

THE INQUIRY INTO HISTORICAL INSTITUTIONAL ABUSE 1922 TO 1995

**CLOSING WRITTEN SUBMISSIONS FOR THE HEALTH AND
SOCIAL CARE BOARD**

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Moira Smyth, Bar Library

Eileen Finnegan, Directorate of Legal Services

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1. INTRODUCTION

- 1.1. The Inquiry is tasked to investigate historical institutional abuse and examine if there were systemic failings by institutions or the state in their duties towards those children in their care between the years of 1922-1995.
- 1.2. In Module 1, the Inquiry has heard evidence in respect to the following institutions:
 - St Joseph's, Termonbacca, which accommodated children between 1922 and 1982 (hereinafter referred to as "Termonbacca")
 - Nazareth House, Bishop Street, which accommodated children between 1892 and 1998 (hereinafter referred to as "Nazareth House").
- 1.3. St Joseph's, Termonbacca and Nazareth House were voluntary homes, run by the Sisters of Nazareth organisation in Derry.
- 1.4. In this submission, the HSCB will address some of the key issues that have arisen in respect of its predecessors namely the welfare authorities in Derry and the Western Health and Social Services Board.
- 1.5. In preparing the submission, the HSCB has tried to remain focused on the remit of the Inquiry as it applies to the HSCB and its predecessors and has tailored its submissions accordingly.
- 1.6. In the HSCB's view, a complete analysis of whether or not there were systemic failings by institutions or the state in their duties towards those children in their care between the years of 1922-1995, could only really take place once all the evidence is adduced. Accordingly, although Module 1 is at the point of closing, the HSCB regards these submissions as interim in nature.
- 1.7. As Module 1 closes, the HSCB reiterates its unequivocal support for the work of the Inquiry, which, it believes, has been demonstrated in its co-

operation and collaboration with the Inquiry team to date. The HSCB also wishes to register its recognition and appreciation of the approach taken by the Inquiry in its conduct of the proceedings to date.

- 1.8. The HSCB also asks the Inquiry to note the very large volume of records it has produced for the Inquiry. In HSCB's view this evidences both good record keeping and good record management by the Western Trust and its predecessors. It also reflects the systematic, exhaustive and enthusiastic approach taken by the Western Trust in searching for records to assist the Inquiry in its work¹.

¹ See the evidence of SND500 on the written transcript day 28, pages 34-45.

2. The Voluntary Homes

- 2.1. St Joseph's, Termonbacca and Nazareth House were voluntary homes, run by the Sisters of Nazareth organisation.
- 2.2. Section 98 of the Children and Young Persons Act (NI) 1950 defined voluntary homes as follows, a definition which was in substance replicated in Section 126 of the Children and Young Persons Act (Northern Ireland) 1968:

‘...any home or other institution for the boarding, protection, care and maintenance of poor children or institutions supported wholly or partly by voluntary contributions or endowments but not being either –

- (a) a school ...; or
- (b) an institution within the meaning of the mental health Act (Northern Ireland) 1958.’

- 2.3. Termonbacca and Nazareth House in Derry were voluntary in status and nature i.e. they were autonomous from the State and they were self-financing.
- 2.4. Voluntary societies² and voluntary homes were considered to be pioneers in the field of childcare. There is evidence both that voluntary homes were well-regarded and respected in Northern Ireland and that the high esteem in which they were held remained fairly constant throughout the time period under consideration by the Inquiry. This is demonstrated both by the following sample of extracts from historic records and the evidence given by some professional witnesses to the Inquiry:

- (i) During the second reading of the Children and Young Persons Bill on 23 November 1949, it was said by the Minister for Home Affairs, ‘Voluntary societies were the pioneers in the field of child care and it is not proposed that this should be disturbed.’³

² Voluntary societies, such as the NSPCC

³ Hansard, Volume 33, page 1878-1879.

- (ii) During the same debate, the Member of Parliament for Oldpark, Mr. Morgan also said, ‘We must all express our appreciation today of both the voluntary homes and voluntary workers who have carried on so ably in past years in their interest in young people. We can never say to much along those lines.’⁴
- (iii) The Child Welfare Council Report entitled ‘Operation of Social Services in relation to Child Welfare’ 1956-1959 referred to the ‘scope, work and influence’ of the voluntary homes and said that, ‘the precepts and examples which they set in the field of child care have been accepted and their future role is in co-operation with the welfare authority services.’⁵
- (iv) The evidence of SND 502 (see transcript Day 31, page 36 lines 9-15; and page 37, lines 15-24).
- (v) The evidence of TL19 (see transcript Day 24, page 13 lines 16-19).

2.5. Voluntary Homes were autonomous from the State, at liberty to choose whom to admit or refuse to admit to their Homes. The foundation for this statement is well demonstrated in the following extract from Hansard when, on 23 November 1949 during the second reading of the Children and Young Persons Bill, Mr. Maginess, the then Minister for Home Affairs said,

“In point of fact, when this Bill becomes law, the voluntary homes will still be voluntary homes, that is to say, they will have the right either to refuse or to admit any person they like. They will be run by their organisation...”⁶

2.6. However, in 1956 the Child Welfare Council highlighted that voluntary organisations needed to co-operate with welfare authorities, stating:

⁴ Hansard, Volume 33, page 1920-21.

⁵ Child Welfare Council Report entitled ‘Operation of Social Services in relation to Child Welfare’. See Inquiry Bundle HIA 1682 @ 1689-1697.

⁶ Hansard, Vol 33, pages 1922-1923.

‘We suggest that it should be the duty of the Home authorities to seek the advice and help of the Welfare authority concerned before the admission of any child to a Home. Every alternative should be explored before placing a child in an institution...Placing a child in an Institution tends to be the line of least resistance, but postpones rather than solves the problem and often imposes an additional burden on Institutions already overtaxed.’⁷

- 2.7. The HSCB submits that there is strong evidence that voluntary homes cherished their independent status and resisted governmental attempts to encourage greater partnership with the statutory sector. This basis for this submission is well summarised in Dr Hilary Harrison’s first witness statement, which says,

‘The 1966 CWC report acknowledged that the Council’s 1956 and 1960 suggestions about improving co-ordination between voluntary organisations and welfare authorities with a view to ascertaining where responsibility lay and thus securing financial support for a greater number of children, had not been implemented. The report indicated that in the view of the CWC, this was due to important considerations other than the willingness of statutory authorities to financially support such homes. Where there was a lack of co- ordination on the part of voluntary organisations, particularly with regard to the large Roman Catholic homes, the CWC found that the following factors seemed to be important:

- parents (particularly those of illegitimate children) may have been reluctant to discuss their problems with a public authority;
- amongst those responsible for admitting children to voluntary homes there was sometimes a belief that only in a home under the auspices of their own church could children be sure of an adequate religious upbringing;

⁷ HIA 1765, see paragraph 110 of the ‘Children in Care’ report by the Northern Ireland Child Welfare Council.

- where a private approach was made to, for example, a member of the clergy who had a working relationship with a particular voluntary home, it may not have occurred to him that there were alternatives to a direct placement in a home; and
- those who administered the homes might in some cases have been apprehensive *“lest too close a working relationship with welfare authorities may in the long run prejudice their independent and voluntary character”*.

84. In respect of the above, the Council stated: *“These attitudes betray a lack of confidence in welfare authority services, which we feel is, in general, unjustified”*⁸

2.8. In her oral evidence, Sr. Brenda McCall also accepted that the sisters did not seek to make referrals to the welfare authorities, saying ‘... when children were placed in care by families, the families did not want to go to social services, they wanted their child brought up in the catholic faith...also a fear that the voluntary status might be ...’ (See transcript Day 35)

2.9. **The HSCB submits that the historical autonomous nature of voluntary homes coupled with their documented resistance to co-operate and work in partnership with welfare authorities created a state of affairs where too many children were admitted.**

2.10. **The HSCB also asks the Inquiry to consider whether the ethos of the Sisters, who themselves had taken vows of obedience and poverty⁹, compounded the problem as their ethos required the sisters to care for the needy and poor of the area and any steps to refuse to admit a child in need, would have gone against their own ethos.¹⁰**

⁸ SND 15685-15684

⁹ The vows were poverty, chastity and obedience.

