is now** SND 21 **and she would**
3 **have worked in Nazareth for a time. There was another**
4 **lady called** **-- I can't remember her**
5 **maiden name -- who I think would have been a carer,**
6 **a houseparent in Termonbacca, and young people would**
7 **have spoke very positively about them.**

8 Q. And what about any of the nuns? Did any of them speak
9 positively about any of the nuns?

10 A. **The only nun that I heard children speak positively**
11 **about was SR2.**

12 Q. Can I just ask in relation to the complaints you were
13 receiving from children or the feedback you were getting
14 about their time in Termonbacca did you ever discuss
15 them with your colleagues or report to your seniors
16 about what you heard?

17 A. **Yes, it would have been discussed with colleagues and it**
18 **would have been passed on again to the appropriate**
19 **people. We also had a group called the Core Evaluation**
20 **Team which met on a weekly basis in** **and if**
21 **there had been any issues came up with children, it**
22 **would have been referred to them, but I know the**
23 **protocol at the time was that if there was an issue came**
24 **up, you reported it through to the field social worker,**
25 **who then, you know, could take it on from there.**

1 Q. You say the protocol at the time. Can I just be clear?
2 Were there procedures in place for responding or
3 reporting allegations made by children?

4 A. Again, as I said, my recollection was if there was
5 an allegation, because the social worker had statutory
6 responsibility for the child, in the first instance you
7 reported the situation to the fieldwork officer so they
8 could, you know, follow it up and deal with it.

9 Q. I mean, was there a formal -- initially was there
10 a formal complaints procedure for the children?

11 A. No. There was no -- I mean, again the issue of a formal
12 complaints procedure, again from my experience, my
13 recollection this was a debate that went on through the
14 early 1980s right into the middle and near the end of
15 the 1980s. I think the Department had issued
16 a document, a circular talking about provision of a
17 complaints procedure for children in care and their
18 parents, and that was discussed and kicked around
19 basically for a number of years, and I think even when
20 they finally agreed on it, I think it was due to be
21 implemented in the mid '80s, '85 or so, I think maybe
22 following Hughes. It really didn't become implemented
23 until maybe the end of that decade or even at the start
24 of the '90s, if my memory serves me right.

25 Q. Again coming back to the children who were speaking to

1 you in the meetings, did the comments they were making
2 about Termonbacca, did they materially differ from what
3 you were hearing from children who had been in statutory
4 homes?

5 **A. Yes.**

6 **Q.** In what way?

7 **A.** Again, the children in -- who had been in Termonbacca,
8 going back to my statement, you know, would have seen
9 their time -- not all negative now. I mean, some had --
10 would say it was okay, but they did describe the regime
11 as being, you know, very, very religious-orientated,
12 that everything sort of revolved around the ethos of the
13 home, and obviously it was a Catholic children's home.
14 So it was there that -- you know, and therefore it was
15 very -- a bit more prescriptive in terms of what the
16 kids could do or not do at that stage. Obviously they
17 had come out of an environment where the home was much
18 larger, you know. Again coming to statutory homes, they
19 were much smaller. So there was that. Also we
20 developed a key worker system, you know, for working
21 with children, and they were able to talk to people in
22 a much more open way, even to the point where, you know,
23 again referring back to those meetings, where we were
24 able to actually sit down with children and devise their
25 own booklet.

1 Q. Yes. I think you have actually brought a copy of that
2 to the Inquiry. Chairman and Panel Members, we have had
3 this scanned into the bundle but it is not available yet
4 to be shown on the screen. You have the booklet there.
5 This was something that you and your colleagues in
6 actually innovated as a result of --
7 this was part of the outcome of those meetings with the
8 children. Is that correct?

9 **A. This was something the children innovated. I mean, out**
10 **of those meeting we decided to set up a group of**
11 **children and these would have been children who were not**
12 **just in voluntary care but children who had been in**
13 **statutory care as well, and it really was at a time when**
14 **there was no information really around for children**
15 **coming into care. So we sat down with the children and**
16 **they talked about home -- if you were coming into**
17 **a children's home, what are the questions you might want**
18 **answered?**

19 Q. And these were the questions?

20 **A. So the children came up with the questions and then we**
21 **then were sent away to provide the answers for them, and**
22 **out of that then we then -- a member of staff who worked**
23 **in the unit did the illustration. The children**
24 **contribute to it and we produced that booklet and that**
25 **was in**

1 Q. One of the questions -- I have had the opportunity to
2 look through this, but one of the questions there that
3 came from the children was:

4 "What happens if I wet the bed?"

5 A. Yes, yes.

6 Q. Was that a concern for children in your experience?

7 A. It seemed to be for some, not all the children there,
8 but for some of the children and particularly some of
9 the children who had been in the voluntary homes. It
10 seemed to be high on, you know, what -- what would
11 happen, you know, if somebody wet the bed, and there was
12 part -- as there were with other issues about, you know,
13 being involved in your care and being able to see your
14 -- what was written about you, and things like that, and
15 again I'm referring -- this was and it wasn't the
16 accepted practice at the time that children would, you
17 know, contribute towards their even social care plan or
18 would have some -- something to say. That's something
19 that evolved later, but at that particular time we were
20 attempting to do that with children, to try and open up
21 the children's home to allow them to bring friends,
22 visitors, families in and involve them in the process,
23 but the children themselves in that -- in that situation
24 developed and advised, and that booklet stayed in effect
25 until it was really supplemented by the -- when the --

1 you know, the formal complaints procedure.

