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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 Thursday, 22nd May 2014

commencing at 10.30 am

(Day 38)

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

1 Thursday, 22nd May 2014

2 (10.30 am)

3 DR HILARY HARRISON (called)

4 CHAIRMAN: Morning, ladies and gentlemen. Just before we  
5 start may I remind everybody that there must be no  
6 photography within the Inquiry chamber or within the  
7 confines of the building.

8 Mr Aiken.

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

10 The witness today is Dr Hilary Harrison on behalf of the  
11 Department of Health and Social Services and Public  
12 Safety, and Dr Harrison is aware, Chairman, that you are  
13 going to ask her to take the oath or affirm. I believe  
14 she is going to affirm.

15 CHAIRMAN: Do you wish to make an affirmation, Dr Harrison?

16 **A. I would like to make an affirmation.**

17 CHAIRMAN: Very well.

18 DR HILARY HARRISON (affirmed)

19 CHAIRMAN: Thank you very much. Please sit down.

20 Questions from COUNSEL TO THE INQUIRY

21 MR AIKEN: Dr Harrison, coming up on the screen I am going  
22 to bring up your witness statements. If we can have  
23 SND-15649, which should be the front page of your first  
24 statement of 17th January 2014. Can you just confirm  
25 for me that is it?

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

2 Q. That's a 43-page statement that ends on SND-15692. Can  
3 you confirm that's the last page of the statement?

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

5 Q. And you have signed it?

6 **A. I have, yes.**

7 Q. And you want to adopt it as your evidence before the  
8 Inquiry?

9 **A. I do.**

10 Q. There are appendices to that statement that run through  
11 to SND-15713.

12 The second statement, which is of 1st May 2014, can  
13 we have SND-17949, please? This is the first page of  
14 your second statement. Ignore the mistaken redaction.  
15 We will get rid of that in due course, but can you  
16 recognise that's the first statement of the -- the first  
17 page of second statement?

18 **A. Yes, that's correct, yes.**

19 Q. That's a 13-page statement that ends at SND-17961, and  
20 can you confirm -- forget about the redactions -- that  
21 you have signed that statement?

22 **A. Yes, I have signed that statement.**

23 Q. And you want to adopt it as your evidence before the  
24 Inquiry as well?

25 **A. I do.**

1 Q. There are again appendices to this statement which run  
2 through to SND-17997.

3 Dr Harrison, the Inquiry Panel have already read  
4 your detailed statements and you can take it that that's  
5 the position when we now try to focus in to specific  
6 issues. The Inquiry has already had the opportunity to  
7 consider in detail what you have had to say on behalf of  
8 the Department. Your, if you may say so, long list of  
9 qualifications are set out for the Panel at SND-15653.  
10 If we just bring that quickly up, please, and the  
11 position is now, as I understand it, you have retired  
12 from previous employment in the Department, but there  
13 was no escape. You have been brought back to look at  
14 the issues that the Inquiry has raised with the  
15 Department.

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

17 Q. You have with you a team or a panel of other experts who  
18 are similarly helping you to perform that role?

19 **A. Yes. They in particular helped with the analysis of the**  
20 **former residents' statements and also trawled**  
21 **departmental files for relevant information.**

22 Q. I was asked a question by the Panel, which I will just  
23 pose to you now. Is there anyone on the panel who  
24 actually worked in the Ministry of Home Affairs at the  
25 time we are looking at?

1 **A. Unfortunately not.**

2 Q. There is not.

3 **A. No.**

4 Q. What I intend to do, Dr Harrison, as we have discussed  
5 already, is look at some very specific issues that  
6 relate to Termonbacca and Bishop Street, because  
7 everyone is aware that the general governance issues  
8 over inspection and finance will spawn across a number  
9 of modules, and ultimately we will have a very close  
10 look at that towards the end of the Inquiry, but where  
11 you can assist the Panel now with issues, then the Panel  
12 would like you to do so. Where you have a problem  
13 assisting at this point, perhaps you can indicate that  
14 as we go, and it is a matter that the Department will  
15 then consider to keep looking at and indicate its  
16 position to the Inquiry as soon as possible.

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

18 Q. The first matter that I want to touch on, and, as I have  
19 made you aware, it is in the context that over the last  
20 couple of days the Panel have heard from the presenting  
21 material from the bundle over issues of inspection and  
22 the regulatory system that was in operation -- the  
23 mechanism of registration is what I want to ask you  
24 about first.

25 The means of registering and deregistering was

1 effectively the way of controlling whether a voluntary  
2 home could operate or not. It couldn't operate if it  
3 wasn't registered and it was a criminal offence to  
4 operate without being registered.

5 **A. From 1950 onwards, yes.**

6 Q. And there's a mechanism in the Act for steps to take to  
7 remove the registration if a home is operating  
8 unsatisfactorily?

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

10 Q. Now the Inquiry then has looked at documents that date  
11 in and around '83, '84, '85, which seem to be post the  
12 Kincora revelations, post the Sheridan Report and pre  
13 the Social Services Inspectorate coming into being, but  
14 that set up monitoring requirements, so for homes to  
15 provide a monitoring return every year, for the  
16 provision of statistical information, and in conjunction  
17 with the inspection that was to take place annually  
18 a proactive system of reviewing registration of  
19 voluntary homes was put in place.

20 **A. Yes.**

21 Q. What I want to ask you is: is it the position that it  
22 was not until 1985 that a proactive system of reviewing  
23 the appropriateness or otherwise of a home being  
24 registered was put into effect?

25 **A. Yes. That's my understanding. We haven't found any**

1 **evidence of any previous reviews of registration**  
2 **arrangements.**

3 Q. What I want to ask you following -- so effectively what  
4 that means is that from the period 1950 to 1985 it  
5 appears there was no system of systematically reviewing  
6 as a deliberate policy choice a voluntary homes presence  
7 on the list?

8 **A. That's my understanding, yes.**

9 Q. Does the Department have any information to suggest that  
10 at any stage between 1950 and 1985 that a voluntary home  
11 was removed from the list because it was unsatisfactory?

12 **A. No, we have no evidence indicating that was the case.**  
13 **It doesn't mean that it didn't happen, but we haven't**  
14 **seen any evidence of that happening so far.**

15 Q. One point that you did make to me was that the  
16 legislation was sufficiently flexible that directions  
17 could be given by the Ministry -- at the time the  
18 Ministry of Home Affairs, subsequently the Department of  
19 Health -- attaching to a voluntary registration in the  
20 sense that, "Well, if you want to have your voluntary  
21 registration, you will have to do the following things".

22 **A. Exactly, yes. The Ministry in looking at applications**  
23 **for registration could make certain requirements of the**  
24 **voluntary organisation, or indeed in light of any**  
25 **information appearing to cast doubt on whether**

1        **a voluntary organisation should continue to be**  
2        **registered, they could also make requirements as to what**  
3        **the organisation should do in order for registration to**  
4        **be continued.**

5        Q. Do you know if that power was ever exercised in relation  
6        to a voluntary home?

7        **A. I don't know is the answer. We have not seen any**  
8        **evidence of that happening.**

9        Q. Maybe we will discover it over the next two years of  
10       investigation.

11       **A. We may well do, yes.**

12       Q. It certainly would have been possible to direct that,  
13       "Yes, I will register your home, but only when you do  
14       the following or agree to stop doing the following".

15       **A. Exactly, yes.**

16       Q. Now what I want to then ask you about is the Act in 1950  
17       set up the power to inspect and the ability for the  
18       Ministry to appoint inspectors, and I want to look at  
19       the operation of that system, the duty or the ability to  
20       inspect, the discretionary power to inspect in  
21       section 102 of the Act. We looked yesterday at section  
22       136 of the Act, which was the requirement that to be  
23       an Inspector appointed under the Act you had to be  
24       someone with special qualifications or experience in the  
25       care of children.

1           Is the Department able to say at this remove what  
2           criteria was applied in deciding whether someone should  
3           get that job?

4   **A. Uh-huh. We are not able to identify what criteria was**  
5           **used at the moment. We do know that at least one**  
6           **inspector was appointed and two assistant inspectors,**  
7           **but we are happy to have a look at -- to see if we can**  
8           **provide any more information to the Inquiry regarding**  
9           **the criteria and the personal qualities and experience**  
10           **of those inspectors appointed.**

11   Q. I think names, as you know, doctor, have come up over  
12       and over again: --

13   **A. Yes.**

14   Q. -- Miss Forrest, Miss Wright, Miss Hill.

15   **A. Yes.**

16   Q. Then there are some other names perhaps who were there,  
17       immediate bosses. Perhaps if some work could be done  
18       around that to explain their roles, that would be  
19       helpful.

