
HISTORICAL INSTITUTIONAL ABUSE INQUIRY

being heard before:

SIR ANTHONY HART (Chairman)

MR DAVID LANE

MS GERALDINE DOHERTY

held at

Banbridge Court House

Banbridge

on Thursday, 29th May 2014

commencing at 10.00 am

(Day 41)

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

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A P P E A R A N C E S

On behalf of the Sisters of Nazareth:

Mr Turlough Montague QC

Ms Sarah Walkingshaw BL

Mr Finton Canavan, solicitor (Jones & Co.)

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Thursday, 29th May 2014

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(10.00 am)

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Closing submissions by counsel for the Sisters of Nazareth

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CHAIRMAN: Good morning, ladies and gentlemen. Please sit

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down.

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MR MONTAGUE: Good morning, Chairman, Members of the Panel.

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I~am grateful for this opportunity to address you.

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I wish at the outset to give you some idea of the

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content of my submission, which will be brief.

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Firstly, I wish to address you on the reasoning

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behind our written submissions and the focus of those

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written submissions and thereafter to deal with some of

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the key generic issues.

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When this module was opened by my learned friend

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Ms~Smith QC on 27th January of this year, she quite

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properly and at some length went into the detail of the

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evidence that the applicants were to give to the Inquiry

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about a wide range of issues and in particular a wide

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range of issues in which they allege they were

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maltreated. Those concerned food, clothing and

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numbering, medical and dental care, bedwetting,

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education, family contact and denigration, chores,

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bathing in Jeyes fluid and physical and sexual abuse.

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Listening to the evidence over the past four months,

1 many of the witnesses gave their account of their
2 experiences at the hands of the Sisters of Nazareth and
3 quite properly also Counsel to the Inquiry led all those
4 witnesses through those different topics. For that
5 reason we took a forensic approach to the evidence,
6 notwithstanding, Mr Chairman, that we are very well
7 aware that the Panel will not be making findings of
8 civil or criminal liability.

9 Nevertheless, those issues have been very much in
10 the public domain. They have attracted widespread media
11 coverage and much public comment. It is not the first
12 time these issues have been aired in public in respect
13 of the Derry homes. We know that the Derry Journal has
14 featured articles for and against the Sisters of
15 Nazareth, and one striking features of the evidence in
16 relation to both homes in the city of Derry is that
17 there are sharply divided opinions and accounts of the
18 residents' experiences in their time in both St.
19 Joseph's, Termonbacca and Nazareth House.

20 The Sisters have accepted a number of failings, as
21 we have heard in their evidence. As an organisation and
22 as individual sisters they accept that there have been
23 shortcomings. We know and are reassured by the fact
24 that the Inquiry will consider the totality of the
25 evidence and judge it by the standards of the day.

1 We know and acknowledge the unique experience which
2 each Panel member brings to this Inquiry, Miss Doherty
3 and Mr Lane in child care, residential child care, and
4 generic social work and, of course, the Chairman, with
5 his vast judicial experience.

6 We don't need to tell either you, Mr Chairman, or
7 Miss Doherty about living conditions in Northern Ireland
8 and in particular in Derry over the last fifty or
9 sixty years. As Recorder of Derry, albeit in much more
10 recent times, Mr Chairman, you have great experience of
11 the Derry people. Miss Doherty has equally great
12 knowledge of the city of Derry.

13 Post-partition we know that Northern Ireland -- in
14 fact, Ireland both north and south -- was a fearful
15 place. Derry itself was cut off from its hinterland and
16 suffered immense deprivation and poverty. It was
17 compounded by the Depression of the '30s, the Second
18 World War, and even in the '50s and '60s it was
19 a fearful place.

20 When one hears the account given by SND463 of her
21 experience of Nazareth House in the 1940s, one is struck
22 by the harsh and punitive regime which she described.
23 That we respectfully say, appalling though it is now to
24 contemplate, was very much a reflection of not just
25 residential care and the control of children but also in

1 society generally.

2 She also testified as to the transformation in
3 Nazareth House in the early '50s with the arrival of
4 SR9. We do not say, Mr Chairman, that that
5 transformation was complete then. We recognise that
6 transformation was ongoing over the decades right up
7 until the times both -- the time both homes closed.

