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HISTORICAL INSTITUTIONAL ABUSE INQUIRY  
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being heard before:

SIR ANTHONY HART (Chairman)

MR DAVID LANE

MS GERALDINE DOHERTY

held at

Banbridge Court House

Banbridge

on Tuesday, 20th May 2014

commencing at 10.30 am

(Day 36)

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

1 Tuesday, 20th May 2014

2 (10.30 am)

3 SISTER BRENDA MCCALL (cont.)

4 Questions from COUNSEL TO THE INQUIRY (cont.)

5 CHAIRMAN: Good morning, ladies and gentlemen. Just before  
6 this witness resumes her evidence I want to take this  
7 opportunity to remind everybody, as I do each morning,  
8 to ensure their mobile phones are either switched off or  
9 on the silent/vibrate setting, but to emphasise again  
10 that no photography is permitted anywhere within the  
11 confines of the Inquiry building and certainly not here  
12 in the chamber. Thank you.

13 Now, Ms Smith.

14 MS SMITH: Morning, Chairman, Panel Members. Good morning,  
15 sister.

16 **A. Good morning, Christine.**

17 Q. We are will about to continue on with your evidence. We  
18 finished off yesterday -- we were dealing with a number  
19 of general issues that you had tried to address in one  
20 of your statements. I am going to continue with that --  
21 those issues by way of reference to your statement, but  
22 I may trespass on some of the matters that we discussed  
23 yesterday. So just in case we do I don't want you to be  
24 taken by surprise.

25 So one of the things that you address -- and if we

1 can pull up the statement, please, which is SND-437, and  
2 move to paragraph 33. That's SND-442, please. If we  
3 can move to page SND-442. This is the statement,  
4 sister, we talked about yesterday where you were  
5 addressing various issues that had been the subject of  
6 complaints to the Inquiry by children who had lived in  
7 the two Derry homes.

8 At paragraphs 33 to 38 you deal with the issue of  
9 the meals that were provided and the food and you say:

10 "When looking at the concerns raised by former  
11 residents, it is important to be aware that the meals  
12 provided to the residents were the same meals provided  
13 to the sisters themselves. There was no separate  
14 canteen or food provision for the sisters. Rather they  
15 got their meals after the children and ate the same  
16 meals that had been provided for the children."

17 You will be aware, sister, from the evidence that  
18 you have heard that it would appear to be the case that  
19 the children were served first and then the Sisters were  
20 fed --

21 **A. That's correct.**

22 Q. -- but certainly the Sisters' evidence has been they  
23 didn't eat anything different, but they seem to accept  
24 from me that the perception may have been that they were  
25 getting something better because of that practice.

1 I think SR2 -- and again these names that I am using to  
2 make matters easier for us all to understand can't be  
3 used outside the chamber -- but I think she said that  
4 certainly it was part of the life of the congregation to  
5 have a meal separate from those they were caring from.

6 Is that correct?

7 **A. That's correct, because we are a community and so as**  
8 **a community we would eat together and recreate together,**  
9 **yes.**

10 Q. And there would be some times when you as a community  
11 would be separate from those you were caring for?

12 **A. Definitely, yes.**

13 Q. One of the things that you do say about the food that  
14 was provided in the homes in your statement is that:

15 "Society in Northern Ireland faced the era following  
16 the First World War, depression in the 30s, Second World  
17 War and rationing and to meet the needs of the children  
18 sisters baked their own bread when they could. In the  
19 diary houses the farm at Termonbacca was able to produce  
20 fresh food which was shared with Bishop Street and fresh  
21 bread baked at Bishop Street was sent up to Termonbacca.  
22 Children would have been encouraged to eat the food  
23 provided as there was no alternative available. It was  
24 seen to be in the children's own interest to eat the  
25 meals provided. The sisters accept that this may mean

1 someone standing alongside a child to ensure they ate  
2 their meals but do not accept that a child was ever  
3 force fed."

4 Excuse me. You talk about the inspections reports  
5 which the Inquiry has seen, where there are numerous  
6 references to food supplied and the variety of the  
7 menus, and the children who spoke to inspectors seem to  
8 have generally appreciated the food provided.

9 Certainly it would be true to say, sister, we have  
10 had varying accounts. Some people seem to be happy with  
11 their food. Others either felt they were hungry or that  
12 the food was not of good quality or, in fact, that you  
13 have heard the allegations of force feeding, but you  
14 don't accept that that was the position?

15 **A. I don't accept force feeding, no. Encouragement, but**  
16 **not force feeding.**

17 Q. Can you maybe just define what you mean by  
18 "encouragement", sister? What would that entail?

19 **A. Well, if a child wasn't eating food for whatever reason**  
20 **-- and even your mother would encourage you to eat food**  
21 **-- so I am sure the Sisters encouraged the children to**  
22 **eat food, but I definitely don't agree that they force**  
23 **fed any child.**

24 Q. You move on at paragraph 39 of this statement to discuss  
25 the issue of clothing. In summary you say that it was

1 the best that could be provided. You do accept that the  
2 children may have stood out from the children in the  
3 community.

4 "Sisters are aware of suggestions that they wore  
5 poor quality clothing or were dressed differently and  
6 that the children faced abuse from their peers because  
7 they stood out. At all times sisters tried to provide  
8 the best quality clothing they could within the scope of  
9 the budget restrictions placed on them. The Inquiry has  
10 already heard Sisters relied heavily on charity and on  
11 collections taken up by the Sisters themselves. In  
12 Derry the Sisters were very lucky to have received  
13 regular donations of clothing from the Desmond's  
14 factory. They were and remain very grateful to  
15 Desmond's for those acts of kindness."

16 If we can just scroll down, please, you say that  
17 they ensured they were provided with full school uniform  
18 and had the best clothing available and this would have  
19 included hand-me-downs and charity donations from the  
20 local community and charity organisations.

21 You make the point that around the Derry -- around  
22 the Derry houses was an area of great poverty. So it is  
23 accepted that the clothing was not always the best  
24 quality but that it was the best the Sisters could  
25 provide.

1           One of the complaints was of the fact that they  
2           had -- that they did stand out because of the clothing.  
3           Certainly in the earlier years that seemed to be the  
4           case, and the photographs we have been shown would show  
5           that there was a distinctive uniform made for the very  
6           junior boys that seemed to consist of some type of  
7           dungaree, shorts dungaree, and would you accept that in  
8           the earlier days perhaps that they did stand out because  
9           of this?

10   **A. Perhaps, yes, yes, but certainly in the later times**  
11   **Desmond's factory provided the best clothes and**  
12   **I believe from what I have heard that the children from**  
13   **outside would envy the children from Nazareth House,**  
14   **because they were so well dressed, and then, of course,**  
15   **they would have the school uniforms, which would be**  
16   **regulatory for the school.**

17   Q. Can I just check, sister, is it accepted that for those  
18   children who were in the care of Social Services  
19   payments were made to the Sisters of Nazareth to provide  
20   clothing for those children?

21   **A. Yes, yes.**

22   Q. And on that point also is it also accepted that there  
23   was payments made to provide -- I think we may have  
24   touched on this yesterday -- but to provide the birthday  
25   gifts and Christmas gifts for them?

1   **A.   Yes.**

2   Q.   At another statement of yours at SND-13939, and if we go  
3       to page SND-13942, you talk about the issue of corporal  
4       punishment.  At paragraphs 22 to 25 there you say:

5           "The sisters did not have a specific record of  
6       a written policy document as described" -- this is in  
7       response to questions that you were being asked by the  
8       Inquiry -- "or as they understand the Inquiry to be  
9       seeking.  I have attached to this statement a copy of  
10      extracts from the general chapters and visitations that  
11      refer to the work of the sisters within the houses and  
12      they would have looked at every aspect of the sisters'  
13      lives and would have been more aimed at the religious  
14      life of the sisters than the work life of the sisters.  
15      These extracts have been taken to assist the Inquiry in  
16      understanding some of the views expressed at these  
17      general meetings of the sisters.  When I used the word  
18      'policy' in my previous statement, it was more to  
19      reflect modern understanding of the way in which houses  
20      were operated, not to reflect a particular written  
21      policy type document or mission statement, as would  
22      exist in current times.  The policy would have reflected  
23      the ethos of the Sisters of Nazareth as a religious  
24      institution rather than a specific operating practice.  
25      The Sisters themselves followed a set of rules regarding



1 their religious practices which would have been prepared  
2 by the founder of the Order and developed by the Order  
3 over the years, but were not a set of rules as would be  
4 understood in the running of a residential care  
5 institution."

6 Now, sister, with respect, you seem to be answering  
7 a different question than the heading suggests in this,  
8 and I am going to come on in due course to discuss the  
9 issue of visitations in some more detail with you, but  
10 I take from saying that the sisters did not have  
11 a specific record, a written policy document, you are  
12 saying that the Sisters themselves didn't prepare one,  
13 but the Sisters would have been aware of what the  
14 legislation said on the issue of corporal punishment and  
15 how that was proscribed?

16 **A. Yes, yes, but there was no written policy in those early**  
17 **days about punishment, but, as you say, they would have**  
18 **been aware or they should have been aware of the**  
19 **memorandum of 1951.**

20 **Q.** The 1951 memorandum, but in addition to that they ought  
21 to have been aware of the 1958 Children & Young Persons  
22 Act -- sorry -- 1950 Children & Young Persons Act and  
23 1968 successor act and the regulations that went along  
24 with those. It would have been in the regulations that  
25 the prescription for how a child ought to be punished

1 was laid down.

2 **A. Yes, and the Sisters themselves knew that the**  
3 **congregation didn't accept corporal punishment of any**  
4 **kind.**

5 Q. And that was part of the ethos --

6 **A. Yes.**

7 Q. -- of the congregation?

8 **A. Yes.**

9 Q. I think we touched on another subject yesterday, sister.  
10 Just before I move on from the corporal punishment --  
11 well, no. I will leave it and come back to it and we  
12 will deal with another statement that you have provided.

13 We talked yesterday about the family groups and you  
14 deal with this at SND-13945 and in the amended statement  
15 at SND-18044. So if we could just go to SND-18044,  
16 please, and if we go to paragraphs 3 to 8, you talk  
17 there about over the years you have lived and spoken to  
18 many sisters who have worked in Termonbacca and Bishop  
19 Street and that's where you have acquired the knowledge  
20 to speak from their experiences.

21 You talked about Termonbacca and the new build  
22 comprising two separate units being completed.

23 "Extensive renovations were carried out on the  
24 nursery unit at this time, converting large dormitories  
25 to smaller bedrooms. In Bishop Street the home was

1 converted into three separate units. The large  
2 dormitories have been divided into two and three  
3 bedroomed rooms. Each unit was managed by a sister  
4 assisted by senior girls in Bishop Street and by staff  
5 in Termonbacca. The catalyst for the introduction of  
6 group homes for Termonbacca was the completion of the  
7 new build. In the Bishop Street the catalyst was to  
8 keep in line with Termonbacca. These were affordable at  
9 this time as we received grants from the Ministry of  
10 Home Affairs."

11 I think it is fair to say, sister, that a large  
12 portion of the funding for the renovations at  
13 Termonbacca, the new build, came from the Derry  
14 community as well as from grant aid.

15 **A. Yes.**

16 Q. Can I just say it is clear here from what you are saying  
17 here that there was a catalyst for Bishop Street to  
18 change in line with what was happening in Termonbacca.  
19 I am wondering, sister -- we have heard comments how far  
20 behind even Belfast the Derry homes were and how far  
21 behind the -- Belfast was in comparison to what sisters  
22 experienced in -- sisters from Nazareth homes in England  
23 and Wales.

24 Just we talked yesterday that there would be  
25 meetings between groups of sisters who had certain

1       responsibilities, but I am just wondering did the  
2       congregation as a whole not try to raise standards to  
3       one level across the board at any point?

4       **A. Not across the board, because each region was different**  
5       **and each house was semi-autonomous. So it would very**  
6       **much differ from house to house. The idea of having**  
7       **meetings obviously in England and Scotland was to try**  
8       **and unify, but, as I say, in Ireland they seem to for**  
9       **some reasons be a bit further behind, and I would say in**  
10       **Northern Ireland because of the cultural poverty of the**  
11       **place, especially around Derry, the political situation**  
12       **that was going on, the troubles, all that impacted on**  
13       **the homes and maybe that's why they were a bit further**  
14       **behind than the UK.**

15       **Q.** Can we look then at the next page of this statement?  
16       Just actually at the bottom of that page you talk about  
17       annual inspections and you say:

18                "To refer to the inspections carried out by the  
19       Ministry of Home Affairs under section 102 of the  
20       Children & Young Persons Act '50 and later section 130  
21       of the Children & Young Persons Act. Then you set out  
22       a number of examples. I presume there is something  
23       missing from your statement there that ought to have  
24       been there, but I presume what you were saying is that  
25       you have -- and correct me if I am wrong, sister -- but

1           it seems to me what you were saying is, "We have  
2           discovered from our documents the following examples".

3           Would that be a fair --

4   **A. Yes.**

5   Q. -- insertion, if I can put it that way?

6   **A. Yes.**

7   Q. Can I just confirm what documents these are taken from?

8   **A. Council books from the region and from the house --  
9       houses.**

10   Q. We see just you say examples here.

11           "1952. School inspectors from Stormont visited the  
12       house."

13           I take it that would have been Bishop Street,  
14       because there was a school there.

15           "1957. The different officials who have visited us  
16       from Stormont were very pleased with the boys."

17           That may well be Termonbacca.

18           "1961. Miss Wright, Dr Simpson from the Ministry of  
19       Home Affairs called in July and were very pleased with  
20       the children and the work done."

21           You -- the page references that you are giving here  
22       I take it are from those --

23   **A. Books.**

24   Q. -- books?

25           You name someone from the Ministry of Home Affairs:

1            "... came during night recreation. Was pleased to  
2            find the children so well and happy and some at band  
3            practice and they played for her."

4            That was in 1962.

5            **A. I believe that was a Miss Forrest, if I remember**  
6            **correctly.**

7            Q. I think that is correct, sister. That certainly is the  
8            designation we have given to that lady.

9            Again she came back in 1973 with a Mr Parks to see  
10           the boys' place from Stormont.

11           "Members of the Child Welfare Council came to see  
12           the children. They remarked how well cared for the  
13           children looked and hoped we would be able to prove --  
14           improve this present building."

15           We do know from the documents we were looking at  
16           yesterday certainly in 1964 Termonbacca were filling in  
17           a questionnaire that Child Welfare Council had asked for  
18           and they were asking for improvements to that building  
19           in that questionnaire.

20           Again '64:

21           "Dr Simpson, Miss Hill paid us a visit,  
22           February 4th. Both were very pleased with boys and most  
23           anxious that we would build dormitories as more sleeping  
24           accommodation was needed. They said they would say so  
25           at Stormont and hoped we would get a grant."

1           67. Again:

2           "Ms Forrest, Ms Hill and Mr Black, Ministry of Home  
3           Affairs, Stormont came on 15th November to visit the  
4           children and discuss the proposed new building."

5           I can't remember -- that's the name I believe of the  
6           Mother Superior at the time in Bishop Street:

7           "... and Mr Frank Guckian, Chairman of Termonbacca  
8           Aid Association, was also present. It was agreed that  
9           the first step would be for the architect to prepare  
10          sketch plans and make an estimate of costs."

11          It is recorded throughout these years in the late  
12          '60s that there were meetings with the architect and  
13          meetings with the home and visits from the Ministry in  
14          relation to that new build, and there was also a visit  
15          in 1969 from the then MP Mr Hume.

16          "December.     SND 504     , children's officer for  
17          Tyrone, called to see the children in our care. We had  
18          another visit from Mr John Hume. He spent quite a lot  
19          of time with the boys.

20          November '70. Visit from Dr Simpson, Ms Hill from  
21          Stormont. They were pleased with the arrangements for  
22          children under our difficult circumstances."

23          I believe this is referring to the temporary  
24          accommodation that we have heard of.

25         **A. Yes.**

1 Q. "February. Visit from Ms Forrest from the Ministry of  
2 Home Affairs. We received two installments of our grant  
3 from the Ministry",

4 and the sums are set out there.

5 Again further right down to:

6 "January. Received a further grant from the  
7 Ministry of Home Affairs. Further installment of the  
8 grant for the new wing.

9 May. Further installment.

10 September. Further installment. Visit from Miss  
11 Forrest, Ministry of Home Affairs. She was pleased with  
12 the renovations in the nursery and new building.

13 November. Dr Simpson, Miss Hill came to visit.  
14 Stayed for lunch. Bishop came. Said mass and blessed  
15 our new wing, which was opened on 21st November."

16 So there's clearly in these documents significant  
17 events relating to the funding of the new build being  
18 recorded.

19 If we can just look, please, at SND-14223, these are  
20 the council books that you are talking about, sister.

21 If we could just scroll through these, please, and you  
22 will see that, if we just pause there, we are going  
23 right back to 1922, and I am just pausing there -- yes.

24 We could maybe enlarge the page, because the writing is  
25 quite difficult. If we just look even at 14th February



1           there 1922:

2           "The council met and voted to pay the monthly bills.  
3           It was decided to get material for a set of knickers and  
4           school dresses for the children, also 12 new beds and 3  
5           cots to meet the constant increase of numbers. It was  
6           also decided to get an additional gallon of milk for the  
7           extra babies. The Superior told the council she had  
8           received a legacy of £100 from someone, also £50 from  
9           his Lordship and from some American priest."

10          In the month of August '21, 1921:

11          "It was decided to fit up the linen room, but it was  
12          impossible since to do so owing to -- possible to do  
13          so -- impossible since to do so owing to lack of funds.  
14          So today it was suggested to get what is absolutely  
15          necessary. Observance of the rule was spoken of and the  
16          members thought it was kept."

17          Can I just ask how often would the council meet in  
18          a home?

19          **A. Every month.**

20          Q. And one of the first things, if we scroll through those,  
21          they constantly meet and agree to pay their bills.

22          **A. It's the first thing, yes.**

23          Q. That's the first thing that any council meeting then  
24          would determine. Is that right?

25          **A. Yes, yes.**

1 Q. Did they ever decide not to pay them, sister?

2 A. I don't think so. I think they had to pay them, but  
3 that was -- because it wasn't just the Superior that was  
4 responsible. Her two councillors were also responsible  
5 for the running of the house. So it was an agreed  
6 thing. It was just part of tradition probably.

7 Q. And how -- how would the councillors be chosen? Would  
8 the Superior herself choose who she wished her  
9 councillors to be?

10 A. Yes. The Regional Superior would suggest to the  
11 General -- Superior General the names of the sisters  
12 that she thinks would be good councillors to her.

13 Q. Back -- sorry. I beg your pardon. Back in 1922,  
14 however, we wouldn't have had --

15 A. It would have been the General Superior -- the Regional  
16 -- the General, yes.

17 Q. We will come back to look at some of these congregation  
18 documents shortly, but can I just -- I mean, generally  
19 there is quite clearly a record being kept of these  
20 council meetings by the congregation and they seem to  
21 have been quite, if I can use the expression,  
22 religiously kept. We have had, however, suggestions  
23 that the records that were being kept in respect of the  
24 children were not quite as detailed or as comprehensive,  
25 if I could put it that way. Is there anything you want

1 to say about, that sister?

2 **A. By canon law we have to have these council meetings.**

3 **The children's records would depend very much on the**  
4 **sister that was looking after the children, how much --**  
5 **how much detail she wanted to put in children's records.**

6 Q. And we have certainly heard yesterday from SR6 that she  
7 didn't keep the kind of notebooks that were being kept  
8 by SR2 --

9 **A. Correct.**

10 Q. -- in Termonbacca. So even within the one home there  
11 appear to have been different practices.

12 **A. Unfortunately, yes.**

13 Q. That was in the late '70s/early '80s. So there was no  
14 consistency or any policy with regard to how records  
15 ought to be kept on children.

16 **A. Well, there was no written policy, but, I mean, if**  
17 **sisters were doing their job properly, they should have**  
18 **kept the records.**

19 Q. Can I ask if you accept that records which weren't  
20 either given to a child on leaving the home, or sent on  
21 if the child was transferred to another home, for  
22 example, to a Social Services home, those records are  
23 likely to have been destroyed in respect of these two  
24 homes?

25 **A. Probably due to the passage of time.**

1 Q. I think you mention in paragraph 20 of another  
2 statement, which is at SND-15851 and on to SND-15852 --  
3 if we could just look at that, please. This is -- I am  
4 not quite sure what happened there. If we just -- one  
5 of the major issues we discussed at paragraph 16 there  
6 was the documentation or lack of documentation which  
7 appears to exist within the congregation.

8 "I have spoken to as many of the older sisters as  
9 I can regarding the maintenance and storage of records  
10 in the UK as well as Ireland and I will try to set out  
11 our understanding of these issues to the Inquiry.

12 The Inquiry is aware through a statement from a  
13 SND136 that he appears to have retained his original  
14 records and I believe what he told us in evidence was  
15 that he was contacted by SND332 and told to come and  
16 collect his records, which he has confirmed there. He  
17 did not receive them from the sisters.

18 We believe that when children left, particularly  
19 children who were voluntary attendances, their files  
20 would have been given to them. I am sure this was not  
21 necessarily always the case, but children could have  
22 perhaps been given these notes for their own history and  
23 record rather than have them retained by the  
24 congregation."

25 It has been suggested -- SND136 is one of a few boys

1       who seem to have received any of their records or  
2       certainly that would be -- the only records that we can  
3       discover seem to date from the late '70s or mid to late  
4       '70s.

5       **A. Uh-huh.**

6       Q. "I am sure this was not necessarily always the case, but  
7       the children could ..."

8               Sorry. I read that out.

9               "This could possibly also have been an attempt to  
10       minimise the amount of material which had to be stored  
11       by the congregation."

12              What was the position about storage, sister? Was  
13       there ...?

14       **A. Christine, I think it was a bit of a hit and miss in the**  
15       **early days. I know, on the other hand, we have**  
16       **documents going back to our foundation. So obviously**  
17       **the children's records should have been kept. I think**  
18       **the statutory time is seven years after that it is legal**  
19       **to destroy them. Because we have such a vast volume of**  
20       **records, we would not have the physical storage to store**  
21       **them all. We have got an archive in Belfast here and we**  
22       **have got one in London and they are chock-a-block at the**  
23       **moment. So I don't think we had any written policy**  
24       **about keeping records.**

25       Q. So -- you say:

1           "There is an agreement among many sisters that if  
2           a child moved from the house operated by the sisters  
3           either in the care of Social Services or to another  
4           house, whether that be run by the congregation, another  
5           congregation or another institution, that their records  
6           would have been forwarded to that congregation or  
7           institution."