2 Q. Particularly written a card.

3 A. **And at that particular time then the Board -- and**
4 **I think this was a Board as opposed to like a unit of**
5 **management -- did create a booklet for children and**
6 **their families, you know, coming into care and that**
7 **included a contact card which children could send off to**
8 **the Director of Social Services in the event of them**
9 **wanting to make a complaint. That became much more**
10 **formalised then.**

11 Q. That was much later on.

12 A. **Again that was much, much later on.**

13 Q. Can I ask -- the second statement that you gave to the
14 Inquiry was essentially in response to one of the things
15 that I have already put to you that HIA352 said. You
16 also recall a child called HIA233 or HIA233. Do you
17 remember her?

18 A. **Yes, I do.**

19 Q. She has told the Inquiry there was someone who worked
20 with you called HH 15

21 A. **Yes, that's correct.**

22 Q. Again none of these names can be used outside the
23 chamber, but just so we can all understand who we are
24 talking about, it's easier if I use the names. She
25 alleged that he had assaulted her, and that you, in

1 fact, knew about that. In the final three paragraphs of
2 your statement at SND-16392, if that could just be put
3 up, please, you deal with that allegation. Just the
4 final three paragraphs. It just says you recall her.
5 You say she was a damaged and challenging girl. I think
6 she would accept that, that she was challenging. She
7 described herself I think to the Inquiry as a monster,
8 and you say there were occasions when she had to be
9 physically restrained. You can recall this particular
10 social worker along with the other staff had to use this
11 procedure to prevent her from harming herself and others
12 on occasions, and those incidents would have been
13 recorded, discussed and shared with her -- her field
14 social worker -- sorry -- and other social work staff,
15 as that was the procedure that was followed when she was
16 in your care. Now she has said that she believed that
17 you knew that he assaulted her. Is it possible that one
18 of these restraint times might have been that?

19 **A. I mean, I don't know, but I do know that, you know, she**
20 **never made such a complaint to me.**

21 Q. She actually said that her parents came to complain --
22 to the home to complain about him. Have you any
23 recollection of that?

24 **A. No, and if there had been a complaint, again it would**
25 **have been recorded. It would have been followed**

1 I don't know whether it was directly
2 from Termonbacca or whether there had been -- he had
3 a placement in between. I'm not sure, but he was there
4 for a time in to Subsequent to that DL 48 was
5 moved to , and he remained there
6 for a time. I had no contact with DL 48 again until
7 a few years later when I know that subsequent to
8 he went -- he was placed with a foster family and
9 I think he was there for a time. Given the nature of
10 what was going on in Northern Ireland at the time, the
11 troubles had erupted and it was around the time of the
12 hunger strikes, and his placement was with
13 a , and DL 48 was at that stage
14
15 .
16 It was a very, very volatile time, and I think at that
17 stage , and
18 I think there was a case conference at the time and
19 although -- DL 48 was still subject to a care order, and
20 that he be moved to in , the care
21 side, not the criminal justice -- the youth justice side
22 but to the care side , and -- but
23 DL 48 took matters into his own hands and sort of legged
24 it, as they say, before myself and the social worker
25 could get him there. It was a matter of practice if

1 a child was moving on, I would have gone with him just
2 as part of the transition, and it was always our hope
3 that things would be improved and we could get him back
4 again, but DL 48 never, never made it to .

5 Subsequent to that -- I don't know what happened.

6 I can't recall what happened, but I think he went to
7 stay with family and there was some arrangement worked
8 out.

9 Q. He eventually came back and Is that
10 correct?

11 A. I didn't see DL 48 for a number of years and eventually
12 --

13

14

15 ,

16

17 Q. One of the things that HIA352 said was that you actually
18 had this conversation with her and you told her

19 . Do you recollect that?

20 A. I have really searched my memory to try to recall if
21 I did that. It is entirely possible I did, because, as
22 I said,

23

24

25

1 It is entirely

2 possible DL 48

3 Q. Do you remember having the conversation with HIA352
4 after DL 48 about this?

5 A. Yes, I do. I had been off in at the time on
6 holiday and when I came back, I discovered that DL 48 had
7 , and I -- I had -- it was only at that
8 stage I had -- -- there was

9 . There was a whole -- and I am
10 not sure whether it was immediately after his or
11 whether it was at the

12 DL 48 had -- his family had talked
13 about DL 48 experience in and had -- it became
14 part of the public record actually, and I have spoken to
15 HIA352 about that.

16 Q. But you don't remember if you told her that

17

18 A. I don't remember, but it is entirely possible that
19 I did.

20 Q. Just again we were speaking about this, the system of
21 formal review of children's residential care. Can you
22 just recollect who -- you have talked about TL 17
23 and yourself.

24 A. TL 17 .

25 Q. Sorry. TL 17 TL 17 . Freudian slip.

1 TL 17 and yourself being involved in that formal
2 review --

3 **A. Yes.**

4 Q. -- and setting up structures. Do you remember anyone
5 else who would have been involved in that at the time?

6 **A. I think the -- in the early stages it would have been**
7 **primarily myself and TL 17 who would have been**
8 **involved, and particularly the early stage at**
9 **but there was also input obviously from field social**
10 **work staff, you know, from the Assistant Principal and**
11 **from other people within the Trust, but it was**
12 **primarily -- and -- but it was primarily ourselves and**
13 **the residential and day care manager at the time.**

14 Q. Was this part of a review across Northern Ireland set up
15 by all the Boards or --

16 **A. No. I mean, because -- again it was the opportunity**
17 **because was being set up as a -- you**
18 **know, as a unique sort of facility to provide a pure**
19 **assessment for children, you know, and to bring their**
20 **families along and to try to make plans in terms of**
21 **where their future placement might be. So there was the**
22 **opportunity there to begin to do it properly, to begin**
23 **to draw in some of the ideas people were talking about**
24 **before in terms of properly planning for children.**

25 Q. Was this -- sorry to interrupt. Was this essentially --

1 **time.**

2 Q. Can we maybe just look at a couple of examples and maybe
3 you could explain what these are? If we could look,
4 first of all, at SND-2223, now this is headed -- it is
5 a handwritten -- it is a pro forma but it is
6 handwritten. It is about a particular child. You see
7 it is headed "Internal Case Review" and there is
8 a handwritten date of April '78. Was this a form with
9 which you would have been familiar at all?