¹⁰ See transcript of Sr. Brenda McCall’s evidence on Day 35

3. THE STANDARD OF CARE PROVIDED BY TERMONBACCA AND NAZARETH HOUSE, BISHOP STREET

(a) The Sisters of Nazareth's perspective

- 3.1. The documentary evidence shows that, over the years, the Sisters considered themselves to be doing a very good job looking after the children in the Homes. This is demonstrated by the following extracts taken from the documents filed with the Inquiry by the Sisters:
- (i) A handwritten record relating to Nazareth House Bishop Street dated 1951 states, 'The children look healthy, happy and well cared. Their food is excellent, varied, well cooked and nicely served. They are neatly dressed and have a good supply of clothing for summer and winter wear.'¹¹
 - (ii) The report of the Visitation to Nazareth House, Bishop Street in 1959 referenced, 'Healthy well nourished children. Educational reports are satisfactory. Musical talent well developed- should be continued because of its cultural effect. Bed clothing in order. Better table manners desirable in the refectory. Division of dormitories a great improvement.'¹²
 - (iii) The report of the Visitation to Nazareth House, Bishop Street in 1962 recorded, 'There is remarkable unity between the sisters in this Department which is reflected in the behaviour of the children. They are friendly and look happy. One can see they feel at home in their surroundings.'¹³
 - (iv) The report of the Visitation to Nazareth House, Bishop Street on 21 May 1966 says of the nursery children, 'Nothing is lacking to make their lives happy and healthy.'¹⁴
 - (v) The report of the Visitation to Nazareth House, Bishop Street in April 1971 says, 'The sisters with these children are very devoted to their care of them. The children are nicely dressed and very well behaved.'¹⁵

¹¹ SND 14395

¹² SND 14403

¹³ SND 14405

¹⁴ SND 14370

¹⁵ SND 14407

- (vi) A handwritten record, which is dated 1973 and made by the Sisters in Termonbacca, states 'We have had several welfare workers and students visit, they are delighted to see what we have to offer for the children.'¹⁶
- (vii) The report of the Visitation to Nazareth House, Bishop Street in May 1974 states, 'The children are very well cared for and the sisters are devoted to them.'¹⁷
- (viii) The report of the Visitation to Nazareth House, Bishop Street I March 1978 said, 'The children are in three groups. They are nice children, polite also. It is good to see the older girls so interested in the younger children, helping them with their music etc.'¹⁸
- (ix) The report of the Visitation to Termonbacca in March 1978 said, 'The sisters are devoted to their charges. They are all fine healthy looking boys and girls, well fed and clothed, they look really neat and smart.'¹⁹
- (x) The report of the Visitation to Nazareth House, Bishop Street in April 1980 states, 'They are very good and well behaved children and a credit to the sisters who look after them and also teach them in the school. The children are well cared for.'²⁰
- (xi) The report of the Visitation to Termonbacca in April 1979 stated, 'The children are all well behaved and home and at school and the sisters are very devoted to them. Their houses are ideal and it is satisfying to see them in such good condition after six years. The social worker is a great help to the Superior and the sisters, not to mention the children.'²¹
- (xii) The report of the Visitation to Termonbacca in December 1980 stated, 'The two sisters are devoted to their charges and the children are a credit to them. They are happy, friendly children, well behaved.'²²
- (xiii) A handwritten record dated 1981 and made by the Sisters in Termonbacca states 'the children's premises have been tastefully modernized and every convenience provided. The bedrooms, sitting rooms and dining room afford a real family atmosphere, the children love

¹⁶ SND 14340

¹⁷ SND 14409

¹⁸ SND 14410

¹⁹ SND14401

²⁰ SND 14410

²¹ SND 14304

²² SND 14308

the sisters and are loved by them and no effort is spared to promote happiness and a feeling of security.’²³

- (xiv) The report of the Visitation to Nazareth House, Bishop Street in February 1983 states, ‘Great credit is due to the sisters in charge of the children, because they teach in school as well as looking after the two groups 12 girls 9 boys Total 21. They also take part in other duties, such as vocational work and the Liturgical Commission. The children are very well cared for and nicely behaved.’²⁴
- (xv) The report of the Visitation to Nazareth House, Bishop Street in June 1986 states, ‘Girls 10 Boys 8 Total 18. The children are in two groups. Some of them have been in the House for some time and present little problem. New admissions, however, are much more difficult. The three sisters are very devoted to their needs and make every effort to help them solve their problems. The children are very well cared for and their rooms are bright and comfortable.’²⁵
- (xvi) The report of the Visitation to Nazareth House, Bishop Street in June 1992 states, ‘Girls 6 Boys 13. The sisters and their staff very well care for the children in the two units. It is no easy task to manage these boys and girls, many of whom are very disturbed. The majority are in their teens so infinite patience and constant supervision are required when dealing with them. Very good work is being done to prepare these older children for community living. The Social Services value the service provided as Nazareth House is the only voluntary home in the North West area.’²⁶

(b) The perspective of the Welfare Authorities and Western Board

- 3.2. There is evidence that the work of the sisters in Termonbacca and Nazareth House has always been recognized and valued by the statutory sector in Derry. This is demonstrated by the following sample of records:

²³ SND 14354

²⁴ SND14413

²⁵ SND 14413

²⁶ SND 14414 - 14415

- (i) 27 May 1982 – On learning of the sale of Termonbacca, a letter from the Western Health and Social Services Board said, ‘I would like to take this opportunity to formally express the heartfelt appreciation and gratitude of this Board for the enormous contribution to child care that has been made in the Home over the years.’²⁷
- (ii) The Joint Response by the Western Board and the Sisters of Nazareth to the DHSS publication, ‘The statutory/voluntary relationship in the provision of residential care’ states, ‘the Board has the highest respect for the work of the Sisters of Nazareth in Londonderry.’

3.3. It is submitted that the general tenor of the oral evidence from the HSCB witnesses was that Termonbacca and Nazareth House were large and institutional in nature and this was not consistent with a good care-giving environment for children, particularly from an emotional development point of view. However, their testimony also confirmed that the professionals in the welfare authorities and later the Board considered that the Homes provided a satisfactory standard of physical care and that the children were safe.

3.4. The evidence of all the professionals who had statutory responsibility for children in the Homes and the evidence of TL4, who was responsible for monitoring Nazareth House and mentoring Sr 2. (as the Sister in Charge) from the mid-1980s, was that they were not aware of the nature and scope of complaints and deleterious experiences of children being looked after by the Sisters that have been put forward to this Inquiry for examination.

3.5. The HSCB submits that the Inquiry should adopt a curious approach when considering why the life experiences testified by the Applicants during Module 1 were not made known to those professionals employed in the statutory sector at the time.

3.6. It is the Inquiry’s task to consider the evidence of the individual Applicants, the social work professionals and other witnesses. The HSCB recognises that

²⁷ SND 14356

an evaluation of the evidence, and the inferences to be drawn from it, are essentially matters for the Inquiry. However, the HSCB submits that the Inquiry should be careful to set the evidence and the inferences in context and to judge those matters by the standards and practices applicable in Northern Ireland at the time and not with the benefit of hindsight or, so far as the HSCB is concerned, with reference to guidance or other material which was not available or did not apply to welfare authorities, Boards or Trusts in Northern Ireland at the time.

4. THE EVOLVING RELATIONSHIP BETWEEN THE VOLUNTARY HOMES AND THE STATUTORY SECTOR IN DERRY

- 4.1. The HSCB recognizes that, over time, the relationship between the voluntary homes and the statutory sector evolved, as the numbers of children being placed by welfare authorities in the voluntary homes increased. This is well demonstrated in the profile of Applicants in that most of the Applicants who were placed in the voluntary homes in the 1950s and 1960s were from a private source i.e. placed other than by a welfare authority whereas most Applicants who were placed in Termonbacca and Nazareth House, Bishop Street in the 1970s onwards were in the care of and placed there by the welfare authority.
- 4.2. This evolution was a gradual process and by the mid-1980s, it appears that the Western Board held statutory responsibility for most of the children placed in the voluntary sector in Derry, namely Nazareth House (as Termonbacca closed in May 1982). This shift was complemented by the Department of Health issuing its first ever advice to Boards about the relationship between the statutory and voluntary sectors with the publication of the January 1985 paper entitled 'The Statutory/Voluntary Relationship in the Provision of Residential Child Care'.
- 4.3. It is clear that Nazareth House and the Board met to discuss the DHSS publication 'The Statutory/Voluntary Relationship in the Provision of Residential Child Care' and together they prepared a joint response to the DHSS publication²⁸ which identifies the following key information:
- (i) Under Childcare legislation in Northern Ireland, the Boards are not obliged to make direct provision for every child and are able to secure residential care for children in voluntary homes and hostels.