8           Again we will certainly be able to talk to other  
9           congregations about whether or not that was the position  
10          that they understood, that they did receive records from  
11          yourselves when a child moved --

12       **A. Uh-huh.**

13       Q. -- to their institution, and we clearly see from the  
14          material that we have received from Social Services that  
15          there were some documents that were handed on, and the  
16          purpose obviously was to ensure that a full record of  
17          the child's development was maintained so that the new  
18          institution would also have had access to those records  
19          and would then have retained them and reduced the volume  
20          that you had to store.

21          Again you reiterate that, but it is clear, sister,  
22          from the difficulty that you have had in obtaining  
23          records on individuals that we have asked you to seek  
24          records about and the difficulty that the Inquiry has  
25          had in finding those records also that it would appear

1 that quite a volume of material is likely to have been  
2 destroyed.

3 **A. Yes. I would agree.**

4 Q. Moving on to another issue and this is with regard to  
5 family placements, and if we might just pull up  
6 a document SND-9211, this is a document -- again it  
7 seems to be a Ministry of Home Affairs document. It  
8 relates to Nazareth House, Bishop Street in Derry.

9 "On 27th September we visited Nazareth House, Bishop  
10 Street."

11 I should say this relates to 1960, as it is clear  
12 further in the document:

13 "We were shown over the premises by Sister",  
14 someone. "We also interviewed the principal of the  
15 primary school."

16 I think it would have been SR9.

17 "Reverend Mother had just left for her annual  
18 vacation. There were 139 children in residence."

19 It goes on to describe that:

20 "There were 98 of school age and five over school  
21 age. Five girls are the financial responsibility of  
22 County Londonderry Welfare Authority. The children  
23 under 2 years of age were accepted by Reverend Mother as  
24 an emergency measure as they are members of families  
25 accommodated in other sections of the home. The

1 majority of the girls in residence attended the primary  
2 school."

3 If I can just scroll down, it is reported somewhere  
4 in this document, and I am having difficulty in finding  
5 it at the moment, it is reported that all 98 girls were  
6 able to spend holidays outside the home. I wanted to  
7 ask you about that. We have heard that a number of  
8 children were placed outside in what we have called  
9 foster placements, but they were actually temporary  
10 placements outside the home for vacations either in the  
11 summer; some went to families at Christmas; some went at  
12 Easter. I wanted to ask, sister, how did the  
13 congregation, first of all, recruit such families?

14 **A. Well, my understanding is that the local priests would**  
15 **know families and would approach them to see --**  
16 **obviously the priest thought they were suitable -- to**  
17 **see would they be suitable or would they be willing to**  
18 **take children for the holidays, or else they were known**  
19 **to the sisters, but I believe it was mostly the priests**  
20 **in the diocese that got the families for the children.**  
21 **It wouldn't be like nowadays where you would really vet**  
22 **people and -- but in those days I think they relied on**  
23 **the judgment of the local priests.**

24 **Q. Well, in light of that you are aware, sister, from**  
25 **evidence that we have heard that a number of children**



1           were subject to quite serious abuse in some of those  
2           placements.

3   **A. Unfortunately.**

4   Q. I am wondering does the Order then accept that there  
5       would not have been proper vetting of those placements?

6   **A. Looking back on it now, yes, of course.**

7   Q. Does -- on a separate issue does the Order accept that  
8       when children came to the age where they were to leave  
9       a home, to leave care, that the welfare authority wasn't  
10      informed about this by the congregation? You will  
11      apprec... --

12   **A. I believe that to be so, but correct me if I am wrong,**  
13      **Christine. I thought I heard SND502, if I am allowed to**  
14      **use her name, I thought I heard her say that they -- the**  
15      **Social Services knew all children in care, whether they**  
16      **were from state or voluntary. So they would have known**  
17      **of the children and of their age and they would have**  
18      **known that they were leaving.**

19   Q. That subject -- I know I took SND502 through her  
20      evidence, but to be frank, sister, I can't quite recall  
21      what she said. I think what I am asking is -- I am  
22      asking what steps the congregation did to ensure that  
23      those -- that essentially that the Welfare Authority  
24      abided by the obligation on them to be satisfied that  
25      the arrangements for them leaving were satisfactory?

1 **A. My understanding is that the Sisters themselves through**  
2 **St. Vincent de Paul and Legion of Mary people would find**  
3 **accommodation, suitable accommodation and work for the**  
4 **children that left --**

5 Q. But they didn't actually --

6 **A. -- as I understand it.**

7 Q. -- they didn't take steps to make sure that the Welfare  
8 Authority were satisfied that that was enough, for  
9 example?

10 **A. I don't believe so.**

11 Q. If I can just talk about -- generally about the Sisters  
12 in the congregation and how they were assigned. We have  
13 heard that essentially they were told where they were  
14 going, where there was a need. A sister was sent from,  
15 as we heard yesterday, from Sligo to Termonbacca,  
16 because someone was leaving Termonbacca. There was  
17 a gap to be filled and she was sent there, but I am  
18 wondering what -- do the records disclose at all how  
19 many -- how much attention was paid to whether or not  
20 a sister was qualified to do the job she was being sent  
21 to do?

22 **A. When sisters are changed, I believe, and I believe this**  
23 **is even of the older times as well, that there is much**  
24 **discussion and discernment. It's a process, and not all**  
25 **sisters were trained, not even for teaching, in the**

1 early days, and I do believe that after the discerning  
2 process the sister was placed wherever the Superior  
3 General decided that she was best suited.

4 Now they are only human beings and sometimes they  
5 got it wrong and manies a time there was a sister  
6 misplaced. She would be maybe like a round peg in  
7 a square hole, and if that happened and the sister  
8 wasn't suitable either for that community or for that  
9 specific work, she would have been removed and sent to  
10 a more suitable work.

11 Q. From what you have ascertained from speaking to sisters  
12 and speaking to others in the congregation were sisters  
13 often moved or removed from somewhere they were found to  
14 be unsuitable?

15 A. Sisters in the early days were often moved but not for  
16 the reasons we are talking about now. That was part of  
17 our ethos, that sisters were moved for -- I presume for  
18 spiritual reasons as well so that they didn't get too  
19 familiar with or grounded in the one place. We had  
20 a vow of obedience and we were ready to go wherever and  
21 whenever we were sent.

22 Personally I just remember one sister that was  
23 changed for the specific reason that we are talking  
24 about. She was with a group of children and obviously  
25 couldn't control them and had -- even though she had

1 support from the senior sister, she wasn't trained, and  
2 she was removed from that specific house and sent to  
3 a different -- a different work altogether --

4 Q. Just to be clear, sister --

5 A. -- not in Ireland.

6 Q. -- I was -- not in Ireland, but can I also ask in what  
7 decade that might have been?

8 A. It was in the '70s, early '70s.

9 Q. So certainly in the early '70s the congregation was  
10 aware that if someone was unsuitable for the task that  
11 they had been assigned to do --

12 A. Yes.

13 Q. -- that they could be moved on?

14 A. Even today, yes.

15 Q. Can I ask just in relation to the assignments throughout  
16 -- I mean, I appreciate this may have changed as time  
17 went on, but in part of the discerning process for  
18 placing a sister in a home would there have been any  
19 regard to whether or not she had any qualifications, and  
20 I am thinking obviously in respect of childcare? Would  
21 that have been one of the factors that would have come  
22 into the equation?

23 A. Most definitely, yes, yes.

24 Q. In the records that you have come across can you say  
25 whether the Sisters themselves offered child care

1 courses to their congregation?

2 **A. Sorry. Could you say that again?**

3 Q. I am maybe not making this quite clear. In -- were the  
4 Sisters encouraged to take part in getting  
5 qualifications or to get -- improve their training?

6 **A. Most certainly, yes.**

7 Q. And was that throughout the period of time that we are  
8 looking at?

9 **A. Not in the early days, no. I wouldn't say that.**

10 Q. We know from the evidence that we heard from SR6  
11 yesterday that certainly before she went to Termonbacca  
12 she had received a childcare qualification. You in your  
13 statement relating to SR1 showed back in 1958 she --

14 **A. She was trained.**

15 Q. -- in fact, was trained.

16 **A. Yes.**

17 Q. That statement I think can be found at SND-15839. She  
18 received a formal qualification in childcare at that  
19 stage.

20 **A. That's right, in London.**

21 Q. Now if I can just move to a statement that you gave to  
22 us, and it is at page -- if I can go back to it, it is  
23 at page SND-408, please, and paragraph 14 of it, which  
24 is -- sorry -- paragraph 14, SND-409, just at the bottom  
25 of page 409. You say here:

1            "As a result of discussions and investigations over  
2            recent years, including the Ryan Commission, claims  
3            brought to the sisters' attention through intermediate  
4            reasons or directly in light of this Inquiry, the  
5            Sisters do accept that on occasions the standard of care  
6            to the children may not have reached an acceptable  
7            level. There are instances when a particular sister may  
8            not have acted in an appropriate way or when the  
9            children were not protected as well as the sisters would  
10           have wished."

11           If I might explore that somewhat with you, sister,  
12           can I ask you how you accept that? Where do you say --  
13           where does the congregation accept that the standard of  
14           care was not at the appropriate level?

15   **A. Well, I think, having listened to evidence given here,**  
16   **which was very shocking and harrowing for us, we must**  
17   **accept at certain times by certain sisters things were**  
18   **just not right.**

19   **Q.** In paragraph 15 you go on to say that:

20            "One of the main elements which has to be accepted  
21            is that the sisters' general policy of no physical  
22            punishment of children was not implemented. There are  
23            instances where children were the subject of a physical  
24            assault and this is not acceptable when the care of  
25            children is to be considered."

1           Now if I might just explore that a little bit with  
2           you too, sister, I am keen to know what -- who the  
3           congregation accepts did physically assault children in  
4           care. Now I am not asking to you name names or say that  
5           a particular person did X to Y, but in general terms  
6           does the congregation accept that members of the  
7           congregation did physically assault children in their  
8           care?

9           **A. Unfortunately, yes, I would accept that.**

10          Q. And equally older boys, as we have heard, and  
11          ex-residents, it is accepted by the congregation there  
12          were physical assaults committed by those people?

13          **A. Yes, yes.**

14          Q. And indeed the lay staff who would have been employed by  
15          the congregation, whether in terms of volunteers who  
16          were coming in or in terms of employees, is it accepted  
17          that there was also physical assaults committed by those  
18          people?

19          **A. In some instances yes.**

20          Q. If I might turn to paragraphs -- it is another statement  
21          at page SND-13941. At paragraph 19 at the bottom of  
22          that page -- this is in a section entitled "Concessions  
23          and Admissions by Sisters". You do recall allegations  
24          made by a former employee. The Sisters accepted -- made  
25          against a former employee.

1           The Sisters accepted at the time of the allegations  
2           that they could have been true and the matter was  
3           appropriately handled. This employee was ultimately  
4           dismissed from the employ of the sisters. Police were  
5           informed and the matter investigated by them."

6           If we can scroll on down:

7           "The sisters were aware that this person was not  
8           prosecuted at the time and it would have been a matter  
9           for the police to determine after investigation.

10          The Sisters have also considered the allegations in  
11          light of the staffing and rota positions and whilst they  
12          cannot confirm or deny any particular allegations, they  
13          accept that the opportunities for bullying or peer abuse  
14          described would have been available."

15          You said:

16          "The sisters could not provide the level of  
17          supervision and constant monitoring of the boys that  
18          would have been necessary to avoid this type of  
19          behaviour. In the circumstances the Sisters would  
20          accept that some level of bullying abuse did go on  
21          without the knowledge of the sisters."

22          I want to explore that in a little more detail also,  
23          sister, because you do accept that it went on and you  
24          say "without the knowledge of the sisters". However,  
25          evidence that we have been given as recently as



1       yesterday shows that the Sisters were aware of peer  
2       abuse and appear to have been aware of incidents  
3       involving older boys and younger boys and were alert to  
4       that certainly in the '70s from the evidence that we  
5       heard. There is also evidence of boys being given  
6       a talk by the suggestion was a SND207 and being told  
7       that peer experimentation or sexual abuse was wrong.

8               Now if that's the case, then that suggests, sister,  
9       that there must have been a degree of knowledge on the  
10      part of perhaps the Mother Superior or the Sisters in  
11      charge of child care -- in charge of child care to  
12      organise such a talk being given. Would you accept that  
13      that is the case?

14   **A. It would appear so, yes, yes.**

15   Q. And that there would therefore appear certainly within  
16      Termonbacca to have been a degree of awareness of  
17      a problem there?

18   **A. Again I would agree, yes.**

19   Q. One thing that -- in this section that you did say --  
20      sorry. We are in a different statement maybe. You  
21      accepted there were no monthly inspections as was  
22      required by legislation, and you say that in paragraph 3  
23      of SND-- at SND-15845. I feel it is only fair to say to  
24      you, sister, that the Inquiry's investigations suggest  
25      that may be true for the entire period of operation of

1 Termonbacca, but from about 1983 there was certainly  
2 compliance with the requirement in respect of Bishop  
3 Street, and in due course -- in that paragraph you talk  
4 about the Belfast homes as well and we will look at that  
5 when we come to that module, but there was also  
6 a voluntary management committee set up at that stage.  
7 Were you aware of that and how that came about?

8 **A. I am not sure how it came about, but I have only**  
9 **latterly learned about it when I was here in the**  
10 **chambers a few weeks ago and this came up about the --**  
11 **I think -- I can't see the statement, but I think I said**  
12 **there was no visits, no monthly visits, and a woman in**  
13 **front of me who I didn't know turned to me and said,**  
14 **"That's not correct, because I used to go in and do**  
15 **monthly visits and sign books". So I didn't have my**  
16 **facts right. So I'm very sorry for that. Sorry,**  
17 **Chairman.**

18 Q. That lady was actually here in the chamber and heard  
19 that?

20 **A. She was. She was sitting in front of me, yes.**

21 Q. If I can go back, sister, to the general chapters and  
22 visitations, and you talk about this if we look at  
23 SND-3942, and I think I read this out earlier this  
24 morning. There you say that the general chapters were  
25 aimed -- oh, sorry. SND-3942. I have got that number

1 wrong again. Apologies. Anyhow I did read it out. You  
2 said it was aimed at the religious life of sisters  
3 rather than work life, but if we might look at  
4 SND-14307, now this is a report on visitation and it's  
5 in 1980. You see the visitation took place between 6th  
6 and 11th December 1980. It is a report on visitation at  
7 St. Joseph's home.

8 Council meeting in connection with the visitation  
9 held on 10th December. Presided over by Regional  
10 Superior."

11 Members present included SR1, as we can see from  
12 that designation, "SR1".

13 "Observance of rule and religious spirit: There is  
14 good religious spirit in the house and the rule is kept  
15 to the best of the sisters' ability. The office is  
16 recited with devotion and the prayers and spiritual  
17 exercises are punctually attended. A confessor has just  
18 been appointed to hear the sisters' confessions. Until  
19 now they had to go out to confession. Recreations are  
20 bright and cheerful."

21 Now certainly that relates to the religious life of  
22 the Sisters rather than work life --

23 **A. Yes.**

24 **Q.** -- but if we look down:

25 "Bursar's Remarks and Bursar's Stores: The bursar

1 has no difficulty in getting all that is required for  
2 the smooth running of the house and has a good supply of  
3 all that is necessary in the stores. Wine and spirits  
4 are under proper control.

5 Sisters' Part: The convent is well kept and the  
6 sisters' rooms are neat and tidy.

7 Chapel: The chapel is devotional and kept in good  
8 order. Sacred vessels and vestments are well cared for  
9 and everything pertaining to the chapel is in perfect  
10 order.

11 Linen room: ... adequate supply of everything for  
12 the needs of the sisters. The habits are neat and made  
13 according to regulations.

14 Books ordered to be kept: The account books and  
15 registers are neatly written ..."

16 If we can scroll down to the next page:

17 "... and are up-to-date.

18 Employments: There are two groups of children. The  
19 age range 18 months to 17 years. St. Joseph's 7 boys, 6  
20 girls, St. Gerard's 11 boys, 6 girls, total 30. The two  
21 sisters are devoted to their charges and the children  
22 are a credit to them. They are happy, friendly  
23 children, well-behaved.

24 The group houses are bright and comfortably finished  
25 and have every convenience to accommodate the present

1 day needs of the children.

2 Owing to a decrease in the number of children being  
3 admitted to care over a period, it was deemed necessary  
4 to close the nursery section, so all the children are  
5 now being accommodated to the new building."

6 Then it goes on. There are -- about catering, farm,  
7 general remarks about being forced to closed the  
8 nursery, and plans are being made to convert the  
9 building into a place for old people.

10 "The grounds are being well kept. It is difficult  
11 to maintain the fences to keep people from dumping  
12 rubbish on our land due to the area in which the farm is  
13 situated. The farm is more of a liability than an asset  
14 to the house."

15 Now my point is reading all of that out, sister, is  
16 simply to say that this clearly is not just dealing with  
17 the religious life of the Sisters. It is also dealing  
18 with the work life when it talks about the employments  
19 and it talks about the groups of children. So the  
20 visitor would have been investigating or inspecting --

21 **A. As part of the visitation.**

22 Q. -- those aspects of life in the home as well --

23 **A. Yes.**

24 Q. -- and how it was being run, not just how the religious  
25 life of the sisters was being looked after, but also how

1 the child care aspect was being attended to.

2 Now in this -- in fact, if we even look further back  
3 to the council records, it is clear that in 1922 and  
4 1923 there were decisions being taken about the care of  
5 children, the extract I read out about the clothing, the  
6 pants and the dresses for the girls --

7 **A. Yes.**

8 Q. -- and in 1923 there is an example of the Mother General  
9 directing that Nazareth House should contribute towards  
10 the upkeep of Termonbacca. So there was a level of  
11 control, overall control, and it is clear that in 1962,  
12 if we could look at SND-16... -- SND-14248, please --  
13 this is again -- this is another note of a visitation in  
14 1962, and it is clear from that, if we can move down  
15 I think -- it might be the next page:

16 "Children: The boys look healthy and are well  
17 dressed. They are polite and respectful in their  
18 manner."

19 So it is clear that the boys were being spoken to by  
20 the visitor back then --

21 **A. Yes, yes.**

22 Q. -- and what these chapters and visitations show, that it  
23 was more than just the religious life. This was  
24 an inspection to see how the place was being run and  
25 whether there were problems or difficulties.

1 **A. Absolutely.**

2 Q. Certainly the last problem we looked at showed the farm  
3 was seen more as a liability than an asset at that point  
4 in time.

5 **A. That's part of the visitator's job is to look at all**  
6 **aspects, religious aspect and also the work within, the**  
7 **ministry within the house.**

8 Q. Well, if that's correct, sister, one of the things that  
9 I want to then ask you about is that document that we  
10 showed in 1980. At this point in the life of  
11 Termonbacca SR1 has been told by staff of an alleged  
12 incident of abuse. That -- by someone who was an  
13 ex-resident and who was there helping out fixing a door  
14 knob or something. That person was asked by her to stay  
15 away from the home. She informed Social Services and  
16 the police also then launched an investigation. Also  
17 around that time we knew from the evidence we heard  
18 yesterday that there was an incident involving other  
19 boys in the home that were of concern, such concern that  
20 the sister as she then was, SR6, was alerting members of  
21 staff to look out for a certain boy's behaviour.

22 Now that is I suggest serious information which does  
23 not -- is not recorded in 1980. By this stage in 1980  
24 these events had occurred and nowhere is that recorded  
25 in the visitation document, in the report of the

1           visitation. I wondered what you wanted to say about  
2           that, sister. First of all, ought it to have been told  
3           to the visitor?

4     **A. Yes, of course, of course.**

5     Q. I presume if she had been told, she would have recorded:

6           "There is a problem in this home."

7     **A. She would have, of course, but obviously all I can**  
8           **surmise is that SR1 didn't make it known to the**  
9           **visitor, otherwise it would have been in the report,**  
10          **and that's an assumption.**

11    Q. I appreciate that we don't know for sure, but certainly  
12          in your experience if there was a serious issue --

13    **A. It, would be dealt with, yes.**

14    Q. And it would have been reported to the visitor?

15    **A. Yes, absolutely, absolutely.**

16    Q. And if the visitor had been told, it ought to have  
17          been recorded in that report?

18    **A. Absolutely.**

19    Q. Now can I ask then in general terms if we might  
20          speculate a bit about that, the fact that if we assume  
21          for a moment that SR1 did not or the Mother Superior did  
22          not make this known to the visitor, is that because  
23          such a problem might reflect on the home and might  
24          reflect on the Mother Superior in some way as some sort  
25          of failing on her part?



1    **A.** Well, I think there's maybe two issues, you know. In  
2       those days and especially among the Sisters probably you  
3       wouldn't want to -- maybe they were -- didn't believe  
4       the child that something happened or they didn't know  
5       how to handle it properly. Society in general didn't  
6       really talk about sex abuse in those days, but certainly  
7       the Superior and the sister would want to keep their  
8       house in good nick for the -- for the visitor. So  
9       I can only speculate that that's why she didn't tell the  
10      visitor, but if she had told the visitor, it would  
11      have been looked into and investigated and dealt with  
12      and reported in the visitation book.

13    **Q.** One of the -- I mean, just to be clear about that, in  
14      this case there were steps taken by Termonbacca, by SR1.  
15      The police were involved --

16    **A.** Right.

17    **Q.** -- and all the more reason one would have thought that  
18      the visitor ought to have been told.

19    **A.** I agree, but I can't answer, because --

20    **Q.** I appreciate that.

21    **A.** -- I just presume she wasn't told.

22    **Q.** Certainly it wasn't recorded in any event.

23    **A.** Yes.

24    **Q.** Sister, I have largely finished the issues that I want  
25      to address with you. One of the -- I mean, we have the

1 statements where you have made certain other comments  
2 and I have no doubt the Panel will want to ask you some  
3 questions, but one of the things that I did wish to  
4 address with you was the issue of apologies.