10 **A. Initially yes. I mean, that would have been a form --**
11 **that would have been -- I think that would have been**
12 **used maybe in the voluntary children's homes. I think**
13 **I remember seeing that, but again within the statutory**
14 **homes there was also an internal case review form.**

15 Q. And would it have taken this kind of format or -- if we
16 just scroll down so that you can see, you see it says:
17 "To be completed by a member of staff responsible
18 for the child."

19 We are not clear as to who actually completed this
20 particular form, but you can see there is certain
21 different --

22 **A. Categories.**

23 Q. -- different categories of information to be completed,
24 and would those tally with the --

25 **A. Yes.**

1 Q. -- categories that would have --

2 **A. I think so, yes.**

3 Q. We can just scroll right down through that document,
4 please, quickly there. You see there that education,
5 religious development, hobbies, special interests, other
6 remarks and recommendations, they are all contained
7 within one form?

8 **A. Yes.**

9 Q. If we could just then look at SND-2231 as an example,
10 now you will see this is Western Health & Social
11 Services Board,
12 District Case Report. Would you familiar with this
13 document?

14 **A. Yes. That is -- yes. That was for usually for social
15 workers for their case records when they were recording
16 contacts or information. That would have been part of
17 their file. It would not have been part of the
18 residential file.**

19 Q. So this would have been something completed by the field
20 social worker?

21 **A. Yes.**

22 Q. You see this one relates to a particular family and we
23 were speaking earlier -- you were saying that the
24 record-keeping developed from where a social worker
25 would have had a family case file to having

1 an individual case file on each child --

2 **A. Yes.**

3 Q. -- in the family. Is that correct?

4 **A. Yes.**

5 Q. And this was a development that happened over the years?

6 **A. Yes, because initially all information relating to**
7 **children, and I mean children, if there was one child or**
8 **a family, they were all contained in one file. So the**
9 **information was all together and wasn't particularly**
10 **sorted out either in -- by individual child or even**
11 **within the file itself by sections, so that everything**
12 **was together in the file, and it was only later on that**
13 **we began to evolve and develop a system where, first of**
14 **all, family files continued for a time whereby, you**
15 **know, they were -- information relating to all children**
16 **in the family were in one file, but they began to**
17 **segregate out the documents into different sections. So**
18 **it could be, you know, where you had a section for legal**
19 **documents, case conferences, case reviews, you know,**
20 **case notes, case records, medical information. All that**
21 **would have -- contact with other agencies. So it was**
22 **segregated out in that way, but it wasn't until later on**
23 **that children began to get their own individual case**
24 **files.**

25 Q. So when you started off in the in this job, it

1 would have been quite difficult to access information
2 about an individual child from that type of
3 record-keeping. Would that be fair?

4 **A. If it was there, yes.**

5 Q. You are suggesting it wouldn't always have been
6 recorded?

7 **A. It wouldn't have always been there.**

8 Q. Can I just look at one other document? It is SND-2270.
9 I think this is the form that you are talking about. Do
10 you see it says "Information relating to child on
11 his/her admission to care"?

12 **A. Yes.**

13 Q. It's got a reference number at the top there, WC/10.

14 **A. Yes. WC/10/1.**

15 Q. Is this the type of form when somebody came into
16 or into that you or someone else
17 would have filled in?

18 **A. Yes. This would have been filled in by the admitting
19 social worker.**

20 Q. Then if we can scroll down to page SND-2272 just to give
21 another example essentially, this again you will see is
22 actually a review of health and well-being of a boarded
23 out child.

24 **A. Yes.**

25 Q. Again it has a WC/10 reference up at the top.

1 **A. Yes.**

2 Q. You were saying there were a series of forms produced
3 for keeping such records?

4 **A. Yes.**

5 Q. And they were all referenced WC/10 whatever?

6 **A. Yes.**

7 Q. Did you yourself help to change things in the way
8 records were kept?

9 **A. Well, I think I was one of a number of people that were**
10 **involved in that process, yes, about trying to develop**
11 **a proper system for recording and keeping information in**
12 **relation to children and their families and also about**
13 **how they could access that, because that was a critical**
14 **issue as well in allowing children to have access to**
15 **information about their care.**

16 Q. Can I ask -- you say that "if the material was there".
17 The lack of formal record-keeping, was that equally true
18 of voluntary homes and statutory homes.?

19 **A. I mean, I'd have to be honest and say in the early days**
20 **it probably was, you know, yes.**

21 Q. And would you say that the statutory homes were more
22 advanced in record-keeping than the voluntary homes
23 initially?

24 **A. I think the -- I think the starting point was a bit**
25 **quicker, you know, for the statutory homes than the**

1 voluntary homes. I think there was a lagging behind in
2 some of that, but, I mean, again within my period,
3 within my time there, I mean, it did pick up pretty
4 quickly and particularly, you know, through the '80s.