²⁸ See letter dated 8 May 1985 from Ms. Lennox ADSS to the Mother Superior in Nazareth House at SND – not yet located in the Inquiry bundle & the joint report (not yet located in the Inquiry bundle).

- (ii) Between 1974 and 1982, the amount of statutory provision in the field of residential childcare rose from 421 to 533 places. Over the same period the number of places provided in the voluntary Children's Homes sector fell from 850 to 517.
- (iii) Voluntary homes are financed by weekly per capita payments made by Boards in respect of each child whom they place in the homes and by voluntary donations and the methods of calculating the cost per child varies between Boards and capital development for voluntary homes is grant-aided by the Department of Health and Social Services.

4.4. Through the joint response, Nazareth House and Western Board identified some issues of tension between them as demonstrated by the following extracts:

- (i) Under the heading 'views of the voluntary sector in the statutory/voluntary relationship, the report says:

'There was ... a plea that a study should be carried out to determine why voluntary charges are generally substantially less than statutory costs for residential care. It is argued by the voluntary sector that they provide over half the residential places in Northern Ireland and this is not recognized in the Board planning processes and that closer co-operation would make for efficient use of facilities in times when recourses are limited.'

- (ii) Page 6 of the joint response papers also states that 'from the viewpoint of the Western Health and Social Services Board, Nazareth House has offered a most valuable service over the years but we would express anxiety about the fact that none of the residential staff is professionally qualified in social work or has any qualifications in the field of child care. In addition, the staffing levels are extremely low and would give cause for concern. This is something the Home recognizes and will endeavour to rectify over a period of years.'

- 4.5. In the joint response paper, the Western Board and Nazareth House agreed that every six months a meeting would take place between senior managers of the Board and senior managers of Nazareth House to review child care policy and plan their way forward. It was also agreed in principle that the Board would be willing to provide professional support to Nazareth House and the nature of this support was itemized on page 11 of the joint paper. These positive aspects of the evolving partnership relationship between Nazareth House and the Western Board are examined more closely in section 8 of this submission, which addresses monitoring of the Home.
- 4.6. It appears to the HSCB that the DHSS publication in 1985 served as a catalyst for a deepening of the relationship between the Board and Nazareth House and in the positive development of a monitoring and mentoring process whereby the monitoring arrangements employed by the Western Board in its own child care facilities were applied to Nazareth House and there were meaningful attempts to raise the standards of childcare and achieve uniformity of standards across the voluntary and statutory sectors in Derry.

5. THE DUTY UPON THE DERRY WELFARE AUTHORITIES & THE WESTERN HEALTH AND SOCIAL SERVICES BOARD

5.1. The duty of the welfare authorities to assume care of the children was first enshrined on section 81 of the Children and Young Persons Act (NI) 1950. This was then re-enacted in section 103 of the Children and Young Persons Act (NI) 1968.

5.2. Section 81 provided:

‘(1) Where it appears to a welfare authority with respect to a child in their area appearing to them to be under the age of seventeen –

(a) that he has neither parent nor guardian or has been and remains abandoned by his parents or guardian or is lost; or

(b) That his parents or guardian are, for the time being or permanently, prevented by reason of mental or bodily disease or infirmity or other incapacity or any other circumstances from providing for his proper accommodation, maintenance and upbringing; and

(c) In either case, that the intervention of the welfare authority under this section is necessary in the interests of the welfare of the child,

it shall be the duty of the welfare authority to receive the child into their care under this section.

5.3. Section 82 of the 1950 Act also gave welfare authorities the power to apply to a court for a parental rights order in respect to a child where it appeared that:

(a) his parents are dead and that he has no guardian; or

(b) A parent or guardian of his has abandoned him or suffers from some disability of mind or body rendering the parent or guardian incapable of caring for the child, or is of such habits or mode of life as to be unfit to have the care of the child.

5.4. Under the 1968 Act, welfare authorities retained the right to apply to a court for a parental rights order by virtue of section 104(1) and the grounds were extended as follows:

- (a) his parents are dead and that he has no guardian; or
- (b) The whereabouts of any parent or guardian of his have remained in known for not less than a year; or
- (c) A parent or guardian of his has abandoned him one suffers from some disability of mind or body rendering the parent or guardian incapable of caring for the child, or is of such habits or mode of life as to be unfit to have the care of the child; or
- (d) A parent or guardian of his has so persistently failed without reasonable cause to discharge the obligation of a parent or guardian as to be unfit to have the care of the child.

5.5. Section 113 of the 1968 Act also imposed a general duty on welfare authorities to exercise their powers with respect to children in their care so as to further his best interests and to afford him opportunity for the proper development of his character and abilities.

5.6. During the oral hearing, some of the HSCB witnesses were asked about whether the children who were placed privately in Termonbacca and Nazareth House met the care threshold in section 103 of the 1968 Act for the welfare authority to receive a child into their care and whether the welfare authorities and later the Board took a 'proactive' approach to taking those children into State care. See for example:

- (i) The exchange between Mr. Aitken and TL 19 on day 24 - see transcript at page 20, lines 18-25, page 22 lines 4-9 and page 23 lines 1-12.
- (ii) The interchange between Ms. Smith QC and SND 502 on day 31, see transcript for day 31 at page 51, lines 7-25 and page 59, lines 1-6.

5.7. On this point, TL19 said, 'I certainly have no recollection of anyone considering assessing the need of the children there, whether or not they should be received into care. They were already in a place of safety. They were being looked after and it was not – I don't ever have any memory of that being raised as a possibility'²⁹ He also said ...it may have been

²⁹ Transcript Day 24, page 22, lines 4-9.

assumed -- perhaps that's not what we are here to consider -- that, in fact, the parents didn't want the child to be in State care, but they were happy for the child to be in the care of the Sisters of Nazareth, but, as I said earlier, I'm not aware that we -- that the Board ever considered through the residential staff asking for an assessment of those children and even seeing should they be received into care.³⁰

- 5.8. The oral evidence of TL19 is in keeping with that of Sr. Brenda McCall when she explained in her oral evidence why the Sisters did not take steps to refer the children in their care to statutory sector:

‘Some sisters told me when children were placed by families, the families didn’t want to go to social services, they wanted the child brought up in the Catholic faith. Fear that the voluntary status. ...Also respected the wishes of families. They didn’t want social services to know.’

- 5.9. The HSCB draws the Inquiry’s attention to the fact that neither the 1950 Act nor the 1968 Act required voluntary homes to inform or notify welfare authorities that children had been placed in their care from a ‘private’ source. It is submitted that this is significant and contrasts sharply with other notice requirements imposed on voluntary homes in the 1950 and 1968 Acts, such as:

- (i) The duty on voluntary homes under Section 103 of the 1950 Act to inform the welfare authority in whose area a child over school age proposes to reside to advise and befriend the child unless satisfied that the Home has its own after-care facilities.
- (ii) The duty pursuant to Section 1 of the 1968 Act requiring those intending to hand over a child to another person with a view to the care and maintenance of the child by that other person to serve on the welfare authority for the area in which the child is to reside a notice.

³⁰ Transcript Day 24, page 2, lines 4-12.