5 Now at paragraph 27 I believe of the same statement,  
6 which is found at SND-411, you say that:

7 "If any child was subjected to any form of physical  
8 or sexual abuse, the Sisters feel deeply sorry for this  
9 and do feel they should apologise to anyone who feels  
10 they have been let down by the congregation."

11 Now may I just ask, sister -- you have confined that  
12 to physical or sexual abuse. Can I ask if the  
13 congregation through you wishes to apologise also for  
14 anyone who feels they were subject to emotional abuse or  
15 neglect?

16 **A. Totally and absolutely, yes.**

17 Q. I think it is fair to say that from the Spotlight  
18 programme that we mentioned yesterday -- and the  
19 transcript for this can be found at SND-17662 -- Sister  
20 Victoire on behalf of the congregation made a similar  
21 apology, and SR52, when she gave evidence, stated that  
22 she had apologised at a meeting she attended when she  
23 was asked to step in for Sister Cataldus.

24 I think in fairness to the congregation it is unfair  
25 to suggest the Sisters have never apologised, as some of

1 the witnesses have said to the Inquiry, although I think  
2 it is true to say this is a generic apology in the  
3 round, as it were, and not one made to specific  
4 individuals on behalf of the congregation.

5 **A. There has been individuals apologised to if they have  
6 come forward in the last few years, yes.**

7 Q. Well, sister, that's certainly all that I have to ask  
8 you. I am sure the Panel Members will have some  
9 questions that they wish to put to you.

10 **A. Thank you.**

11 CHAIRMAN: Well, sister, I think -- we normally take a break  
12 after an hour or so among other things to give our  
13 stenographer a break. We will sit again in about  
14 ten minutes' time, because we do have a number of  
15 questions that we want to ask you.

16 **A. Thank you.**

17 **(11.33 am)**

18 **(Short break)**

19 **(11.55 am)**

20 **Questions from THE PANEL**

21 CHAIRMAN: Sister, thank you very much for coming to speak  
22 to us both today and yesterday. There are a number of  
23 things that we would like to ask you and to try and make  
24 it as straightforward for you and keep it in a fairly  
25 structured context we will ask questions about a number

1 of different topics, if we may, and follow what seems to  
2 us to be a relatively logical series of steps starting  
3 at the very beginning.

4 Miss Doherty will ask you some questions, first of  
5 all, relating really to matters surrounding the  
6 selection of sisters to come and serve in particular  
7 houses.

8 MS DOHERTY: Thank you, sister. Could you say something to  
9 us about once sisters were accepted into the Order how  
10 they might be selected for a particular job role, so how  
11 a sister might get selected to work with the children as  
12 opposed to collecting or ...?

13 **A. I think during the novitiate time the novice mistress**  
14 **would discuss with the novice when she's professed what**  
15 **would be her tendency, which ministry would they think**  
16 **that she's got the talents for, and through discussion**  
17 **like that that would then be passed on to the General**  
18 **and the General Council, and they in turn would discern**  
19 **and discuss whether that sister -- certainly nowadays**  
20 **she would be trained first, but in the early days she**  
21 **would have worked under a senior sister and offered the**  
22 **opportunity for training maybe after she's had practical**  
23 **experience.**

24 Q. Okay, and in terms of that discussion with the novice  
25 mistress, did the novice mistress have any role to play

1 in assessing somebody's suitability, for example, to  
2 work with children, their temperament for working with  
3 children?

4 **A. Certainly and also the novice would -- during her**  
5 **novitiate would have, for the better word, work**  
6 **experience, if you like, within the house of the various**  
7 **ministries and it would be picked up by the Sisters in**  
8 **charge and related back to the novice mistress.**

9 Q. So there would be some -- there would be some feedback  
10 about whether working with children appeared to be  
11 something that would suit that particular nun?

12 **A. Yes.**

13 Q. And in terms of the novitiate training, I realise what  
14 you say about in the past there wouldn't have been  
15 normal child care training, but as part of the training  
16 would there have been any training about practical work  
17 with children or older people or ...?

18 **A. Well, as I say, only when they would go to the various**  
19 **ministries within the house. They would -- they would**  
20 **certainly have practical experience there, yes.**

21 Q. Down on the job?

22 **A. Yes.**

23 Q. Can I just ask finally in relation to monitoring of  
24 ongoing suitability for working with children, so once  
25 a sister went through her novitiate and did her final

1 vows and then was appointed, if she was appointed to  
2 work with children, was there any ongoing assessment,  
3 formal assessment of her suitability, continuing  
4 suitability for that work?

5 **A. Well, the only formal assessment would be maybe at the**  
6 **visitation or when the General or her -- one of the**  
7 **councillors or in latter years the Regional Superior**  
8 **would come around and talk to the sisters about how they**  
9 **were doing, and also in each house obviously there is**  
10 **a Superior. So the Superior would monitor, but there**  
11 **was no formal assessment as we know today.**

12 Q. Today. Okay, but it would be on the basis that the  
13 Superior would pick up if there were any difficulties?

14 **A. Most definitely, yes. Most definitely.**

15 Q. Okay. Thank you, sister.

16 MR LANE: I wonder whether you could say a bit more about  
17 the discerning process for selecting the Sisters for  
18 particular posts. I gather it was an annual sort of  
19 process. Is that correct?

20 **A. Well, not really, no. The process would be if a sister**  
21 **was to be changed -- it actually differs, you know.**  
22 **Obviously Superiors are appointed at a certain period in**  
23 **time, every three years. So that's a process, but**  
24 **sisters changed in between times and especially in**  
25 **earlier days there would have been discussion with the**

1 Superior, with the General Council prior to the Regional  
2 Superiors coming into vogue, and one change made many  
3 changes. So there was usually -- the senior sister with  
4 the children would have been a permanent kind of a post  
5 for many years whereas the junior sisters would have  
6 been moved around more regularly.

7 Q. And people might have been moved at any time of the  
8 year?

9 A. Yes.

10 Q. Right.

11 A. Some were fortunate and some were less fortunate to be  
12 moved.

13 Q. Yes. From the information we have been given it sounds  
14 as though people in different sorts of posts -- sisters  
15 moved for different lengths of time.

16 A. Yes.

17 Q. Sister Superior stayed about three years typically. The  
18 Sisters working in the nursery seem to have stayed for  
19 as much as seven years on average.

20 A. A Superior would stay for -- would be appointed for  
21 three years and then could be reappointed for another  
22 three years. So that could be six years, and most  
23 Superiors would stay for a six-year period, but after  
24 that they would be changed to a different house.  
25 Sisters were changed at irregular intervals, but, as

1 I say, usually the senior sister would stay for a long  
2 time, and how that came about is a million dollar  
3 question, you know. If one sister -- maybe one sister  
4 requested a change, or maybe the Superiors felt that she  
5 needed a change or would be better off somewhere else  
6 where her talents and gifts would be best served  
7 elsewhere, and that would make another change, because  
8 somebody would have to fill her place then.

9 Q. Was the work with the boys seen as being more difficult  
10 than other work in nurseries and so on, because the  
11 Sisters there seem to have moved much more frequently,  
12 with one or two exceptions such as SR2? She stayed for  
13 a long while, but most of the other sisters seem to have  
14 moved fairly quickly.

15 A. I really can't answer that. I don't know. I don't  
16 know.

17 Q. Right. Thank you very much.

18 CHAIRMAN: There are a number of questions I think we would  
19 like to ask about the way in which sisters were  
20 allocated in perhaps rather greater detail and their  
21 training and so on. David Lane will ask those  
22 questions.

23 MR LANE: Yes. In terms of the policy of sending people for  
24 training there were I believe government grants that  
25 covered the cost of training. How was this applied in



1 relation to the Sisters of Nazareth?

2 **A. All I know is that training was paid for by the Sisters**  
3 **themselves, the congregation. I personally don't know**  
4 **of any government grants that were given to Sisters to**  
5 **train.**

6 Q. Okay. Thank you. If there were particular  
7 difficulties, a sister being ill or whatever, would  
8 another sister be moved from another home to cover the  
9 gap?

10 **A. Yes, it could be possible.**

11 Q. Because at the moment the information we have makes it  
12 look as though people spent long blocks of time working  
13 in homes and yet some of the evidence suggests that  
14 sisters were present at times when they weren't listed  
15 as being like that. So could they have been helping out  
16 for brief periods?

17 **A. Well, I think our books -- we always send in the end of**  
18 **year accounts and the end of year register of the**  
19 **sisters, and if a sister was changed mid -- mid-year,**  
20 **she may have been missed out somewhere along the line,**  
21 **yes.**

22 Q. Right. If a sister was finding the work difficult and  
23 the assessment was that she ought to be moved to  
24 somewhere else, she'd be moved to a different type of  
25 work --

1 **A. Absolutely.**

2 Q. -- such as fund raising or something of that sort?

3 **A. Yes, yes, at the front door of the church, or the linen**  
4 **room, or something else.**

5 Q. Or another part of the country perhaps?

6 **A. Yes, absolutely. Without a doubt, yes.**

7 Q. Okay. Thank you.

8 CHAIRMAN: One of the important issues that has been raised,  
9 sister, relates to the exact relationship and the nature  
10 of that relationship between the mother house in  
11 Hammersmith and each individual house. We are  
12 concerned, of course, at the moment with the two houses  
13 in Derry itself. You have described these more than  
14 once in your various statements as being semi-autonomous  
15 --

16 **A. Yes.**

17 Q. -- which is an interesting concept. What I think we  
18 would like to know, if you can give us some more  
19 information about this, is to what degree did the mother  
20 house and the Mother General of the Order and her  
21 councillors maintain a degree of either central  
22 direction or central guidance, being less prescriptive  
23 than direction, in relation to matters such as the  
24 staffing for an individual house, for example; in other  
25 words, did someone at the mother house say, "Well,

1 Termonbacca has to manage with six sisters altogether,  
2 including the Mother Superior", because we have heard  
3 that for long periods right up until the '70s there were  
4 at best two nuns looking after up to 30 or 40 boys  
5 themselves, perhaps three in Nazareth House, but still  
6 a very high ratio between the sister who had to do the  
7 work on the ground, often with other responsibilities as  
8 well. Was there a degree of central direction in  
9 relation to that or was each house just left to sink or  
10 swim, to put it bluntly?

11 **A. I don't think there was any central direction and**  
12 **I think sisters were spread out as best the congregation**  
13 **could. They were certainly left to try and keep the**  
14 **house viable, and the reason why only two sisters were**  
15 **there I just don't know, and I agree I think it's very**  
16 **I would say amiss of the congregation to have left only**  
17 **two sisters or three sisters with a large number of**  
18 **children, and why that was done I -- I can't answer.**  
19 **I don't know.**

20 **Q.** One of the matters that has been raised is the extent to  
21 which individual sisters in Derry, whether it is  
22 Termonbacca or Nazareth House, were aware of either the  
23 relevant legislation or the relevant regulations  
24 governing child care or guidance such as the Home Office  
25 memorandum that has been referred to so often. Can you

1 say whether particularly in the '50s and '60s, which  
2 I appreciate is before your personal experience, there  
3 is any record to show that there was a central  
4 dissemination of relevant information about child care  
5 to individual houses within the United Kingdom  
6 obviously?

7 **A. Yes.**

8 Q. Requirements might be different, let's say, in South  
9 Africa or Australia, but within the United Kingdom.

10 **A. Well, as I have said before, in the UK we did have**  
11 **meetings, and for some reason I don't know if this**  
12 **happened in Ireland, and I also know that the government**  
13 **here have sent the memorandum to the houses. So they**  
14 **would have those books. Whether that was assimilated**  
15 **down to grass roots level I don't know. Obviously not,**  
16 **as some of the sisters said they didn't -- they hadn't**  
17 **seen that book before. Maybe the Superior for some**  
18 **reason kept it in her office and just didn't pass it on.**  
19 **I really don't know, but there was no direct guidance**  
20 **from Hammersmith to each house that I know of anyway.**

21 Q. But it is apparent that at least in some respects the  
22 mother house in Hammersmith would have at the very least  
23 had a very important influence on what was done in each  
24 house if it was a matter of modernisation, for example.

25 **A. Yes.**

1 Q. We saw this morning admittedly a Ministry of Home  
2 Affairs memorandum I think in 1960 of an inspection in  
3 which it is recounted that the year before, so that's  
4 1959, the Mother General had conducted a visitation and  
5 had suggested that there should be a move towards  
6 changing the dormitory structure into small units.  
7 I think it was couched and, of course, this was the  
8 Ministry's recording of a conversation to which they  
9 were not party. So the exact wording may be open to  
10 misinterpretation, but I think the word that was used  
11 was the Mother General "suggested" that Nazareth House  
12 might do this, and yet it is not until after the changes  
13 in Termonbacca that the small units appear in Nazareth  
14 House, which is more than a decade later. So to what  
15 extent, therefore, would Nazareth House at Hammersmith  
16 try and nudge or push or encourage Nazareth House in  
17 Bishop Street along a particular path?

18 **A. I think probably at the visitations the visitor would**  
19 **encourage the house Superior to move things along, but**  
20 **then it would be up to the house Superior and the**  
21 **Sisters to follow that on and act upon it, and then**  
22 **I presume when the visitor would come round three**  
23 **years later, they would hope to have seen improvements,**  
24 **and in between time there would have been communication**  
25 **between the Superior and in the early days the General**

1           **and in latter days it would have been with the Regional**  
2           **Superior.**

3    Q.   Well, is it the case, therefore, that the  
4           semi-autonomous structure of the way the Order operated  
5           left a great deal of initiative to the Mother Superior  
6           of the time and her sisters in a particular location to  
7           move in a particular direction as best they thought  
8           appropriate for local conditions --

9    **A.   Absolutely.**

10   Q.   -- funding and so on?

11   **A.   Absolutely, yes.**

12   Q.   Yes.  I don't know if my colleagues wish to ask any  
13           further questions on this topic before we move to the  
14           next one.

15           The next topic in a sense flows from this, sister,  
16           and that is the question of funding and in particular  
17           the relationship between the mother house in Hammersmith  
18           and the local houses.

19   MS DOHERTY:  We know that loans were made from the mother  
20           house to Termonbacca but was there any core funding,  
21           core maintenance funding given from Hammersmith to the  
22           different homes?

23   **A.   If it was asked for by the different home, then it would**  
24           **most certainly have been given, because Hammersmith**  
25           **holds the central funds and they prioritise where that**

1 money is given throughout the congregation, not just one  
2 particular region. So if a house was really desperate  
3 and asked Hammersmith for money, I'm quite sure it would  
4 have been given them.

5 Q. But that would have been given as a loan with the  
6 expectation that at some time, if things improved, it  
7 might come back in again?

8 A. In the early days, yes, but now they get grants from  
9 Hammersmith or loans, depending on their financial  
10 status. If they can pay back, then they pay back,  
11 because they are not actually paying back to  
12 Hammersmith. They are paying back to the congregational  
13 funds, which is for the congregation as a whole.

14 Q. Yes. You talked earlier about the monthly accounts and  
15 you just mentioned about annual accounts going to  
16 Hammersmith. Can I just check did the monthly accounts  
17 go to Hammersmith as well? Was there an --

18 A. Not in those days, but they do now.

19 Q. So they do now, but earlier they wouldn't. So in the  
20 earlier days, say the '50s, '60s, at the end of every  
21 year there would have been an account?

22 A. Yes, definitely, yes.

23 Q. Was an account for the whole of the congregation then  
24 prepared that was made available to the different  
25 houses? Did -- was the overall --

1 **A. No, definitely not.**

2 Q. Definitely not. So ...

3 **A. That's what I am saying in the early days -- maybe**  
4 **"secrecy" is the wrong word to use, but there certainly**  
5 **was -- it wasn't the rule to have it publicly known how**  
6 **much funds were in the congregation, and that's why**  
7 **when -- when the authorities from Derry asked, they**  
8 **probably didn't get, and that's just the way they**  
9 **operated in those days but, as I say, now it's very open**  
10 **and transparent, but in those days it wasn't --**

11 Q. It wasn't.

12 **A. -- and only the Superior General and her council would**  
13 **know what was in the congregational funds.**

14 Q. You may not be able to answer this, but in relation to  
15 guidance being offered about securing funds, so where it  
16 was known that for a number of years Termonbacca had  
17 inadequate funding, was there any role of guidance, not  
18 just about loans, financial loans, but was any guidance  
19 given from the mother house about, say, the relationship  
20 about trying to get money from welfare authorities? Was  
21 there any views shared from the mother house?

22 **A. Yes, I believe there would have been. They would have**  
23 **been encouraged to ask for loans and grants from the**  
24 **local authorities, but, as I say, in Termonbacca and**  
25 **Derry things were different for lots of various reasons.**



1           **So maybe the Superior of those houses didn't wish to ask**  
2           **for funds.**

3       Q.   Just finally, sister, we know about the cross-subsidiary  
4           arrangement between Termonbacca and Nazareth House where  
5           Nazareth House there were nuns collecting and then there  
6           was an agreement that £1,000 would go to Termonbacca and  
7           to Fahan. Do you know anything else about that  
8           arrangement, how it was made or ...?

9       **A. I don't, only what the sisters told me, that that's what**  
10       **happened. How it was done I really don't know.**

11      Q.   And do you know how long it went on for? Have you any  
12           sense?

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

14      Q.   Okay. Thank you, sister.

15      CHAIRMAN: Well, if we could turn to another topic, sister,  
16           relating to the extent to which children in either home  
17           were aware of or made aware of the presence of their  
18           siblings either in the same home or the other home. One  
19           of the things you mentioned in one of your statements  
20           was that in effect it may not have been known to the  
21           Sisters that a child had a sibling who existed, because  
22           the child, for example, might have been brought. The  
23           mother or the father wouldn't have revealed the  
24           existence of another child, but would it not have been  
25           not just a normal but an invariable practice for the --

1 I take it it is the Mother Superior who admits the child  
2 to say, "Well, are there other children?" even if they  
3 weren't already with the Order? You know, "Are there  
4 any brothers and sisters?"

5 **A. I would have thought so, your Honour, yes.**

6 Q. Because one of the themes that has been advanced by  
7 a number of witnesses, as I am sure you are aware, is  
8 that they were completely unaware of the presence of  
9 older or younger siblings either in the same  
10 institution, or if they went from Termonbacca down to  
11 the school in Nazareth House, the boys didn't know that  
12 a sister was maybe even sitting in the same class, which  
13 would suggest that there certainly wasn't a practice of  
14 saying to a child, you know, "Your sister or your  
15 brother is X or Y", let alone facilitating them going up  
16 to -- let's say from Nazareth House to Termonbacca on  
17 a Sunday to see the child. From your discussions with  
18 the Sisters who were there can you comment on that at  
19 all?

20 **A. It does seem very bizarre to me as well, but I think**  
21 **what the Sisters said, sometimes they may have**  
22 **a different father, or there may be circumstances where**  
23 **it would distress the child, and that's about the**  
24 **biggest thing they would say, but it does seem very**  
25 **bizarre.**

1 Q. There has been a certain amount of focus on the  
2 record-keeping and so on in each house. One of the  
3 things, as I am sure you realise from having sat through  
4 much of the evidence, is that many children seem to have  
5 had no knowledge of their wider family when they leave  
6 -- when they left, and it was in later years that they  
7 contacted the Order in order to get assistance to trace  
8 a mother or a father or a sibling.

9 You did say in one of your statements that files  
10 would be given to a child when they left, and we have  
11 seen one or two of these books which were kept. It  
12 seems not to have been a particularly common practice,  
13 at least to judge by what some have said, for any  
14 information to be given to the child, either when they  
15 left or subsequently, unless they asked for it.

16 A. That seems to be so. I know the life books that some  
17 former children are talking about only started about the  
18 '80s. So -- and other things prior to that would have  
19 just been the child's name, where they came from,  
20 baptism certificates and things like that. So -- and  
21 I would presume if the child asked for them when they  
22 were leaving, they would have got them, and if they went  
23 to another home it, would have gone with them to the  
24 next home.

25 Q. Yes. Thank you.

1 MR LANE: Some of the witnesses have said when they were  
2 discharged, they were told they were leaving at very  
3 short notice, even as little as half an hour on coming  
4 home from school. Was this a matter of local practice  
5 or was it an approach taken throughout the Order?

6 **A. There was certainly no policy or procedure written about**  
7 **that and it seems to be a local practice, but I also**  
8 **heard here that they were given a week's notice or**  
9 **something and accommodation and work would have been**  
10 **found for them. They wouldn't have just been left to go**  
11 **out without any back-up or support.**

12 Q. When it was short notice, do you think this is because  
13 it was thought it would be upsetting to be told that  
14 they are leaving?

15 **A. Well, in my experience it would have been better to give**  
16 **them plenty of notice and prepare them properly. How --**  
17 **why that happened, short notice, I don't really know.**

18 Q. And in terms of the aftercare we have heard that a lot  
19 of the boys who were in Termonbacca, for example,  
20 settled in the Creggan area. What was the approach  
21 towards providing aftercare?

22 **A. Well, my understanding is that obviously the sister**  
23 **would through St. Vincent de Paul find appropriate**  
24 **accommodation for them, appropriate work, and the boys,**  
25 **as we have heard, often came back to Termonbacca at the**

1       weekends or whenever they felt like coming back. So it  
2       was like coming back home. I think -- maybe that's in  
3       Belfast. I was going to say Father Wallace was -- did  
4       a lot to help. I think that was in the Belfast houses.  
5       So I am getting a bit mixed up here. St. Vincent de  
6       Paul I believe was a great support to the boys when they  
7       left in Termonbacca.

8    Q. It would seem that it was the appointment of a social  
9       worker that made a big difference, supported by SR2.  
10       Any further comments on that?

11   A. I also think SR2 did a lot to help and support the boys  
12       in aftercare.

13   Q. Does that also mean that before that probably there was  
14       much less support for them?

15   A. Before that probably it was left to the St. Vincent de  
16       Paul I should imagine.

17   Q. Were they involved with the work of the homes all the  
18       way through from their foundation or were they more  
19       recently involved?

20   A. Sorry. The St. Vincent de Paul?

21   Q. St. Vincent de Paul.

22   A. St. Vincent de Paul has always been around Catholic  
23       churches, yes.

24   Q. Right. Thank you.

25   MS DOHERTY: Sister, I just want to ask you about the

1 spiritual life of the nuns and the expectations around  
2 that in terms of both personal prayer and communal  
3 prayer. Was there a set requirement on a sister during  
4 the day to pray at particular times?