20   **A. Yes. We will endeavour to identify that.**

21   Q. Do you know or can at this point the Department say  
22       whether those inspectors themselves were ever given  
23       training as to what it was they were to do? What were  
24       they to look for? What were they to be cautious of? Is  
25       there any evidence that work was done in that area?

1 **A. We have no knowledge of work being done in that area.**

2 Q. We know that work certainly was done to that area in  
3 1985 when the new, if I can call it that for this  
4 purpose, the new system, as it were, of the monitoring,  
5 the statistical returns and the Social Services  
6 Inspectorate, as it became, annual inspections and the  
7 review mechanism. By that stage guidance was given  
8 clearly as to what --

9 **A. Yes.**

10 Q. -- was to be looked for.

11 **A. Exactly. Yes, that's right.**

12 Q. But as to the training prior to that --

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

14 Q. -- you are not in a position at this point to say?

15 **A. We have no knowledge of what that was, if indeed it did  
16 -- if indeed it did happen.**

17 Q. I will come back to the guidance issue just slightly  
18 further on. What I want to ask you about, if we can  
19 bring up a document, please, at SND-14029, this is  
20 a document that we looked at yesterday by way of an  
21 example, because, as you know, we have missing files  
22 unfortunately relating to Termonbacca and Bishop Street,  
23 but it appears that at least in 1955 and it seems very  
24 shortly thereafter this process was discontinued. A pro  
25 forma type structure was given to the inspector to

1 complete. If we just -- you can see the type of  
2 information that's being required.

3 **A. Yes, I can, yes.**

4 Q. If we move down through, there are indications to  
5 clothing, diet, conditions of admission. If we just  
6 scroll further down, please, the accommodation for  
7 staff, the accommodation for children, the fire  
8 precautions, amenities, education, nature of employment  
9 and working hours, pocket money, freedom, reading books,  
10 magazine and indoor games.

11 Then a little bit about recreation, religion,  
12 discipline, medical attendance, visiting committee,  
13 visits from relatives and letters, general tone, normal  
14 method of disposal. So we are into aftercare. Just  
15 keep going please. Aftercare, statutory records,  
16 general remarks.

17 So it covers a broad spectrum of issues that were  
18 being identified. It doesn't mention the emotional  
19 needs of the child. Do you know at what point the  
20 importance of that became clear to those who would be  
21 inspecting homes?

22 **A. Yes. Am I right in thinking that's -- is that 5...?**

23 Q. That's 1955.

24 **A. '55. At that stage the Home Office memo on the conduct**  
25 **of children's homes would have been issued, and it was**

1 really quite an advanced document for its day in that it  
2 did talk about the emotional and development needs of  
3 children. In addition to that -- oh, I am just thinking  
4 of the work of the Child Welfare Council, which also  
5 raised these issues, but, in fact, their first report  
6 wasn't produced until '56.

7 Q. Yes.

8 A. So certainly the Home Office memo would have been in  
9 circulation and inspectors would have been aware of the  
10 standards of practice and care required in that as  
11 a consequence of that guidance.

12 Q. Yes. Perhaps it is a piece of work the Department can  
13 look at across the modules to see whether what was  
14 expected from the 1952 memorandum was actually being  
15 translated into practice. In fairness to you it might  
16 take a bit of a comparative look at inspections across  
17 various homes rather than saying specifically in  
18 relation to this one.

19 A. Yes.

20 Q. There certainly wasn't on the pro forma section about  
21 the emotional needs of the child --

22 A. Uh-huh.

23 Q. -- it appears?

24 A. Uh-huh. I think it would also be fair to say that the  
25 work of Bowlby and others would have been very well

1       **known by professionals at the time on the effects of**  
2       **deprivation on children.**

3       Q. Now it seems the style of reporting changed. If we look  
4       at the 1957 example at SND-14024, and this becomes what  
5       I am going to call the traditional inspection report  
6       until we reach in and around the Social Work Advisory  
7       Group reports, which -- I think the first one we have  
8       relative to the homes we are looking at is 1983, but you  
9       can see that there's no longer a pro forma. So there's  
10      a freer ability to write, but it seems to cover  
11      paragraph by paragraph different issues, and inspection  
12      reports that we are going to look at from 1960 in  
13      relation to Termonbacca and Bishop Street seem to follow  
14      a relatively similar structure, but I am right in saying  
15      to this point you haven't found any guidance as to how  
16      they were to be completed and the way in which reporting  
17      was to take place?

18      **A. That's correct.**

19      Q. But I -- you have already pointed out that there was  
20      enough knowledge for the inspectors to be aware about  
21      the importance of the emotional needs of children and,  
22      in fact, we are going to come back to it, but Kathleen  
23      Forrest's memo in 1953 was very clear about bleak  
24      lovelessness. So that was an inspector who was acutely  
25      aware of the need for love, and I appreciate it is from

1 time immemorial, so it wouldn't have needed to be  
2 pointed out presumably, but the importance of it was  
3 clear to her --

4 **A. Yes.**

5 Q. -- and the consequences of that not being the case --

6 **A. Yes.**

7 Q. -- seem to be clear as well.

8 **A. Certainly from what she wrote she was extremely  
9 concerned, yes.**

10 Q. Now the Panel has had the opportunity to see a letter  
11 that was written. It is at HIA-1586. Again this may be  
12 something you need to look into further, but it --  
13 sorry. HIA-1586. I know it is a document that you have  
14 seen before, doctor.

15 **A. Oh, I am very sorry. That is not the letter that I was  
16 thinking of.**

17 Q. This is a different --

18 **A. I am sorry. I haven't seen this one before.**

19 Q. Well, I am not going to spend much time on it today --

20 **A. Uh-huh.**

21 Q. -- other than to say it seems that the author of this  
22 note sent a letter -- sent it back to Mr Freer, who had  
23 clearly sent him a file about the inspection of  
24 voluntary organisations. He says:

25 "I'd be delighted to discuss it."

1           Then he talks about, if we just scroll down  
2 slightly -- he says:

3           "I wholeheartedly agree with your minute to your  
4 staff on the subject ..."

5           So clearly a minute was written about the inspection  
6 of voluntary homes. He then says:

7           "... and I disagree equally wholeheartedly with the  
8 action that they took on your minute."

9           So (a) a minute issues; (b) whatever the people who  
10 were executing it did, it seems that Mr Freer may or may  
11 not have been happy, but the author of this note  
12 certainly appears to have been of the view that they had  
13 gone about it the wrong way.

14           You see then in the next paragraph he says:

15           "I think they took you up completely wrongly and  
16 that they have gone much too far and made much too heavy  
17 weather out of the whole business."

18           He then gives in rather colourful language an  
19 example of how he sees the role, but if we just scroll  
20 down to the next page -- keep going please -- we can  
21 perhaps get a hint of what was being discussed. He  
22 says:

23           "I think -- in other words, I think if a government  
24 department has any hand in paying grant, it ought to  
25 display a reasonable interest in how the place is run,

1 but unless there is a definite responsibility on them  
2 for ensuring that it is managed in the best and most  
3 economical way possible, I don't think they ought to  
4 undertake this responsibility."

5 So if -- it is difficult without having the  
6 surrounding material, but it seems that some  
7 intervention had taken place that this author at least  
8 was considering was too far for the role, that he says  
9 the role that should be undertaken is more of  
10 an engineer sort of giving guidance and then letting the  
11 builder get on with it as opposed to going in to build  
12 yourself. It is perhaps something you can look into  
13 further to see what further meat can be put on who this  
14 was from and whether any of the documents that relate to  
15 it can be discovered to see, because on one view, if  
16 I can suggest to you, it suggests that there was  
17 discussion going on about the extent to which the  
18 Ministry should be involving itself --

19 **A. Yes.**

20 Q. -- in the voluntary homes, and there's a plethora of  
21 material, which we are not going to look at today, to  
22 show that tension about the statutory sector and the  
23 voluntary sector --

24 **A. Yes.**

25 Q. -- and the meshing of the two across thirty years in

1 Northern Ireland, but this comes the year after Kathleen  
2 Forrest's memo that we are going to look at in 1953.

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

4 Q. It also comes a number of years before some of the  
5 inspection reports that we are going to look at in  
6 relation to Termonbacca and Bishop Street.

7 **A. Yes.**

8 Q. So there is this issue that perhaps you can take away  
9 and look further.

10 **A. Yes. I think we would want to investigate the context  
11 of that if we can, please. Uh-huh.**

12 Q. But what we can see if we look at the inspection report  
13 from Termonbacca in 1960 at SND-6174, now because of the  
14 missing files, we only have one inspection report of  
15 Termonbacca and this is it from Ms Wright in 1960.