- 5.10. It is also apposite to note that the Ministry of Home Affairs knew of the large number of ‘privately’ placed children in Termonbacca and Nazareth House, as evidenced by the 1960 inspection report into each Home when only five of the one hundred and thirty nine children placed in Nazareth House were placed by the welfare authority. However, there is no evidence that the Ministry of Home Affairs or the Department of Health and Social Services ever sought to issue guidance through a circular or memo to welfare authorities about managing ‘privately’ placed children, such as taking them into public care or even conducting a review of their circumstances. Nor is there any evidence in this Module that the Ministry of Home Affairs exercised its power under Section 101(2) of the 1950 Act or Section 129(2) of the 1968 Act to handover any child accommodated in a voluntary home to the welfare authority with a view to that child being boarded out by the welfare authority and being deemed to have come into the care of the welfare authority.
- 5.11. In the oral evidence SND 502 said that whether the procedure on section 103 of the 1968 Act was adopted, ‘would have been dependent on a referral for out attention’.³¹ It is submitted that this is an important point which chimes with a comment made by the Member of Parliament for Queens University during the second reading of the Child and Young Persons Bill on 16 October 1968 when she said, ‘The referring of children in many instances to the welfare authority is of great importance
- 5.12. The HSCB submits that the idea that welfare authorities, as the front line providers of social services, could have taken large numbers of ‘privately’ placed children into State care simply because they were living in voluntary homes is seriously flawed and makes the following matters in support its submission:
- (i) The 1956 Child Welfare Council report stated, “A child in a voluntary home is technically ‘not in need of care’...”.

³¹ See transcript for day 31, at page 51 lines 24-25.

- (ii) A coordinated move by a welfare authority to take into State care all children who were placed in voluntary homes by way of a private arrangement amounts to significant State interference into the private life of families.
- (iii) Such a move did not have a legislative foundation in either the 1950 or 1968 Children and Young Persons Acts in Northern Ireland.
- (iv) There was no policy or guidance issued by the Ministry of Home Affairs or the Department of Health asking welfare authorities to review the circumstances of privately placed children.
- (v) The Ministry of Home Affairs' power under Section 101(2) of the 1950 Act and section 129 (2) of the 1968 Act to handover a child accommodated in a voluntary home to the welfare authority with a view to that child being boarded out by the welfare authority and being deemed to have come into the care of the welfare authority.

5.13. The HSCB's analysis is that welfare authorities required legal authority before taking steps to intervene in the lives of families by taking children into State care and interfering with arrangements made privately between parents and voluntary organisations for the care of their children and neither the 1950 nor the 1968 Children and Young Persons Act in Northern Ireland provided the requisite legal authority to do that.

5.14. The HSCB asks the Inquiry to reflect upon the evidence of SND 502 when she said that whether the procedure in section 103 of the 1968 Act was adopted, 'would have been dependent on a referral for our attention'. It is submitted that this is also consistent with the Minister of Home Affairs contribution to the debate in Stormont during the second reading of the Child and Young Persons Bill in October 1968, when he said:

‘The charge on welfare authorities is to make their help available; no one

is to be forced to accept it. Hon. Members will agree, I know, that this would be wrong in principle and would be impracticable in any case. I trust that the public will become increasingly aware of the welfare authority as the friend of the family. It is no shame to seek help if family problems cannot be solved alone. The shame is not seeking it.’³²

- 5.15. The HSCB asks the Inquiry to accept the view that welfare authorities and Boards were the forerunners of the current health and social services arrangements³³ and that, just like today, referrals formed the basis for State intervention and that, fundamentally, legal authority was required before taking steps to intervene in the private lives of families.

³² Handed Vol 70, 1091-1092:

³³ The Department of Health’s ‘A Better Future’ publication.

6. SOME KEY DUTIES UPON THE VOLUNTARY HOMES

- 6.1. In this section the submission, the HSCB will identify two key duties placed upon voluntary homes by the 1950 and 1968 Children and Young Persons Acts in Northern Ireland to notify welfare authorities (and later Boards) of specific events in a child's life. There will also be an examination of whether the duties were complied with and the likely consequences for the children and young people concerned.

(i) BOARDING OUT FOR THE HOLIDAYS

- 6.2. Section 1 of the Children and Young Persons Act (NI) 1968 placed a requirement on those intending to hand over a child to another person with a view to the care and maintenance of the child by that other person to serve a notice on the welfare authority for the area in which the child is to. Section 2 of the 1968 Act prohibited a person undertaking the care and maintenance of a child unless he served a notice on the welfare authority for the area in which the child is to reside a notice of his intention to do so and had obtained the written consent of the welfare authority in respect of each child whose care and maintenance he intends to undertake.
- 6.3. Whilst exemptions are listed in section 10(2) of the 1968 Act, voluntary homes are not within the list of exemptions. It is noteworthy that this represents a change from the position under the Children and Young Persons Act (NI) 1950, section 1(3)(d) of which expressly excluded 'any institution established for the protection and care and maintenance of children and conducted in good faith for religious, philanthropic or charitable purposes, but only in so far as children are maintained therein' from the requirements to give the welfare authority notice of an intention to hand over child to another person with a view to the nursing and maintenance of such a child'. It should also be noted that section 1(5) of the 1968 Act did not require a notice to be sent to the welfare authority if the children were of compulsory school age and the period in which the child would be handed over for care

and maintenance did not exceed one month during the whole of which the child would be lawfully absent from school.

- 6.4. On the basis of the oral testimony of some Applicants and documentation filed with the Inquiry, it appears to the HSCB that the boarding out of the children by the Sisters of Nazareth for the duration of the summer holidays was a well-developed policy and practice in Termonbacca and Nazareth House in Derry. This basis for this submission is found in the following sample of documents:
- (i) The 1960 Ministry inspection report into Nazareth House at SND 9211 notes that it had been possible to arrange for all 98 girls of school age to spend their summer holiday with private families.
 - (ii) The 1961 Ministry Inspection report on Nazareth House records that the inspectors visited on 25 July 1961, when 66 children were in residence and 74 were placed in foster homes for the summer holidays.
 - (iii) A handwritten document submitted by the Sisters of Nazareth dated 1962, which reads, 'Rev Fr. Shields took the boys to Bellaghy for the holidays; he placed them in different families, the people were more than good to them.'³⁴
 - (iv) The Child Welfare Council Questionnaire completed by Nazareth House in 1964 answers the question 'What holidays away from the home do the children have in the year?' with 'All summer (Arranged by priests.)'³⁵ The position in Termonbacca for the same time period may have been a little different, in that the questionnaire suggest that the boys had a few weeks holiday 'as local families often volunteer to take a boy with the on their own holiday' (see SND 7807) although this is at odds with the evidence given by some Applicants who spoke of going for longer periods to the homes of families.
- 6.5. A significant number of Applicants in Module 1 gave oral evidence about being 'boarded out' to families during the summer holidays. An analysis of

³⁴ SND 14324

³⁵ SND 7800

the testimony shows that some of the Applicants were boarded out to families for the summer holidays after the 1968 Act came into force. However, there is no evidence that the requisite notice was sent to the welfare authority. This demonstrated by the following examples:

- (i) HIA 90, who was resident in Nazareth House between 1960 and 1976, says she boarded out to a family (SND 52) for the two months of the summer and Christmas between the ages of 5 and 15 years. HIA describes serious sexual abuse whilst staying with family SND 52. There is no record of any section 1 Notice under the 1968 Act being served on the welfare authority.
- (ii) HIA 105, who was resident in Nazareth House between 1962 and 1976, says she boarded out to a good family for the two months of the summer between the ages of 4 and 13 years but there is no record of any section 1 Notice under the 1968 Act being served on the welfare authority.
- (iii) HIA 125, whose date of birth is [REDACTED], was resident in Termonbacca between 6 July 1959 and 17 October 1972. HIA 125 recalls being fostered from the age of 11 years. However, there is no record of any section 1 Notice under the 1968 Act being served on the welfare authority (see SND 1264).
- (iv) HIA 22, whose date of birth is [REDACTED], was resident in Termonbacca between recalls going to stay with several families over the years from about the age of 11 or 12 years. He recalls going to a particular family when he was aged 14 years. There is no record of any section 1 Notice under the 1968 Act being served on the welfare authority.

6.6. In all the documentation submitted to the Inquiry, there appears to be only one example of the welfare authority having been given notice and thereafter sanctioning the boarding out of a child for holiday periods. This was in respect of **SND 132**, who was born on [REDACTED].³⁶

6.7. Sr. McCall's evidence was that local priests would know families and see if they were suitable or willing to take the children. Sr. McCall also said that the judgment of the local priests was relied upon in sourcing holiday placements.

³⁶ SND 19240 - 19242

This evidence serves to fortify the submission that Termonbacca and Nazareth House organized the boarding out arrangements for the holiday periods without any notice being given to the welfare authorities, which was in default of the duty placed upon them by the 1950 and 1968 Acts – See the transcript for Day 36 at page 22 lines 1-25.