5 **A. Yes. We had our own horarium. We usually got up at  
6 6.00, have prayers at 6.30. This is going back in the  
7 early days.**

8 Q. Yes.

9 **A. Then we would have prayer about 12.45, lunch at 1.00,  
10 and in the evening we would have prayer at 6.30 and  
11 supper at 7.00. Nowadays each house have got their own  
12 horarium to suit the house, but in the earlier days  
13 every Nazareth House had a set horarium, yes.**

14 Q. Okay.

15 **A. Within -- it would be the sister's own personal  
16 responsibility to say whatever devotional prayers she  
17 wished to say.**

18 Q. But if she was going to do personal prayers, that would  
19 be in her own time, so to speak. It would be after --

20 **A. Well, it was usually when the children went to school,  
21 some time during that period.**

22 Q. Okay, but in terms of the evening we would have  
23 a position from maybe 6.00 to 7.30, 8.00 where the nuns  
24 would be praying communally together and then would be  
25 at dinner together as part of the community life?

1 **A. Yes. From 6.30 to 7.00, 7.30, yes.**

2 Q. 7.30. Was that an expectation, sister, as opposed to  
3 just what the sisters found convenient to do? Was there  
4 an expectation they would have that community time?

5 **A. It was an expectation, yes, yes --**

6 Q. Thank you.

7 **A. -- because we live a common life, and so part of that  
8 common life was being together at certain times and  
9 praying together at certain times.**

10 Q. You talked about recreation and in the visitations it  
11 talks about, you know, recreation being good spirited.  
12 Was there time for that as well?

13 **A. Yes. Everything was timed.**

14 Q. Everything was timed.

15 **A. We had recreation from usually 8.00 till 9.00.**

16 Q. Okay, and again that would be an expectation as opposed  
17 to a --

18 **A. It would be an expectation to be there, but for reasons  
19 if you couldn't be there, I mean, that was understood  
20 too.**

21 Q. So if I can just say that in kind of -- if we are again  
22 talking about the '50s and '60s, we could have  
23 a situation where the Sisters were involved in prayer  
24 from 6.30 to 7.00, involved in having supper together  
25 from 7.00 to 7.30, and then from 8.00 to 9.00 would have

1           been jointly in community together.

2   **A. Yes, but sisters with the children were allowed to be**  
3   **back with the children. It was usually the Sisters that**  
4   **looked after the elderly and sisters in various other**  
5   **ministries in the house that didn't require super... --**  
6   **like the laundry or the kitchen or whatever, they would**  
7   **be at recreation, but a sister with the children was**  
8   **permitted to be back with the children.**

9   Q. So was permitted --

10 **A. Yes.**

11 Q. -- but if she chose to be with the sisters --

12 **A. That was her choice, yes.**

13 Q. -- that was her choice in relation to it?

14 **A. Yes.**

15 Q. Okay. Thank you.

16 CHAIRMAN: Could I just follow up on that, if I may, sister?

17       As you will be aware, one of the allegations that has  
18       been made is that older boys were allowed, first of all,  
19       to exercise a degree of supervision over younger boys  
20       and that there were episodes of both physical and sexual  
21       abuse perpetrated by older boys, and one of the aspects  
22       of that is that it may have been when the nuns were not  
23       present. Is it possible that in a perhaps more  
24       regimented era that it could have been the case that all  
25       the Sisters would go, first of all, to the communal



1 prayer and then for the meals together and then for the  
2 recreation, so that there could have been some hours  
3 when there really wouldn't have been any sister about  
4 the place or perhaps only one trying to keep an eye on  
5 up to 80 boys of different ages?

6 **A. Well, again my understanding is that certainly in the**  
7 **earlier days probably that happened, but certainly in**  
8 **the latter days, from '60s onwards, I believe there was**  
9 **always a sister left behind. One sister would go to**  
10 **prayer and one sister would stay behind to supervise the**  
11 **children and, as you quite rightly said, one sister with**  
12 **so many couldn't possibly supervise them all.**

13 I would also like to add that these -- especially  
14 sexual abuse would happen whether there was lots of  
15 staff there or not. The perpetrator wouldn't wait until  
16 the staff were around. So these people would do  
17 whatever they did privately. They wouldn't wait for the  
18 sister or if there was any staff to be around.

19 Q. Thank you very much.

20 Well, Sister Brenda, thank you very much for coming  
21 to speak to us not just today but yesterday --

22 **A. Thank you.**

23 Q. -- and for the testimony which you have given. We are  
24 very grateful to you for that.

25 **A. Thank you very much.**

1 Q. Well, as far as we are concerned you can now leave the  
2 witness box.

3 A. May I --

4 Q. Yes, sister.

5 A. May I just say something, your Honour?

6 Q. Yes, of course.

7 A. I would like to say, of course, being up at the back  
8 there for the last few weeks it's been a very harrowing  
9 and challenging time for us as a congregation, and to  
10 listen to the evidence given was very harrowing indeed,  
11 and, you know, we were a human group, a human  
12 organisation, and we had people that were champions to  
13 the cause and we had people who were a bit weaker.

14 All I can say is, you know, we had some wonderful,  
15 heroic, I would say inspirational sisters and I am proud  
16 to stand on their shoulders and carry on the work of the  
17 congregation to -- that started by our founder, Victoire  
18 Larmenier, and to work for the marginalised and the weak  
19 of society.

20 I would also like on behalf of the congregation to  
21 thank Judge Hart and the Panel and the Inquiry team for  
22 their courtesy to us during this past few months, and we  
23 also recognise the official court people who have also  
24 been very attentive and gave us directions during these  
25 past few weeks -- months.



1           today, now into the afternoon, is Bishop Daly, and he is  
2           aware, Chairman, that you are going to ask him about  
3           taking the oath.

4                           BISHOP EDWARD DALY (sworn)

5   CHAIRMAN: Thank you very much. Please be seated.

6                           Questions from COUNSEL TO THE INQUIRY

7   MR AIKEN: Bishop, coming up on the screen will be a copy of  
8           your witness statement that you have provided to the  
9           Inquiry. If we can bring up, please, SND-18310. While  
10          that's happening, bishop, the Inquiry Panel have had  
11          your statement and have had the opportunity to read it  
12          through in detail. So we will be looking at some  
13          specific parts, but don't take other than they have  
14          already read it in detail.

15                        Can you just check and confirm for me that the  
16          page that appears on the screen is the same as the hard  
17          copy first page of your statement?

18   **A. Yes.**

19   Q. Can we go then, please, to SND-18320, and can you just  
20          check with the hard copy that this is the same last  
21          page as your copy?

22   **A. Yes.**

23   Q. And can you confirm you have signed the statement?

24   **A. Yes.**

25   Q. And that you want to adopt the content of the statement

1 as your evidence to the Inquiry?

2 **A. Yes.**

3 CHAIRMAN: It is a long time since you retired. It is  
4 rather late in the early morning -- late morning/early  
5 afternoon. If you feel at any time that you need  
6 a break, please don't hesitate to say so, but if it  
7 accommodates you, but only if it accommodates you, we  
8 will press on for as long as you feel able to deal with  
9 giving evidence.

10 **A. Thank you, Mr Chairman.**

11 MR AIKEN: In addition, bishop, you will have some water in  
12 front of you.

13 **A. Yes. Thank you.**

14 Q. Just take that as you feel necessary.

15 Go back, please, to SND-18310. What I am going to  
16 try to do, bishop, to shorten the exchange is summarise  
17 a lot of the detail that you have provided to the  
18 Inquiry.

19 Just to set the scene, you were born in 1933 and are  
20 now 81?

21 **A. Yes.**

22 Q. You were ordained a priest in 1957?

23 **A. Correct, yes.**

24 Q. You spent sixteen years as a curate, eight in Castlederg  
25 and then eight in Derry itself?

1 **A. Five in Castlederg and eleven in Derry.**

2 Q. Apologies. Then you -- having taken a year's sabbatical  
3 working in the media, you were -- became the Bishop of  
4 Derry in 1974?

5 **A. I did.**

6 Q. And you performed that role for 19 years until  
7 October 1993?

8 **A. Correct.**

9 Q. You are not really retired, because you are now acting  
10 as the diocesan archivist and also as the chaplain to  
11 the Foyle Hospice?

12 **A. Correct, yes.**

13 Q. The Foyle Hospice work takes up four days a week?

14 **A. Four days a week, yes.**

15 Q. Mornings and evenings and also when called upon?

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

17 Q. So you describe in your statement -- and I am going to  
18 ask you a little bit about this first before I go into  
19 the homes themselves, bishop -- life in Derry you  
20 describe in various parts of your statement as being  
21 very difficult during your time certainly as a priest,  
22 as a curate and then as bishop.

23 At paragraphs 28 to 31, and if we bring up  
24 SND-18319, you describe for the Panel the -- in the  
25 context of the work of the sisters the degree of

1 difficulty, both poverty generally and then in  
2 particular in Derry, world wars, the violence that  
3 emanated as part of the troubles, and it's in that  
4 context that you were doing your work in Derry and the  
5 Sisters of Nazareth were doing theirs.

6 **A. Correct.**

7 Q. Is there anything else you want to say about the context  
8 in which this work was being carried on that --

9 **A. Could I just say I was appointed to Saint Eugene's**  
10 **Cathedral and the pastoral district to which I was**  
11 **appointed was the Bogside, which I had never heard of**  
12 **before -- before then, and when I started there, it was**  
13 **a culture shock. I had never before experienced poverty**  
14 **of that nature, housing of such an abominable standard,**  
15 **overcrowding and all the attendant things that went with**  
16 **that, and it was quite shocking quite frankly.**

17 People survived in it. It was -- I am talking about  
18 the '60s. It was a very law-abiding community. It was  
19 a very supportive community. The informally structures  
20 of the community were very powerful. People, especially  
21 women, helped one another to a remarkable extent. There  
22 was virtually no police presence there, no social  
23 workers, and priests were about the only people who were  
24 there regularly with people to help them with their  
25 difficulties and problems of one kind or another.

1 Q. You mention in your statement how generally your  
2 parishioners brought most problems to the priest.

3 A. Well, they brought a lot of problems to us. Certainly  
4 you hadn't to look for work. They brought a lot of work  
5 to the door, and I used to visit the area regularly,  
6 every day, in fact, and walk around the streets, visit  
7 homes, visit sick, visit elderly, people who were  
8 suffering in one way or around.

9 Then in 1968 then the other things escalated and  
10 life became extremely difficult. We had conflict on the  
11 streets virtually every day. We had riots almost every  
12 day for -- one period every day except Christmas Day for  
13 eighteen months of riots on the streets. It was  
14 extraordinarily difficult. Then we had the deaths,  
15 shootings, murders, bombs, intimidation, imprisonment,  
16 internment, all those things. So it was a very  
17 difficult society for -- made up of good people who  
18 suffered horrendously during that period.

19 Q. You describe in another location in your statement that  
20 the women, for instance, were suffering domestic  
21 violence. There was particular difficulty in the home  
22 environment quite often, and you set that context, the  
23 standard of the day, as it were. You talk about you  
24 growing up and being at school and physical punishment  
25 being used to try and contextualise what's being said



1 about what was happening in the Sisters of Nazareth  
2 homes, that it is not dissimilar -- and if I am  
3 paraphrasing incorrectly, you give the correct  
4 paraphrase -- but it is not -- what's being described in  
5 terms of physical punishment is not dissimilar to what  
6 was going on outside the Sisters of Nazareth homes. Is  
7 that a fair reflection?

8 A. I don't have much idea of what went on in the Nazareth  
9 homes as such. I can only speak for the society in  
10 which I was working and the community I was working  
11 outside. I wouldn't like to emphasise the domestic  
12 violence. There was domestic violence there, but not  
13 truly extraordinary. People -- sometimes people --  
14 there would be fourteen people in a four-roomed house  
15 with no running water in the house, a tap in the  
16 backyard, a toilet in the backyard, and like my memory  
17 of it is rooms full of beds.

18 I had huge admiration for people who made a life  
19 there, who tried to bring up children in that  
20 environment, the example they gave by their own lives,  
21 kindness to one another. No doors were locked. Every  
22 door was on the latch, and anybody's troubles was  
23 everybody else's troubles. They tried to help as best  
24 they can. So I wouldn't like to paint the society any  
25 way otherwise.

1 I talk about I went to school in the '40s and  
2 corporal punishment was part of life. It went -- you  
3 took it every day and it was part of life. It shouldn't  
4 have been, but it was there always. I think -- I don't  
5 know. It was just my own experience, but I think it was  
6 in many schools at that time, speaking to people since.  
7 I am not saying it was justified, but it was there.

8 Q. It is that social context in which you describe the  
9 Sisters of Nazareth doing their work for which you  
10 appreciated the effort that they made.

11 A. I always admired their work. I had -- I think I mention  
12 in my statement I was -- from 1957 until 1993 when  
13 I retired -- that's 36 years -- I had one single  
14 complaint, one single complaint about a sister of  
15 Nazareth, and that came from a lady in Australia,  
16 Melbourne, who was caught up in that unfortunate  
17 emigration scheme in the 1940s when I was still at  
18 school. She told me about being separated from her  
19 brother. She wrote me a long, long, heartbreaking  
20 letter -- I think the tribunal has a copy of that letter  
21 -- and I was extremely saddened by it. I had never  
22 heard of the Australian emigration scheme before. It  
23 was registered by the Sisters of Nazareth that she went  
24 to Australia.

25 She was looking for her brother and she knew she had

1 a brother, but she didn't know whether he was alive or  
2 dead or where he was, and that brother went out to  
3 a family I think -- I can't remember -- just my --  
4 I think it was my own name, , was the surname -- to  
5 a family in what was -- the address given was  
6 , County Monaghan.

7 HIA 350 had tried for years to try and find this  
8 brother without success, and I -- I rang the parish  
9 priest in , County Donegal. He said there  
10 wasn't any family of that name there. So I thought then  
11 -- I thought of in County Monaghan.  
12 A class mate of mine was a parish priest there,

13 .  
14 I rang him and asked him about the man. He said,  
15 "Unfortunately", he said, "he died three months ago,  
16 three, four months ago", just a short time beforehand.  
17 He told me about him. He was a very good man. He  
18 worked as a farm labourer there all his life and the  
19 family he had been working with left him property, left  
20 him a house there.

21 But I had to write a letter then to HIA 350 . It  
22 was a very difficult letter. There was no easy way of  
23 putting -- I think there weren't faxes at that time or  
24 telecommunications. I had to write to tell her that her  
25 brother was dead. She was devastated to find it. She

1           **came then ultimately to Derry to visit and made contact**  
2           **with her brother's -- people who had known him.**

3    Q.    I think you deal with that --

4    **A.    But that's the only single complaint I had in all those**  
5           **years.**

6    Q.    You deal with that, bishop, in paragraphs 25 and 26 in  
7           your statement and that's at SND-18318 and SND-18319 for  
8           the record.

9           There is one other -- and I think Father Bradley  
10          addressed this in an earlier statement -- there was  
11          an individual who came to the Inquiry and said he had  
12          spoken to you about something that had happened to him,  
13          but Father Bradley has spoken to you and has confirmed  
14          you don't have a recollection about that.

15   **A.    No.    Can I ask is HIA 11 -- is           HIA 11           the name**  
16          **of that person?**

17   Q.    HIA11.

18   **A.    HIA11, yes.**

19   Q.    You --

20   **A.    I had a letter from him on 23rd June 1978 and I wrote**  
21          **a letter back to him.    He had been to a mass in the**  
22          **Nazareth House and he was -- he wrote a rather gushing**  
23          **letter about that.    I wrote a letter back to him,**  
24          **a short letter.    I used to receive about 1000 letters**  
25          **a year, most of which I answered myself.    Then I had --**

1 I can't ever recall meeting him. I met many, many  
2 people, but certainly I have no recollection of any kind  
3 of formal meeting with him. I have only one  
4 recollection of the complaint about the Sister of  
5 Nazareth and that was the one I referred to.

6 I had two letters from HIA121 in November and  
7 December 1988. They both were very warm,  
8 pleasant letters.

9 Also I forgot -- I came across in the last couple of  
10 days a letter from a man in called SND 76  
11 SND 76. I think he has given evidence here. Again he  
12 was -- wrote to me after the closure of Termonbacca and  
13 (inaudible). He had been there for some years.

14 Q. That's the complaints that you recollect coming to you.  
15 What I want to do then is take us back. You mention in  
16 your statement in paragraph 5, if we can go back,  
17 please, to the first page at SND-18310, the origins of  
18 Bishop Street, and you have set out the home being  
19 purchased, and, in fact, that was done by your  
20 predecessor, Bishop John Keys O'Doherty, in 1882. I was  
21 asking you, because we don't have a record of it -- if  
22 we just scroll down a little further, please -- the  
23 request was made to the bishop to set up --

24 A. Bishop John -- excuse me. Bishop John Keys O'Doherty,  
25 he did not become bishop until 1890. So he couldn't

1           **have purchased it in 19... -- 1882. I think it was**  
2           **purchased in possibly 18... -- some time later than**  
3           **that.**

4    Q. I am going by -- if we bring up SND-082, paragraph 12 of  
5       Sister Cataldus' statement, it was her suggestion to us  
6       that that was what happened, that he purchased it. He  
7       may not have purchased it in 1882 --

8    **A. Yes.**

9    Q. -- but eventually he purchased it by 1892.

10   **A. He was bishop -- John Keys O'Doherty was bishop from**  
11       **1890 until 1906 --**

12   Q. Yes.

13   **A. -- and Bishop Kelly was the bishop from 1850 -- 1860**  
14       **until 1890.**

15   CHAIRMAN: (Inaudible) to the bishop of the day.

16   **A. Possibly the bishop of the time being, something of that**  
17       **order. I am not sure. The will -- the will is still**  
18       **extant, her will or bequest.**

19   MR AIKEN: Presumably the bishop that purchased the home  
20       then invited the Sisters of Nazareth to operate it?

21   **A. Yes, I presume so.**

22   Q. There is no documents that the diocese has found to show  
23       that happening?

24   **A. No documents except that it was opened by -- two Sisters**  
25       **of Nazareth took it over in 1892 and opened it as a home**

1 for elderly and for children. I'm not sure what the  
2 property deeds are. I am sure it is effectively Sisters  
3 of Nazareth's property.

4 Q. Yes.

5 A. They put it up for sale recently. So I presume it is  
6 their property.

7 Q. They will no doubt be glad to hear you, bishop, confirm  
8 that.

9 A. There were extensions made to it at different times.  
10 There was a chapel built by a family in Derry given as a  
11 gift to the Sisters of Nazareth. The chapel there was  
12 donated by the Matton family. It was built some time in  
13 the 1960s I think from memory.

14 Q. I want to ask you, bishop, a little bit about the  
15 placing of children. The Inquiry has heard much  
16 evidence about the voluntary homes and private  
17 placements that occurred, and, in fact, you yourself or  
18 the diocese have produced some records going back  
19 a considerable period of time showing "recommended by"  
20 and, in fact, the registers of the Sisters of Nazareth  
21 often contain those references, "recommended by"  
22 a particular priest, and it seems that the diocesan  
23 priests, not just restricted to the Derry diocese, but  
24 were engaged in facilitating children coming in often  
25 via Fahan in Donegal as babies --

1 **A. Yes.**

2 Q. -- and then they moved through into Termonbacca or  
3 Bishop Street, depending on whether they were male or  
4 female.

5 If we go to SND-18315, please, in paragraph 14 of  
6 your statement, bishop, you describe -- just scroll up  
7 a little, please, to 14 -- you personally don't remember  
8 being involved in placing children in Bishop Street and  
9 Termonbacca.

10 **A. No. I was never -- certainly as far as I can**  
11 **remember -- memory is reasonably good -- I can't**  
12 **remember ever being involved personally in the placement**  
13 **of a child into care as a priest or as a bishop.**

14 Q. You then describe in the next paragraph the setting up  
15 of mother and baby homes eventually. I think you --  
16 maybe it is in paragraph 14 as well. You describe how  
17 you tried to persuade families --

18 **A. Yes.**

19 Q. -- not to do what they were doing.

20 **A. Yes. Unfortunately it was quite a frequent occurrence**  
21 **in the '60s where you were called to a home, very often**  
22 **the type of property we are talking about, overcrowded**  
23 **home where one of the daughters had become pregnant when**  
24 **she was quite young. The parents were concerned about**  
25 **her, were concerned about how they could manage a baby,**



1       how they could accommodate a baby in their house that  
2       was already overcrowded. They were concerned about the  
3       financial commitment that would be involved in that,  
4       whether they could give the child the kind of  
5       opportunity that would -- and they wanted the daughter  
6       to be taken to a mother and baby home to have the child  
7       and then come back home again and that the child would  
8       be placed for adoption.

9               Now on a few occasions -- I can't remember how many  
10       -- I found it very painful. I always felt that the best  
11       place for a child was with the mother, but when parents  
12       are just so desperate in that situation, I think one had  
13       a responsibility to help them and not to kind of preach  
14       to them at that stage when they were so upset, and  
15       I think out of mercy you did that and placed the child.  
16       There were three mother and baby homes to the best of my  
17       memory, two in Belfast and one in Newry. The girl would  
18       have been -- arrangements would have been made for her  
19       to be accepted into one or other of these homes for the  
20       duration of the pregnancy and delivery of the baby.  
21       After the pregnancy she would come home. I was never  
22       quite sure what the mechanics were after that. The baby  
23       -- some of the babies came to Fahan, to the nursery  
24       there that was for babies, and some I think were adopted  
25       straight out of the mother and baby home. I am not just

1           **sure of the mechanics of that.**

2    Q.    I think you deal with the detail of some of this in  
3           paragraph 11, which is at SND-18313, but you yourself --  
4           the next question I was going to ask you was given the  
5           role that was being played by the diocesan priests in  
6           facilitating --

7    **A.    Yes.**

8    Q.    -- however regrettable it might have been viewed by you  
9           and perhaps others --

10   **A.    Um.**

11   Q.    -- the families who were then making use of those  
12           facilities --

13   **A.    Yes.**

14   Q.    -- were they entitled to think that, "Well, the priest's  
15           satisfied that this is going to give good care and  
16           therefore we can take it that's the position"?