16 Now you can see that she's indicating there's 87  
17 children in residence. There are fifteen from 2 to  
18 3 years of age, twelve from 3 to 5, and then sixty of  
19 school age. You can see in the third paragraph:

20 "SR38 continues to be in charge of the nursery  
21 group. She is at present assisted by three untrained  
22 nursery assistants."

23 So there seems to be some lay help in the nursery  
24 and that's consistent with evidence that the Inquiry  
25 heard from SR3 that she had some lay assistants.

1           What I want to talk to you about is the older set of  
2           school age children. There are sixty of them.  
3           According to both the congregation, the evidence from  
4           the nuns and the evidence from the boys, throughout  
5           Termonbacca's existence effectively two nuns managed two  
6           groups of in and around thirty children each.

7           Now before you comment on that -- this is the 1960  
8           position based on this inspection, but I want you to  
9           look at what Kathleen Forrest had to say in 1953 with  
10          me, please, at HIA-1464 before we go back to that  
11          inspection report. HIA-1464. Just enlarge that for me,  
12          please. So she says:

13                 "The children in these four homes ..."

14                 So this includes St. Joseph's, Termonbacca. You  
15          will see at the top she says:

16                 "Very institutional. Boys do get out to school,  
17          younger ones to Nazareth House, older ones to Christian  
18          Brothers. Short of staff. Short of play equipment."

19                 She says:

20                 "The children in these four homes have nothing like  
21          a normal upbringing. They must feel unloved, as it is  
22          just not possible for the number of staff to show  
23          affection to such large numbers of children. They can  
24          know little or nothing of the world outside."

25                 She goes on to explain what she means by that:

1            "I find these homes utterly depressing and it  
2            appalls me to think that these hundreds of children are  
3            being reared in bleak lovelessness",

4            which was the point I was making to you. Miss  
5            Forrest clearly knows the importance of the emotional  
6            needs of a child when she is writing this document. She  
7            says:

8            "This is not meant entirely as criticism of the  
9            staff but their task is impossible. Some of them have,  
10           however, little idea of what a child's life should be."

11           So she is recognising that there is understaffing,  
12           but even of those staff that are there, she is raising  
13           the issue of their suitability to be bringing up  
14           children. She says:

15           "They have got used to their own institutional  
16           set-up."

17           She justifies that by the what she regards as  
18           strange answers that she gets to questions that she  
19           asks. She then says at the end:

20           "In short, I think we must press for complete  
21           overhaul of the whole set-up of these homes, and assist  
22           them in every way possible."

23           Now I will come back to the bigger questions about  
24           this document shortly, but she is identifying that there  
25           is an understaffing issue that's causing a major problem

1 that's going to make it very difficult, if not  
2 impossible, to properly bring up these children. I am  
3 not talking about that they might be safe, that they  
4 might be fed.

5 **A. Yes.**

6 Q. I am talking about --

7 **A. I understand, yes.**

8 Q. -- the emotional needs of these children.

9 **A. Uh-huh.**

10 Q. She is recognising the lovelessness that must exist.  
11 That being said, she is talking about the complete  
12 overhaul and we will come back to that, but if we go  
13 back to Miss Wright's report at SND-6174, there is no  
14 mention of this issue, and we know from the evidence the  
15 Inquiry has received that this issue is still there.

16 What I want to ask you about is even of its time  
17 should an Inspector from the Ministry checking on  
18 whether a home is being operated satisfactorily simply  
19 not address the issue of staffing?

20 **A. I would have thought that the staffing in the home both**  
21 **in terms of staff ratios and training would be**  
22 **a fundamental issue that an Inspector should have**  
23 **addressed.**

24 Q. I think you reminded me of slightly later the Castle  
25 Priory work done in 1969, but you have a quotation from

1 it about the impact of inadequate staffing.

2 **A. Yes.**

3 Q. Obviously the 1952 memorandum gives guidance. Ratios in  
4 themselves: it is not a mathematical computation; it is  
5 about having adequate staff.

6 The reason the requirement is there is because there  
7 is a consequence of not having it. Can you just read  
8 out for the Panel what Castle Priory had to say about  
9 the consequences of the staffing issue?

10 **A. Yes, if I may.**

11 "Neither good premises for children, adequate  
12 accommodation for staff to lead a normal life of their  
13 own, training to fit the adults for their difficult  
14 task, nor parity of salary, status and esteem will  
15 produce residential work of the standard required if  
16 proper consideration is not given to appropriate ratios  
17 of staff to the young people concerned. Children need  
18 individual attention and time when they can be a person  
19 to another person, not always one of a group, large or  
20 small."

21 I do have another quote from the same report:

22 "Staffing will and should be the most expensive  
23 item of any residential community's budget. To cut the  
24 cost on this is to economise in the most important area  
25 of expenditure and to risk wasting the benefits of all

1       **the rest. The lack of emphasis on the importance of**  
2       **appropriate staffing ratios in residential child care**  
3       **has been one of the most unfortunate aspects of the**  
4       **service to date."**

5       Q. Now I am not going to get into it today. There is  
6       a longstanding problem in childcare about staffing --

7       **A. Exactly.**

8       Q. -- qualifications of staffing, about retention of staff.  
9       That's why Castle Priory existed. There is a 1966  
10       Williams Committee that was looking at similar problems  
11       of understaffing. The 1952 memorandum providing  
12       guidance indicates that there's a reason why that  
13       guidance was there, but if we bring it back to  
14       Termonbacca, this problem has been identified. On that  
15       list of I think it's twenty homes that are examined by  
16       Miss Forrest she identifies four that need a complete  
17       overhaul. So this is, if I can suggest to you,  
18       a special category that this home falls into. Yet in  
19       1960 you have got the inspector there. The staffing  
20       problem hasn't gone away and there is no mention of it.

21       **A. Uh-huh.**

22       Q. Now can I suggest to you that that's either a particular  
23       inadequacy with this inspection by this inspector or we  
24       looked at the Freer memo.

25       **A. Yes. Uh-huh.**

1 Q. It's indicative of a wider problem, which might be  
2 characterised as --

3 **A. A hands-off approach.**

4 Q. -- "I am the engineer. I am not the builder. Let them  
5 get on with it."

6 **A. Uh-huh. Yes.**

7 Q. That has costs issues that we are not going to go into  
8 today, but you would have expected, regardless of the  
9 background policy decision that might have been made or  
10 not made, this report should address the issue of the  
11 staffing of the home.

12 **A. Absolutely. A fundamental issue really.**

13 Q. Now we can look at the equivalent for Bishop Street at  
14 the same time. It is the same inspector. Just before  
15 we leave that report, I am just going to remark on it  
16 and then I will ask you the question about it slightly  
17 later. The report also doesn't make any reference to  
18 the fact that the congregation was not carrying out its  
19 legal responsibility under Regulation 4 of the Voluntary  
20 Homes Regulations to have the voluntary visitor. Would  
21 you not have expected or would you have expected the  
22 inspector to be checking that the home was complying  
23 with the legislation that applied to it?

24 **A. Yes. I mean, that would have been a very basic function**  
25 **of inspection. One of the most basic functions would be**

1           **to ascertain whether all of the statutory requirements**  
2           **were being met by the home.**

3    Q.   It is a subject we will come back to shortly.

4    **A.   Yes.**

5    Q.   If we look at Bishop Street at SND-9211, you will see  
6           that it follows a similar pattern.  There are 139  
7           children in residence.  Again there is no discussion of  
8           the staffing.  This is one of the special four, if I can  
9           put it that way, that's got this problem that a complete  
10          overhaul is needed.  Here is the 1960 report, seven  
11          years later, and there is no mention of the staffing  
12          parameter.

13   **A.   Yes.**

14   Q.   The congregation have accepted before the Inquiry that  
15          the staffing was inadequate at this point in time, but  
16          the Inspector makes no mention of it and again makes no  
17          mention of the fact that the Voluntary Home Regulations  
18          are not being complied with in terms of the regulation 4  
19          inspection.

20   **A.   Yes.  That's correct.**

21   Q.   If we look at -- if we go back to SND-9210, this is the  
22          report from 1961.

23                 Now in each of these reports the point is made that  
24                 the children look healthy and well cared for.  I think  
25                 that's a point you brought out to me when we were

1 speaking beforehand, that the reports do recognise that  
2 the children look fine. Then towards the end, if we  
3 just scroll down, please, the last line is one that is  
4 repeated I think regularly:

5 "Although inevitably a large institution, every  
6 effort is being made to make Nazareth House as homely as  
7 possible for the girls in residence."