- 6.8. There is evidence that the widespread practice of the children in Termonbacca and Nazareth House being ‘boarded out’ for the summer holidays appeared to peter out in the 1970s, as the oral testimony of the Applicants, which is supported by the documents, reflects that the children began taking group holidays for a month along with the Sisters.
- 6.9. **The HSCB asks the Inquiry to consider it likely that the Sisters of Nazareth made the boarding out arrangements for the summer holiday periods without providing notice to the welfare authorities and, as a consequence, the statutory requirements in respect of notice and welfare authority consent were not complied with and the suitability of these families was not scrutinized by the welfare authority, as envisaged by the 1968 Act.**
- 6.10. If the Inquiry accepts the evidence of the Applicants about their experiences whilst boarded out with families during the holidays, the Inquiry may also find that the failure of the voluntary homes to comply with the statutory notice requirements meant that families were not properly assessed and that some children were thereby placed with unsuitable and unsafe people.

(b) YOUNG PEOPLE LEAVING CARE

- 6.11. Section 103(1) of the Children and Young Persons Act (NI) 1950 provided:

‘Where it comes to the knowledge of a welfare authority that there is in their area any child who has attained the upper limit of compulsory school age and who at the time when he attained the upper limit of compulsory school age and who at the time when he attained that age or at any subsequent time, but is no longer, -

(a) in the care of a welfare authority under section eighty-one...; or

(b) in the care of the voluntary organisation,

then, unless the authority are satisfied that the welfare of the child does not so require, they shall be under a duty so long as he has not attained the age of eighteen to advise and befriend him:

provided that where in a case falling within paragraph (b) of this subsection the welfare authority are satisfied that the voluntary organisation have the necessary facilities for advising and befriending him, the welfare authority may make arrangements whereby while the arrangements continue in force he shall be advised and befriended by the voluntary organisation instead of by the welfare authority.’

6.12. Section 131 of the Child and Young Persons Act (NI) 1968 imposed the same duty on the welfare authorities.³⁷

6.13. Some of the HSCB witnesses were questioned about how the welfare authorities complied with the duties to advise and befriend in Section 103(1). For example, see the questions posed to TL 4 on day 19 (see the transcript at page 30, lines 12- 25, page 31 lines 1-25 and page 32 lines 1-13.)

6.14. However, the Inquiry panel should note that Section 103(2) of the Children and Young Persons Act (NI) 1950 imposed a duty on **voluntary organisations** to inform the welfare authority where a child who had attained the upper limit of compulsory school age ceased to be in the care of

³⁷ Section 131(1) of the Children and Young Persons Act (NI) 1968 reads as follows: ‘Where it comes to the knowledge of a welfare authority that there is in their area any child who has attained the upper limit of compulsory school age and who at that time when he attained that age and who at the time when he attained that age or at any subsequent time, but is no longer, in the care of a voluntary organisation then, unless the authority are satisfied that the welfare of the child does not so require, they shall be under a duty so long as he has not attained the age of eighteen to advise and befriend him, but where the welfare authority are satisfied that the voluntary organisation have the necessary facilities for advising and befriending him, the welfare authority may make arrangements whereby, while the arrangements continue in force he shall be advised and befriended by the voluntary organisation instead of by the welfare authority.’

the voluntary agency.

6.15. Thus, the statutory burden was on the voluntary organisations to inform the welfare authorities and the following evidence suggests that the voluntary organisations did not comply with their obligations under section 103(2):

- (i) A letter was sent from the Ministry of Home Affairs to the Managers of each Voluntary Home on 16 March 1951 drawing attention to the obligations placed on voluntary organisations by section 103(2) of the 1950 Act. The letter states of section 103(2), ‘This requires that where a child had attained the upper limit of compulsory school age ceased to be in the care of the voluntary organisation, the organisation shall inform the welfare authority in whose area the child proposes to reside.’ The letter also states

‘It has come to the Ministry’s notice that this obligation is not always discharged, and that in some instances children have been placed in a foster home for some time before the local welfare authority have become aware of the fact. The Ministry would like to impress the importance of ensuring that children are not placed in homes which have not previously been inspected and found suitable and I am to suggest that where necessary the help of the welfare authority might be enlisted for the purpose by giving them sufficient notice of the proposed use of the new foster home to enable them to arrange for its inspection before a child is placed there.’³⁸

- (ii) On 21 November 1958, Ms. Forrest, a Ministry Inspector wrote a detailed note recording she had heard of a case via County Derry Welfare Authority concerning St Joseph’s Boy’s Home, Termonbacca. Two boys were placed out to work on a farm in the Feeny-Dungiven area, from which two sons of the house had been “lifted” by the Police as internees or detainees. Ms. Forrest wrote,

³⁸ See HIA 1566.

“Voluntary Homes are required under sec. 103 of the C. and Y. P. Act, 1950, to inform the welfare authority in whose area a child over school age proposes to reside to advise and befriend the child unless satisfied that the Home has its own after-care facilities. For children of school age and under, the child Life Protection provisions in Part of the Act would apply. For children over school age, prior approval of the placement is not required.”³⁹

6.16. The 1960 Ministry of Home Affairs Inspection report⁴⁰ demonstrates that both the inspector and the Mother Superior in Termonbacca knew that the burden of notifying the welfare authority under Section 103(2) lay with the voluntary home. In the report the Ministry of Home Affairs inspector recorded that the St Vincent de Paul was ‘coming to the Home in the evenings and taking the boys out from time to time. Most important of all they had undertaken the aftercare supervision of all boys discharged from the Home. Rev. Mother assured me that in all cases the Welfare Authority had been notified in accordance with section 103 of the Children and Young Persons Act.”

6.17. However, the HSCB considers that there evidence before the Inquiry to suggest that, despite knowing of the obligation to notify the welfare authority (and later the Board), the sisters in Termonbacca and Nazareth House did not do so. This basis for this submission is found in the following:

- (i) The handwritten records made by the Sisters of Nazareth. Once such record made in October 1972 by the sisters in Termonbacca states, ‘We were lucky getting some of our older boys jobs as they left school, two went to Dublin, one to Buncrana, one to Letterkenney, one to Belfast and one to foster parents in Derry.’⁴¹
- (ii) The oral evidence of many Applicants is that they left Termonbacca, without warning or preparation. Some described being placed in other

³⁹ SND 6215.

⁴⁰ See SND 6174.

⁴¹ SND 14335

institutions; some were placed with families whilst others were sent to lodgings, in either Northern Ireland or the Republic of Ireland.

- (iii) The oral evidence of Sr., Brenda McCall who said she did not believe the Sisters of Nazareth took steps to notify the welfare authority when young people were about to leave to care of the Sisters: see transcript for day 36, page 23 line 3-25 and page 24 lines 1-6.

6.18. The following examples of oral evidence given by some Applicants demonstrate the types of placements arranged by the Sisters of Nazareth for children and young people in their care, all seemingly without any notice having been given to the welfare authority (or Board for cases after 1973):

- (i) HIA 46 left Termonbacca in 1960 aged 9 years and was placed in a Christian Brothers industrial school in Salt hill, Galway.
- (ii) HIA 235 left Termonbacca in 1951, aged 12 years, and was placed with a family in County Monaghan. A short time later, he was placed with another family in Innis keen and from there he went to Carrickmacross market where he hired himself out for six months.
- (iii) HIA 121 left Termonbacca in 1960, aged 12 years and was placed in an Christian Brothers industrial school in Salthill, Galway (see SND 646)
- (iv) HIA 11 took up a job at the age of 16 years in the Good Shepard Laundry in Derry. In 1975, Sr. 2 told him he was leaving Termonbacca in or around 1975 and he was taken to lodging in Derry, where he was sexually assaulted on his first night. After that he slept in the barn at Termonbacca for three to four months (see SND 1746).
- (v) HIA 67 was told he was leaving Termonbacca in 1968, aged 15 years and he was placed with a family in the Creggan who got him a job on a building site (see SND 1424)
- (vi) HIA 66 was told he was leaving Termonbacca in 1964, aged 16 years and he was moved to work with the elderly and dying in Nazareth House, Bishop Street in Derry (SND 1366).
- (vii) HIA 157 left Termonbacca in 1972, aged 15 years, when Sr. 2 drove him to Belfast to work in a home for elderly on the Ormeau Road (see SND 1539)