8 We also recognise that 1950 is a seminal moment in
9 this Inquiry and to residential child care. It
10 coincides with the fact that most of the applicants who
11 have given evidence to the Inquiry span the period from
12 the 1950s onwards, with some exceptions, such as the
13 witness whom I have just referred to. 1950 saw the
14 Children & Young Persons Act enacted and then what has
15 been described as a pioneering document -- that's my
16 description of it, but it is clearly a ground-breaking
17 document -- the 1952 memorandum.

18 The congregation does not shirk its responsibility
19 for failing to comply with aspects of the guidance. It
20 provided detailed advice on the conduct of child
21 residential care homes. One of its key recommendations
22 for larger homes was to adapt them and to create family
23 groups, each with its own houseparents. That the
24 congregation delayed in doing so was not because it was
25 unwilling to accept the guidance contained in the 1952

1 memorandum. That is beyond dispute, Mr Chairman, we
2 respectfully say, because the Panel has had the
3 opportunity to consider the record from the
4 September 1952 chapter meeting, 4th September, at which
5 the correspondence from the Ministry of Home Affairs was
6 discussed, and it was resolved that the change of the
7 homes would start. It was recognised that the
8 congregation did not have sufficient sisters at that
9 time to meet the staff ratios recommended in the
10 guidance and it was decreed that secular staff would be
11 employed.

12 So what went wrong? A burning issue for you,
13 Members of the Panel. We respectfully state the
14 obvious, which has become crystallised or has
15 crystallised particularly over the last few weeks of the
16 Inquiry, and that is funding. Although the Sisters of
17 Nazareth are now known as "The Sisters of Nazareth",
18 they were formerly known as "The Poor Sisters of
19 Nazareth", and the one thing we know is that the homes
20 in Derry were poor. We have heard how there were
21 full-time collectors, sisters who collected Monday to
22 Friday, four sisters, every day of the week in and about
23 the province, and then on Saturday those sisters who had
24 worked all week in child care, they went out and
25 collected on Saturday afternoons. Without the

1 generosity of the good people of Derry and other people
2 in the province these homes would simply have had to
3 close.

4 We have heard of the high number of volunteers and
5 benefactors who also contributed greatly to assisting in
6 the financing of the homes, but we have been confronted
7 with the stark reality of what it was like not just then
8 but in the decades later of the Sisters struggling to
9 make ends meet.

10 I say and pause, by way of cameo, that during this
11 time the Sisters were still providing children with
12 pocket money. There has been some variance in the
13 evidence of the applicants about that, but there does
14 appear to be a consistent narrative that children either
15 received pocket money or in later years, and it appears
16 it may have coincided with the start of the Troubles in
17 1969, which we were reminded by SND228 involved daily
18 rioting, that the Sisters then instructed staff that
19 children were not allowed down town.

20 We respectfully say that reflects the very ethos of
21 the Sisters of Nazareth, which is devoted to loving,
22 compassionate care for the marginalised and poor in our
23 society. We know they have not been depicted in that
24 light in the public arena. We know that it is
25 unpalatable to speak up for the Sisters against such

1 a wave of media and public outrage at what they have
2 heard. I reiterate that is why we have focused in our
3 closing submissions on what we respectfully say is not
4 an inconsistent narrative in a number of respects
5 relating to those core issues that were opened by my
6 learned friend and which the Inquiry has heard about.
7 To cite just two examples without referring to our
8 submissions, numbering and Jeyes fluid stand out.

9 Having paused, I wish to refer to the funding issue.
10 We recognise that that unquestionably delayed the
11 redevelopment of the congregation's homes in the city.
12 It foiled their stated aim to endeavour to create as
13 nearly as possible the conditions of a family group home
14 and to secure an adequate number of staff, including
15 qualified staff.

16 The congregation does not seek to run away from its
17 own culpability. An issue for the Inquiry is whether or
18 not there was culpability also on the part of the State
19 agencies, and in particular the Departments who are
20 represented in this Inquiry.

21 The evidence it does appear in respect of funding
22 remains incomplete, and with the Chairman's leave we
23 will wish to return to this issue in due course. As you
24 know, Mr Chairman, we return in January for the Inquiry
25 into the Belfast homes.

1 What is equally beyond dispute is that the Ministry
2 of Home Affairs was on notice from at least April 1953
3 that the homes required a complete overhaul, and
4 Kathleen Forrest or the inspector exhorted that the
5 Ministry must assist them in every way possible. We
6 know that there was very great delay and under-funding
7 that has persisted or did persist rather right up until
8 the '90s in respect of Bishop Street.