8 So basic: the roof is over the head, the food is  
9 being put on the table, they look okay, but the  
10 fundamental issue that seems to be missing is the one  
11 you were talking about, which is the consequences to the  
12 emotional needs of the child if the staffing is  
13 inadequate.

14 **A. Yes, that's right. There certainly is an emphasis on**  
15 **material standards and physical well-being as opposed to**  
16 **emotional or development needs.**

17 Q. Now is it the case then -- and I said to you beforehand  
18 in order to try to keep this focused I am not  
19 cross-examining you --

20 **A. Yes.**

21 Q. -- but I am trying to get right down to the nub of this.  
22 Were these inspections adequate even of their time,  
23 given the issues we have just discussed?

24 **A. I would say that they were deficient in a number of**  
25 **respects. Firstly, they didn't look at staffing ratios,**

1        **staff training. They didn't look in a comprehensive way**  
2        **at the needs of the children. They didn't look at**  
3        **whether or not there was compliance with the very basic**  
4        **statutory requirements. Whether or not they were**  
5        **typical of inspections of the day I can't say, because**  
6        **I haven't seen any other -- other than the ones you have**  
7        **shown this morning I haven't seen any other inspection**  
8        **reports.**

9        Q. If I stop you there to say, doctor, the deficiencies you  
10        have pointed out up to the last one we can just apply to  
11        these reports.

12        **A. Yes.**

13        Q. You will carry out with your colleagues a wider exercise  
14        looking at them across different homes.

15        **A. It would be important to do that.**

16        Q. But as far as looking at these inspections are  
17        concerned, they contain the deficiencies that you have  
18        mentioned, save for the last one, which you need to look  
19        at across the other homes.

20        **A. Yes.**

21        Q. Now so that we are not just blaming the Ministry of Home  
22        Affairs, in 1983 -- and this is a point you are aware  
23        of, because it came up on a day you were here -- we have  
24        the SWAG carrying out the post-Kincora detailed look at  
25        homes as a precursor to the new system that came in that

1 ultimately radically changed how the regulation and  
2 inspection of homes were dealt with.

3 That SWAG report is at SND-9976. This relates to  
4 Bishop Street, because at this point Termonbacca had  
5 closed the year before. I am not going to go through  
6 the whole report, but what I want to do -- and perhaps  
7 you can tell me if this is a fair summary -- we have got  
8 and the Inquiry spent a considerable time listening to  
9 me taking them through the reports that begin with SWAG,  
10 become the Social Services Inspectorate and carry  
11 through round to 1995. They are very detailed  
12 documents. They are very different from the children's  
13 inspector's reports that we have just looked at. By  
14 1985 they seem to follow a systematic pro forma in terms  
15 of I think guidance was issued in 1985 as to what they  
16 were to contain. You haven't been able to find the  
17 guidance as yet. Is that fair?

18 **A. Yes. There were standards developed originally, but we**  
19 **haven't been able to find those original standards. We**  
20 **found the revised ones, but not the original.**

21 Q. We can probably guess from the layout of the report --

22 **A. Exactly, yes.**

23 Q. -- what the inspectors were being told to look out for.

24 **A. Yes.**

25 Q. But in the 19... -- specifically in relation to Bishop

1 Street can I suggest and try to summarise a lot of  
2 detail? In 1983 the Social Work Advisory Group were  
3 pointing out fairly significant problems with the  
4 structure and provision of care and wanting major issues  
5 tackled. By the time we get into the early '90s the  
6 home has moved to being if I could call it a typical  
7 home in that inevitably the inspectorate comes. It  
8 identifies things that need fixed as they see it, but  
9 they are of a much more minor, often technical nature --

10 **A. Yes.**

11 Q. -- not the type of problems that are being identified in  
12 1983. Is that fair from your reading of it?

13 **A. That's fair comment, yes.**

14 Q. But what I want to ask you about is the fact that this  
15 1983 report, despite its context in post-Kincora looking  
16 at all of the homes, there is no mention in it of the  
17 fact that the congregation as the administering  
18 authority was not complying with the Voluntary Homes  
19 Regulations. There no examination of that voluntary  
20 visitor system that the congregation have themselves  
21 said, "We weren't doing it", and it seems to be not  
22 until after that 1985 guidance, which we don't have, but  
23 we can see the outworkings of it, that the inspectors  
24 started to look at whether the regulations themselves  
25 were being complied with.

1    **A. Yes. I have to say I find it a very surprising**  
2       **oversight in the 1983 inspection that it didn't look at**  
3       **the monthly visiting requirements, and I don't know**  
4       **whether that was a deficiency in the guidance that the**  
5       **Inspector was working to at the time or whether it was**  
6       **something that they had simply overlooked themselves.**

7    Q. Well, they were identifying a lot of other major issues.

8    **A. Yes.**

9    Q. But I think, as you said in your evidence earlier,  
10       a fundamentally basic step is: what is the legal  
11       requirements? Are they doing those?

12   **A. Yes.**

13   Q. And that doesn't seem to have been a feature of this --  
14       the reporting systems until the 1986 report.

15   **A. That's right, yes, and, of course, it is addressed in**  
16       **every report --**

17   Q. Thereafter.

18   **A. -- since then, yes.**

19   Q. That's an issue that perhaps we don't need to get into  
20       today, but it is clear that the inspectorate is  
21       identifying the same problem year after year after year  
22       and Bishop Street struggle with the setting up of the  
23       visit -- the monthly visitor system. They try various  
24       ways --

25   **A. Yes.**

1 Q. -- of dealing with it and ultimately --

2 **A. That's right.**

3 Q. -- get it sorted towards the end.

4 **A. Yes. Uh-huh. There was certainly non-compliance but --**  
5 **in some of those years, but those would have been one or**  
6 **two monthly visits not -- not -- not carried out as**  
7 **opposed to complete non-compliance with the regulations,**  
8 **if you can have a degree of compliance, which possibly**  
9 **you can't. So ...**

10 Q. Yes. You yourself had pointed out in paragraph 75 of  
11 your first statement at SND-15681 that:

12 "Inspections in and of themselves don't prevent  
13 abuse",

14 but you say:

15 "Whilst effective inspection, monitoring and staff  
16 training programmes do not of themselves prevent the  
17 ill-treatment or abuse of children, they nevertheless  
18 serve to create a caring environment that minimises the  
19 opportunities for abuse to occur."

20 Now without being disrespectful to you, would you  
21 accept that you are setting out a fairly obvious, basic  
22 point?

23 **A. Yes, I would, yes.**

24 Q. So, that being said, the fact that it took all of the  
25 time of the Ministry of Home Affairs and part of the

1 time of the Department of Health with SWAG until 1986  
2 before that fairly basic issue was being pointed out at  
3 least to Bishop Street, what would that lead you to say  
4 about the adequacy of the inspection system that was  
5 operating?

6 **A. Well, I would believe it to have not been sufficiently**  
7 **frequent or rigorous enough. I think that this was**  
8 **something that was considered by the Hughes Inquiry,**  
9 **which reported in 1986, and the then Department of**  
10 **Health & Social Services accepted that its -- the**  
11 **frequency and rigour of its inspection programme left**  
12 **a lot to be desired, and that was from the period 1960**  
13 **to 1980, and it -- one can assume then that there was**  
14 **certainly no difference in the 1950s, that, in fact,**  
15 **those deficiencies were prevalent during the 1950s. By**  
16 **1980, of course, the SWAG, Social Work Advisory Group,**  
17 **had already begun to initiate a much more rigorous**  
18 **inspection programme, but certainly the Hughes Inquiry**  
19 **found that there were deficiencies in the inspections**  
20 **over the period that it considered. So I don't think**  
21 **I'm -- I'm admitting to anything new --**

22 **Q. Yes.**

23 **A. -- that has not been found in a previous Inquiry.**

24 **Q. As I said to you beforehand, in fairness to the**  
25 **Department from the detective work that the Inquiry**

1 staff have done it seems that in fairness the  
2 inspections that were being carried out in Termonbacca  
3 and Bishop Street with frequency --

4 **A. Yes.**

5 Q. -- the issue is their adequacy --

6 **A. Yes.**

7 Q. -- because if the staffing issue and the non-compliance  
8 with regulations issue is not being flagged up, those  
9 are two basic requirements that you would expect to have  
10 found at the forefront of the reporting.