5 Q. Can I move on then to another topic then and just ask
6 you one of the things that you said that the children
7 told you at the meetings was about bullying by older
8 children. Can I ask what generally was your experience
9 of bullying and abuse of younger -- and the abuse of
10 younger children by older boys and girls in children's
11 homes?

12 A. I think again, I mean, there always was an issue, always
13 has been an issue in settings, whether it be children's
14 homes or schools, of bullying. I mean, that's something
15 we have dealt with -- had to deal with over the years
16 and it was recognised it was a feature of life. I mean,
17 again referring back to Termonbacca, the kids were quite
18 okay about talking about bullying, you know, and
19 intimidation by older kids, less reluctant to talk about
20 other things that happened to them, you know. So we
21 were always aware that was an issue, and that's why in
22 terms of looking at how you dealt with that it was
23 critical the role of sort of the key worker, primary
24 worker in the home in having a designated child they
25 could talk to, giving children opportunity through

1 meetings and through other, you know, ways to try and
2 let people know what was going on. So it was always
3 a matter of trying to be vigilant and trying to train
4 staff up to recognise the signs that were going on, but
5 it was a very difficult thing to manage, because,
6 I mean, at that particular time what was happening --
7 what was happening in terms of bullying was a societal
8 issue. It wasn't just confined to a children's home.
9 We lived in a culture that, you know, it was almost
10 acceptable. Even in school I recall as a teacher and
11 later on if a child came to complain about bullying, I
12 mean, the classic response to a child was, "Don't be
13 telling tales". They were sent away, you know. It
14 was -- it took a long, long time and even yet, you know
15 -- and within institutions, you know, you were in
16 a closed environment where children who maybe had been
17 bullied did not have the opportunity to get away.

18 It is ironic now in this time we are talking about
19 cyber bullying and it is exactly almost the same
20 situation. Whereas bullying in school was confined to
21 the school yard, the classroom, coming and going, and
22 when you went away from that, you were home and you were
23 safe, in the children's home children might never be
24 that safe. Today because of social networking children
25 in the community aren't safe any more. The bully

1 follows them into their bedroom, into their living room
2 and that's still around. So, you know, it always has
3 been and will continue to be an issue that people
4 grapple with. There's been enough research, mind you,
5 that's gone on over the years to look at that and trying
6 to look at strategies. What you can -- people can do is
7 try and again equip staff to try to recognise and deal
8 and develop -- and schools do it now all the time --
9 anti-bullying strategies. With all that happening it
10 still happens, you know, but it is important that people
11 continue to try to deal with it.

12 Q. Essentially what you are saying is that it's something
13 that's always been there and, as awareness has grown,
14 it's a matter of developing strategies to minimise it?

15 A. Yes. Exactly.

16 Q. Can I just then ask you another question about -- we
17 have heard that there was some investigation into peer
18 abuse in [redacted] in the [redacted] I believe
19 from talking to you this was when you were doing your
20 [redacted] and you weren't actually in the
21 home at that time. Is that correct?

22 A. Yes. I think it was in [redacted] and I was doing my
23 [redacted]. There was an investigation
24 at that time and --

25 CHAIRMAN: (Inaudible).

1 MS SMITH: Yes, indeed, but there is just one particular
2 issue. As a result of that investigation there was
3 a symposium held. Is that correct?

4 **A. Yes, 1992, I mean, in reaction to that, the whole issue.**
5 **I mean, obviously the Board in concert with the**
6 **Department, they then put together a symposium on peer**
7 **abuse, and that was actually -- there were a number of**
8 **people contributed to that symposium and it was written**
9 **up and published. So really in terms of the action --**
10 **I managed to find a copy of the report.**

11 Q. Again you have helpfully given that to us and we have
12 actually scanned it in. We now do have a page reference
13 number, which can be found at SND-16738. So the Inquiry
14 Panel will have the opportunity to look at that in more
15 detail in due course. Certainly what you are saying is
16 when this incident occurred, the Board reacted to try to
17 raise awareness of the issue?

18 **A. Yes, yes.**

19 Q. One of the other things that was done in 1993 shortly
20 after this was that there was Social Services
21 Inspectorate study in Northern Ireland about
22 significant -- which found there were significant levels
23 of bullying and peer sexual abuse across all sectors.
24 At that time would you have been made aware of that
25 Social Inspectorate report?

1 **A. As far as I can recall, yes, yes.**

2 Q. And would you as a

3 have kept yourself up-to-date not only with the material
4 that was being sent to you through the Department but
5 also of your own bat, as it were?

6 **A. Yes. I mean, again by referring back to maybe like, you**
7 **know, doing a literature review of some of the research**
8 **that was going on about bullying at the time and around**
9 **other issues relating to child -- you know, children in**
10 **residential care, yes, and I mean that information**
11 **probably -- would have been circulated among other**
12 **children's homes within the Board area and staff would**
13 **have been made available -- made aware of it as well.**

14 Q. I think that's probably all I have got to ask you, HH5,
15 I am sure you will be glad to hear, but the Panel
16 Members and Chairman may have some questions for you.
17 So if you just stay there, please. Thank you.

18 Questions from THE PANEL

19 MS DOHERTY: Thank you very much for your testimony. It is
20 very helpful. Can I just clarify when you were
21 you talked about completing monthly management
22 reports --

23 **A. Yes.**

24 Q. -- about the home. Could you just tell us a wee bit
25 about that?

1 A. It was -- I mean, when I moved into the post, TL 4
2 TL 4 was the sitting and it
3 would have been part of TL 4 role to carry out
4 monthly monitoring within the home. I just took on that
5 role for that period of time, and there was a standard
6 form pro forma set up. Again I am working on recall
7 here.