9 A further illustration of the congregation's ongoing
10 desire to achieve its aims or rather the aim -- its aims
11 and the aims of the 1952 memorandum is contained in the
12 inspection report for Bishop Street in October 1960,
13 which recorded the Mother General on her last visitation
14 recommended dividing the home. So there was a will but
15 unfortunately not a way for a very considerable time.

16 We respectfully say that the Inquiry can be
17 satisfied that there were dynamic sisters involved in
18 the running of both homes, who not only did their level
19 best to care for their children as best they could in
20 what undoubtedly was an institutional setting, which we
21 know from the 1950 memorandum, if it hadn't been known
22 beforehand, was not conducive to good and proper care of
23 children, but the congregation was trying to do it.

24 So we wish to return to this, Mr Chairman, in the
25 fullness of time and when the -- I should never say "in

1 the fullness of time" to you, Mr Chairman, but when the
2 evidence and the disclosure has been complete.

3 We also accept our shortcomings, Mr Chairman, in
4 respect of our young people -- and when I say "our young
5 people", I am speaking, of course, on behalf of the
6 congregation -- who were leaving care. We accept
7 non-compliance with section 103 of the 1950 Act in that
8 we did not notify the Welfare Authority when children
9 left the home.

10 It wasn't as though the Sisters, we respectfully
11 say, left them to their own devices. They did their
12 best to arrange accommodation, training and employment
13 for their children who were leaving the home.
14 St.~Vincent de Paul worked tirelessly in this regard, as
15 did many local businessmen and other benefactors,
16 although the use of local businessmen was commented upon
17 adversely by the Ministry, and yet it was they who were
18 providing much-needed jobs for these children leaving
19 home at a time of high unemployment and dire poverty.

20 We also say, Mr Chairman, that the Welfare Authority
21 was also aware of the non-compliance with section 103,
22 and we have seen the letter from Kathleen Forrest in
23 November 1958. So whilst there undoubtedly was
24 culpability on the part of the congregation, which it
25 accepts, we respectfully say an issue for the Inquiry is

1 whether or not the other core participants share in that
2 culpability.

3 We know too that one of the sisters who has featured
4 large in this Inquiry, SR2, worked ceaselessly and
5 tirelessly for her ex-residents. Her Mother Superior
6 made the decision, which has been described as a very
7 advanced one of its time, in recruiting an in-house
8 social worker in SND332. He quickly realised that there
9 was a significant problem with the care of these
10 ex-residents. We know too that SR2 took steps to ensure
11 that her boys -- how she described them -- her boys were
12 not caught up in terrorist violence.

13 The congregation also accepts, Mr Chairman, that
14 there were failings in respect of notification to the
15 welfare authorities of boarding out arrangements
16 pursuant to section 1 of the Young Persons Act. Again
17 the Sisters were well-meaning at all times, and the
18 Inquiry has heard evidence how this was arranged by
19 usually the local parish priest from the parish of those
20 families who were offering to take their children into
21 care. Many of those placements we know were very
22 successful.

23 This is an issue which we know will feature in the
24 Belfast homes, and again we respectfully ask the Chair
25 to allow us to revisit the impact of the failure to

1 ensure that those children boarding out were going to
2 homes which had been vetted by Social Services. We know
3 that in the material already obtained and provided to
4 the Inquiry that there are clearly vexed issues with
5 regard to ensuring the safety of children in foster
6 placements.

7 Physical and sexual abuse sadly has been a dominant
8 feature in this Inquiry. There are different aspects to
9 it. Physical abuse by Sisters has been alleged.
10 Physical abuse by older boys has been alleged.

11 Mr Chairman, Members of the Panel, you did hear the
12 evidence given by the Sisters, and Sister Brenda in
13 particular, that it is accepted that there were times
14 when Sisters lost their temper and there were times when
15 children suffered physical abuse. This is not
16 a defence, but nonetheless we know and we respectfully
17 ask that the Inquiry take into account that they were
18 working under great pressure and, as was observed during
19 the course of the evidence, in the early years they were
20 effectively providing care 24 hours a day, 365 days of
21 the year. In Bishop Street the Sisters who were caring
22 for the children were working full-time as teachers and
23 then before and after their school day were then caring
24 for the children.