11 **A. Absolutely, yes.**

12 Q. I am mentioning it now in your evidence, but it is  
13 something I am not going to deal with today, because it  
14 only came to light. If we look quickly, please, at  
15 SND-9641, this is from the 1989 Social Services  
16 Inspectorate report and it contains disclosures of  
17 physical abuse that's taking place in Bishop Street.  
18 This is post-Kincora, post-Sheridan, post-substantial  
19 changes to monitoring, inspection, and on one view you  
20 can see that these complaints were being made to Social  
21 Services. So that might suggest that the complaint  
22 system that was introduced in '85 seemed to be working,  
23 but when we get all of the material from the Western  
24 Board about these investigations that seem to have taken  
25 place, where it seems a nun who was in charge of the

1 children slapped three and on another occasion tapped  
2 one on the head, the adequacy of the response to that is  
3 something that we may ask you to look at, because it  
4 seems that -- perhaps it was sufficiently minor that the  
5 response was justified, but it seems that there was no  
6 suspension. There was no reporting to the police it  
7 appears --

8 **A. Uh-huh.**

9 Q. -- of these incidents, whatever they were --

10 **A. Yes. Uh-huh. Uh-huh.**

11 Q. -- and this was in 1989.

12 **A. Yes. May I just ask for clarification? Are you**  
13 **referring to the response by the Western Board or the**  
14 **response by the inspector or both?**

15 Q. Well, we will have to look at both --

16 **A. Right.**

17 Q. -- but as far as your position is concerned, it seems  
18 that the inspector here records the fact that these have  
19 occurred, that he was told about them, and there it  
20 ends.

21 **A. Yes.**

22 Q. Is it possible that might be entirely appropriate, and  
23 we will have to see what the material shows in terms of  
24 the severity of the incidents, but I am flagging it up  
25 for you that it seems in 1989 the response was not one

1 of elevation to the police or --

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

3 Q. -- suspension where the physical assault of children  
4 might be involved.

5 **A. Yes. We would want to investigate that further.**

6 **Certainly the on... -- cooperating to protect children**  
7 **guidance would have been issued at the time of the**  
8 **latter incident, and the onus on investigation of any**  
9 **kind of child protection or child abuse allegations**  
10 **would have rested on the board. So we will look at the**  
11 **circumstances of that and provide a comment.**

12 Q. So it may be the Inspector just accepted whatever  
13 investigation was carried out by the board?

14 **A. Could have accepted that that was adequate and the**  
15 **matter had been dealt with sufficiently.**

16 Q. It is an issue --

17 **A. Yes.**

18 Q. -- that I have flagged up and you will look at it --

19 **A. Yes.**

20 Q. -- and we will come back on it, if necessary.

21 Now you -- we have talked about staffing and the  
22 consequences of inadequate staffing. Can you tell the  
23 Inquiry whether there was ever any work done examining  
24 the consequences of inadequate staffing? Now by that  
25 I mean you have Kathleen Forrest flagging up a major

1            understaffing issue, these four homes, complete  
2            overhaul, and I will come to that shortly, but staffing  
3            issue is flagged up.

4     **A. Uh-huh.**

5     Q. We can see that, whatever was done, the problem doesn't  
6            appear to have been fixed and that problem is known to  
7            have consequences. Do you know was any work ever done  
8            to say, "Well, given we are not going to fix this  
9            problem, the consequences of having to mop it up will be  
10           as follows"?

11    **A. Uh-huh. Do you -- you mean any work done specifically**  
12           **by the Department?**

13    Q. Yes, or anything that you're aware of that would have  
14           informed the Department about, "Well, if we leave this  
15           problem" --

16    **A. Uh-huh.**

17    Q. -- "we are going to have more people in prison" or  
18           whatever the consequences are of bringing children up in  
19           bleak lovelessness?

20    **A. Uh-huh. Uh-huh. Uh-huh.**

21    Q. Do you know was any work carried out to investigate the  
22           consequences of that?

23    **A. Not -- I don't know of any work that was carried out to**  
24           **investigate consequences. I would have expected**  
25           **inspectors to be very aware of those consequences and to**

1 have been working with the homes and indeed the welfare  
2 authorities at the time to try and improve the  
3 situation.

4 I am just thinking back. In the '50s certainly the  
5 Child Welfare Council, which -- whose work the  
6 inspectors would have been very well aware of, and as  
7 far as I know the Ministry had observer status in  
8 relation to the council at one -- and at one stage  
9 Miss~Forrest, one of the Children's Inspectors, was  
10 actually a member of the council, and they were -- the  
11 council was raising concerns about poor staffing in many  
12 of the larger homes.

13 I would have expected inspectors to be working with  
14 voluntary organisations to try to encourage them to work  
15 more closely with welfare authorities in order to secure  
16 more revenue funding than was available to them.  
17 Obviously staff ratios are linked to poor -- you know,  
18 poor staff ratios are linked to poor funding and finance  
19 and this is -- the financial issue is one that is  
20 prevalent in the documents that have been submitted in  
21 evidence.

22 We do know that the Child Welfare Council  
23 recommended certain things to voluntary organisations,  
24 that they should be working closely with welfare  
25 authorities, they should be ascertaining with welfare

1 authorities whether there was actually a need to bring  
2 so many children into care, whether in the case -- in  
3 the case where a child needed to be received into care  
4 the Welfare Authority might then assume financial  
5 responsibility for that child.

6 I would have expected inspectors who were in and out  
7 of these homes by all accounts fairly frequently to be  
8 trying to address those wider issues. I would have also  
9 expected them in terms of children's needs to have been  
10 addressing matters such as staff training. We do know  
11 that the Ministry did support the attendance of staff  
12 from both Termonbacca and Nazareth House at Home Office  
13 refresher courses, for example. So I would have  
14 expected that work to have been ongoing as part and  
15 parcel of an inspector's advisory role, because they  
16 didn't just inspect; they were there to give  
17 professional advice to welfare authorities in the early  
18 days and voluntary homes.

19 Q. Let me just ask you a question about that, if I may.

20 The fusion between the statutory sector and the  
21 voluntary sector and the debate that rumbled, it crosses  
22 thirty years, and we are not going to go into the detail  
23 of it today. It is something --

24 A. Yes.

25 Q. -- the Department may want to look at on a more global

1 basis, but given the point you have made, the inspector  
2 is going into the home. He knows they are all vol... --  
3 or she knows they are all voluntary admissions.

4 **A. Yes.**

5 Q. Some of those children may well have met the threshold  
6 for being in care.

7 **A. In care, yes.**

8 Q. Would you have expected the inspector to be saying to  
9 the home, "Look, you really should be getting in touch  
10 with the Welfare Authority, because they should be  
11 taking some of these children on and then you will get  
12 paid to look after them"?

13 **A. I would have expected that again as a -- you know,  
14 a fundamental issue that an inspector should be looking  
15 at, whether or not children needed the kind of oversight  
16 and care -- and care of a statutory authority.**

17 Q. The Board have accepted that the aftercare provision in  
18 the Act -- by that I mean if someone was in a voluntary  
19 home, not the statutory version, if someone is in  
20 a voluntary home --

21 **A. Yes. Uh-huh.**

22 Q. -- and leaving at 16, there was a duty to befriend and  
23 assist on behalf of the Welfare Authority between 16 and  
24 18 --

25 **A. Uh-huh.**

1 Q. -- unless satisfied that the home, the voluntary home,  
2 was dealing with it. Would you have expected the  
3 inspector to be looking at whether that system was  
4 actually operational or not?

5 A. Yes. In fact, I think I have seen one of their reports  
6 that did actually look at that very issue, and you have  
7 a sister assuring the inspector that children were being  
8 notified to the welfare authority.

9 Q. Yes.

10 A. There is another aspect, of course, to that. Not only  
11 would I expect the inspectors to be working with staff  
12 to encourage them to work in partnership with welfare  
13 authorities, but I would have expected voluntary  
14 organisations to be willing to enter into partnership,  
15 and sadly if you look at the child welfare reports which  
16 were produced in 1956, 1960 and 1966, the 1966 one makes  
17 the point that, despite the council's encouragement for  
18 this partnership to happen, very little had actually  
19 changed. They do -- if my memory serves me correctly,  
20 they do identify a number of reasons as to why it hadn't  
21 changed.

22 The council was concerned about the lack of  
23 financing and the consequences poor funding would have  
24 for children, but, you know, they made the points that  
25 some voluntary organisations valued their independence,

1 that they would not like to have been seen to be under  
2 the control of welfare authorities, that families valued  
3 the choice that they had. They -- if a child came into  
4 a voluntary home, then they didn't have the stigma of  
5 a child being in welfare care.

6 There was also an issue with faith-based  
7 organisations, who felt that if a child had to come into  
8 substitute care, then the -- it was better that they  
9 were brought up in an institution that would promote  
10 their faith.

11 So we have to -- the Child Welfare Council came to  
12 the conclusion that some of the concerns of voluntary  
13 organisations were unjustified. They also, of course,  
14 criticised welfare authorities to some extent for not  
15 making proactive approaches.