8 Q. That is fine.

9 A. But --

10 Q. What sort of areas would it cover?

11 A. Well, it would have looked at, you know, management
12 issues in the home, you know, the care of the children,
13 staff, training, supervision, untoward incidents,
14 complaints. You know, those were -- again those were
15 the general categories, headings that you would have
16 been able to -- you know, it would have also involved,
17 you know, speaking to the children.

18 Q. So -- so would that have meant that TL 4 -- you in your
19 time and TL 4 before that would have gone into Nazareth
20 House or Termonbacca --

21 A. TL 4 wouldn't have gone to Termonbacca, but, yes, we
22 would have -- I would have gone in.

23 Q. On a monthly basis you would have --

24 A. At least because I was also

25 So

1 **you could be there on a weekly basis, you know.**

2 Q. Right. Obviously the reviews about the individual
3 child, but this was about the overall quality of the
4 home and the --

5 **A. Yes.**

6 Q. Do you have any sense of when that would have started,
7 that process?

8 **A. Honestly I think now -- I think this would have been in
9 the mid '80s I think that the process would have started
10 I think.**

11 Q. I think it would be really helpful if we could get some
12 clarification from the Board about that, about the
13 monitoring of that. That's very helpful. Thank you.

14 **A. Thank you.**

15 MR LANE: You mentioned about children seeing their own
16 files.

17 **A. Yes.**

18 Q. At what stage were they -- can you put a date to that,
19 when that began?

20 **A. Well, we were -- as you can -- if you look at the
21 booklet from children, I mean, that booklet was written
22 up about So, I mean, in the booklet children
23 were having -- beginning to have access to their --
24 information that was written about them around about
25 that time.**

1 Q. Now you mentioned quite a lot of go ahead ideas about
2 key workers, children's meetings, booklet reviews and so
3 on. Did you think these up yourself or did you pick
4 them up off training courses or from a colleague or
5 what?

6 A. Possibly a combination of all of those, you know, but
7 certainly I would have been quite interested in the
8 research and in looking at what developments were in
9 residential child care. There were people like, you
10 know, and people like that. Even there
11 was -- I always get her name wrong -- .

12 Q. (Inaudible).

13 A. No. was her name, because it struck me she
14 did an extremely good piece on children in and out of
15 care and it was about children being received into care,
16 and I think -- the quote always stuck with me where she
17 talked about children -- bringing children from -- you
18 know, into the unknown, from the known to the unknown,
19 from the familiar to the unfamiliar, and then when
20 they're leaving, you are taking what from them has
21 become the known and putting them back into the unknown
22 again, and how do you actually help children make that
23 transition? That appealed to me, you know, about how we
24 did that with children and also about, you know, the
25 ideas about the key worker, the primary worker. It did

1 MR AIKEN: Bring up SND-5630, please.

2 WITNESS SND465 (called)

3 MR AIKEN: SND465, if you want to take a seat for a moment.

4 Members of the Panel, this is SND465, who is

5 SND-5630, please.

6 SND465, the Chairman is going to ask you about taking

7 the oath or affirming and then I will begin talking to

8 you further.

9 CHAIRMAN: Do you wish to take the oath or to make

10 an affirmation, a solemn promise? They have the same

11 legal effect. It's entirely for you to choose.

12 **A. Make an affirmation.**

13 CHAIRMAN: Very well.

14 WITNESS SND465 (affirmed)

15 CHAIRMAN: Thank you.

16 Questions from COUNSEL TO THE INQUIRY

17 MR AIKEN: SND465, while I am -- if you look at the screen,

18 you will see I hope a copy of your witness statement --

19 **A. Uh-huh.**

20 Q. -- that you have provided to the Inquiry, and I just

21 want you to check -- you can see that where your name

22 would appear there is, in fact, a designation, a black

23 box, a rectangle with a number, which is what has been

24 assigned to you for the present. I just want you to

25 make sure that that is the same statement as the one

1 that you provided. If we just scroll down to the next
2 page, please, to your signature, and the one on the
3 screen is going to have a black box for your signature.
4 If you can confirm that you from the hard copy you have,
5 in fact, signed this statement?

6 **A. Yes.**

7 Q. And you want to adopt that as your evidence to the
8 Inquiry?

9 **A. Yes, with the correction.**

10 Q. One point that SND465 wants to make is at the start of
11 her statement she refers mistakenly to the Sisters of
12 Mercy when she is talking about the Sisters of Nazareth.

13 **A. Yes.**

14 Q. That's a correction you want to make?

15 **A. Thank you.**

16 Q. The other issue that I want to address, just looking at
17 the statement, is the issue of anonymity. The Inquiry
18 has given anonymity at present to people coming to speak
19 to the Inquiry, and you have been given the designation
20 "SND465". It will be a matter for the Inquiry in due
21 course, but as matters stand anonymity is a matter for
22 you to waive if you wish to or you can keep the
23 anonymity until the Inquiry decides different. Do you
24 wish to keep the anonymity?

25 **A. I do, yes.**

1 Q. Now the Inquiry heard yesterday, SND465, from
2 a colleague of yours, SND484.

3 **A. Yes.**

4 Q. She is someone that you worked with?

5 **A. Yes.**

6 Q. I am going to foreshorten a lot of matters that
7 I covered with her --

8 **A. Uh-huh.**

9 Q. -- because they would be similar matters for you, but
10 there are a number of issues that I'd want to ask you
11 about and see what assistance you can give.