17   **A.    I can't read into the mind of what people thought at the**  
18           **time.  In situations like that it is not quite here**  
19           **where we are nice and comfortable in a room.  You were**  
20           **sitting in house full of children that were all crying,**  
21           **upset, hungry, and decisions had to be made.  It was**  
22           **a very difficult situation for parents.  It was**  
23           **particularly difficult for the young girl who suddenly**  
24           **found herself pregnant.  It was an -- I found myself**  
25           **quite helpless in that situation and very inadequate in**

1       dealing with it.

2               Fortunately in more recent years we have adopted --  
3       we developed a service called CURA. It was developed in  
4       the mid-'70s. It is an agency to help young  
5       women/mothers in situations of an unexpected or unwanted  
6       pregnancy and to deal with them and counsel them and  
7       support them through the whole pregnancy and afterwards  
8       if necessary. So that's what should have been there at  
9       that time, but I think people thought different at that  
10      time. Everything was being hushed up. They were afraid  
11      any of the neighbours would know. Nowadays I think the  
12      culture has changed hugely for the better.

13   Q. Do you know of whether in the time frame that you are  
14      talking about, which I think is the '60s, whether the  
15      Derry diocese or any of the other dioceses or at  
16      a higher level, making use of these services, whether  
17      they took any steps to check about the care that was  
18      being provided in them, such as Fahan and then  
19      Termonbacca and Bishop Street as an example, but not  
20      restricted just to those? Were you aware of any system  
21      of --

22   A. No.

23   Q. -- checking?

24   A. No. I wasn't aware of it. Maybe I should have been,  
25      but I wasn't and the -- I had complete faith in the

1        **sisters and I had no reason to believe otherwise than**  
2        **they were doing excellent work in looking after these**  
3        **children.**

4        Q. In paragraph 10 of your statement, if we just scroll up  
5        a little and we can try and span both pages, towards --  
6        it is the last sentence that's on page SND-18312 and  
7        then moving into the next page. If we just scroll down  
8        a little. I want to talk to you now about the reason  
9        people didn't avail of the welfare services that were  
10       operational or developing from 1950, whenever the  
11       Children & Young Persons Act brought into being the  
12       welfare authorities.

13                You say that:

14                "Many people -- the welfare authorities evolved over  
15       the years as to the way they reacted to situations and  
16       the way in which they and the local communities  
17       interacted. Many people didn't fully avail of the  
18       services and grants available from the welfare  
19       authorities because of ignorance of their rights and  
20       entitlements",

21                and how that has changed over the years.

22                What I wanted to ask you, Sister Brenda gave  
23       evidence yesterday that her understanding was part of  
24       the reluctance -- from her conversation with sisters who  
25       worked in these homes part of the reluctance of families

1 to engage with the welfare authorities was because the  
2 parents of Catholic children wanted them brought up in  
3 a Catholic environment.

4 **A. Uh-huh.**

5 Q. Is that something that you recall as a view?

6 **A. Yes, I think that's fair comment. People did want them**  
7 **to be brought up in a Catholic care home. I think**  
8 **that's true. Also I think the earlier sentences that**  
9 **you quoted about not fully availing of the service**  
10 **and grants available from the local authorities, again**  
11 **you have to get back to the culture of the time.**

12 All sorts of welfare only became available really  
13 after the Second World War. Nye Bevan in particular  
14 brought in all that welfare legislation that totally  
15 changed everything, but people initially had  
16 considerable difficulties. If you are dealing with  
17 statutory bodies, there are forms. Forms for some  
18 people are very frightening. A lot of people weren't  
19 very good at reading and forms were daunting for them.  
20 Many of them weren't aware of the precise entitlements  
21 that they were -- that they should have had and as  
22 a result didn't take them.

23 Now the church -- and when I talk about church, I am  
24 not talking about bishops; I am talking about the  
25 people, the community as such, which is what the church

1 is -- they addressed this issue and they set up a group  
2 called the Derry Community Social Services Centre in  
3 High Street in Derry. It was there to help people to  
4 get their due entitlements, what they were legally  
5 entitled to, help them to fill out forms and advise them  
6 about what they should be getting.

7 So that is the issue that's mentioned at the bottom  
8 of page 3 or -- aye, bottom of page 3 in paragraph 10,  
9 but I think Catholic families generally wanted  
10 a Catholic environment for children that were placed in  
11 care, yes.

12 Q. What I want to talk to you about now is the level of  
13 diocesan involvement in the two homes that the Inquiry  
14 has been looking at in this module, and you explain in  
15 paragraph 12, if we just scroll down a little, that  
16 essentially the congregation -- you have set out some of  
17 the canon law helpfully for the Inquiry.

18 A. I am not a canon lawyer.

19 Q. That may be so, but you have helpfully set it out.  
20 I think, if we scroll down a little further, ultimately  
21 the point you make, if we just scroll down a little  
22 further, is that essentially the congregation running  
23 the home operated autonomously of the diocesan bishop.  
24 So the home might be within the bishop's diocese, but  
25 the bishop did not have control over the home and how it

1 operated.

2 **A. There are distinctions. There are some religious orders**  
3 **that are described as pontifical religious institutions.**  
4 **They are answerable directly to the congregation for**  
5 **religious in Rome of the Vatican which is like**  
6 **an Ministry in an ordinary government. You have the**  
7 **Ministry for religious people who live that life, monks,**  
8 **nuns of some orders. The Sisters of Nazareth are**  
9 **a pontifical religious institute of women and are**  
10 **an autonomous body under Mother General and her council**  
11 **who are based in Hammersmith in London.**

12 Q. We will come back to it for a different purpose, but you  
13 refer to a note from SND502, who the Inquiry has heard  
14 from.

15 **A. Yes.**

16 Q. If we just flick to that very briefly at SND-18282,  
17 please, we will see it again in a different context  
18 shortly, but the point that you are making or that she's  
19 recording you making in May of 1977 as part of a series  
20 of discussions that are ongoing, you make the point:

21 " discussed with the bishop the care and  
22 aftercare of the children in the local voluntary homes  
23 and Dr Daly informed him of his position in relation to  
24 the children's homes and explained that a Mother General  
25 is, in fact, ultimately responsible for the running of

1 the homes."

2 **A. Yes.**

3 Q. That reflects the canon position, as it were, that you  
4 adopted?

5 **A. It reflected my own position as well.**

6 Q. Your own position. Then what I want to do -- and we  
7 discussed the 1951 set of documents that you helpfully  
8 produced. That's where your predecessor Bishop Farren  
9 sent --

10 **A. Yes.**

11 Q. He was -- I am not going to bring them up but for the  
12 Inquiry Panel it is at SND-6210 through to SND-6213. If  
13 I just summarise it, bishop, by saying a complaint was  
14 brought to the bishop by the sister in charge of the  
15 children in Termonbacca. The bishop, not entirely  
16 persuaded, sent a delegation of three priests into the  
17 home and they brought a report back to Bishop Farren  
18 indicating that as far as they saw the problem was the  
19 sister, not the children.

20 **A. Yes.**

21 Q. That led Bishop Farren to write a letter -- if we just  
22 bring it up at SND-6210 -- to the Mother General in  
23 Hammersmith setting out that he considered -- if we just  
24 look at the bottom, he indicates that the report was  
25 unanimous that the problem was the sister.



1 "She was the cause of the trouble and is completely  
2 out of sympathy with the children and is an evil  
3 influence."

4 That brought then a response very shortly from the  
5 Superior in Hammersmith at SND-6212 and SND-6213  
6 apologising for causing the bishop the hassle and moving  
7 the sister to Sligo.

8 What I -- I paint that picture to ask you about,  
9 whatever the canon law position, the degree of influence  
10 that was available to the bishop in the sense that if  
11 the bishop said to the Sisters, "There's a problem here"  
12 --

13 **A. Uh-huh.**

14 **Q.** -- then that's something they -- while technically they  
15 could have ignored it, by way of the example in the  
16 context of Bishop Farren, the reality is they would have  
17 acted on what the bishop had to say.

18 **A. Yes. I think it would have been negligent of the bishop**  
19 **if he had a complaint about somebody making remarks or**  
20 **assessing children in an erroneous or harmful manner --**  
21 **I think he would have a responsibility to intervene in**  
22 **it or point out to the Mother General, "Look, you have**  
23 **a member here that isn't doing what she should". He**  
24 **appointed three priests to investigate it. All three of**  
25 **them were professionally involved in teaching. That's**

1 why possibly he appointed them. That was away back in  
2 1951, but I think he performed admirably in the  
3 situation. I think he behaved correctly. She -- the  
4 lady concerned, she was removed from her position, and  
5 I think it would been doubted -- I don't think --  
6 I don't think he broke any canon law during that.  
7 Everything was referred through the proper channel. He  
8 didn't take action himself. So if she had decided -- if  
9 the Mother General said, "No, she is not moving", that  
10 would create an interesting situation, but it didn't  
11 emerge.

12 Q. Yes, and I think it is not the specifics of that. I am  
13 using that case as an illustration of the degree of  
14 influence that the diocesan bishop would have had on the  
15 Sisters running a home within the diocese --

16 A. Yes.

17 Q. -- in that, if you want to move it up to 1976, if you  
18 had found the same thing and said to the Mother General,  
19 "There's a problem", the likelihood is that would have  
20 been moved upon. Your point is, as I understand it,  
21 that, "Well, I didn't have the ability myself to do it",  
22 but I am asking you about the extent of the influence  
23 that was available.

24 A. Well, what I would have done in that situation is  
25 I would have consulted someone more competent than I was

1 in canon law and asked him to advise me or her to advise  
2 me on the procedure I should follow. I hope that  
3 I would do that.

4 I think also it is important to look at this, that  
5 that was the one complaint recorded by Bishop Farren  
6 received in his whole time as bishop. I also received  
7 one.

8 Q. Yes.

9 A. I think that in itself is a very eloquent situation.  
10 People came to me with all sorts of complaints, all  
11 sorts of problems. I had problems about neighbours  
12 brought to me, problems about the army, problems about  
13 internment, problems about police, problems about  
14 paramilitary groups. They came to me with all sorts of  
15 things. Nobody ever came to me except one, and she was  
16 from Australia, about problems from Nazareth House.

17 Q. You then say, if we look at paragraph 23 at SND-18318,  
18 and here you are talking about the Diocesan Child  
19 Welfare Authority --

20 A. Excuse me. Paragraph?

21 Q. Paragraph 23.

22 A. Thank you. Sorry. Yes.

23 Q. Just if we scroll down to the start of the next page,  
24 please, you describe the -- we will come to look at it  
25 in a little more detail -- but the Diocesan Child

1 Welfare Society. Then underneath it sat the two  
2 adoption societies, one in Northern Ireland, which was  
3 the Sisters of Nazareth, and then one out of Fahan, the  
4 St. Mura's Adoption Society. Of those two bodies with  
5 an umbrella overarching, which is the Diocesan Child  
6 Welfare Society, you say that:

7 "They had no role whatsoever in the running of  
8 Termonbacca or Bishop Street and no role in the  
9 visiting, reviewing, auditing or other supervisory  
10 activities."

11 **A. No. We were confronted in 1974, when I was appointed as**  
12 **bishop -- the whole adoption policy was very casual and**  
13 **so forth. I am not quite sure what the procedures were,**  
14 **but I felt they ought to be regularised. Adoptions were**  
15 **run by the diocese of Down & Connor, which is the**  
16 **Belfast, Antrim, County Down area, but they also looked**  
17 **after the rest of Northern Ireland. They also felt that**  
18 **we should be doing something ourselves. The Adoption**  
19 **Act 1967 in paragraph 29(1) said that:**

20 "Any -- no body of persons other than a welfare  
21 authority may make arrangements for the adoption of  
22 an infant unless that body is a registered adoption  
23 society."

24 So we had to confront that issue. As well as that  
25 we had to -- we had to deal with both sides of the

1 border, as parts of our diocese -- part of our diocese  
2 -- a substantial part of our diocese was in County  
3 Donegal. So we had to set up two adoption societies  
4 dealing with two different kinds of legislation. We had  
5 to have a social worker to service them.

6 So to enable that we devised an umbrella group  
7 called the Diocesan Child Welfare Committee to employ  
8 the social worker and service both these groups. That's  
9 the genesis of that. There were a lot of discussions  
10 before that in the months before it came into being in  
11 the beginning of 1977 I think during 1976 were tossing  
12 around various ideas about what specifically the  
13 Diocesan Welfare and Adoption Society should do, but  
14 really at the end the Adoption Society dealt exclusively  
15 with adoption, the placing of children, the vetting of  
16 prospective adoptive -- adopting parents, and that was  
17 their business.

18 I think there will be a witness coming here,  
19 , who is a social worker with that organisation  
20 since 1980. It is still in place. It's now called the  
21 Catholic Family Care Society I think. She could tell  
22 you about the details of that or the workings of that  
23 and how it does and does not work.

24 Q. What I want to go back to, bishop, is in your statement  
25 you say that the -- those three bodies, the umbrella and

1 the two underneath, didn't perform any role in  
2 Termonbacca or Bishop Street.

3 **A. Yes.**

4 Q. We have looked at them this morning before you have come  
5 in to give evidence. I am going to bring up the letter  
6 at SND-2018, please. Now just if I try to summarise  
7 this for the Panel so the context is clear. SND483  
8 seems to be in post from the start of 1976. There are  
9 documents that suggest that during the period of 1976  
10 she is employed both by the Derry diocese and by the  
11 Down & Connor diocese as part of that historical  
12 description you have given of how Down & Connor had  
13 a society that covered all of Northern Ireland and by  
14 the start of 1977 Derry has its own society up and  
15 running, and the material we are going to look at in '76  
16 is in that context of a fusion of one body, SND483  
17 spanning it into the other body as the body begins its  
18 work. Is that a fair ...?

19 **A. Yes. SND483 was -- I can't -- I am not sure of the**  
20 **exact details of it. It is a long time ago and there**  
21 **were so many things going on at that time, but SND483**  
22 **operated out of the Pastoral Centre. That's the address**  
23 **given, 164 Bishop Street, Derry. She was paid, she was**  
24 **employed by the Down & Connor Society until the end of**  
25 **'76 I think. I couldn't swear on that, but that is my**

1           **recollection.**

2       Q.   I think in fairness to you there are documents that we  
3           have that show that during that period both dioceses  
4           were paying for her.

5       A.   **Yes, they were. It was a shared -- it was shared, of**  
6           **course, but she was under the direction -- we had no**  
7           **direction of that sort of thing in the area of child**  
8           **welfare or adoption. So it was under the aegis or**  
9           **whatever of Down & Connor Society in 1976.**

10      Q.   We may --

11      A.   **We didn't take over until '77, after a month or two in**  
12           **'77 I think.**

13      Q.   We may need to in light of that take some of this issue  
14           up with Down & Connor in due course.

15      A.   **Uh-huh.**

16      Q.   But this letter dates from effectively the start of  
17           SND483's involvement in January 1976, and this letter is  
18           written not by Down & Connor but by the Derry Diocesan  
19           Child Welfare. That's your crest in the top left, for  
20           instance.

21      A.   **Yes.**

22      Q.   What I want to ask you about this letter, if I just  
23           paraphrase and if we scroll down so the Panel can remind  
24           themselves of it, what is happening here is SND483 is  
25           writing to what is then the Western Board, saying, "There

1 are these three children who are already in Termonbacca.  
2 They were private admissions to Termonbacca. St.  
3 Joseph's are not receiving any maintenance for them. So  
4 will you take them into care?"

5 Now into care under what was then the 1968 Act,  
6 which had a threshold test before you were within care  
7 and then a whole series of services kicked in around  
8 that. The letter goes on to set out the details of the  
9 individuals. If we just scroll down, please, then it is  
10 signed off by "SND483, Childcare Adviser".

11 Now before I look at what happened beyond that, do  
12 you have any recollection of a policy growing up of this  
13 type of interaction where the Derry Diocesan Child  
14 Welfare adviser would identify children in Termonbacca  
15 who were a private admission and then take steps to try  
16 and have the Western Board take them into care so that  
17 financially they'd be supported in Termonbacca?

18 **A. Well, if you look at the letter again, if you bring it**  
19 **back to the top, please --**

20 Q. Yes. If you just scroll back up, please.

21 **A. -- you find that the first child came from Portadown,**  
22 **born in Newry. Scroll on further. Baptised in Lower**  
23 **Killeavy, County Armagh. The second child came from**  
24 **Nazareth House, Portadown. We dealt largely with**  
25 **children in our own diocese. This is, as I said, long**



1 before the Diocesan Child Welfare Society as a structure  
2 was set up. So SND483 was working for Down & Connor as  
3 well as us. I never saw that letter before. I can't  
4 explain it. I don't know really.

5 Q. Well, what it appears to show -- and unfortunately  
6 SND483 is not going to come and explain it -- what it  
7 appears to show is the Derry Diocesan Child Welfare  
8 adviser identifying three children in Termonbacca and  
9 asking the Western Board to take them into care so as to  
10 pay for them.

11 A. I disagree with you. You described her as the Derry  
12 Diocesan Child Welfare Adviser. She was at that time  
13 working for the Down & Connor diocese as well as ours.  
14 Our Diocesan Child Welfare Society did not come into  
15 being until the beginning of 1977. Again it's a long  
16 time ago. I can't remember the details, but those are  
17 things that I do remember, but I don't -- I can't throw  
18 any light on that letter at all. I don't know really  
19 what it is about.

20 Q. From what you are describing one shouldn't have  
21 a January '76 letter from the Derry Diocesan Child  
22 Welfare.

23 A. Well, she was working out of that office and I suppose  
24 just handier to use that notepaper than, say, something  
25 else, but there it was. It happened. I can't explain

1 to you how it happened, nor do I accept any  
2 responsibility for it.

3 Q. Responsibility for?

4 A. For this letter, for this letter.

5 Q. Right. There are two issues that come out of it. The  
6 first is what brought this interaction about where  
7 someone on behalf of -- and we will not get into which  
8 diocese it is -- someone on behalf of --

9 A. There are four dioceses involved, as I look at it now.

10 Q. Well, the child care adviser is writing on behalf of who  
11 she claims to be writing on behalf of.

12 A. Please, please. I have already made it clear to you she  
13 was an employee of Down & Connor Welfare Society until  
14 the beginning of 1977. You keep repeating that and you  
15 keep compounding that error and it's wrong. She wasn't  
16 an employee. The notepaper might have said "Diocese of  
17 Derry" but she wasn't an employee of the Diocesan  
18 Welfare at that time.

19 Q. If we just bring up before we move on then SND-18283.  
20 This is a letter written by you, bishop, on  
21 21st November 1977.

22 A. Uh-huh.

23 Q. You will see that in the second paragraph -- third  
24 paragraph, third line you say:

25 "The fact is that SND483 has been employed by us

1 since 1st January 1976."

2 **A. Uh-huh. Yes.**

3 Q. So that's a number of weeks before the letter that we  
4 were looking at.

5 **A. Yes. I understand. It was -- we paid part of her**  
6 **salary during that year she was employed by Down &**  
7 **Connor. We paid part of her salary, not all her salary,**  
8 **and -- but she wasn't an employee of Derry diocese at**  
9 **that time.**

10 Q. And the two issues that come out of the letter are about  
11 the interaction, how this came about, and you can't help  
12 any further about that?

13 **A. No. I don't know anything about it, no. I'm sorry.**  
14 **I'm sorry.**

15 Q. The second one is about funding, because what this  
16 letter in effect does is try to help produce funding in  
17 terms of maintenance for these specific children. You  
18 can't help any further about that either?

19 **A. No. This letter here is applying for funding for the**  
20 **Sisters of Nazareth Adoption Society that I am asking**  
21 **for.**

22 Q. Perhaps I am confusing you, bishop. In fairness to you,  
23 if we go back, the letter that I am talking about is the  
24 one that SND483 wrote in January '76.

25 **A. The letter I have on my screen is the letter that**

1 I wrote to , .

2 Q. Yes. If we go back for your ease to SND-2018 --

3 A. No, I can't answer that. I don't --

4 Q. You don't know?

5 A. I don't know what that is. As I said, it was an interim  
6 period and <sup>SND 483</sup> was working under the aegis of Down &  
7 Connor at that stage. She wasn't working for Derry  
8 diocese.

9 Q. If we look at your statement at SND-182 -- sorry -- to  
10 a letter -- you describe -- before I bring up the  
11 document, you describe in your statement the development  
12 of the diocesan social services --

13 A. Yes.

14 Q. -- and in particular your role, if I'm not being unfair  
15 to you, was more to do with the adoption issues that  
16 you've highlighted. Is that fair?

17 A. That was my only role.

18 Q. That was your only role?

19 A. Yes.

20 Q. The organisation having been set up, and I just want to  
21 work through three documents to allow you to comment on  
22 this. On 2nd July you -- of 1976 at SND-18269 you are  
23 writing to the Western Board applying for financial help  
24 for -- it is described there as the Child Care Advisory  
25 Service, including the Sisters of Nazareth Adoption

1 Society.

2 **A. Yes.**

3 Q. That provokes a reply of 6th July at SND-18270 from the  
4 director. You will see in the third paragraph he says:

5 "May I suggest that a meeting is arranged between  
6 yourself and appropriate members of your staff concerned  
7 with child care and appropriate staff from this  
8 Department?"

9 **A. Uh-huh.**

10 Q. The annotation that's in the top right is:

11 "To be arranged for September."

12 That's this meeting that's to take place between the  
13 diocese and the Board.

14 **A. Uh-huh.**

15 Q. Then we have a minute of what seems to be that meeting  
16 at SND-18271. Now the minute itself is undated, but --  
17 and you can confirm this for the Panel -- and I am  
18 afraid some of the names have been redacted out, but the  
19 personnel who are attending, there is -- "SR162" is  
20 SR162, who is from Down & Connor, and then you have

21 . Was she from Derry?

22 **A. No, she must have been Down & Connor. I don't recognise  
23 her name at all.**

24 Q. Then you have SND483, who is "SND483".

25 **A. Yes.**

1 Q. Then Father Campbell. He is from the Derry diocese?

2 **A. He worked in Donegal, yes.**

3 Q. Then you have SND 469 and TL 19 , who are from the  
4 Board.

5 **A. Yes.**

6 Q. So this meeting, what is said first by SR162, she  
7 explains that:

8 "Down & Connor Welfare Society was created as  
9 a result of the working party of Bishop Philbin --  
10 Dr~Philbin, the bishop in Down & Connor. The child care  
11 adviser is responsible for", having set out about the  
12 north-west office, "adoptions organised by St. Mura's  
13 Society."