25 The Sisters do dispute the nature and extent of the

1 allegations of physical abuse. We accept that they are
2 exclusively issues of fact and for the Inquiry.

3 Notwithstanding, as I have already said, at the risk of
4 repetition, that the Inquiry is not making findings of
5 civil or criminal liability, nevertheless to either
6 dispel or confirm the mists of time those are issues
7 which we respectfully say require to be addressed.

8 In that respect, Mr Chairman, we respectfully ask
9 that great weight is attached to the evidence of those
10 witnesses who came forward after the media coverage
11 surrounding the opening of the Inquiry and the evidence
12 in the initial few weeks, because their motivation for
13 coming forward was, as they saw it, to right a terrible
14 wrong which was being perpetrated against the
15 congregation. One of those witnesses travelled from
16 Australia at his own expense to tell the Inquiry of his
17 experiences.

18 The incidence of peer sexual abuse has come as
19 a great shock to the Sisters. The Inquiry has heard
20 evidence from a small number of residents at different
21 times during the relevant period who said that they told
22 different Sisters of a sexual assault. We ask that,
23 Mr~Chairman, to be viewed in the context of the date of
24 knowledge of sexual abuse and peer sexual abuse. There
25 has been a wealth of evidence given to the Inquiry about

1 that by expert social workers and, of course, the Panel
2 themselves will bring their own experience to bear on
3 that issue. There has not been an acceptance by some of
4 those individual Sisters who are still alive about
5 whether or not they were told of any such incidents, but
6 the Inquiry will recall that even Social Services in the
7 mid-1960s rejected the notion of paedophilia and it was
8 not until the late '70s and early '80s, as opened by my
9 learned friend in her opening statement, that this
10 knowledge was acquired.

11 The Sisters kept apace with that increasing body of
12 knowledge. We know that from the evidence, that one of
13 the Sisters told the Panel about reading conference or
14 case notes in the late 1970s and becoming aware of
15 sexual abuse within the home, and that was not the
16 Sisters' home but within the family home in respect of
17 children who were being admitted into the care of the
18 Sisters of Nazareth.

19 That too, Mr Chairman, is an issue that we wish to
20 come back to, because clearly the Inquiry will wish to
21 consider what impact the staff ratios had, the delay in
22 providing the family groupings had on the incidence of
23 peer sexual abuse.

24 Finally, I wish to state, as I am instructed to do
25 so on behalf of the congregation, that it is clear that

1 there are still records which need to be looked for. We
2 have had a request in the last week. As you know,
3 Mr Chairman, similar requests have been made of all the
4 core participants. It is not due in any way to any
5 obstruction on the part of the congregation. On the
6 contrary, they are anxious to ensure complete
7 transparency in all aspects of their work and their
8 finances and decisions that were taken over the years in
9 respect thereof.

10 Other than that, Mr Chairman, that concludes my
11 brief oral submissions.

12 CHAIRMAN: Thank you, Mr Montague.

13 Closing remarks by COUNSEL TO THE INQUIRY

14 CHAIRMAN: Ms Smith.

15 MS SMITH: Good morning, Chairman and Panel Members, ladies
16 and gentlemen.

17 As we have now reached the end of the evidence and
18 closing submissions relating to the two homes in Derry
19 under investigation, it is an appropriate time to make
20 some closing remarks with which to bring this module of
21 public hearings to an end.

22 In this module over forty days of public hearings,
23 the Inquiry has heard oral evidence from a wide range of
24 witnesses, applicants to the Inquiry, social workers,
25 those against whom allegations have been made and

1 representatives of core participants. A number of
2 written submissions have been submitted on behalf of
3 a number of those individuals against whom allegations
4 of various forms of abuse were made. Written
5 submissions on behalf of those government departments or
6 public bodies who are the successors of the relevant
7 bodies at various times and on behalf of the Sisters of
8 Nazareth themselves have been received. During this
9 week those who wish to do so delivered oral submissions
10 to supplement what was said in those written
11 submissions. It is, therefore, unnecessary to review
12 that evidence and those submissions, as the Panel has
13 heard it so recently, is familiar with it and will have
14 the opportunity to consider all of the material placed
15 before it.