16 So, you know, I would have expected inspectors to  
17 have been working with organisations to encourage them  
18 to work in partnership, but we see that in those ten  
19 years certainly very little had changed and that was to  
20 do with attitudes and issues around independence and so  
21 on.

22 Q. Well, I am not going to go into it today, but it's  
23 a matter that we will look at as the -- across the  
24 period of the Inquiry until we get to the end of the  
25 Inquiry with governance and inspection --

1 **A. Yes. Uh-huh.**

2 Q. -- but it's clear there is an ongoing tension. There is  
3 a financial aspect to it, because there is a recognition  
4 on behalf of the government that, "This care is cheaper  
5 than care if we have to provide it".

6 **A. Uh-huh.**

7 Q. What I'd ask you to consider -- whether you are in  
8 a position to say so now or it's something you'll have  
9 to take away and look at -- is whether on a much more  
10 strategic level that government should have recognised  
11 much more quickly that this fusion of two means of  
12 operating the statutory sector, growing the voluntary  
13 sector just didn't work properly, because the type of  
14 encouragement to liaise with one another seems replete  
15 with the inability to enforce and ensure that it gets  
16 satisfactorily done --

17 **A. Yes.**

18 Q. -- and whether it took too long. Rather than letting  
19 the voluntary sector providing childcare wither on the  
20 vine --

21 **A. Uh-huh.**

22 Q. -- a more proactive approach was needed to move the  
23 system to one where these types of problems didn't  
24 infest. That's maybe something you can take away --

25 **A. Yes.**

1 Q. -- and look at on a more global basis --

2 **A. A broader aspect, yes. Uh-huh.**

3 Q. -- looking down. Of course, it brings in other homes  
4 that there hasn't been the same difficulty with --

5 **A. Absolutely, yes.**

6 Q. -- like Dr Barnardo's and so on.

7 **A. Victoria House and so on, yes.**

8 Q. That's a very strategic question that the Department may  
9 need to look at on behalf of the government.

10 **A. Uh-huh. Uh-huh.**

11 Q. What I want to do then is go back ultimately, because we  
12 are in this module looking at Termonbacca and Bishop  
13 Street, to HIA-1464. This is Kathleen Forrest's memo.  
14 Really I want to focus now -- we have looked at the  
15 specifics of staffing, of inspecting, but you will see  
16 the last sentence from her in 1953:

17 "In short, I think we must press for a complete  
18 overhaul of the whole set-up of these homes, and assist  
19 them in every way possible."

20 Now there is two aspects to that. I appreciate at  
21 the time Miss Forrest was the children's Inspector. So  
22 she would have a hierarchy of civil servants above her,  
23 but she is on the ground and this is what she finds, and  
24 she says:

25 "This place", ie Termonbacca and Bishop Street, "may

1       need a complete overhaul."

2               Is there any evidence that that ever took place?

3   **A. I am assuming that she is not just talking about**  
4       **physical aspects of the building, that it's -- you know,**  
5       **it is the whole set-up, the way the children were**  
6       **managed, cared for, etc, etc.**

7               We do know that staff certainly undertook training  
8       in those subsequent years. We know that various grants  
9       were made by the Department for capital works, repairs  
10      and so on, but in terms of looking at the numbers of  
11      children cared for and the numbers of staff caring for  
12      them, I have not -- we haven't found any evidence that  
13      there were any significant changes made as a consequence  
14      of that report.

15   **Q.** I suppose the question that flows from that is now on  
16      behalf of the Department looking at as we stand at the  
17      moment with the material that's available --  
18      I~appreciate you have produced a document today showing  
19      the registering of Termonbacca as a voluntary home, and  
20      we had not seen a document of that type before, so we  
21      are grateful to have it, and it perhaps raises -- that  
22      must have come out of the file that related to  
23      Termonbacca in order to be given into a Hughes Inquiry  
24      file.

25   **A. Exactly. Yes.**

1 Q. There is a small encouragement within me that perhaps  
2 that missing file I was telling the Panel about over the  
3 last couple of days might yet still be found.

4 **A. Uh-huh.**

5 Q. So perhaps that enquiry could be undertaken to see,  
6 well, if it came out of a file, which file might it have  
7 come from?

8 But, that all being said, as you stand back now on  
9 behalf of the Department looking at Termonbacca, having  
10 heard the evidence from the residents as to their  
11 experience, and whatever about the rights and wrongs of  
12 who is right about how they were abused, when, by who,  
13 a flavour throughout from them is that lack of love,  
14 that lack of preparedness for the outside world, which  
15 are exactly the things that Kathleen Forrest is flagging  
16 up in 1953.

17 So the question that that begs is, as we look at it  
18 now: did the Department or the then Ministry and  
19 subsequently the Department do enough to fix the  
20 problems that they knew existed from the very minimum  
21 1953, given what we now know is being said of the home  
22 in the years that followed?

23 **A. Yes. It's certainly a very disturbing picture, which,**  
24 **as you say, did continue for some years, and we have no**  
25 **evidence of the Department taking any kind of proactive**

1           action. I mean, we may still find some. We just don't  
2           know, but certainly a very disturbing situation  
3           continued for a number of years, and if there was no  
4           proactive intervention by the Department, I would have  
5           to see that as a failing on the part of the Ministry --  
6           it should be the Ministry.

7    Q. I think it may have passed on to the Department --

8    A. Yes.

9    Q. -- if it continued after 1973 --

10 A. Yes. Uh-huh. Uh-huh.

11 Q. -- and it may very well have, but if I can ask you the  
12 question in this way. We hear nowadays of problems  
13 within the Health Service and the turnaround team gets  
14 parachuted in to the major problem.

15           When you look at Kathleen Forrest's memo, is that  
16 not -- is what she is screaming, if I can put it that  
17 way, not that very thing that should have set off major  
18 alarm bells within the Ministry?

19 A. It should, yes.

20 Q. And while it is right and I will be pointing out lots of  
21 occasions where significant funds were given to do many  
22 things, and we can see, for instance, Kathleen Forrest  
23 being involved in encouraging that the rebuild that  
24 takes place --

25 A. Yes. Uh-huh.

1 Q. -- sixteen years later is done in such a way as to  
2 reflect the 1952 family home group style --

3 **A. Yes.**

4 Q. -- and clearly that brought about a better possibility  
5 of child care being satisfactory, but it is not the sort  
6 of root and branch change that this memo was showing  
7 here.

8 **A. Showing, yes. Yes. That's right.**

9 Q. Can I ask you just on that subject, because the staffing  
10 problem on one view, depending on how the Panel assess  
11 the evidence, didn't change even after the change of  
12 structure of the homes in that boys still say they were  
13 supervised by older boys. What I want to ask you in  
14 very basic terms is -- leave aside the rights and wrongs  
15 of who is right about who supervised who when. Was it  
16 ever appropriate in terms of good child care for older  
17 boys to supervise younger boys?

18 **A. Absolutely not, no. In fact, that would be a recipe for  
19 disaster.**

20 Q. Was it ever appropriate for ex-residents, people who had  
21 been brought up in the home --

22 **A. Uh-huh.**

23 Q. -- to be utilised to provide supervision for children  
24 who at that point were being cared for in the home?

25 **A. I wouldn't have thought that was appropriate either.**

1 I do recall -- I think I have made mention in my  
2 statement of the Child Welfare Council pointing up that  
3 there was an issue around staffing in that there were  
4 significant fluctuations of children coming in and out  
5 of homes and that to establish a -- it was difficult to  
6 establish an appropriate permanent staff complement  
7 because of these fluctuations. They actually  
8 recommended that the use of voluntary help should be  
9 made --

10 Q. Yes.

11 A. -- which -- I found that a surprising recommendation,  
12 but it could be that some of the homes interpreted  
13 voluntary help as perhaps bringing in former residents  
14 to help out with the children. It wasn't an appropriate  
15 strategy at all.

16 Q. It may have been a reflection --

17 A. It may have been a --

18 Q. It may have been a reflection of the financial realities  
19 --

20 A. Yes.

21 Q. -- and obviously we are looking in 2014 --

22 A. Yes.

23 Q. -- at many years ago, whenever money may not have been  
24 as easily available.

25 A. Yes. Just after the war and, you know, money would have

1           **been scarce at that time. Uh-huh.**

2       Q.   Whatever the position about money --

3       **A. Uh-huh.**

4       Q.   -- it was not an appropriate strategy.

5       **A. It wasn't an appropriate strategy, no.**

6       Q.   Now what I want to ask you about then I am going to do  
7           in brief terms, because again this is something that  
8           will span the rest of the modules and you will be able  
9           to look at it in greater detail, but -- and I mentioned  
10          to you today in a module to come there is an earlier  
11          incidence of reporting of sexual abuse to the Ministry  
12          than that which occurs in this module, but if I can just  
13          ask you about the formal guidance, as it were, in terms  
14          of sexual abuse.