12 Can I just check with you first -- you mention in
13 the first part of your statement that you began working
14 as a social worker on

15 **A. That's right.**

16 Q. By that stage, if I have got my maths right, you were

17

18 **A. Yes.**

19 Q. And you had completed a

20 **A. Yes.**

21 Q. But

22 **A. No.**

23 Q. There was

24

25 **A. There was, but at that time there was a called**

1 a social worker, which is how I was employed
2 as a

4 You know, I was seconded by the
5 employer to do the from to .

6 Q. So the way this worked you came in as a

8 A. With a degree. That was --

9 Q. Then in --

10 A. Uh-huh.

11 Q. -- you went off on secondment to to do a

13 A. Yes.

14 Q. And you are out of the office, if you like, between
15 and

16 A. Yes.

17 Q. What I want to ask you about then is the occasions that
18 you went to Termonbacca --

19 A. Uh-huh.

20 Q. -- between and before you left. You can recall
21 one particular family and placing them in Termonbacca.

22 A. That's right.

23 Q. That was the HIA 92 family, whose identity shouldn't
24 be given, but at least one of them has already given
25 evidence to the Inquiry.

1 **A. Yes.**

2 Q. What I want to ask you is whenever the decision was
3 being taken to place the family in Termonbacca, were you
4 actually making this decision or was it your team leader
5 above you who was deciding where people were placed?

6 **A. Team leader, who was the Senior Social Worker, in
7 consultation with the Assistant Principal Social Worker.
8 So the next level up would usually decide the placement.**

9 Q. At the time of this decision --

10 **A. Uh-huh.**

11 Q. -- about the HIA 92 , for instance, who were those two
12 people who were making that decision as best you can
13 recollect?

14 **A. SND 468 and SND 507 , and you would always
15 have tried, particularly for younger children, to locate
16 a foster placement, and my assumption 30-odd years later
17 is that there weren't appropriate foster placements
18 available at that time.**

19 Q. So the decision about where was not a matter for you?

20 **A. Uh-huh.**

21 Q. It was a decision that was conveyed to you, which you
22 then implemented?

23 **A. Yes.**

24 Q. And the position with the HIA 92 family, for instance,
25 you were taking them to Termonbacca?

1 **A. Uh-huh. Yes.**

2 Q. What was that first visit by you to Termonbacca like?
3 What was your impression of taking children there?

4 **A. I had never been before as far as I know and it was --**
5 **it struck me as being a very austere, forbidding looking**
6 **building, you know, a big austere looking building,**
7 **quite isolated. It's on the outskirts of the city,**
8 **a big driveway up, forbidding looking building. It**
9 **struck me as a religious building as opposed to a cosy,**
10 **warm feeling building. It smelt of polish and**
11 **cleanliness, but not very welcoming for young children,**
12 **but at the same time these children were removed from a**
13 **situation where they were suffering physical harm and**
14 **emotional abuse.**

15 Q. If I can try and paraphrase that this way --

16 **A. Uh-huh.**

17 Q. -- you didn't regard this as an ideal place to send
18 children --

19 **A. No.**

20 Q. -- but it was a better place than where you were taking
21 them from?

22 **A. Yes.**

23 Q. And the position was there was nowhere else, because
24 there were limited spaces in Fort James. Did you regard
25 Fort James as a more homely, welcoming place than

1 Termonbacca?

2 **A. It was smaller and smaller numbers in it and my memory**
3 **would be that there were more older children in Fort**
4 **James than maybe would have been in Termonbacca at that**
5 **stage.**

6 Q. But the reality was there was not always places
7 available and --

8 **A. That's right.**

9 Q. -- you regarded Termonbacca -- whatever about its not
10 being ideal, it was better than where they were coming
11 from --

12 **A. Yes.**

13 Q. -- because you saw it as safe?

14 **A. Yes. It was a place of safety.**

15 Q. Again I am paraphrasing and you stop me and correct me
16 where I am not right about this.

17 **A. Uh-huh.**

18 Q. But you -- nobody -- none of the children that you took
19 to Termonbacca in that period ever complained to you
20 about being physically abused or sexually abused or
21 complaining at all about their care?

22 **A. No, no.**

23 Q. And there was nothing that came to your attention
24 otherwise during that period that caused you concern
25 about the care that was being provided other than the

1 matters you've talked about, that it's not ideal?

2 **A. No.**

3 Q. But the children looked to be fed and clothed and ...?

4 **A. Yes.**

5 Q. There was nothing apparent to cause you any more concern
6 than the initial views that you held?

7 **A. No. There wasn't, no.**

8 Q. When you went to do visits in Termonbacca --

9 **A. Uh-huh.**

10 Q. -- by the stage you are going there SND332 is already in
11 place.

12 **A. Yes.**

13 Q. How would you describe the relationship working with
14 him?

15 **A. SND332 would have been my main contact in Termonbacca in
16 terms of inquiry about the children or he giving me
17 information about how they'd been and how school was
18 going. So SND332 was the social work contact that was
19 sort of professional to professional. So I had most of
20 my contact with SND332 at that stage.**

21 Q. And was that a positive relationship?

22 **A. Very much so. Very much so, yes.**

23 Q. And you conducted your monthly visits in the living
24 room, dining room type area --

25 **A. Yes.**

1 Q. -- of Termonbacca?

2 **A. That's right.**

3 Q. Just in a corner away from ...?

4 **A. Yes.**

5 Q. SND484 was saying it lacked privacy in terms of
6 facilitating a --

7 **A. That's right, yes, and when the mother -- for instance,**
8 **she would have visited the children very regularly, and**
9 **that was the same location where those visits took place**
10 **as well, because sometimes I accompanied her on her**
11 **visits with her children.**

12 Q. One of the questions that I have been asked to put to
13 you, which I made you aware of, was that you also had
14 involvement with -- he is now known as HIA60, but HIA60
15 at the time.