16 At this stage I simply want to remind everyone what
17 it is that the Inquiry is considering. You will recall
18 that in opening the Inquiry I set out the Inquiry's
19 terms of reference and stated how those would be
20 fulfilled. I do not intend to repeat these. The
21 Inquiry has defined what it considers would constitute
22 abuse and systemic failings, and the oral and
23 documentary evidence so far gathered by the Inquiry in
24 respect of St. Joseph's Home, Termonbacca and Nazareth
25 House, Bishop Street has to be assessed by the Inquiry

1 in accordance with that definition.

2 The definition appears on the Inquiry website, but
3 it may be convenient to repeat it now.

4 The duty of an institution was to provide
5 an environment in which the children in its care would
6 (a) receive proper physical care in the form of food,
7 clothing, accommodation and medical attention, (b) be
8 free from emotional, physical or sexual abuse or neglect
9 and, (c) develop through the provision of child care in
10 accordance with standards acceptable at that time.

11 2. The State had the same duty towards children as
12 a voluntary or religious institution where the State
13 directly provided residential institutional care either
14 by central government in the form of places of
15 detention, hospitals or residential schools for children
16 with special needs, or by local government and later by
17 public bodies such as Health & Social Services Boards or
18 Health & Social Care Trusts.

19 The State also had a separate duty to ensure that
20 all institutions maintained proper standards of care of
21 the children in the institutions, because (a) it was
22 obliged by law to regulate and inspect the institutions
23 or (b) it funded either all or part of the capital
24 and/or running costs of the institutions.

25 Abuse was behaviour which either (a) involved

1 improper sexual or physical behaviour by an adult or
2 another child towards a child or (b) in the case of
3 emotional abuse was improper behaviour by an adult or
4 another child which undermined a child's self-esteem and
5 emotional well-being, such as bullying, belittling or
6 humiliating a child, or (c) resulted in neglect of the
7 child, or (d) took the form of adopting or accepting
8 policies and practices, such as numbering children, or
9 ignoring or undermining sibling relationships, which
10 ignored the interests of the children.

11 A systemic failing by an institution consisted of
12 either (a) a failure to ensure that the institution
13 provided proper care, or (b) a failure to ensure that
14 the children would be free from abuse, or (c) a failure
15 to take all proper steps to prevent, detect and disclose
16 abuse, or (d) take appropriate steps to ensure the
17 investigation or prosecution of criminal offences
18 involving abuse.

19 A systemic failing by the State consisted of
20 a failure to ensure either (a) that the institution
21 provided proper care, or (b) that the children in that
22 institution would be free from abuse, or (c) that it
23 took all proper steps to prevent, detect and disclose
24 abuse in that institution, or (d) that it took
25 appropriate steps to investigate and prosecute criminal

1 offences involving abuse.

2 Systemic failings could also have taken place in one
3 or more of the following ways: (a) where some or all of
4 those who had contact with children in residential
5 establishments, including volunteers and visitors,
6 adopted abusive child care practices in common, (b)
7 where staff in managerial positions within residential
8 establishments initiated, encouraged or condoned abusive
9 childcare practices, (c) where people in positions of
10 responsibility for the institutions running residential
11 services initiated, encouraged or condoned abusive child
12 care practices, (d) where those responsible for the
13 inspection, oversight, policy-making or funding of the
14 institutions providing residential services initiated,
15 encouraged or condoned abusive practices or failed to
16 take appropriate steps to identify, prevent or remedy
17 abuse.

18 On many occasions the Inquiry has made it clear that
19 the Historical Institutional Abuse Act (Northern
20 Ireland) 2013 states that the Inquiry must not rule on
21 and has no power to determine any person's civil or
22 criminal liability. The Inquiry may, therefore, feel
23 that it should not normally express its conclusion on
24 every single allegation of fact by or against any
25 individual made in relation to either Termonbacca or

1 Nazareth House, but rather should take such findings of
2 fact of a general nature -- sorry -- should make such
3 findings of fact of a general nature as are necessary to
4 enable the Inquiry to decide whether or not there were
5 systemic failings on the part of the State or the
6 Sisters of Nazareth in respect of either institution.

7 If that approach is adopted by the Inquiry, then in
8 the light of any such findings the Inquiry makes it will
9 then be necessary for the Inquiry to consider whether
10 there were systemic failings on the part of a number of
11 bodies that were in various ways responsible for the
12 children in either Termonbacca or Nazareth House.

13 Although much of the evidence concerned both
14 institutions, there are distinct aspects of the evidence
15 relating to each that may lead the Inquiry to conclude
16 that it must look at each institution separately.