14 So that's the Fahan, Done... -- the Republic of  
15 Ireland side of the operation. Then she says this:

16 "The child care adviser had responsibility for the  
17 professional standards at St. Joseph's, Termonbacca,  
18 Nazareth House, Bishop Street and St. Mura's, Fahan, and  
19 would be involved in establishing three-monthly reviews  
20 ...",

21 and the Panel have got to see some of that working  
22 out in practice:

23 "... the encouraging of professional training of  
24 staff and setting up in-service training for the staff."

25 Now that section of the minute is a history of what

1       it is said she was doing and then when we get --  
2       slightly further down the page and on to the next three  
3       pages we have a record of the discussion that takes  
4       place, including just at the top of page 2 the creation  
5       of these review forms between Termonbacca and the Board,  
6       which the Inquiry saw in respect of some individuals in  
7       recent days, and the discussion goes on in the minutes  
8       about how better interaction might take place between  
9       them.

10       What I want to ask you just to confirm, you have no  
11       knowledge of SND483 performing the role that the minutes  
12       suggest she performed?

13   **A. I am not -- I have no knowledge of it. That is the**  
14   **fact. I don't know if she was or not, but in any case**  
15   **it is quite clear this was about Down & Connor, not**  
16   **about Derry at the beginning, and two letters back, two**  
17   **documents back, you took a letter that I addressed to**  
18   **the Northern Area Board and you put down as reply**  
19   **I think a letter from the Western Board, but it wasn't**  
20   **--**

21   Q. Sorry, bishop?

22   **A. Two documents ago --**

23   Q. Yes.

24   **A. -- you showed a letter that I had written to the**  
25   **Northern Board I think, I think.**

1 Q. Perhaps it was the Northern Board.

2 A. Then as a reply you had a letter from the Western Board,  
3 which had no relationship to the letter. It was  
4 described as a reply to my letter.

5 Q. Right. Where I have got it wrong in describing it as  
6 a reply, I will obviously apologise for that.

7 A. Yes, but the thing is this. If you go back to the  
8 previous page of that document --

9 Q. Yes.

10 A. -- and look on the left-hand side -- up a little bit  
11 more, a bit more -- "History of Down & Connor Family  
12 Welfare Society and the Development of the Derry  
13 Office". The Derry office was in the process of  
14 development at that time. The Derry office didn't  
15 finalise what it would do or would not do until the  
16 beginning of 1977. In fact, during '77 and '78 it  
17 formulated what it would do. There were lots of  
18 meetings. There were lots of meetings, brainstorming,  
19 throwing out -- all sorts of people throwing out  
20 different kinds of ideas. Some of them were adopted.  
21 Some of them were not, considering we didn't think they  
22 were -- would be suitable for us, and I think one of the  
23 main things that developed was the development of the  
24 mother and baby home in Newtowncunningham in County  
25 Donegal. There were other things such as a halfway



1 house that was discussed many, many, times. That was  
2 not adopted, and these other things. So I just don't  
3 know. It's a long time ago. There were a lot of things  
4 that were happening at the time, and so we were trying  
5 to develop --

6 Q. If I can try and summarise it this way, bishop: if  
7 SND483 was performing what SR162 says she was  
8 performing, you had no knowledge of it?

9 A. No, I had no knowledge of it. She may well have been  
10 doing it, but I had no knowledge I would say. She --  
11 under the aegis of Down & Connor she might have been  
12 perfectly entitled to do that. She wasn't doing  
13 anything out of order. I am not alleging that either.

14 Q. Now you touched on -- there are a series of minutes, and  
15 I am not going to bring them up, but you touched on the  
16 aftercare issue of Termonbacca boys. There is a number  
17 of documents that discuss halfway houses, aftercare and,  
18 as I understand what you are saying, there was a lot of  
19 thinking going on, but in the end the diocese didn't get  
20 involved in those things.

21 A. We didn't, because we were very limited in the funding.  
22 We had a huge number of commitments. We didn't want to  
23 involve ourselves in other things. We simply really  
24 wanted to set up two adoption societies to service the  
25 diocese and that was what we wanted to do, nothing more,

1           **nothing less. We didn't want -- we had no wish to**  
2           **involve ourselves in the running it or supervision of**  
3           **Termonbacca or Nazareth House.**

4    Q.   There are a series of documents, which I am not going to  
5           bring up, which the Panel can look at, which the diocese  
6           have provided, which show the development of this issue,  
7           and the exchanges between SND483 and yourself and the  
8           Board.

9           Ultimately we get to a minute of 1st November '76 at  
10          SND-18277. Because, as I understand the point you are  
11          making, this exchange is going on, this debate, and then  
12          it is being -- it will come eventually down to what we  
13          are going to do.

14    A.   **Uh-huh.**

15    Q.   What -- I would like you to look at this document and  
16           tell us is this in the end what was to be done, because  
17           this is a meeting where you attend.

18    A.   **Part of it, part of it was.**

19           **"... there be two adoption societies in the diocese,**  
20           **Nazareth House, Derry and St. Mura's Adoption Society**  
21           **...**

22           **That existing membership of these bodies be expanded**  
23           **and made ... more representative."**

24           **That was adopted.**

25           **"... both these bodies be legally registered as**

1 adoption societies."

2 That was done.

3 "That there be an umbrella Diocesan Commission  
4 entitled Diocesan Child Welfare that would take  
5 responsibility ... after birth, adoption, fostering,  
6 monitoring of proposed adopting parents ... children in  
7 care, aftercare of such children after leaving  
8 Termonbacca or Naz. House."

9 Part of that third proposal was adopted.

10 "All baptismal registration of adopted ... be  
11 carried out from Pastoral Centre to St. Eugene's  
12 Cathedral."

13 Now I am not sure exactly -- I can't remember  
14 exactly what happened, but could advise you  
15 on that. That's her day to day work -- still is.

16 Q. didn't arrive until 1980.

17 A. She did. She came in 1980, yes.

18 Q. So this is 1976.

19 A. Well, what was adopted in 1976, most of it is there  
20 still.

21 Q. And to the best of your knowledge --

22 A. To the best of my knowledge I wouldn't have had any  
23 contact really with ...

24 "Termonbacca ..."

25 After '93, 1993 the Termonbacca halfway house never

1       took off.

2               "Social worker (full time) working with Naz. ..."

3               I think that did happen.

4               "Naz House & Termonbacca: Maintenance charge being  
5       claimed from Dept. of Health & Social Services.

6               Inadequate.

7               Suggestion made to apply for increase.

8               Annual Mass for adopting parents and their  
9       children."

10              That was adopted. We'd an annual mass every year  
11       for adopting parents and their children, where they all  
12       met, but again you're talking about November '76, two  
13       months before that society came into being.

14    Q.   We have looked at already in fairness to you the  
15       SND502 minute in March 1977 at SND-18281 where  
16       a discussion is taking place about grant aiding. This  
17       again is another discussion this time between the Derry  
18       Diocese and Child Welfare Society and the --

19    A.   Officers of ...

20    Q.   -- the Board representatives.

21    A.   Uh-huh.

22    Q.   On the second page we have looked at the point you made  
23       about the fact that ultimately the responsibility was  
24       with the congregation.

25    A.   Uh-huh.

1 Q. Now the service that you were setting up, in January  
2 '77, so a couple of months before this meeting,  
3 writes at SND-18279. He is writing to the  
4 senior social work adviser and he talks in the second  
5 paragraph about the adoption work that your organisation  
6 as it's becoming is now doing and he then says:

7 "Dr Daly has full details regarding all members of  
8 the adoption committee and he is very happy to share  
9 this with us on request."

10 Then he goes on to say:

11 "Our particular interest in the Western Board is in  
12 the other activities of the Derry Diocesan Child Welfare  
13 Society."

14 You then give him information about that, about the  
15 demographics and about the numbers that might be  
16 involved, and he describes, if we just scroll down on to  
17 the next page, that the service was to be seen as, if we  
18 just see there at the end of the first paragraph:

19 "The Most Reverend Dr Daly has emphasised to both  
20 and me that he sees this service as being  
21 complementary to the existing statutory service and this  
22 I would endorse."

23 So you were making it clear, "We are not talking  
24 over from whatever you are supposed to be doing, but we  
25 are hoping to complement it".

1 **A. That was always the position, always the position, where**  
2 **we saw the Board as having the responsibility -- the**  
3 **statutory responsibility. We saw ourselves in**  
4 **a complementary capacity, but carrying quite**  
5 **a considerable amount of the load in adoption.**

6 Q. Now you then --

7 CHAIRMAN: I will just interrupt a minute. Are you content  
8 to carry on for the moment, bishop? It is nearly 1.45  
9 I see. We may be asking rather a lot of you.

10 **A. I don't mind. I don't mind. If you would like to take**  
11 **a break for lunch, if you'd like to ...**

12 MR AIKEN: We could take a break if that would facilitate  
13 you. We can take a long break or a short break,  
14 whatever would be best for you.

15 **A. You can take a long break if you wish and I will come**  
16 **back after lunch. Would that be all right?**

17 CHAIRMAN: Would three-quarters of an hour be long enough  
18 for you, bishop?

19 **A. For lunch?**

20 CHAIRMAN: Yes.

21 **A. Oh, it should be. I don't take very long over lunch.**

22 CHAIRMAN: Well, we will start again as soon after 2.30 as  
23 is comfortable for everybody.

24 (1.45 pm)

25 (Lunch break)

1 (2.30 pm)

2 MR AIKEN: Bishop Daly, before we broke for some lunch we  
3 were talking about the Diocesan Child Welfare Society.

4 **A. Uh-huh.**

5 Q. You have covered in your statement the development of  
6 social services' involvement from the diocese. We have  
7 looked at the documents I wanted to look at with you.  
8 What.

9 I want to ask you about now, coming towards the end  
10 of your evidence, is you cover -- if you could bring up,  
11 please, SND-18315. At paragraphs 17 to 19 you assist  
12 the Inquiry with setting out the chaplaincy structure  
13 that was involved with the two homes. You are aware of,  
14 and we don't need to go into the details of the  
15 allegations, but a number of allegations have been made  
16 about -- by children in respect of visiting priests.

17 **A. Yes.**

18 Q. In the paragraphs that you have set out, if I can  
19 summarise the position, that Bishop Street did have  
20 a permanent chaplain and eventually by a certain date,  
21 if I have understood it -- it may have been 1972, but  
22 you can help me -- the chaplain had quarters on site.

23 **A. Uh-huh.**

24 Q. Is it -- and he had a daily role in the life of the  
25 elderly and may have had some involvement with the

1 children in terms of them attending mass. Were there  
2 other priests who would have been coming in and out of  
3 Bishop Street to assist the chaplain with mass or other  
4 activities?

5 A. Perhaps when he was on holiday that may have happened.

6 I am not sure. Actually I only became aware a few weeks  
7 ago when I was preparing this statement that a chaplain  
8 only began to live in Nazareth House at that time. I  
9 always thought he lived there, but actually he lived in  
10 a house where priests who were teaching at a college  
11 lived in Bishop Street before that.

12 There was a chaplain in Bishop Street, because --  
13 largely because of the elderly. There were large  
14 numbers of elderly there. Many of them were frail.  
15 Many of them were dying at any given time. There was  
16 quite a large community of religious sisters there and  
17 it was important to have a chaplain for them.

18 His responsibilities with the children I suppose  
19 would have been something similar to a priest in  
20 a primary school, a chaplain coming in there to talk to  
21 the kids now and again. I am not sure if children were  
22 required to attend any mass. I am not sure of that.  
23 I~don't know, but he would have said mass in the chapel  
24 for the elderly and for the Sisters. He may have  
25 celebrated more than one mass a day. I'm not so sure



1 about that. I have tried to talk to a couple of former  
2 chaplains, but I had great difficulty in getting them,  
3 and they couldn't remember the detail of their ministry,  
4 but I presume it was the same as most other chaplains.  
5 They were there available for the Sisters and for the  
6 elderly.

7 There was no chaplain resident in Termonbacca. A  
8 priest went up there, a member of the (inaudible)  
9 student staff, to say mass each morning for the Sisters,  
10 and I don't know if children attended or they were bound  
11 to attend. I am not sure what the situation was, but  
12 that was the situation as regards chaplains.

13 Q. As far as the Bishop Street role was concerned, is it  
14 likely other than for holidays that other priests would  
15 have been coming in to assist or take services instead  
16 of the chaplain taking them or is that something you  
17 can't really comment on the specifics of?

18 A. I can't really comment on the specifics. Many priests  
19 went into Nazareth House to visit the elderly, people  
20 from the parishes who were elderly and who were frail  
21 and who were dying, near the end of life. They went in  
22 to see them. They would have been friends. I used to  
23 go in regularly to Nazareth House. Lots of friends  
24 I had there.

25 But the children were away in another area from the

1 main entrance and there was always somebody on duty at  
2 the main entrance. You couldn't just walk off the  
3 street and walk straight in. There was always somebody  
4 on duty. There was a little room to the left of the  
5 main door and there was always somebody, usually a lay  
6 person, to greet you. I'm sure if she didn't know the  
7 person, she would ask them who they were and who they  
8 wanted to see. Even when I went in, they asked me who  
9 I wanted to see before I got admission into the area  
10 where the elderly lived.

11 Q. Is the period that you're in a position to talk about  
12 the chaplaincy role limited to your time as bishop?  
13 When you were a curate working in the Bogside, would you  
14 have known about who performed the role then and how  
15 that would have been set up?

16 A. Yes. Every appointment was publicly -- was public. It  
17 was on the -- every appointment to every position was  
18 usually printed in the local newspapers, in the Derry  
19 Journal, when an appointment was made, and all different  
20 clergy were given assignments and given appointments to  
21 different places. That was known. There was nothing  
22 secret about it. It was a very public role, and -- but  
23 there was a clear distinction between Termonbacca and  
24 Nazareth House, and the chaplain in Nazareth House was  
25 much more directed towards the elderly, ministering to

1       the elderly and those nearing the end of life and to the  
2       sisters, the community of sisters that were there.

3       Q. If we can then move through to paragraph 28, just you  
4       say under a title of "Systemic Failings" a series of  
5       matters at SND-18319. You have already spoken of your  
6       admiration for the congregation and the work that they  
7       did. You say that they were grossly overworked and  
8       underfunded.

9               What I wanted to ask you: is that a realisation that  
10       you have now based on what you have learned in recent  
11       times or is that something you knew -- as best you can  
12       if you transport yourself back to the '60s and '70s, was  
13       that your view then?

14       A. No. I was quite surprised. I have been reading the  
15       case in the media, the hearings of this tribunal as they  
16       appear, and I was quite surprised that only two sisters  
17       were there in charge of a large number of children.  
18       I wasn't aware of that. I think we all took the Sisters  
19       for granted. Children were there. We knew they were  
20       being cared for, and perhaps people in the community,  
21       leaders in the community like myself, took them for  
22       granted. They were doing work that needed to be done  
23       that nobody else was doing, and, well, the work should  
24       have been done and that was that. I think we're all  
25       responsible for not knowing, but I was surprised that

1       only so few sisters were involved, and they looked after  
2       5000 children approximately. One wonders what would  
3       have happened to those kids if they hadn't -- the  
4       Sisters hadn't been there. It was a time of extreme  
5       violence and two world wars, and World War II in Derry,  
6       '40s was a particularly difficult time. There were tens  
7       of thousands of service men in the city. It was  
8       a pretty wild place at the time. I think kids at least  
9       were protected there. They were (inaudible).

10    Q. Am I right in saying, bishop, that you don't recall  
11       during your time either as a curate or as the bishop  
12       anyone from the congregation saying to you -- while  
13       there was a collection that you did eventually on a more  
14       regular basis, while you donated occasionally, less  
15       rigorous in terms of the regularity of it, but at  
16       Christmas or whatever it might have been, do you recall  
17       it ever being said to you by anyone from the  
18       congregation, "Look, we don't have enough staff. We  
19       don't have enough funds. We don't have ..."? Was that  
20       ever brought to your door?

21    A. No, I can't recall it ever happening. I often --  
22       whether it was admiration or pity I don't know. The  
23       Sisters were out in rain, snow, sun, knocking on doors  
24       on Saturdays and weekends begging literally for money,  
25       getting a sixpence here, a thruppenny bit somewhere

1 else. That's the way they arranged funds, and I suppose  
2 I was guilty as everyone else. I was taking them for  
3 granted, but many groups in the community, the  
4 factories, the factories in Derry were extraordinarily  
5 kind to the sisters, but other groups of people and  
6 workers. St. Vincent de Paul did remarkable work.

7 I mentioned in my evidence Frank Guckian, who was  
8 a businessman. He gave hugely, a huge amount of his  
9 time and energy, to the Sisters and fundraising and  
10 helping them in different ways, and there were a lot of  
11 people very good to them, but I don't think anybody  
12 realised just how overworked they were, and all  
13 charities were underfunded and still are underfunded.  
14 I work in a charity where only 20% of the total cost of  
15 looking after patients is paid for by the State. 80%,  
16 that's raised by collections, raffles, all kinds of  
17 walks and marathons and whatever. Most charities exist  
18 like that.

19 Q. Forgive me, bishop, if I don't get into the rights and  
20 wrongs of the State and the voluntary other than this  
21 particular. I have enough on my plate. The point that  
22 you are making which you have said is in relation to the  
23 children -- you set it out in 28 and 29 -- if it weren't  
24 for the Sisters, what would have happened to all of  
25 these children?

1 **A. Yes. I think it's a valid question.**

2 Q. Is that the context of the phrase you use:

3 "They were given and accepted a task that would have  
4 been unacceptable to many others"?

5 **A. Yes. Care of children is very challenging, particularly  
6 away from their families, and care is particularly  
7 difficult for anybody at any time.**

8 Q. If we look at paragraph 31 -- this is just the last  
9 paragraph -- you then indicate you personally have great  
10 sympathy for all victims of violence and abuse. You  
11 believe that all who believe they were mentally or  
12 physically or sexually abused in the past should have  
13 their cases heard and be acknowledged. You then record  
14 again the nature of abuse more generally that has taken  
15 place in Northern Ireland.

16 Is there anything else you want to say about that?

17 **A. I have huge sympathy for all victims of violence and  
18 abuse. I have spent most of my life ministering to  
19 people who have suffered during thirty years of  
20 conflict, and I witnessed a number of atrocities, one of  
21 them including a child victim who died on the street  
22 with me and I had afterwards to go and break the news to  
23 her mother, and there were many other situations like  
24 that where children -- I remember the first funeral  
25 I officiated at as a bishop, a victim of violence, was**

1 Judge Rory Conaghan, who was murdered in his house as  
2 they ate breakfast one morning in front of his  
3 8-year-old daughter. Those were all victims of child  
4 abuse, and I think it is important to remember them, but  
5 I have particular sympathy for anybody who suffered  
6 abuse or violence at the hand of people who were  
7 committed to Christ either in priesthood or sisterhood  
8 or in brotherhood. I think we have a special  
9 responsibility towards them, and it is important that  
10 their experiences be listened to and acknowledged.

11 Q. You will be pleased to know, bishop, that I don't intend  
12 to ask you any more questions, but I will ask you in  
13 finishing -- and then if you remain where you are, the  
14 Panel may want to ask you some questions -- whether  
15 there is anything else -- you have taken of your time to  
16 give evidence to the Inquiry and provided a detailed  
17 statement -- whether there is anything else you would  
18 like to say at this point. Now is the time to do it.

19 A. There's nothing that occurs to me. Thank you very much.  
20 Thank you.

21 Q. If you just remain where you are, the Panel may want to  
22 ask you something.

23 A. Yes. Thank you.

24 Questions from THE PANEL

25 MR LANE: Just one query, if I may, and thank you for your

1 evidence. You mentioned how when you became bishop one  
2 of the things was sorting out the situation to do with  
3 adoption.

4 **A. Yes.**

5 Q. I was just wondering whether the children who ended up  
6 in Fahan were ones where the parents had declined to  
7 have the children adopted.

8 **A. I am not sure. I just couldn't answer that question.**  
9 **I just don't know what the answer to that question is.**  
10 **I just don't know. Actually I was trying to work out**  
11 **the whole mechanics of that, of how children -- well,**  
12 **the baby always came to Fahan and so forth. I just**  
13 **don't know. I should know, but I can't remember and**  
14 **I don't recall ever investigating that myself.**

15 Q. Thank you very much.

16 CHAIRMAN: Well, bishop, thank you very much indeed for  
17 coming to speak to us today. We are very grateful for  
18 you. I am sure you will be relieved to hear that as far  
19 as we are concerned you are now free to leave.

20 **A. Thank you very much, Mr Chairman. Thank you.**

21 CHAIRMAN: Thank you.

22 (Witness withdrew)

23 MR AIKEN: Chairman, Members of the Panel, that concludes  
24 the oral evidence from witnesses. Our plan would be to  
25 begin saying something about inspections, but before



1 I do that I need to deal with Father Bradley very  
2 briefly.

3 CHAIRMAN: Yes.

4 MR AIKEN: It may be that -- if it were possible for you to  
5 rise just for a couple of minutes until we sorted the  
6 logistics of that. After that we could continue with  
7 some submissions about inspections.

8 CHAIRMAN: Yes. I think Father Bradley has very helpfully  
9 provided a good deal of factual information, but there  
10 isn't any issue about any of that. So I take it he can  
11 effectively simply adopt his statements?

12 MR AIKEN: Yes. He will be very quick.

13 CHAIRMAN: Well, we will rise for a few minutes, ladies and  
14 gentlemen. So if everyone would remain close at hand.

15 (2.50 pm)

16 (Short break)

17 (3.00 pm)

18 FATHER BRADLEY (called)

19 MR AIKEN: Chairman, Members of the Panel, the next witness  
20 is Father Bradley, who was administrator of the Derry  
21 diocese at the time whenever the Inquiry asked a series  
22 of questions in respect of various matters with the  
23 diocese. The Father has provided four witness  
24 statements that the Panel have had the opportunity to  
25 consider and which have been of assistance to the

1 Inquiry in the investigations that they related to.

2 What I am going to do is bring those statements up  
3 in turn and have them adopted formally by Father Bradley  
4 and then bring the matter to an end save for anything  
5 you want to ask him.