16 **A. Yes.**

17 Q. I was asking did you recall -- he regarded you
18 positively compared to another social worker that he was
19 involved with. Did you -- I asked you did you recall
20 him, and you recall the family.

21 **A. I don't recall.**

22 Q. You don't recall him?

23 **A. Unfortunately I can't envisage him at this stage. I do**
24 **remember the family.**

25 Q. You have looked after -- been involved with hundreds of

1 children --

2 **A. Hundreds, yes.**

3 Q. -- since then. Now you mention then

4 --

5 **A. Yes.**

6 Q. -- and by which time Termonbacca is

7 closing --

8 **A. Uh-huh.**

9 Q. -- in 1982.

10 **A. That's right.**

11 Q. And you are then working in -- with children placed in
12 Bishop Street?

13 **A. That's right.**

14 Q. But by the time you're doing that Bishop Street is no
15 longer a large dormitory type institution. It is two
16 units --

17 **A. Yes.**

18 Q. -- of ten beds, if you like, ten children per unit, but
19 how would you describe coming there as a place to take
20 children?

21 **A. A smaller version of Termonbacca in terms of the big
22 forbidding looking building on Bishop Street that had
23 the old people's home, and the wood panelling, the
24 crucifixes and the statues, and again it felt more like
25 a religious institution -- of course, it was as well --**

1 **rather than a home for children, but it was smaller and**
2 **there were majority lay staff --**

3 Q. Again don't let me --

4 **A. -- in Nazareth House.**

5 Q. -- put words in your mouth, but if I paraphrase it in
6 this way: your views were similar to the ones you held
7 about Termonbacca?

8 **A. Yes.**

9 Q. It was not an idea place as far as you were concerned --

10 **A. No.**

11 Q. -- but it was better than the place you were taking the
12 children from?

13 **A. That's right.**

14 Q. And the reality was there were limited places and more
15 children than there were places?

16 **A. Yes.**

17 Q. Is it also the case that the bias -- you've mentioned it
18 already -- was in favour of trying to find foster
19 placements?

20 **A. Very much so.**

21 Q. So when you were being involved in placing a child in
22 either Termonbacca or Bishop Street, as far as you were
23 concerned that was not a permanent arrangement?

24 **A. Yes. You would always have preferred a foster**
25 **placement, having assessed the needs of the child and if**

1 the foster placement would be liable to work. I mean,
2 as it happens, that first family we spoke of, two of the
3 placements worked very well in the foster care setting.
4 The older boy it didn't and he came back from foster
5 care back to Nazareth House.

6 Q. Is the reality just, as there weren't enough places in
7 children's homes, there weren't enough foster placements
8 --

9 A. That's right.

10 Q. -- to meet the need --

11 A. That's right.

12 Q. -- that you had identified?

13 A. Uh-huh.

14 Q. You did meet during your time in -- I am not sure
15 whether you remember her from Termonbacca, but during
16 your time working at Bishop Street SR2?

17 A. Yes.

18 Q. How would you describe your interaction with her? How
19 did you find her?

20 A. SR2 was a very warm, very nurturing personality, very
21 welcoming.

22 Q. Had you ever any concerns about her?

23 A. No, I didn't.

24 Q. Now you mention in your statement that in terms of
25 Bishop Street -- this is just the second paragraph down:

1 "I do recall there was a representative from Social
2 Services played a with Nazareth
3 House in the

4 I discussed that earlier with TL19 and he thought
5 that was TL 4 that's being referred to. Was it
6 TL 4 ?

7 **A. Yes, it was, yes.**

8 Q. And you remember this role taking place?

9 **A. Yes, yes, I do.**

10 Q. And this was to examine how the home was operating
11 rather than how the child in the home was doing, which
12 was the visit you did?

13 **A. Well, it was both, because TL 4 chaired most of the**
14 **reviews of the children as well as that**
15 **as far as I remember.**

16 Q. If I break that down, you had monthly visits in respect
17 of a child?

18 **A. Yes.**

19 Q. Then there were you think three-monthly eventually --

20 **A. Uh-huh.**

21 Q. -- three-monthly reviews, which were sort of case
22 conferences between the social workers --

23 **A. Yes.**

24 Q. -- and the Bishop Street staff and maybe a school
25 teacher or ...?

1 **A. Yes, that's right.**

2 Q. And those were chaired by TL 4

3 **A. Yes.**

4 Q. So he had an overview, as it were, and he himself was
5 also doing this in the late

6 --

7 **A. As far as I remember.**

8 Q. -- of checking on the home?

9 **A. Yes.**

10 Q. You have never seen any records relating to that. You
11 are just aware that's what he was doing.

12 **A. Yes, and I know if you had any difficulty or query about
13 the home or a complaint from a child, TL 4 was
14 the point of contact.**

15 Q. And you mention complaints. You say at the last
16 paragraph of your statement on the first page:

17 "I confirm there was a complaints procedure in place
18 in Nazareth House in the early '90s."

19 Now -- and you talk about the contact cards --

20 **A. Yes.**

21 Q. -- that could be sent to the Director of Social Care, if
22 my memory is right.

23 **A. Uh-huh.**

24 Q. This was the system that came in post Sheridan and
25 Hughes Inquiry for trying to give the children

1 an opportunity to complain about something that was
2 happening.

3 **A. Yes.**

4 Q. Up to that point can you remember receiving complaints
5 from children that you were placing in Bishop Street?
6 Were you getting complaints about the food, about the
7 clothes, about how they ran the place, about any of
8 that? Was that coming to your attention?