15                When did the Department issue guidance to homes  
16                about how to deal with the Kincora type problem, staff  
17                abusing children? That's the first aspect of it.

18       **A. Uh-huh.**

19       Q.   The second aspect of it, the Inquiry has heard much  
20           evidence about sexual activity between children,  
21           commonly described at times as peer abuse.

22                So at what point in time did the Department provide  
23                guidance to homes about how to manage that problem? If  
24                you can pick up each of those --

25       **A. Yes. Uh-huh.**

1 Q. -- perhaps with the staff on child first.

2 A. Yes. The -- in terms of potential for staff to abuse  
3 children, that was not singled out as an issue in  
4 guidance that the Department issued in -- 1975 was the  
5 first child protection guidance issued by the  
6 Department. It dealt specifically with non-accidental  
7 injury to children, in other words, physical abuse to  
8 children.

9 There was a second circular issued in '78. It  
10 didn't feature -- it dealt with physical abuse and  
11 detecting cases of emotional and -- or mental abuse.  
12 Sexual abuse didn't feature in that circular.

13 In -- I just need to be careful that I am getting  
14 the dates correct here. Any abuse during -- between and  
15 up until -- up until the next guidance was issued in  
16 1989, any abuse by staff would have been dealt with  
17 under the provisions of those circulars. It wasn't  
18 singled out as a potential issue, and there were no --  
19 there was no -- to my knowledge there was no specific  
20 guidance given to residential homes at that stage other  
21 than the general circulars that were issued by the  
22 Department.

23 The cooperating to protect children guidance was the  
24 next one to be produced in December 1989, and it  
25 actually for the first time provided definitions of

1 sexual abuse. Again it didn't specifically single out  
2 occurrence of sexual abuse within institutional care.  
3 There would have been an expectation that, regardless of  
4 where the abuse occurred, that it would be dealt with in  
5 accordance with the agreed procedures at the time.

6 The only guidance that was specific to residential  
7 care came with the Children Order, volume 4 guidance,  
8 which was issued in 1996, and again it doesn't -- it  
9 didn't deal with staff abuse of children. It was the  
10 first guidance to deal with peer abuse by children  
11 within residential settings, and that would have been in  
12 1996.

13 I understand, however, that boards and trusts had  
14 I think on the instructions of the Department issued  
15 their own care and control guidance to residential  
16 homes, and that -- those would have contained procedures  
17 for reporting alleged abuse by staff and dealing with  
18 that, but in general abuse by staff would have --  
19 alleged abuse by staff would have been dealt with under  
20 the general child protection procedures.

21 Q. I think if I signalled for you today, doctor, and it is  
22 something you can again take away and work on as these  
23 modules progress, but given what we have heard of  
24 alleged sexual abuse by staff, it is a matter for the  
25 Panel to determine whether that occurred or not, but we

1 know of Kincora. We are going to hear of a 1964  
2 incident when we next come to look at a module in this  
3 country, and across the modules we are going to see that  
4 type of complaint, and the issue that you may want to  
5 reflect on or the Department will reflect on is whether,  
6 given the extent, there needed to be more done,  
7 especially after Kincora, whenever such a public  
8 manifestation of it became available, given what was  
9 discovered about the extent of the difficulty. That's  
10 maybe something you would take away to look at as we get  
11 towards the end of the modules --

12 **A. Yes.**

13 Q. -- as to whether the point in time for specific guidance  
14 needed to be earlier.

15 You have mentioned peer abuse and the point in time  
16 that the guidance comes out is 1996, and I am not going  
17 to take that any further with you today. We can perhaps  
18 gather in all of that material and we will come back to  
19 look at it, but the awareness of that, according to the  
20 Board staff, who were dealing with these homes, they  
21 said it was late '80s/early '90s before it was something  
22 that was on their radar.

23 **A. Yes.**

24 Q. I suppose the only issue I would ask you to reflect on  
25 is whether the period of time that it then took to

1 provide guidance from the Department was something that  
2 was too long.

3 **A. Yes.**

4 Q. Dr Harrison, I don't intend to ask you any more  
5 questions today. I know that the prospect of coming  
6 back to the Inquiry time after time is one that will  
7 have to be thalled, if I can put it that way, but it may  
8 be that the Panel Members will want to ask you some  
9 questions about some of the things that you have said.  
10 So if you just remain where you are for a short time.

11 Questions from THE PANEL

12 CHAIRMAN: Dr Harrison, thank you very much not merely for  
13 your evidence this morning but also this extremely  
14 comprehensive and very detailed account of the structure  
15 within which we have to view the matters that the  
16 Inquiry is considering, placing them in that structure  
17 in a statutory context, and that's all been very  
18 helpful, and I wouldn't want you to think that just  
19 because we haven't gone through every line of it with  
20 you that we aren't aware of it and grateful for it, but  
21 you have been asked and you have given your views  
22 I think very clearly about the effect of Miss Forrest's  
23 memorandum in 1953. You did agree that it should have  
24 set off alarm bells in the Ministry.

25 One way of looking at such evidence as we have in

1 relation to the reports, and it is fragmentary, and we  
2 have to draw conclusions from analogous reports and so  
3 on, but one way of looking at it is to say there is no  
4 evidence to show, in fact, that the alarm bells were  
5 heeded in relation to Termonbacca, Nazareth House in  
6 terms of staffing, in other words, she is pointing out  
7 that the task is impossible for the number of staff.

8 Have you come across anything that suggests that the  
9 Ministry looked at not merely giving a grant for this  
10 piece of structural improvement, and by that I mean  
11 a physical thing --

12 **A. Yes.**

13 Q. -- such as a kitchen or a playroom or whatever, but  
14 addressed the wider implications of providing financial  
15 support to Termonbacca and Nazareth House to allow them  
16 to increase their staffing levels, which, of course,  
17 would have had very significant financial implications  
18 for expenditure?

19 **A. Yes. Uh-huh. Yes. The Department and the Ministry did**  
20 **not appear to have any kind of remit for supplying**  
21 **revenue funding directly to voluntary homes. That has**  
22 **never happened and I would need to go back -- we'd need**  
23 **to go back to the 1950, 1968 Act and perhaps actually**  
24 **some of the Health and Social Services Orders or Acts to**  
25 **look at whether that was possible, but traditionally**

1           that has never happened.

2           I would know that, for example, in later years the  
3           Department provided additional funding to boards, who in  
4           turn then provided that to the voluntary organisations,  
5           and that was the way of the -- that was the way the  
6           Department supported voluntary organisations. It was  
7           never -- you know, in terms of their need for revenue  
8           funding there were never direct payments, regular  
9           payments for -- and indeed even deficit funding would  
10          have been handled in that way. The payment would have  
11          gone to the Board and then to the voluntary  
12          organisation.

13          The Department's remit in terms of direct financing  
14          appeared to fall simply within the provision of capital  
15          funds, fund for repairs, etc, etc, and staff training.  
16          I don't think -- we would need to look at that with  
17          our -- our legal representatives or our departmental  
18          solicitors' office as to whether or not the Department  
19          was even empowered in the legislation to provide direct  
20          revenue funding.

21        Q. No doubt that's something that can be looked at, because  
22          it has implications for other homes --

23        A. Absolutely, yes.

24        Q. -- that we have not yet turned to.

25        A. Yes.

1 Q. But whether they had power is one thing. Whether they  
2 wanted to have power, of course, is another matter --

3 **A. Yes.**

4 Q. -- because if we treat Miss Forrest's last sentence as  
5 an alarm call or a wake-up call, whatever way one  
6 describes it, one has to ask: well, did anyone examine  
7 the implications and reach a decision? The only  
8 evidence we have would suggest that either it wasn't  
9 examined any further or a positive decision was taken  
10 not to help --

11 **A. To ignore it, yes.**

12 Q. -- because there is nothing in succeeding years to show  
13 that the staffing issue was addressed. Isn't that  
14 right?

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

16 Q. Indeed, as you have accepted in relation to the numerous  
17 reports Mr Aiken has asked you about, indeed the  
18 question of staffing actually drops off the reports as  
19 far as we can tell.