6 So if we can bring up, please, SND-1790.

7 CHAIRMAN: I take it we should have Father Bradley sworn?

8 MR AIKEN: That I should most definitely do. I apologise  
9 for that.

10 Father Bradley, you will be asked to take the oath.

11 FATHER BRADLEY (sworn)

12 CHAIRMAN: Thank you. Please sit down.

13 Questions from COUNSEL TO THE INQUIRY

14 MR AIKEN: Father, on the screen is the first page of your  
15 first statement --

16 **A. Yes.**

17 Q. -- which is a statement of 7th November 2013. Can you  
18 just check that it's the same as the hard copy you have?

19 **A. Yes. Uh-huh.**

20 Q. If we go to the last page at SND-1792, we unhelpfully  
21 have one that is the draft. So I am holding a signed  
22 version.

23 **A. Yes.**

24 Q. You are holding a signed version.

25 **A. I am indeed, yes.**

1 Q. We will hand up to the Panel evidence of the signed  
2 version. We will arrange to have that swapped in the  
3 evidence bundle, but you have signed this statement?

4 **A. Yes, indeed.**

5 Q. And you adopt it as your evidence before the Inquiry in  
6 relation to the matters to which it relates?

7 **A. I do indeed.**

8 Q. If we go, please, to SND-15030, and this is your second  
9 statement of the 19th December 2013.

10 **A. Yes.**

11 Q. Again if you just confirm the first page is the same as  
12 your hard copy?

13 **A. It is, yes.**

14 Q. If we look at the second page, which is at SND-15031, we  
15 have managed the signed copy this time.

16 **A. Yes. Uh-huh.**

17 Q. Can you confirm you signed that and you adopt this as  
18 your evidence to the Inquiry about the matters to which  
19 it relates?

20 **A. I do indeed, yes.**

21 Q. The third statement is at SND-14197 and it is of the  
22 18th December 2013. Can you just check again the first  
23 page matches the hard copy you have?

24 **A. Yes, indeed. Uh-huh.**

25 Q. And at SND-14198 is I trust another signed version?

1 **A. Yes.**

2 Q. Can you confirm you signed that and you adopt the  
3 contents as your evidence in relation to the matter to  
4 which it relates?

5 **A. I did and I do.**

6 Q. The last one is at SND-14798. It is of  
7 7th January 2014. Again can you just check the first  
8 page is a match for the hard copy statement you  
9 provided?

10 **A. Yes, it is.**

11 Q. If we go to the second page, please, again you've signed  
12 this statement?

13 **A. Yes, I did.**

14 Q. And you want to adopt its contents as your evidence in  
15 respect of the matters to which it relates?

16 **A. I do indeed.**

17 Q. Can I just ask you to confirm you are aware of the  
18 reasons why this type of information is being sought,  
19 and obviously if the Inquiry needs to come back to you  
20 or your colleagues in respect of these types of issues,  
21 we can expect you will deal with them in the same way?

22 **A. We will indeed. Thank you.**

23 Q. I have no further questions for Father Bradley, unless  
24 the Panel have anything they want to ask.

25 CHAIRMAN: Well, thank you very much, Father Bradley. I am

1       sorry you have been brought for what may seem to be  
2       a very fleeting appearance in the witness box, but there  
3       isn't any issue about the many facts that you have been  
4       kind enough to provide to the Inquiry to help us in our  
5       work and we are very grateful for that assistance.

6       Thank you very much.

7       **A. You are welcome.**

8                               **(Witness withdrew)**

9                   **Submissions on inspection and regulatory regimes**

10                               **by COUNSEL TO THE INQUIRY**

11       MR AIKEN: Chairman, Members of the Panel, that concludes  
12       today's oral evidence. If you are happy for me to  
13       commence, I will begin to look at the inspection and  
14       regulatory regimes that were to operate in respect of  
15       Termonbacca and Bishop Street.

16               Part of the rationale for taking this course is so  
17       that when Dr Harrison or any other departmental witness  
18       gives evidence there is focus to what she is asked  
19       rather than exploring these types of detailed issues  
20       with her before asking a question.

21               So in order to set the scene for the regulation and  
22       inspection system section 25 of the Children Act 1908  
23       gave a power to the then Chief Secretary -- in  
24       section 133 of the legislation it explains why it is  
25       that concept rather than a different one -- to the

1 Governor of Ireland to require any voluntary children's  
2 home to be visited and inspected, and the provision gave  
3 powers of entry to the inspectors to execute their  
4 duties. To date it is unclear whether that power was  
5 ever utilised in any part of Ireland pre-1921 or  
6 Northern Ireland following its creation in 1921.

7 If we bring up SND-15663, please, Dr Harrison on  
8 behalf of the Department of Health in her first  
9 statement indicates that this reference in the 1908 Act  
10 appears to be the first mention in legislation of the  
11 inspection of children's homes, and if we just scroll  
12 down a little so we have all of that paragraph, she  
13 points out that it was a power and not a duty. She has  
14 also indicated in her statement that the Department is  
15 at this point unable to comment on whether that power  
16 was ever used.

17 There were and continued to be in the time frame  
18 that we examine various other Acts with regulatory and  
19 inspection systems that on occasion cut across the type  
20 of inspections that we are going to look at and that's  
21 where there was some cross-fertilisation with the likes  
22 of schools being operated in the same premises as  
23 children's homes. So that's why some of the references  
24 that will be had are to other pieces of legislation that  
25 have an inspection capacity.

1           Then Part 6 of the Children and Young Persons Act  
2           (Northern Ireland) 1950, which is the one of two main  
3           provisions that we will deal with as part of the  
4           Inquiry's work, set out the provisions that affect  
5           voluntary homes and amongst other things the provisions  
6           required that voluntary homes were registered by the  
7           Ministry of Home Affairs and also gave power to the  
8           Ministry of Home Affairs in Northern Ireland to make  
9           regulations in respect of the conduct of voluntary  
10          homes.

11          Now the Act itself followed the publication by the  
12          Government of Northern Ireland of a paper in 1948 called  
13          "The Protection and Welfare of the Young and the  
14          Treatment of the Young Offender". If we can just bring  
15          up, please, SND-14054, and paragraph 9 of this  
16          government document sets out the problems with voluntary  
17          homes as it was seen by ultimately Parliament. The  
18          Children Act 1908 empowered the Ministry of Home Affairs  
19          to arrange for the inspection of any institution for the  
20          reception of poor children or young persons, but the  
21          Minister has no authority to give any specific  
22          directions for the management of the institutions.  
23          There is thus no authority to require such homes to be  
24          registered, nor is there any means by which any  
25          government department can interfere in the arrangement

1 for the training, education or aftercare of the children  
2 accommodated in the institutions.

3 They describe then a number of homes in Northern  
4 Ireland which accept destitute, orphan and illegitimate  
5 children.

6 "These homes are in most instances provided by  
7 religious organisations and it is probable that at least  
8 1000 children are being cared for at present."

9 Reference is made to Dr Barnardo's homes, and in  
10 some cases effective aftercare and boarding out schemes  
11 are in operation, but on the whole it is evident that  
12 much more could be done in regard to the standards of  
13 accommodation, education, training, etc, and the lack of  
14 adequate financial resources is, however, a handicap at  
15 most institutions.

16 So this is 1948 and those are the problems that are  
17 being identified leading up to the passing of the 1950  
18 Act. How things were to change as far as the government  
19 of the Northern Ireland was concerned are set out at  
20 SND-14064 in the same document. If we just maximise,  
21 that please. Paragraph 51:

22 "While appreciating the excellent work being done by  
23 voluntary organisations which provide homes for  
24 children, the government feels that as a measure of  
25 protection for the organisations themselves the homes



1       should be registered and that to ensure an adequate  
2       standard of treatment and accommodation the supervision  
3       of such homes should be brought within the control of  
4       the government department. Recent experience has proved  
5       that children may be lost in a home for a considerable  
6       number of years and that many cases no adequate means  
7       exist for boarding out suitable cases nor for aftercare  
8       and general assistance of children who leave a voluntary  
9       home. Voluntary institutions will, therefore, be  
10      required to apply to the Minister for registration and  
11      be subject to approval by the Minister and open to  
12      inspection on his behalf. The Minister may refer any  
13      such applications to the Child Welfare Council for their  
14      advice ..."

15           I should pause to say the Child Welfare Council was  
16      a provision in the Act setting up this body, which was  
17      to provide advice and guidance to the Northern Ireland  
18      government on matters of child care, and we will see  
19      there are a series of Child Welfare Councils that are  
20      constituted and provide reports that contain valuable  
21      information for the Panel's consideration, but this was  
22      heralding the prospect of matters such as applications  
23      being referred to the Child Welfare Council for their  
24      advice:

25           "... as to the suitability or otherwise of any

1 premises in respect of which application for  
2 registration is made, and the Minister will be empowered  
3 to withhold registration or to order the closing down of  
4 any home not being properly conducted."

5 Now I pause to say there is no evidence that that  
6 mechanism of referring registration issues to the Child  
7 Welfare Council ever took place. The Child Welfare  
8 Council more engaged in looking at practice across  
9 a wide range of child care services and making  
10 recommendations and providing reports about those  
11 practices.

12 Paragraph 25 indicates:

13 "Approved voluntary homes will be subject to regular  
14 inspections on behalf of the Minister and the Ministry  
15 shall be advised of all children received into  
16 a voluntary home, of all children being boarded out and  
17 of all children being placed in employment by the homes.  
18 The provision of effective aftercare schemes for  
19 children who have been accommodated in voluntary homes  
20 is of the utmost importance."

21 CHAIRMAN: If you just stop at paragraph 52, I take it this  
22 is a white paper that we are looking at?

23 MR AIKEN: Yes.

24 CHAIRMAN: It is clear that the government contemplated at  
25 that stage that in effect every voluntary home would

1 make some sort of return --

2 MR AIKEN: Yes.

3 CHAIRMAN: -- to an appropriate department giving details of  
4 all the children they received, all they boarded out in  
5 the then parlance and all they placed in employment. So  
6 one would have expected, if that had been carried  
7 through, that there should somewhere have been an annual  
8 or some form of return from in this instance  
9 Termonbacca, Nazareth House, saying that, "We have  
10 received X children into voluntary care". So the system  
11 would have been made aware of the existence of all of  
12 those children who were not regarded by the welfare  
13 committees as their responsibility, but the government  
14 would have known about them if that provision had been  
15 carried into effect.

16 MR AIKEN: Yes, and in effect, Chairman, it was carried into  
17 effect in the sense that from our investigation we  
18 cannot see the working out in documentary form of  
19 a policy like that, but we have the results of it in  
20 that there are many -- and we looked at some of them at  
21 the outset in terms of numbers -- there are many  
22 documents that show the collation of statistics of the  
23 children who were in, including Termonbacca and Bishop  
24 Street, but all of the voluntary homes, and quite often  
25 whether -- as well as totals of children, whether they

1           were private and whether they were welfare authority  
2           placed. So there certainly seems to have been  
3           a practice of statistical returns being provided, but it  
4           is not until much later -- I think it is 1983, and we  
5           will come to it -- that a more definite formal  
6           monitoring arrangement was set in place, which also then  
7           involved an examination of the registration system,  
8           which is an issue that I am going to come to. So there  
9           is evidence that this -- that material was being  
10          provided that allowed figures to be collated as to the  
11          number of children who were in care, and that included  
12          the total numbers who were in the voluntary care of the  
13          likes of Termonbacca or Bishop Street.

14       CHAIRMAN: The statistical tables we have seen in the 1950s,  
15          for example, list home by home or county by county or  
16          whatever number of children in state institutions, in  
17          voluntary institutions and so on.

18       MR AIKEN: Yes.

19       CHAIRMAN: Thinking aloud, one might perhaps speculate that  
20          there simply wasn't this information before and this was  
21          the first stage towards gathering essential information  
22          for whatever purpose.

23       MR AIKEN: Yes. There doesn't appear -- there are some  
24          records that show some attempt to collate numbers for  
25          the pre-1950 Act period, but they are not of the same

1 detail and complexity as the statistical returns that we  
2 have in the '50s, which seem to be the out-working of  
3 this type of intention.

4 CHAIRMAN: Yes. Now I think you were going to take us to  
5 paragraph 53.

6 MR AIKEN: Yes. It addresses:

7 "The provision of effective aftercare schemes for  
8 children who have been accommodated in voluntary homes  
9 is of the utmost importance. Some of the existing  
10 institutions have such schemes in operation, but  
11 comprehensive arrangements for all homes must be the aim  
12 in future. There should be no unnecessary interference  
13 in such matters, but it is considered that each  
14 institution should be required to prepare an aftercare  
15 scheme for submission to the Ministry."

16 Now to this point I am not aware that the Inquiry  
17 has found any evidence of that practice taking place.  
18 It may be something -- because what I am doing today  
19 will be reflected across a number of modules, and at the  
20 end we will look at the general governance arrangements  
21 that existed for the homes that we look at, but to this  
22 point and based on it being an attempt to look  
23 particularly at Termonbacca and Bishop Street, but in  
24 the overall context, we don't as yet have evidence of  
25 this type of material being provided. That's not to say

1           that it wasn't, and it is something that over the course  
2           of the Inquiry the department will be able to  
3           investigate the existence of it.

4           But it indicates that:

5           "The obtaining of suitable foster parents for  
6           children in voluntary homes is also of importance."

7           You will remember that the statutory bias in the  
8           1950 Act was towards boarding out or fostering and there  
9           seemed to be a particular problem with voluntary homes  
10          being able to have effective boarding out policies. So  
11          it is of importance:

12          "... and in this connection cooperation between the  
13          homes and Welfare Authority should ensure that adequate  
14          facilities are available. The supervision of children  
15          boarded out by voluntary homes will, irrespective of  
16          whatever supervisory arrangements are made by the homes  
17          themselves, come within the province of welfare  
18          authorities."

19          That is a provision that is in the Act to befriend  
20          and assist which fell on the welfare authorities, and we  
21          discussed that with some of the witnesses who have given  
22          evidence from the Western Board.

23          "The homes will also be subject to the proposals  
24          which have been made in respect of adopted children."

25          Then at 54:

1           "Grants will be available from government sources  
2           for special purposes connected with the improvement of  
3           voluntary homes and welfare authorities will be  
4           empowered with the consent of the responsible Ministry  
5           to make contribution to voluntary organisations whose  
6           object or primary object is to promote the welfare of  
7           children. Welfare authorities as an alternative to  
8           providing separate accommodation in their areas for  
9           children received into their care will be at liberty to  
10          make with the approval of the Ministry agreements with  
11          the management committees of voluntary homes for the  
12          reception of such children."

13           I will look tomorrow when I move on to finance in  
14          greater detail at the mechanisms that were available to  
15          provide funding, but paragraph 55 indicates:

16           "Voluntary homes will be required to satisfy the  
17          Ministry that every effort is being made to board out  
18          children coming into their care. Boarding out rates in  
19          respect of such children will be payable by the Welfare  
20          Authority of the area to which the child can be related,  
21          and a grant not exceeding 50% of the net cost will be  
22          available from government sources. An onus will be  
23          placed on the parent or guardian to contribute towards  
24          the cost",

25           and those mechanisms can be found in the Act.

1           "Where it is not possible to relate a boarded out  
2 child to a particular county or county borough, the full  
3 net cost of boarding out will be borne by the  
4 government."

5           So that is a number of paragraphs that sets out the  
6 intentions as far as the Northern Ireland government was  
7 concerned leading up to the making of the 1950 Act as  
8 far as it related to voluntary homes, which are two such  
9 homes that we are looking at in this module.

10          Now if we look, please, at HIA-237. Could we just  
11 maximise, please, section 102? Thank you. Just scroll  
12 down. Section 102 provides the power to inspect that  
13 was being described in the white paper and 102(1)  
14 indicates:

15          "The Ministry may cause any voluntary home to be  
16 inspected from time to time."

17          So it is a discretionary power and not a mandatory  
18 duty, but subsection (2) of section 102 goes on then to  
19 say that:

20          "Any person appointed by the Ministry to inspect any  
21 voluntary home shall have power at all reasonable times  
22 to enter the home and to make such examinations into the  
23 state and management thereof and the conditions and  
24 treatment of the children therein ..."

25          So there are two limbs to the purpose of the



1 inspection. So it is such examination into the state  
2 and management of the home, and the condition and  
3 treatment of the children:

4 "... as he or she thinks requisite, and any person  
5 who obstructs him in the execution of his duties shall  
6 be liable on summary conviction to a fine not exceeding  
7 £5.00 and a refusal to allow a person so appointed to  
8 enter the house shall for the purposes of section 42 of  
9 the Act ..."

10 That was a power of the Justice of the Peace to  
11 provide a warrant so the police could go in and remove  
12 a child to a place of safety. So it is providing  
13 a mechanism if someone obstructs the inspector for entry  
14 to be gained and for the child be taken to a place of  
15 safety if there is a reasonable cause to suspect that a  
16 child or young person in the home is being neglected in  
17 a manner likely to cause him unnecessary suffering or  
18 injury to health.

19 Subsection (3) then is the duty to produce your  
20 identification if that's called for.

21 Now that's the two aspects of what an Inspector was  
22 to do, but who was to be the Inspector? Section 136 at  
23 HIA-268, please. Section 136 provided the power to  
24 appoint the Inspector and:

25 "The Ministry may appoint for the purposes of the

1 enactments relating to children and young persons,  
2 including this Act, such number of inspectors being  
3 persons having special qualifications or experience in  
4 the care of children as the Ministry of Finance may  
5 approve, and may pay to the person so appointed such  
6 remuneration and allowance as the Ministry may with the  
7 consent of the Ministry of Finance determine, and they  
8 shall perform such duties as the Ministry may from time  
9 to time direct."

10 Then it goes on to say that the Inspector appointed  
11 under the section may enter any place where a child is  
12 maintained and specific reference is made then to  
13 subsection (3) of section 102, which is the power to  
14 inspect.

15 So that is who was to be the inspectors. They were  
16 to be people who had special qualifications or  
17 experience in the care of children and the power was  
18 given to the Ministry as to what it was the Ministry  
19 wanted them to examine.

20 Now if we look again at section 102 at HIA-237,  
21 because what the section does not do is it does not set  
22 out in and of itself what is to happen if the voluntary  
23 home is inspected and the Inspector, who has these  
24 special qualifications or knowledge in the care of  
25 children and has been tasked with that role -- what if

1 that Inspector finds that the home is unsatisfactory?

2 Well, the power to inspect and the provision dealing  
3 with the inspection of voluntary homes does not provide  
4 that answer, but when the section is read with the rest  
5 of Part 6 of the Act, it is clear that the removal of  
6 the voluntary home from the new voluntary homes register  
7 that was being set up by the Act was the mechanism for  
8 dealing with an unsatisfactory home.

9 So before I go into that in a little more detail  
10 I should draw attention to the fact that to operate  
11 a voluntary home at all post-1950 they must be  
12 registered with the Ministry of Home Affairs under the  
13 Act.

14 Now if we look at SND-15658, please, Dr Harrison on  
15 behalf of the Department at paragraph 9 has indicated  
16 that the Department at the moment cannot say how  
17 rigorous the process was that permitted registration as  
18 a voluntary home, but she has set out for the Inquiry  
19 what the Department said to the Hughes Inquiry about it  
20 and that's set out in italics:

21 "The procedure in dealing with applications for  
22 registration has been to consult the Children's  
23 Inspectors, social work advisers to obtain  
24 a recommendation as to whether registration should be  
25 granted. The professional advisers would normally visit

1 the facility ... to discuss aspects of its proposed  
2 operation with the administering authority", which in  
3 this case would have been the Sisters of Nazareth, the  
4 congregation itself, "and to assess the adequacy of the  
5 facilities to be provided, including the arrangements  
6 for staffing."

7 So while not able to point to a specific policy of  
8 the mechanism of registration, this is certainly as far  
9 as evidence given in 1983/'84 was concerned the  
10 mechanism that was operated.

11 If we look at HIA-233, please, and it is section 99  
12 of the Act that deals with the registration of voluntary  
13 homes and the requirement to register within three  
14 months of the Act coming into force, but of particular  
15 relevance for the context that I am talking about is  
16 subsection (4), which says:

17 "Where at any time it appears to the Ministry that  
18 the conduct of any voluntary home registered under  
19 subsection (1) of this section is not in accordance with  
20 regulations made or directions given in that behalf  
21 under this part of the Act or is otherwise  
22 unsatisfactory, that Ministry may, after giving to the  
23 persons carrying on the home not less than 28 days'  
24 notice in writing of its proposal so to do, remove the  
25 home from the register."

1           Now how did that process operate? Well, subsection  
2           (6) -- if we just scroll down a little please --  
3           indicates -- and I am not going to read all this out --  
4           but it indicates:

5           "Where a voluntary home is carried on in  
6           contravention of the duty to register or  
7           (6)(b) notice of a proposal to remove the home from  
8           the register has been given

9           the Ministry may then require the Welfare Authority  
10          to" -- if we just see slightly further down -- "comply  
11          with the requirement whether or not the circumstances of  
12          the children are such the Welfare Authority had to take  
13          the children into their care and provide accommodation  
14          for them whether or not the children technically would  
15          fall within the definition of being in care."

16          Now as an attempt to make sure that the provisions  
17          were enforceable, regulation 5 -- sorry -- subsection  
18          (5), if we just scroll up a little, made it a criminal  
19          offence to carry on a voluntary home unless it was  
20          registered.

21          Now in that context to date the Inquiry has not seen  
22          any documents prior to 1985, which I will come to later,  
23          that relate to the reviewing of registrations, ie, "We  
24          have approved a voluntary home. We have put them on the  
25          register", but the mechanism for dealing with

1 an unsatisfactory home is to remove from the register  
2 and there are no documents that suggest up until 1985  
3 that there was any process for the reviewing of homes  
4 that were placed on the register. That's not to say  
5 there wasn't such a process, but just at the present  
6 time we have not discovered one.

7 CHAIRMAN: So if we pause at that point, the legislative  
8 framework prevented anybody carrying on a voluntary home  
9 unless they had made it on to the register --

10 MR AIKEN: Yes.

11 CHAIRMAN: -- and as far as the Department was able to tell  
12 the Hughes Inquiry, they would look amongst other things  
13 at staffing in order to decide whether or not a home  
14 should be admitted to the register, but do I take from  
15 what you say there's nothing to show that thereafter  
16 once a home was on the register that the Ministry  
17 directed its mind to continually reviewing staffing  
18 matters in order to see whether or not a home should  
19 remain on the register?