- (viii) HIA 237 was told he was leaving Termonbacca on his fifteenth birthday when he and another boy were placed in a hostel in Ecclesia Street in Dublin and work was found for them (see SND 1686).
 - (ix) HIA 351 left Termonbacca in when he was 13 or 14 years old and was transported to work in Nazareth Lodge on the Ravenhall Road in Belfast. He later returned to Termonbacca for one night, was given travel warrant and took up a place with the Irish army (see SND 1710).
- 6.19. The above sample spans three decades and the HSCB submits that this indicates that the sisters in Termonbacca and Nazareth House made their own arrangements for children leaving their care during the 1950s, 1960s and 1970s without notifying the welfare authorities (and later the Board) and that, as a result, opportunities for assessing ‘after care’ placements and social workers befriending and advising such young people were lost.
- 6.20. It important to note that some of the above listed Applicants were below the compulsory school leaving age at the time but they were nevertheless discharged from the care of the Sisters of Nazareth to take up arranged placements and employment elsewhere. After the 1968 Act, the consent of the welfare authority was required when arranging placements for children of school age and under (Section 1 of the 1968 Act) whereas for children over school age, notice ought to have been to the welfare authority.

7. STAFFING IN VOLUNTARY HOMES

7.1. An overview of documents filed with the Inquiry show that the shortage of qualified staff has been a dogged feature in the running of voluntary homes across Northern Ireland and HSCB recognises that this was a persistent issue so far as Termonbacca and Nazareth House was concerned.

7.2. The problem was identified in successive Child Welfare Council reports and was mentioned by the Minister of Home Affairs during the second reading of the Child and Young Persons Bill in Stormont on 16 October 1968, when he said:

‘Voluntary organisations have played an important role in relation to child care in Northern Ireland ... Difficulties, however, arise mainly due to shortage of qualified staff. Lack of trained field staff may mean, for instance, that admissions are made without adequate information about a child's background and therefore no real assessment can be made on the relative merits of various solutions in the child's interest. The Child Welfare Council has suggested that if voluntary organisations cannot provide their own staff they should make use of the services of the welfare authorities.’

7.3. In examining the issue of staffing, the Inquiry is also asked to note the Nazareth House's response to the Child Welfare Council Questionnaire in 1964, when it declared that its financial resources were sufficient to enable the sisters to employ all the staff they thought should be employed.⁴² The only area of need specified by Termonbacca in the 1964 questionnaire was ‘modernization of the sleeping accommodation and more play space.’⁴³

7.4. Whilst the HSCB accepts the low level of staffing in the voluntary homes in Derry, it is submitted that the precise picture regarding the actual staffing levels in Termonbacca and Nazareth House in the earlier years is rather unclear. In respect to Termonbacca, it has been said that three sisters looked

⁴² SND 7801

⁴³ SND 7808

after all the children and infants resident there (one sister per group).

However, after a visit in July 1960, the inspector wrote of **SR 38** in the Nursery, ‘She is at present assisted by three untrained Nursery

Assistants...Nurse **[REDACTED]**, who holds a NI Certificate in Child Care and who has assisted **SR 38** for a number of years, terminated her employment at the Home last November.’ It is submitted that the lack of available records regarding civilian staff and voluntary workers in the Homes contributes to a certain lack of clarity about actual staff numbers.

- 7.5. The HSCB witnesses recognized that Termonbacca’s appointment of a qualified social worker in 1976 was a progressive and positive step. However, it appears to the HSCB that, by the mid-1980s, the Western Board had itself identified staffing issues in Nazareth House as a cause for concern, as this is reflected in the joint response prepared by the Western Board and Nazareth House to the 1985 DHSS publication entitled ‘The Statutory/Voluntary Relationship in the Provision of Residential Child Care’, which states on page 6:

‘[F]rom the viewpoint of the Western Health and Social Services Board, Nazareth House has offered a most valuable service over the years but we would express anxiety about the fact that none of the residential staff is professionally qualified in social work or has any qualifications in the field of child care. In addition, the staffing levels are extremely low and would give cause for concern. This is something the Home recognizes and will endeavour to rectify over a period of years.’

The view expressed by the Western Board at this time about the need for a qualified staff base in Nazareth House was consistent with recommendations made by the Hughes Inquiry in 1986.

- 7.6. Whilst not denying the issue of funding which prevailed from the mid-1980s, the HSCB submits that the Western Board took an energetic and proactive stance to the staffing issues and significant advances were made in the 1980s when TL4 took on a monitoring and mentoring role in Nazareth House, which endured until Nazareth House closed.

- 7.7. The HSCB also asks the Inquiry to note the evidence of TL4 on this issue, who personally delivered an Open University training course to staff at Nazareth House and also recalled that ‘in-service training courses that we organized as an authority were made available to Nazareth House staff’ to meet ‘short-term training need’ and that ‘over a period of time we ensured that quite a few staff in the statutory and voluntary sector actually managed to undertake the Certificate in Social Service that have them a qualification in social work’ – see transcript, Day 31, page 125 lines 11-25 and page 126 lines 1-14.
- 7.8. The Western Board’s unease about the staffing in Nazareth House continued and was expressed in a letter dated 24 November 1992 from TL19 to the Social Services Inspectorate. This letter states that ‘the Board is happy overall with the service provided by Nazareth House. Clearly, there is also some scope for development. I would be anxious to see the number of qualified staff increased and you may be aware that this year the Board provided funding for secondment of two members of staff for professional training courses. I would be anxious to see this repeated next year.’⁴⁴
- 7.9. The HSCB submits that the issue of staff ratios and qualification is inextricably linked to the question of finance, which will be examined in more detailed in section 9 of this submission.
- 7.10. On the specific issue of staffing, however, the documentation reveals active discussions between the Board and Nazareth House regarding staffing levels in Nazareth House in the 1990s. The HSCB submits that the documentation shows the Board recognized the need to increase the residential social work staffing position at Nazareth House and, in May 1993, sought a transfer of £42,000.00 to the Foyle Community Unit of Management to cover the cost of appointing two residential social workers.⁴⁵ However, this offer of monies for two additional staff members for Nazareth House was rejected by the Sister in Charge (Sr. 2) as ‘she did not want to give the impression that by accepting the funding for these two additional staff that she was also agreeing to the

⁴⁴ SND 19267

⁴⁵ Not yet located in the Inquiry Bundle (copy attached)

proposed contract with Foyle Community Trust.’⁴⁶

- 7.11. In general terms, the HSCB asks the Inquiry to accept that budgetary constraints and the Board’s responsibility to allocate scarce resources among competing demands inevitably had direct bearing on the level of finance that could feasibly be provided by the Western Board to Nazareth House to assist with the recruitment, education and training of staff and this was compounded by the low funding base in the Western Board, as explained in paragraphs 9.22-9.26 of this submission.

⁴⁶ SND 14759-14760

8. MONITORING AND RAISING STANDARDS IN THE VOLUNTARY HOMES

8.1. The HSCB submits that from the 1970s, there were steady moves to improve standards of care and planning for children in residential care. SND 484's evidence is that she established a regular visiting pattern for children who were her statutory responsibility⁴⁷, which is reflected in her records and the records of other social workers visiting other Applicants as children in the homes at that time. SND 484 also spoke about TL 17 introducing a system of regular reviews 'to take a comprehensive look at what was going on for all accept of the child's life and ...trying to plan for them.' SND 484 opined that this was the first time there was a systematic approach to planning for children in residential care – see transcript for day 23, page 51 lines 3-12.