9 **A. No. There were no issues around -- that were brought to**
10 **my attention. I remember the contact card being used by**
11 **one young person for whom I was a field social worker.**
12 **I can't remember the date, but I would say it was in the**
13 **early '90s, and that was really a falling out between**
14 **this young man and a member of staff, but that's when**
15 **I remember the contact card being used, and it would**
16 **have been forwarded to me then to do that sort of**
17 **initial investigation. "What's this about?"**

18 Q. You did mention -- you mention in your statement, four
19 paragraphs up -- you say there was never an allegation
20 of physical abuse by staff members or older residents
21 brought to your attention. However, one young person
22 made an allegation of sexual abuse against a lay staff
23 member in Nazareth House in the early '90s. I asked you
24 was that HIA127, who has given evidence to the Inquiry
25 already. You were involved with his complaint that he

1 brought forward.

2 **A. Yes.**

3 Q. Again his name shouldn't be identified, but you were
4 asked by senior people within the unit --

5 **A. Yes.**

6 Q. -- management to be involved in interviewing HIA127 and
7 his partner, SND 363 .

8 **A. That's right, yes.**

9 Q. And just for the record -- I am not going to bring it
10 up -- but at SND-5460 is a record. You have had
11 an opportunity to look at that document today to refresh
12 your memory, SND465.

13 **A. Yes.**

14 Q. And that's the interview that you -- or the
15 interview minute that you kept of your meeting with
16 HIA127.

17 **A. Yes.**

18 Q. You were involved then in the strategy reviews that
19 followed that. Was this the first time that you
20 personally were involved in an allegation of sexual
21 abuse from a member of staff on a child?

22 **A. Yes.**

23 Q. You did mention to me an issue in Fort James that the
24 Inquiry may have to look at in due course --

25 **A. Yes.**

1 Q. -- with another member of staff --

2 **A. Yes.**

3 Q. -- but this was the first one you were involved in?

4 **A. That's right, yes.**

5 Q. You were also aware of -- that this is happening,
6 HIA127, in '96, that he brings this forward. You were
7 aware of the peer abuse issue that arose in Harberton
8 House in '91.

9 **A. Yes.**

10 Q. Was that -- you have had Kincora breaking in the news in
11 1980, the report in 1986 --

12 **A. Yes.**

13 Q. -- and that was for sexual abuse by an adult on a child.
14 In terms of the peer abuse that was being recognised at
15 the start of the '90s, was that the first time that that
16 had come on your radar in terms of your work?

17 **A. I do believe it was. I do believe it was, yes.**

18 Q. It hadn't formed part of your training as an issue that
19 you recollect?

20 **A. No. Not that I remember, no.**

21 Q. Prior to the Kincora news story breaking in 1980 and the
22 Hughes Inquiry report -- I am not going to
23 bring it up -- but he has filed a witness statement for
24 the Inquiry on behalf of the Health & Social Care Board
25 saying guidelines were not issued to staff about the

1 sexual abuse of staff on children that he's aware of.
2 Do you remember ever getting guidance about what to do
3 about this, how to manage it, how to watch out for it,
4 how to try and see the telltale signs?

5 A. Well, I don't recall anything specific. I do know there
6 was a different consciousness around the subject in
7 relation to the family social workers. You know, there
8 was Kincora and there was Kircubbin, and I placed
9 children in Kircubbin Children's Home run by De La Salle
10 Brothers. So there was a raised consciousness and
11 awareness that this issue was potentially around in the
12 care setting.

13 I suppose in relation to, you know, staff abuse of
14 residents my impression in retrospect may have been that
15 those two homes, Nazareth and Termonbacca, were run
16 essentially by the Sisters of Nazareth and, you know, it
17 didn't come into anybody's head that nuns would oversee
18 such behaviour. So it was construed mainly as a male --
19 the De La Salle Brothers ran Kircubbin and male members
20 of staff in Kincora. So certainly the issue of the
21 potential for sexual abuse in residential childcare did
22 get a profile. There is no doubt about that, but I
23 don't remember any specific guidelines or instructions
24 around at the time, but certainly we would all have been
25 following those investigations with a great deal of

1 Q. So what we have heard so far -- and you can tell us if
2 this is right -- that during the when you were
3 starting, you had a generic case load.

4 **A. That's right.**

5 Q. By you think the middle that became a more
6 specialised role, and

7

8 **A. That's right.**

9 Q.

10

11

12 **A.**

13 Q. and

14

15 **A. Yes.**

16 Q. --

17

18 **A. Yes.**

19 Q. That's

20 **A. That's right.**

21 Q. SND465, those are all the questions that I want to ask
22 you. The Panel may have some questions. So if you bear
23 with us a short while.

24 **A. Thank you.**

25 CHAIRMAN: Well, I am sure you will be relieved to hear that

1 we don't have any further questions for you particularly
2 at this time of the afternoon. Thank you very much for
3 coming to speak to us about your experiences of what
4 must now seem to be a long time ago.

5 **A. Indeed. Thank you.**

6 CHAIRMAN: Thank you very much.

7 (Witness withdrew)

8 MR AIKEN: Chairman, Members of the Panel, that concludes
9 today's evidence.

10 CHAIRMAN: Yes. I think I should say, ladies and gentlemen,
11 that the indication we have had as of now is that SND283
12 will not attend tomorrow.

13 MR MONTAGUE: I am obliged. Thank you.

14 (4.30 pm)

15 (Hearing adjourned until 10.30 tomorrow morning)

16 --ooOoo--

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