20 MR AIKEN: Yes. It is very clear and we will look at the  
21 documents that show by 1985 a very deliberate decision  
22 was made to put in place a monitoring system for that  
23 very purpose and it is expressly set out. Now that is  
24 not to say that part of the departmental process when  
25 an inspection report was received was to mentally make

1           that consideration, but there are no documents that show  
2           that to date and there are no policy documents that  
3           suggest there was a requirement to carry out that review  
4           process up until 1985.

5           As I say, I am making this material known in this  
6           context as we shortly will begin to look at Termonbacca  
7           and Bishop Street. It may be as the evolution of the  
8           Inquiry goes on that something I am saying now the  
9           Department will be capable of showing, in fact, there  
10          was some system in place and a review of registration  
11          did happen, but just to this point we don't have that  
12          information.

13          Now the Department through --

14   CHAIRMAN: Can we just go back to the Hughes Inquiry  
15          extract -- submission extract?

16   MR AIKEN: Yes. SND-15658, please. If we just enlarge  
17          that, please.

18   CHAIRMAN: It doesn't say whether there is any continuing  
19          process. The question, of course, may not have been  
20          directed to that.

21   MR AIKEN: No, it may not have been. No doubt in light of  
22          some of the things I am saying Mr O'Reilly and those  
23          that he is instructed by --

24   CHAIRMAN: Does paragraph 10 on this page tell us anything  
25          more about that?

1 MR AIKEN: Not -- no, it doesn't.

2 CHAIRMAN: Well, presumably it is covered at paragraphs 21  
3 to 38.

4 MR AIKEN: We are going to look at some of those  
5 paragraphs later, but they don't deal with this  
6 mechanism of consideration of registration. In fact, if  
7 we look at SND-15665, which is paragraph 30 of  
8 Dr Harrison on behalf of the Department's first  
9 statement, she draws attention to the fact that I think  
10 it is Child Welfare Council 1, 2 and 4, 1 being the  
11 children in care report, 2 being the operation of Social  
12 Services in relation to child welfare in 1960, and then  
13 the Fourth Child Welfare Council. The third one dealt  
14 with something unconnected to our work, the role of  
15 voluntary homes in the child care service. She draws  
16 attention to the fact that they make no mention of the  
17 extent to which inspections of children's homes were  
18 carried out or the impact of those inspection findings  
19 on how matters were developed. To this point the  
20 Inquiry has not found any guidance on the nature and  
21 form of the inspections to be undertaken under the 1950  
22 Act. I will be able to and will be showing you in due  
23 course examples of inspections at various points in  
24 time, but we have not as yet found any policy document  
25 that provides guidance to the Inspector on what was to



1 be done, although there is an early pro forma document  
2 that we will look at in due course which gives some idea  
3 of the matters that were to be covered and it doesn't  
4 seem to have stayed as the mechanism of providing the  
5 report for very long.

6 Now in that context we do have a note and I am not  
7 sure we have -- we need to fix a page in the bundle, but  
8 at SND-1586, if we can bring it up and I will try it to  
9 see if it's been rectified -- no. It's a document that  
10 I will come back to, if I may, Members of the Panel, but  
11 it's a private note between someone and -- who I believe  
12 to be a Mr Freer, who worked in the Ministry of Home  
13 Affairs in December 1954, about the Department's  
14 inspection of voluntary homes, and its contents reveal  
15 the existence of various documents that we have not yet  
16 found, and the author is commenting on Freer having  
17 provided a minute to the inspectors, and then in the  
18 author's view the inspectors having taken what was said  
19 in the minute much too far and got much further involved  
20 than the author of the note suggested might have been  
21 wise. That's a flow of documents we are going to have  
22 to do some more work on to see if any more clarity can  
23 be brought to what's going on.

24 We can't say whether Freer, the person who received  
25 the note, or anyone else actually involved with it

1 shared the views that are expressed in it or whether  
2 they had any influence on how inspections were executed  
3 by the Department, and perhaps during the break I can  
4 have that document fixed so that we can look at it, but  
5 we will shortly in the context of the two homes that are  
6 being examined in this module look at some reports of  
7 the inspections that were carried out.

8 I should also say that we do know now that the  
9 Ministry of Health and local government medical  
10 inspectors went into the voluntary homes and carried out  
11 medical inspections and the inspections were often  
12 carried out jointly with the Children's Inspector from  
13 the Ministry of Home Affairs.

14 We will look at HIA-1440, please. This is a memo  
15 from Dr Elder, who is writing to the Chief Medical  
16 Officer, and he says -- she says:

17 "In the cover", the doctor says, "of this file will  
18 be found details of our Welfare Authority homes (14) and  
19 our voluntary homes (20) all registered with the  
20 Ministry of Home Affairs. That Ministry has now on its  
21 establishment a children's officer.

22 There are also three homes for mothers and babies  
23 (rescue homes).

24 Our doctors, Dr Simpson and Dr Milligan ..."

25 I will ask you to note those names, because

1 Dr Simpson in particular can be seen to be regularly  
2 visiting the homes we are looking at:

3 "... have for some time now supervised ..."

4 CHAIRMAN: Is that the Dr Simpson who cropped up in Sister  
5 Brenda's list of visits with Miss Forrest in the mid to  
6 late '60s?

7 MR AIKEN: Yes, yes.

8 "... have for some time now supervised the health of  
9 children in these homes."

10 He refers to various minutes.

11 "Our medical officers do not visit the homes on  
12 a routine basis but are simply on call for the Ministry  
13 of Home Affairs.

14 I have felt for some time that our staff should be  
15 making an annual visit to each home and reporting  
16 through medical channels to you on the general standard  
17 of hygiene and medical attention in the homes.

18 Only in this way can a composite annual report on  
19 the homes from the health angle be completed."

20 It is then said:

21 "Dr Simpson makes an annual report on each approved  
22 school but not a composite annual medical report on the  
23 schools as a whole and this is also worthy of  
24 consideration."

25 I should just pause there to say in recent days

1 I have raised with the Department the possibility that  
2 these medical inspection reports might give some further  
3 insight into the homes generally and we will have to do  
4 some further work to look for these types of reports and  
5 see whether they still exist.

6 "As to the form of report, we have never laid down  
7 any rule, but it would be useful to know what is done by  
8 the Scottish Home Department and by the Home Office.  
9 I could easily enquire about this next month if you  
10 wish."

11 Just scroll down, please:

12 "Drs Simpson and Milligan have divided the work  
13 between them according to the age grouping of children  
14 in the homes, Dr Simpson taking the older children  
15 and Dr Milligan the younger, but the number of homes is  
16 approximately equal for each medical officer.

17 I think an annual visit is desirable and feasible  
18 but would not suggest anything oftener than this till we  
19 see how it works out.

20 Meantime I will be doing nothing till I receive your  
21 instructions on the general issue."

22 So that's in September 1955. On 6th March 1956 if  
23 we look at, please, HIA-1433, Dr Elder wrote to  
24 Dr Simpson. That's the individual who was also in and  
25 out of the homes that we are looking at. In this minute

1 he says:

2 "I would be glad if as part of the work which you  
3 will be doing to produce information on the care of  
4 children for the annual report you would prepare a few  
5 remarks not only on the health of children in our  
6 various homes but a general note on the condition of the  
7 homes. I realise you may be placed in a slight  
8 difficulty in that you are only doing about half of them  
9 while Dr Milligan did the rest, but as she is  
10 unfortunately indisposed I would be glad if you would  
11 undertake to write something about the homes in general  
12 taking hers into consideration as well. Primarily we  
13 want to be satisfied that local medical officers of  
14 health are performing their duty satisfactorily."

15 So this signals an intention certainly by 1956 in  
16 addition to the medical inspector looking at the health  
17 of particular children, that he was or she was also  
18 being asked to cast an eye over and express a view on  
19 the general condition of the homes.

20 That memo, if we go to HIA-1432, please, HIA-14...

21 --

22 CHAIRMAN: Just before we leave that, the reference in the  
23 last paragraph to wishing to be satisfied that the local  
24 medical officers of health are performing their duties  
25 satisfactorily would perhaps hint that there was either

1 an expectation or there would be or there was an actual  
2 practice that the local medical officers of health would  
3 be going into the homes.

4 MR AIKEN: We haven't had the opportunity to pursue that as  
5 yet. It may be a reference to the local GP, although  
6 being characterised as a government official as such.

7 CHAIRMAN: I suspect that what that refers to is an officer  
8 of the County Council employed as what nowadays would be  
9 referred to as a specialist in public health medicine.  
10 I think that was a local authority responsibility.

11 MR AIKEN: It is something we can look at a little further,  
12 because it implies that there might be some report from  
13 whoever is performing that function, and I speculate as  
14 to -- we have seen documents about weighing and so on  
15 and so forth that --

16 CHAIRMAN: Yes. You see, at this time there were I think  
17 two major problems in the general health of children --  
18 perhaps three. There was a widespread difficulty in the  
19 post-war period of children being under-nourished,  
20 suffering from rickets and so on; tuberculosis was still  
21 a problem, particularly in Northern Ireland; and there  
22 was a polio epidemic in the late 1950s.

23 Now those would be things that might be thought to  
24 have a public health aspect to them. I just wonder if  
25 this is what they had in mind.

1 MR AIKEN: It is something that by hopefully the time we get  
2 towards the end of the Inquiry --

3 CHAIRMAN: Yes.

4 MR AIKEN: -- we may have a more clear answer on, but there  
5 is essentially two questions that arise. There is  
6 a suggestion that there may be reports from the likes of  
7 Dr Simpson and Dr Milligan which might also shed some  
8 light on individual homes and also potentially an avenue  
9 via whoever the local medical officers are and what they  
10 were doing. It is something that we are going to need  
11 to look into further.

12 But he or she, Dr Elder, sent that memo, HIA-1432,  
13 to the Ministry of Home Affairs on the same date and  
14 attached to the memo -- in the memo I am about to show  
15 you to the Ministry of Home Affairs the memo we were  
16 just looking at. It is being sent in to Mr Jackson:

17 "Please see the minute I have sent to Dr Simpson.  
18 I do not know to what extent these homes are visited or  
19 how far they are reported upon, but no doubt we shall  
20 learn something in the light of Dr Simpson's  
21 investigations. I had in mind that if we were not  
22 entirely satisfied with the information brought to  
23 light, we should consider the need for a survey of our  
24 homes. In saying this I am well aware of the fact that  
25 the homes have been chiefly visited by the children's

1 officers. There are, however, medical aspects and  
2 public health aspects to which the children's officers  
3 could only pay attention in a general way and we would  
4 expect our medical staff in addition to furnish some  
5 remarks."

6 So the signal is being given to the Ministry of Home  
7 Affairs that Dr Elder is instituting this procedure. If  
8 we just scroll a little further down, because often the  
9 handwritten annotations are a helpful indication of how  
10 matters were seen:

11 "To see as a matter of interest. Reports by  
12 Dr Simpson not only on the health of the children in the  
13 various homes but also on the condition of the homes  
14 will be to the ultimate advantage of everyone  
15 concerned."

16 So the Ministry of Home Affairs was noting this was  
17 going to be happening and it was going add to their  
18 information base and was going to be for everyone's  
19 benefit. As I have said, we don't as yet have any of  
20 the medical inspector's reports or the annual report  
21 that his reports or her reports might have fed into, but  
22 it's a matter that we've raised and it will be  
23 investigated further.

24 Now I am trying to set the general framework. So we  
25 have the Children's Inspectors and we have the medical



1 inspectors from the Ministry of Home Affairs and  
2 Ministry of Health and Local Government, and then under  
3 the 1968 Act, which effectively re-enacts the same  
4 provisions, the same mechanisms, that did, however,  
5 bring about some change in the manner in which the  
6 system was executed, because in 1971 the Ministry  
7 inspectors became part of the Social Work Advisory Group  
8 or SWAG, as it became known, within the then Ministry of  
9 Health and Social Services and under the control of the  
10 Chief Social Work Adviser.

11 Can we just bring up, please, SND-15665? This is  
12 paragraph 27 of the first statement from Dr Harrison on  
13 behalf of the Department of Health. If we just scroll  
14 up a little bit, please, so we see -- so in 1971 the  
15 inspectors, whilst retaining their function in respect  
16 of the Ministry of Home Affairs, became part of the  
17 Social Work Advisory Group within the then Ministry of  
18 Health and Social Services under the direction of  
19 a Chief Social Work Adviser.

20 So while in terms of the legislation the function  
21 was still a Ministry of Home Affairs function and the  
22 concept of Children's Inspectors existed, by 1971 there  
23 was a centralising, as it were, of those individuals  
24 moving in to become part of a Social Work Advisory Group  
25 under the auspices of the Chief Social Work Adviser and

1 the Minister of Health and Social Services in effect.

2 Now the Hughes Inquiry noted that there was no  
3 explicit policy in relation to the frequency of  
4 inspections or on the scope and content of inspection  
5 reports during the period until 1973, which is the  
6 period from when the Social Work Advisory Group took  
7 over operation of the inspection system. If we look at  
8 SND-15666 and paragraph 31, if we just move down to the  
9 next page, please -- just scroll up a little bit,  
10 please. Just go up a little further, please, so we see  
11 a little bit of the -- paragraph 30. Reference has been  
12 made to the Child Welfare Council reports not referring  
13 to the frequency, and if we just scroll down some more,  
14 and reference is made then to the period following the  
15 transfer of responsibilities in 1974 from the Ministry  
16 of Home Affairs to the DHSS. So that's the realignment  
17 that takes place in '73/'74. The 1984 DHSS statement to  
18 the Hughes Inquiry noted that in February 1976 the  
19 social work advisers were asked to make a full report on  
20 each facility annually with reports being passed to the  
21 administrative branch. However, the statement goes on  
22 to record that the new procedures were not fully  
23 implemented because of changes in staffing within the  
24 Social Work Advisory Group and subsequent changes in  
25 working arrangements.

1           So if we look at SND-15665, please, the point that's  
2           made by the Department -- this is paragraph 28 -- the  
3           1984 statement to the Hughes Inquiry said:

4           "Work was carried out on the basis of short visits  
5           and reports were prepared for child welfare branch.  
6           These reports gave the Inspector's overall impression of  
7           the home visited and of its occupants and raised any  
8           matters on which action might be taken by the Ministry,  
9           for example, in respect of improvements to physical  
10          facilities ... Not all files relating to visits carried  
11          out and reported on by the Children's Inspectors are  
12          still in existence; this is due to the normal process of  
13          review and destruction of old files."

14          I am afraid I am going to come to that in the  
15          context of this module:

16          "However, from the information available the visits  
17          to statutory homes appear to have been less frequent  
18          than those to voluntary homes."

19          Then in paragraph 29 the Hughes Inquiry is recorded  
20          as saying it appears there was no explicit policy in  
21          relation to the frequency of inspections or on the scope  
22          and contents of inspection reports during the period  
23          until 1973.

24          The position in terms of the mechanisms that were to  
25          operate changed rather dramatically from 1980, and if we

1 look at SND-15666, paragraphs 31 and 32 of Dr Harrison's  
2 statement on behalf of the Department, they set out the  
3 substantial changes that were wrought to the inspection  
4 system post the Kincora revelations in 1980, and this  
5 now involved carrying out three-day inspections covering  
6 a wide range of issues, and at paragraph 32, if we just  
7 scroll down a little, please, the Department points out  
8 that between October 1980 and March 1984 -- and in  
9 fairness we have the example of the 1983 Bishop Street  
10 SWAG report, which we will look at in due course -- all  
11 homes were inspected and follow-up visits conducted in  
12 1985. It is said that in 1985 the Department wrote to  
13 homes indicating they would be inspecting annually.

14 At SND-15667, paragraph 33 the Hughes Inquiry is  
15 recorded as saying that:

16 "The interval between the introduction of the  
17 Department's new inspection procedures in June 1980 and  
18 the completion of follow-up visits in June 1985 may also  
19 seem excessive and open to criticism. We prefer,  
20 however, to acknowledge the positive aspects of the new  
21 arrangements, namely the comprehensive scope of the  
22 inspections and reports and the substantial commitment  
23 of professional resources which this programme required.  
24 Our examination of the reports in which we have had  
25 an interest satisfied us that the department has made

1 significant progress in making up the deficiencies in  
2 its information base."

3 You will see that in paragraph 34 one of the  
4 recommendations given to the Social Work Advisory Group  
5 was that it should involve sample scrutiny of residents'  
6 personnel files -- personal files to ensure that social  
7 work, visiting and reviews were regular, and that there  
8 should be unannounced visits.

9 Now it is in that context that if we look, please,  
10 at SND-9150, and this is about something we touched on  
11 earlier about the changes to include looking at the  
12 registration system, because this is a letter of 10th  
13 May 1985 coming out of the Department of Health and  
14 Social Services, but it says, if we just scroll down so  
15 the author can be seen, please -- and it is to redact  
16 the author. That's helpful. Scroll back up for now.

17 "On 31st August 1984 I wrote to you" -- this is the  
18 Chairman of the Management Committee of each voluntary  
19 children's home -- "to outline arrangements which would  
20 operate in respect of the provision of annual monitoring  
21 statements prepared by each voluntary body" -- that's  
22 one thing, because this letter can be a little confusing  
23 -- "and the review which the Department would carry out  
24 of the registration of each voluntary home on a regular  
25 basis."

1           So while we do not have it, there is a letter out  
2           there of 31st August 1984 signalling the introduction of  
3           these two mechanisms. It goes on to say:

4           "My letter explained that the department would wish  
5           to receive annually certain factual information relevant  
6           to the operation of each voluntary children's home.  
7           This would be distinct from the annual monitoring  
8           statement, which would evaluate various aspects of the  
9           residential child care services provided by each  
10          voluntary organisation. The factual information,  
11          together with the outcome of the inspection carried out  
12          of each home by the Department's Social Work Advisory  
13          Group would enable the Department to consider on  
14          an annual basis the quality of provision and services  
15          existing in each home and, in its capacity as  
16          registering authority, to satisfy itself that there was  
17          no impediment to the continued registration of the home  
18          concerned."

19          There is another letter of 5th April that the Chief  
20          Social Work Adviser sent out to explain the arrangements  
21          for the future inspection of children's homes and  
22          indicated there would be -- the Department would be  
23          writing separately as regards the provision of  
24          monitoring statements and a return of information to  
25          update the registration of each home. Then the

1 inspections would be put in place.

2 So what's being signalled in this letter is  
3 monitoring statements that were simply to provide  
4 information on an annual basis, but also the provision  
5 of other information that would allow a system of review  
6 of registration to take place on an annual basis. You  
7 will see in the last paragraph:

8 "As indicated above, this return of information is  
9 separate from the annual monitoring statement which will  
10 be required at a later stage.

11 I will write to you again following receipt of this  
12 -- the return of factual information to request  
13 a statement in respect of your monitoring activities."

14 Now on 10th May 1985 the Department -- in fact, that  
15 may be the date of this letter. If we just scroll up,  
16 it is 10th May 1985. We may have another letter of the  
17 same date that gives the information that was to be  
18 required. I will have to get you the reference for that  
19 again, Members of the Panel. I apologise.

20 In 1986 then the Social Work Advisory Group that had  
21 come into being in 1971 and really kick-started the  
22 inspections post-Kincora in the '80s -- in 1986 then  
23 they become the Social Services Inspectorate.

24 There are -- in paragraph 35 of the first statement  
25 of Dr Harrison at SND-15667 Dr Harrison sets out on

1       behalf of the Department the significant developments in  
2       the inspection system that occurred after the setting up  
3       of the Social Services Inspectorate and continuing  
4       beyond the Inquiry's terms of reference. You will see  
5       there that there is a circular in 1995 assessing the  
6       framework and programmes that were to be engaged in.

7             Now that all being said, if I can try to bring that  
8       together in a short form, the factual position was that  
9       throughout the period under investigation by the Inquiry  
10      the Ministry of Home Affairs and later the Department of  
11      Health and Social Services had the ability to refuse  
12      registration to a voluntary home in the first place. So  
13      if an application were made and it was a home not deemed  
14      satisfactory, then the application could simply be  
15      refused. If the Ministry and later the Department did  
16      grant registration, then the Department the power to  
17      inspect the voluntary homes that had registered in order  
18      to ensure that they operated satisfactorily. If the  
19      Ministry and later the Department was not so satisfied,  
20      it had the power to remove the children from  
21      an unsatisfactory voluntary home and the power to  
22      prevent the home operating any further. It is in that  
23      context that we turn to look at the Department's  
24      involvement in the regulation and inspection of  
25      Termonbacca and Bishop Street.



1           Now I know, Chairman, Members of the Panel, it is  
2           just after 4 o'clock. I can continue after a break or  
3           we can leave it there for today. I might guess what the  
4           answer could be.

5   CHAIRMAN: Well, I think we have gone as far as we can  
6           today. We will resume tomorrow. We have set aside  
7           tomorrow and the first part of Thursday for further  
8           examination of this. We have one witness tomorrow.

9   MR AIKEN: Yes.

10   CHAIRMAN: Not on this aspect of things.

11   MR AIKEN: No.

12   CHAIRMAN: Is that witness coming for 10.00 or 10.30 for  
13           a consultation?

14   MR AIKEN: I know that Ms Smith is dealing with that  
15           witness. It is probably likely to be a 10.30 start  
16           I think.

17   CHAIRMAN: For that witness?

18   MR AIKEN: For that witness. We could obviously begin this  
19           work.

20   CHAIRMAN: Well, if it is necessary to complete  
21           an examination of all of this by lunchtime on Thursday,  
22           we can start earlier tomorrow and Thursday on finance  
23           and government, as we are at the moment --

24   MR AIKEN: Yes.

25   CHAIRMAN: -- and interpose tomorrow's witness whenever she

1 or he is -- she is ready post 10.30 rather than wait  
2 until after that witness is finished.

3 MR AIKEN: Yes.

4 CHAIRMAN: If that is convenient to everybody, we will aim,  
5 therefore, to resume this topic at 10.00 and interpose  
6 the other witness whenever she is ready.

7 MR MONTAGUE: Chairman, as far as I am concerned that is  
8 convenient.

9 CHAIRMAN: Splendid.

10 MR AIKEN: That concludes today's work then, Members of the  
11 Panel.

12 CHAIRMAN: Thank you very much, ladies and gentlemen.  
13 10 o'clock then tomorrow.

14 (4.05 pm)

15 (Hearing adjourned until 10 o'clock tomorrow morning)

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