8.2. The HSCB submits that in the 1980s, there was a conscious move on the part of the Western Board to assist Nazareth House improve professional standards in the residential homes. This is evidenced in an internal Board memo dated 30 September 1985 penned by Ms. Lennox which states:

'In recent months I have been have discussions with Nazareth House with a view to extending our facilities to assist them in improving the professional standard in their Children's Home and they have started using our machinery with regard to the vetting procedures. I would also like them to use our Accident procedures and our Untoward Incident Event procedures and was wondering, if you wouldn't mind, in my absence, asking one of your colleagues to perhaps arrange or invite the sisters to an in-service training session where Accident Procedures/Untoward Events etc. would be discussed.'⁴⁸

8.3. The Western Board's proactive efforts to raise standards and achieve uniformity with standards in the statutory homes, is also evidenced by the following:

⁴⁷ see transcript day 23, page 47 lines 1-9

⁴⁸ SND 19245

- (i) TL4's regular visits to the sisters and his mentoring role with Sr. 2, as outlined in his evidence. The frequency of TL4's visits to Nazareth House is mentioned in an internal memo written by him on 26 February 1985 which concludes by him saying he 'meets fortnightly with the sisters to discuss professional issues with them and to help them improve their own professional standards. I feel this is a valuable task in improving the service for young children whom we place.'⁴⁹
- (ii) A memo dated 23 May 1986 penned by Ms. Lennox which states of Nazareth House, '... staff are unqualified there and ... the nuns who are attached to the Homes are full time teachers and I fear that the fact that neither of these matters was referred to us as serious issues is a matter of serious concern and the principals involved I shall take up with Nazareth House when next meeting them.'⁵⁰
- (iii) TL4's monitoring role in Nazareth House and the spirit in which he undertook this role, visiting the Home at different times of the day, evening and night, meals times and every Christmas Day – see transcript for day 23, page 99 lines 11-25.
- (iv) The monthly meetings in relation to the conduct of the voluntary home that were initiated by SND 491 towards the end of the 1980s/start of the 1990s - see transcript for day 23, page 90 lines 1-22.
- (v) The Residential Child Care Policy booklet written by TL4 and produced by the Western Board in 1988 as a resource pack for staff to ensure there was knowledge of the policies and procedures of the Western Board and with the intention of providing a framework in which staff could improve their practice.⁵¹

⁴⁹ SND 14504

⁵⁰ Not yet located in the Inquiry bundle.

⁵¹ SND 17556-17644

(vi) The recognition in the 1993 Social Services Inspectorate report that 'TL4 and SND 491 meet with the Deputy Officer in Charge and Team Leaders in Nazareth House once a month to 'discuss individual children and any other business. They also keep residential social workers up to date in any new developments/procedures. Unofficially TL4 visits frequently and is most supportive.'⁵²

8.4. The HSCB asks the Inquiry to accept that the Western Board adopted an analytical and reflective approach to its practices from the late 1970s onwards and that from the 1980s there has been serious and sustained efforts to improve practice and planning for children in residential care and develop consistent practice standards across the statutory and voluntary sector in the Western Board.

⁵² SND 9875

9. FINANCE

- 9.1. In examining finance, the HSCB encourages the Inquiry to address the issue by reference to specific time periods and to adopt a forensic approach to the available records.
- 9.2. The HSCB recognises the weekly per capita charge was comparably low in the Derry voluntary homes. In considering this matter, however, the HSCB asks the Inquiry to consider the historical reasons behind the low per capita charge in Nazareth House⁵³ and also to exercise caution when interpreting data contained in reports (this is addressed in paragraphs 9.20 to 9.23 below).

THE EARLIER YEARS

- 9.3. As summarised in Dr Harrison's statement dated 17 January 2014, 'financial support was available for the very small numbers of children in voluntary homes who prior to 1950 were placed by Boards of Guardians or the courts or who after 1950 were placed by the welfare authorities or courts.'⁵⁴
- 9.4. As set out in section 2 of this submission, a recommendation of the 1956 Child Welfare report was that voluntary organisations should seek the help of the welfare authorities before admitting children to the voluntary care of their own organisations. However, for the reasons outlined by Sr. Call in her oral evidence (and set out in paragraph 2.8 of this submission), Nazareth House did not seek the help of the welfare authorities in Derry. In the earlier years, therefore, Termonbacca and Nazareth House were largely self-financing,

⁵³ The reasons were summarized in the 1983 SWAG report as (i) the staff/child ratio is low; (ii) the sisters salary costs are not charged against the children's home because they are charged to the school and funded by the Department of Education; (iii) some of the overheads are shared with the elderly person's home and economies of scale are achieved; (iv) the cost of employing staff in Nazareth House is lower than in most other homes; (v) 20% of residents are fully maintained by the Order; and (vi) no management costs are charged for.

⁵⁴ SND 15682, paragraph 76.

which appears to be in keeping with the intention of Parliament at the time⁵⁵. Indeed, reliance on charitable donations from benefactors appears to have been an ongoing feature as evidenced by the following:

- (i) Handwritten notes made by the Sisters in Termonbacca in 1941 record, 'During the past six months we have recovered a few small legacies from Nazareth House; 1943: 'Generous donation of £100.00 from Mr. Madden. Share of legacies for Nazareth House doing the past year amounted to £106.00.⁵⁶
- (ii) Handwritten notes made by the Sisters in Termonbacca in 1972 record, 'His Lordship the Bishop gave us a donation of £11,000.00 towards the building fund as well as his usual Christmas gift of £100.00.⁵⁷
- (iii) The well documented active fund raising activities by the Termonbacca Aid association, the 'collecting' by the Sisters and the donations by St. Vincent de Paul and Du Pont.

1960s & 1970s

- 9.5. In examining the issue of finance, the HSCB refers again to Nazareth House's response to the Child Welfare Council Questionnaire in 1964, when it declared that its financial resources were sufficient to enable the sisters to meet ordinary day-to-day expenses and employ all the staff they thought should be employed.⁵⁸
- 9.6. From documents available from the late 1960s, it appears to the HSCB that the Sisters applied to the appropriate welfare authorities for increases in maintenance payments for children placed by the welfare authorities and that such applications were responded to favourably by the welfare authorities, as the maintenance payments appear from the documents to have increased

⁵⁵ See extracts from Hansard Vol 33, 1922-1923

⁵⁶ SND 14517:

⁵⁷ SND 14338

⁵⁸ SND 7801

steadily over the 1970s⁵⁹.

- 9.7. The documents filed also reveal that **that the Board responded favourably to the requests made** for increases in the maintenance in the 1970s.

However, it is apparent that the Western Board was beginning to bear a growing financial burden, due to increased numbers of children being placed by the Board in the voluntary Home's in Derry and the drop in private admissions. These points are evidenced by the following records:

- (i) A letter dated 26 January 1976 from the mother Superior in Nazareth House to the then Director of the Western Board asking for a raise in the maintenance rate per child per week from £14.00 to £30.00 and referring back to the request made for an increase in the maintenance in her letter dated 26 January 1976.⁶⁰
- (ii) A letter from the Director of the Western Board to Mother Superior in Nazareth House which, *inter alia*, states

“You will appreciate that changing from a system where your organization provided almost all the money to one where the Board will be asked to meet a good proportion of the costs will have some difficulties but we would wish to move to a stable position over a period of time recognizing both the valuable work which you do and the very heavy financial burden in today's inflationary terms. We are trying to find some way to meet some of your expenditure for this current financial year and this too will be the subject of discussion between us in the near future.”⁶¹

- (iii) An internal document dated 11 May 1978 from Mr. Finnegan A. C. A. C to the Director of the Western Trust which states “The per capita payment for a child in the care of this Board placed at [Nazareth House] had indeed been increased from £14.00 to £30.00 per week with effect from 1 March 1977. Due to an oversight on our part this matter was not processed as it ought to

⁵⁹ See SND 14325, 14384 & 14302 for examples.