17 Nonetheless, although separate, each home was provided
18 by the same Order, shared many common features and was
19 interlinked in a number of ways.

20 Without going into the detail of individual
21 allegations of abuse, there are a number of general
22 headings that the Inquiry may wish to consider in the
23 light of the conclusions it may reach in respect of
24 those individual allegations in respect of either
25 institution.

1 I intend now to pose a series of questions which the
2 Inquiry Panel will have to answer, having regard to all
3 of the evidence and submissions. These questions cover
4 a number of broad headings and some of them may well
5 involve consideration of several subheadings. They are
6 not intended to exhaustively define the issues that the
7 Inquiry may consider relevant and rather provide
8 an overview of the issues relevant to the conclusions on
9 issues of abuse and systemic failings.

10 Dealing firstly with the questions relevant to the
11 Sisters of Nazareth, is the Inquiry satisfied that there
12 was abuse in the form of improper sexual or physical
13 behaviour by individual Sisters towards children in
14 their care? Is the Inquiry satisfied that there was
15 abuse in the form of improper sexual or physical
16 behaviour by other adults, whether employees, visitors
17 or priests, towards children in the care of the Sisters?
18 Is the Inquiry satisfied that there was abuse in the
19 form of improper sexual or physical behaviour by older
20 children towards children in the care of the Sisters?
21 Was there emotional abuse in the form of improper
22 behaviour by individual Sisters towards children in
23 their care which undermined the self-esteem and
24 emotional well-being of the children? Was there
25 emotional abuse in the form of improper behaviour by

1 other adults, whether employees, visitors or priests,
2 towards children in their care which undermined the
3 self-esteem and emotional well-being of the children?
4 Were children neglected in either institution? Did the
5 Sisters adopt or accept policies and practices, such as
6 numbering children, or ignoring or undermining sibling
7 relationships, which ignored the interests of children?

8 If the Inquiry is satisfied that any of these forms
9 of abuse occurred, (a) were the Sisters of Nazareth,
10 whether individual Sisters or those in positions of
11 authority within the congregation, aware of any of the
12 above, and (b) if so, what steps did they take to
13 prevent such abuse?

14 If the Inquiry is satisfied that any of these forms
15 of abuse occurred, did the Sisters of Nazareth, whether
16 individual Sisters or those in positions of authority
17 within the congregation, take proper steps to report
18 such abuse to the relevant civil authorities, namely
19 Social Services and the police? Did the congregation of
20 the Sisters of Nazareth take adequate steps to ensure
21 that they had (a) suitable premises and (b) sufficient
22 premises and (c) suitably selected and trained Sisters
23 and lay staff to prevent the abuse of children in their
24 care? Did they take adequate steps to ensure that they
25 had an adequate system of internal inspection and

1 an effective system of managerial support and
2 supervision? Did the congregation of the Sisters of
3 Nazareth take sufficient steps to try to obtain adequate
4 funding for both institutions?

5 In respect of the Ministry of Home Affairs and the
6 Department of Health & Social Services did the
7 responsible government department (a) construct and (b)
8 implement an appropriately rigorous inspection regime to
9 ensure the children in St. Joseph's Home, Termonbacca
10 and Nazareth House were safe from abuse? Did the
11 responsible government department take sufficient steps
12 to ensure that these voluntary homes were acquired
13 and/or helped to provide (a) suitable premises and (b)
14 sufficient and suitably selected and properly trained
15 Sisters and lay staff to ensure that the children in
16 these homes would be provided with child care (1) in
17 accordance with the standards of the time and (2) of the
18 same standard as received by children in homes in the
19 statutory sector?

20 Looking at the role played by the County and County
21 Borough Welfare Committees and their statutory
22 successors, did the statutory bodies which placed or
23 assumed responsibility for children in St. Joseph's
24 Home, Termonbacca or Nazareth House take adequate steps
25 to monitor the care given to the individual children in

1 either home? Did the statutory bodies which placed or
2 assumed responsibility for children in either home take
3 adequate steps to monitor the facilities for and
4 standards of care provided to children in either home?
5 Did those statutory bodies take adequate steps to inform
6 themselves of the provision made by the Sisters of
7 Nazareth for the care of other children in either home
8 whose circumstances might have brought them within the
9 responsibility of the statutory bodies? Did those
10 statutory bodies provide adequate financial or
11 administrative support for the children they placed in
12 the care of the Sisters of Nazareth? Did those
13 statutory bodies take adequate steps to deal with any
14 instances of abuse in either home that came to their
15 attention? Did those statutory bodies take adequate
16 steps to report any instances of abuse in either home
17 that came to their attention to the police?