20 **A. It does. That's right, yes.**

21 Q. A wider issue which I think it is not perhaps fair to  
22 ask you to answer today but which I think the Inquiry  
23 will expect the relevant departments to look at is  
24 whether there was any consideration and, if so, what it  
25 was, as to the broader picture of government initially

1 supporting the voluntary sector as the sector to provide  
2 care for children, not just children in need of care in  
3 the sense of being taken into care, but placed in homes  
4 because of family circumstances, and whether initially  
5 there was a view, as there is some indication, that that  
6 should be supported and encouraged and used, because  
7 it's already there and cheaper, and whether later on the  
8 emphasis turned to essentially just letting the  
9 statutory sector expand to fill the need and let the  
10 voluntary sector wither on the vine.

11 **A. I think the -- the Department and Ministry have always**  
12 **valued the voluntary sector and valued the unique**  
13 **contribution that voluntary sector organisations make**  
14 **certainly in the health and social care field, and**  
15 **I have no indication that -- apart from perhaps the**  
16 **letter we have seen today, I have no indication that**  
17 **that was in any way not present in the 1950s.**

18 Just thinking back on those times, the voluntary  
19 sector were really the only providers of children's  
20 homes up until perhaps 1948/'49, when the first  
21 statutory homes were established in Northern Ireland,  
22 and the alternative for children who couldn't be cared  
23 for at home would have been an industrial school or  
24 workhouse situation.

25 So you had a kind of a -- there was an admiration

1 for the work that voluntaries did, and also the fact  
2 that they did this all out of goodwill and through  
3 charitable donations. I think that that is -- that kind  
4 of support for the voluntaries is also evident in the  
5 Child Welfare Council reports where they do -- the  
6 council does express concern about the large size of  
7 some of the children's homes. I am not sure that it  
8 separates out voluntaries specially, but actually  
9 acknowledges in 1956 that they would have to continue,  
10 that they would need to be in use for some years to  
11 come, because the welfare -- the statutory sector did  
12 not have the capacity at that time to look after all of  
13 the children who needed substitute care, and I think  
14 that has -- that continues -- that valuing of voluntary  
15 sector effort, perhaps not supporting it to the extent  
16 financially that they should have done, but that  
17 continued right up until the 1980s, when there was such  
18 concern I think about the future of the voluntary sector  
19 that the Department, first of all, in the early '80s  
20 funded an organisation called Childcare Northern Ireland  
21 to be an advocate and a mediator on behalf of the  
22 voluntary sector, and the residential sector was the  
23 most vulnerable at that stage.

24 Also then in 1985 the Department issued the --  
25 a consultation paper on the voluntary/statutory

1 relationship in the provision of residential care with  
2 a view to getting issues such as financing, which in  
3 turn dictated staff levels, you know, on a -- you know,  
4 some kind of more acceptable level.

5 So I would say that there always has been and indeed  
6 to this day a valuing of the independence of the  
7 voluntary sector, the choice that it brings, the fact  
8 that when voluntary sector organisations are well-run,  
9 they can produce extremely forward thinking, innovative  
10 work for families and children, and I would -- I feel  
11 that that ethos still exists today. I don't think there  
12 was a deliberate policy to allow voluntary sector  
13 organisations to, as you put it, wither on the vine, but  
14 I do feel that there was a concern about the need for  
15 voluntaries themselves to change and adapt to changing  
16 trends and needs in child care, and for they themselves  
17 to work -- for themselves to work at becoming more  
18 viable, and that was certainly one of the concerns of  
19 the Child Welfare Council, that, you know, they should  
20 be working in partnership with statutory agencies in  
21 order actually to secure their future and the valued  
22 work that they do with children.

23 Q. Yes. Thank you very much.

24 MS DOHERTY: Just one, I mean, on a related issue. Thank  
25 you. Your evidence has been really helpful. We are

1        aware that in 1954 there was -- from the minute of  
2        a meeting there was a clear economic argument about the  
3        voluntary sector actually providing -- being given  
4        grants to provide care, as it was more economical,  
5        because they actually paid for quite a percentage of the  
6        care through their own voluntary fundraising, and it was  
7        said clearly that was more economical than the welfare  
8        authorities making their own provision for children's  
9        homes.

10        So I think it links to the Chairman's question in  
11        that in that the welfare authorities would have had to  
12        get money from the Department in order to kind of set up  
13        their own homes, it would be helpful if you ever find  
14        any evidence of a shift in that policy, so the policy  
15        that said, "Rely on the voluntary sector. That's the  
16        most economical", to actually allowing welfare  
17        authorities, boards, trusts to begin to build their own  
18        --

19        **A. Yes.**

20        Q. -- complementary -- maybe not replacement, not withering  
21        on the vine -- but complementary provision --

22        **A. Yes.**

23        Q. -- and if there is, in what way it was considered to be  
24        complementary. Was it considered that they would  
25        provide a different service? So it is not asking you to

1 answer that today at all, but it would be interesting to  
2 see if there was any shift in that way.

3 **A. Yes. I'm sure that's something that we'll be able to**  
4 **look at, yes.**

5 MR LANE: In terms of the inspection reports we saw some  
6 yesterday brought to our attention where people --  
7 various officials had initialled them to say they had  
8 seen the reports.

9 My question then is: what would the normal process  
10 have been if there was something arising in that report  
11 where clearly it had either financial or political  
12 consequences? How would it have been taken up? What  
13 sort of civil servant would have dealt with it at that  
14 point?

15 **A. Are you specifically referring to the earlier years --**

16 Q. Yes. Uh-huh.

17 **A. -- because I would imagine that there were very**  
18 **different practices in place when, you know, for**  
19 **example, I would have been in the Inspectorate, but in**  
20 **the early years I would have expected all inspection**  
21 **reports to have been shared with the policy branch, the**  
22 **responsible policy branch, and any -- any implications**  
23 **arising from those, that there would have been**  
24 **discussion between inspectors and policy branch**  
25 **colleagues as to how those might -- those issues might**

1 be dealt with.

2 I think the minute -- the letter that we saw today  
3 is of some concern, because it shows that there was  
4 a clear difference, if you like, of opinion when you  
5 look at Kathleen -- Miss Forrest's minute and then  
6 perhaps we think maybe someone from the policy branch  
7 almost advocating a hands-off approach where she was  
8 clearly advocating a hands-on approach. I would have  
9 expected some kind of coming together of minds on that  
10 and a concerted effort to deal with any issues that  
11 need -- that needed to be dealt with.

12 We know that -- also from the minute that was  
13 circulated to inspectors about the confidentiality of  
14 inspection reports. It seems strange that these reports  
15 weren't even shared with the homes about, you know --  
16 that the report was about, but there was an expectation  
17 that inspectors would take issues up locally and deal  
18 with those locally, and only if then it was a more  
19 serious issue or a matter that couldn't be dealt with  
20 locally, would the Ministry then get involved. So  
21 I would have expected that kind of discussion and joint  
22 approach to have --

23 Q. So --

24 A. -- been taken.

25 Q. Sorry. Yes. We saw the one informal note that was

1 shown this morning to Mr Freer. Would there have been  
2 records of discussions with policy branch?

3 **A. Maybe not formal records of face-to-face discussions.**  
4 **On the other hand, there may have been minutes. You**  
5 **know, I really just -- I don't think I can answer that**  
6 **question without looking at some files --**

7 Q. Because clearly if there was a record where we could  
8 trace that through --

9 **A. Yes. Absolutely, yes.**

10 Q. -- to any decisions that finally got taken, that would  
11 be helpful.

12 **A. Sure. Yes. I could certainly speak for the later**  
13 **years, you know, in terms of what happened with the**  
14 **inspection reports, but those early years are still**  
15 **a bit of a mystery.**

16 Q. Thank you.

17 CHAIRMAN: Well, thank you very much, Dr Harrison. I can't  
18 I think give you an unequivocal assurance that you won't  
19 be asked back at some later stage to deal with some or  
20 all of the points that we have been asking today in  
21 a broader context, but at least as far as Termonbacca  
22 and Nazareth House is concerned I think that's all we  
23 need to ask you today. Thank you very much for coming.

24 **A. Thank you. Thank you.**

25 (Witness withdrew)

1 MR AIKEN: Chairman, Members of the Panel, that concludes  
2 today's evidence.

3 CHAIRMAN: Very well. Thank you very much.

4 Ladies and gentlemen, we resume on Tuesday morning  
5 when we will start to hear the final submissions on  
6 behalf of a number of those concerned. 10 o'clock  
7 Mr Aiken reminds me.

8 It is very important -- and I appreciate those to  
9 whom I am directing these remarks are almost certainly  
10 not here -- that we start promptly and stick to that  
11 timetable, because a very short slot has been given to  
12 each, and obviously if somebody comes late, they might  
13 find themselves not being accommodated.

14 (1.00 pm)

15 (Hearing adjourned until 10.00 am  
16 on Tuesday, 27th May 2014)

17 --ooOoo--

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