18 It seems to me that these are the major questions
19 which the Inquiry will wish to consider in seeking to
20 arrive at conclusions as to whether the matters which
21 have been explored in evidence over the past few months
22 show there were systemic failings on behalf of the
23 institutions concerned or the State in relation to the
24 two Derry homes we have been investigating.

25 I am conscious that there is still much evidence to

1 be heard in the forthcoming modules, which will no doubt
2 inform the answers to the questions posed, and therefore
3 at this stage the Inquiry will not wish to arrive at
4 fixed conclusions.

5 I should in closing this module like to thank all
6 those who have spoken to us over the past forty days.
7 The Inquiry is acutely conscious of how difficult
8 an experience that was for many. I should like to
9 reassure all those who have yet to give evidence that we
10 will continue to try to make the experience of giving
11 evidence as stress-free as we are able to do.

12 Finally, may I thank all those colleagues who have
13 attended on behalf of their clients for the
14 collaborative approach they have taken to the work of
15 the Inquiry to date and hope that this attitude will
16 continue throughout our work.

17 Chairman, Panel Members, that concludes the remarks
18 I wish to make at the end of this module.

19 CHAIRMAN: Thank you, Ms Smith.

20 Now, ladies and gentlemen, whilst this completes the
21 public sessions of the Inquiry in respect of module 1,
22 I want to take this opportunity to repeat what I said
23 earlier this week during some of the closing
24 submissions, and that is that although the public
25 sessions relating to St. Joseph's Home, Termonbacca and

1 Nazareth House, Bishop Street have finished, this does
2 not mean that the Inquiry's investigations into either
3 home have finished.

4 Of course, I and my colleagues will have to reflect
5 upon and look again at the evidence placed before us,
6 and that evidence includes the evidence of all of the
7 oral witnesses who have described their experiences,
8 whether I am referring to those who have been in either
9 institution as children, or those who have professional
10 involvement with either home, whether that was as
11 a social worker or in some other capacity. It also
12 includes, of course, those Sisters who have given
13 evidence.

14 In addition, we have to have regard to the vast
15 number of documents which have been gathered for this
16 module, and all of this material, oral and written, will
17 have to be considered and assessed by the Inquiry in the
18 light of the very detailed and comprehensive written
19 submissions made by the representatives of both
20 individuals and organisations, supplemented, as they
21 have been, in a number of instances by very helpful but
22 succinct oral submissions.

23 There are also a number of matters where, as has
24 been pointed out already this morning, there are
25 outstanding pieces of information that we will pursue

1 with some of the core participants by way of
2 correspondence in the coming weeks and months.

3 In addition, there are some issues that we have
4 already touched upon in the course of this module, such
5 as the provision of funding for voluntary homes, and
6 these are issues which will, with others, no doubt arise
7 again when we come to look at other homes run by the
8 Sisters of Nazareth, and if anything further arises in
9 that context, we may return to this module, if
10 necessary.

11 In any event, as we have already announced, the next
12 module of the Inquiry relates to the operation of what
13 is generally referred to as the Child Migration Scheme
14 to Australia. Indeed, as it happens, today a number of
15 the staff of the Inquiry are departing to Australia to
16 gather further information from those who were in homes
17 in Northern Ireland who were sent to Australia.

18 We know that a number of those who were sent to
19 Australia under that scheme may give evidence about
20 their time in either of these homes that we have been
21 considering in this module as well as in relation to
22 other homes, and so in that context we will return no
23 doubt to Termonbacca and Bishop Street.

24 But that, ladies and gentlemen, concludes our
25 business this morning and, as already announced, the

1 next public session of the Inquiry will commence at the
2 beginning of September, when we embark upon the module
3 relating to the Child Migration Scheme and Australia.
4 So thank you for your attendance throughout and this
5 morning, and that concludes our business for the
6 present.

7 (10.50 am)

8 (Hearing adjourned until 1st September 2014)

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I N D E X

Closing submissions by counsel for3
the Sisters of Nazareth

Closing remarks by COUNSEL TO THE16
INQUIRY