⁶⁰ SND 14416

⁶¹ SND 14417

have been'⁶²

(iv) A memo dated 21 March 1978 from Heather Lennox to the Director of Social Services which states, '...I should be grateful if you could arrange with Mr. Finnegan the payment of £10,496.00 to Nazareth House which is in fact arrears of maintenance which we should have paid last year, as a request had come from Nazareth House last year asking us to approve the increase in their charge from £14.00 per week to £30.00 per week, and for various reasons unknown to me, this matter was overlooked and we are definitely to blame for the situation which has arisen.'⁶³

(v) A letter dated **29 January 1979** requesting an increase in the weekly maintenance for children to £35.00 and a document dated **7 March 1979** which states that approval has been given to an increased weekly maintenance charge of £35.00 with effect from 1 April 1979.⁶⁴

(vi) A note by the sisters in Termonbacca dated 17 December 1979 records, 'The WH&SSB has granted requested increase for the maintenance of the children which is now £45.00 per capita. We received a cheque for £19,755.22.'⁶⁵

9.8. From the documents filed, it also appears to the HSCB that a process of negotiation between the sisters and the Board about levels of maintenance payments began in the late 1970s. However, the HSCB asks the Inquiry to note that the correspondence from the sisters addresses the running costs for Nazareth as a whole i.e. the children's home and the home for the elderly and it appears that the negotiations were really in respect of per capital payments for the elderly. This is apparent from a letter dated 13 December 1978, when Nazareth House provided accommodation for 110 elderly people and 45 children. The letter identifies two immediate problems – one relating to finding £13,000.00 to meet the running costs for the current financial year and secondly, the need to provide in the future for an additional income to

⁶² SND 14420

⁶³ SND 14423

⁶⁴ SND 14425-14426

⁶⁵ SND 14305

offer the projected deficit of £33,00.00 per year and the letter states, 'It is clear to us that we require an arrangement with the Board which provides us with a per capita payment for the elderly persons on a similar basis to the children.'⁶⁶

1980s

- 9.9. The HSCB recognises that in the 1980s, significant financial differences and tensions had surfaced in respect to the weekly maintenance rates for children placed by the Western Board in Nazareth House. This occurred at a time when there was a conscious coupling of the Western Board and Nazareth House as partners in the provision of residential childcare in Derry. It appears to the HSCB that enhanced levels of engagement between Nazareth House and the Western Board facilitated a process of constructive negotiation and, as the following example shows, there was a mutually held view between Nazareth House and the Western Board that the per capita rate was low and needed to be increased:

- (i) A letter dated 15 May 1980 from the Mother Superior in Nazareth House to the Director of Social Services proposing £55.70 as the new weekly rates for children from 1 April 1980.
- (ii) A letter from the Western Board to the Mother Superior in Nazareth House dated 1 October 1980, proposed a per capita rate for 1980/81 of £49.07 per child per week and explains that 'previous computations for the per-capita rate have been based on an average occupancy of 25 children, whereas the recent accounts contain a calculation based on an average of 22 children. We cannot increase the per capita rate to offset a falling number of children, partially when Nazareth House could accommodate 39 children.' The letter went onto say that, 'Although this is less than you requested, it nevertheless represents an increase of over 40% on top of the per-capita rate for 1979/80 (i.e. £35). This is

⁶⁶ SND 14421-14422

well in excess of the 14% cash limit increase under which we currently have to operate. Hence, as rise to £49.07 would be considerably more than the increase given to other organizations which the Board helps to fund.’⁶⁷

- (iii) A Western Board memo shows that the rate of £49.07 was backdated to the implementation date of 1 April 1980.⁶⁸

9.10. From the documentation contained in the Inquiry bundle, it appears to the HSCB that the sisters and the Western Board were able to agree upon annual increased weekly maintenance with relative ease until 1986.⁶⁹ The HSCB submits, however, that, in 1986 there was a definite professional will in the Western Board to meet the payments requested by the sisters but they were constrained by economics, when the financial reality of the Board’s budget was brought to their attention. This is evident from following documents, which also show that the Western Board petitioned the Department for help and recognized that the costing base-line in Nazareth House was too low:

- (i) In 1986, internal memo show that the Director of Social Services in the Western Board and SND 502 readily agreed to a request made on behalf of the sisters for an increase in the weekly maintenance rate from £116.00 to £196.00 per week⁷⁰. However, a problem emerged when the Board’s treasurer identified that this represented an increase of 69% and he sought clarification from the Director as to the source of funding for the additional commitment.⁷¹ A meeting was then held on 24 November 1986 to address the funding of Nazareth House. A draft minute of that

⁶⁷ SND 14443-14444

⁶⁸ SND 14441

⁶⁹ For 1980 see internal memo dated 24 November 1981 from ADSS to the Director [not in bundle]; for 1981 see SND 14461-14463 (weekly rate per child £63.02); for 1982 see SND 14480 (weekly rate per child £73.97); for 1983 see SND 14481 to 14483 (weekly rate per child £78.40); for 1985 see internal memo from **TL 19** dated 28 November 1985 and letter at SND 14520 (weekly rate per child £116.00).

⁷⁰ SND 19261

⁷¹ SND 19262

meeting recognizes that one of the significant factors contributing to the increased costs were additional member of qualified staff recently appointed in line with recommendations from Board, Social Services Inspectorate and recommendations from the Hughes Inquiry.⁷²

- (ii) Thereafter, the Western Board wrote to the Department on 22 December 1986 requesting a special financial allocation so that the Board could meet Nazareth House's request for increased capacitation and said:

'This Board is becoming increasingly concerned over the financial difficulties which are being experienced by the Nazareth House Children's Home in Londonderry...it has become increasingly evident that the costing base-line for this Home is too low, and the practical implications of this is the necessity for the management of the Home to increase the capitation charge from £116.00 per week to £196.00 per week.'⁷³

- (iii) The Board sent a reminder letter to the Department on 23 January 1987⁷⁴ and, on 2 March 1987, the Department notified the Board of a non-recurrent increase to the sum of £65,000.00 to provide additional assistance for Nazareth House.⁷⁵
- (iv) The Department wrote to SND 502 on 7 May 1987 and said 'As you know Nazareth House in common with other voluntary children's homes has accumulated substantial deficit since "cash-limits" on per capita charges were introduced circa 1980. The Department hopes that these will be reduced through deficit funding by Boards as and when non-recurring monies can be made available for this purpose.' The letter also confirmed that

⁷² SND 14524-14525

⁷³ SND 19263-19264

⁷⁴ SND 19260

⁷⁵ SND19265

the Board's revenue allocation has been increased for 1987/88 by £50,000.00 for increased payments to Nazareth House Children's Home on a recurring basis, which 'should go some way towards meeting the increased requested by the home.'⁷⁶

- (v) The additional revenue allocation by the Department allowed the Board to increase the weekly maintenance rate to £173.00 for the financial year 1987/88.⁷⁷

9.11. The Western Board's recognition of the low capitation charge was also highlighted to the Department of Health and Social Services in the joint response (undated) prepared by the Western Board and Nazareth House to the 1985 DHSS document entitled 'The statutory/voluntary relationship in the provision of residential child care'), which stated:

'In recent months grave concern has been expressed by representatives from Nazareth House and also from the Department of Health and Social Services regarding the low capitation charge which has been leveled for Nazareth House Children's Home. This is a matter which requires urgent resolution and is being currently discussed at senior level by financial advisors both of statutory and voluntary representatives.'

9.12. The joint response paper also explained that:

- (i) The per capita rates are at present reviewed annually by the Boards but generally they have tended to limit any increase to their percentage increase, which they themselves have received in their financial allocation from the Department.
- (ii) The Boards have argued that many competing demands on their extremely limited resources preclude them in present circumstances from underwriting any substantial increase in the per capita charges levied by voluntary homes and this is a

⁷⁶ SND 19266

⁷⁷ Not yet located in the Inquiry Bundle (copy attached)

problem which our Board is addressing itself to most urgently.

- (iii) Over the years the Western Board has encouraged the Sisters of Nazareth to be realistic in their claims for financial assistance including the per capita charge, however, the sisters have been extremely modest in their demands. It must be emphasized that the Board has the highest respect for the work of the Sisters of Nazareth in Londonderry and their major financial problem is being looked at carefully and realistically along with them ...it is without doubt that the Nazareth House has a justified case for seeking an increase in the per capita rate paid by the Board in respect of children in care placed in Nazareth House'

9.13. The HSCB asks the Inquiry to accept that there remained very good working relations between Nazareth House and the Western Board throughout the 1980s and the serious financial differences that came to a head in 1986 were due to genuine budgetary constraints.

9.14. The HSCB asks the Inquiry to accept that senior personnel in the Western Board recognized that the request for increased funds were appropriate and were anxious to agree the rate requested by the sisters and it was economic analysis by the Board's treasurer at the time that queried the viability of the increase.

9.15. When examining the issue of funding, the HSCB asks the inquiry to consider the context in which discussions and decisions about funding were being made in the 1980s, as an examination of the correspondence between the sisters and the Western Board and internal memos in the Western Board provide some insight into the prevailing factors at the time, which framed the debate:

- (i) A Western Board memo dated 16 June 1980 refers to a letter dated 27 May 1980 from the Mother Superior at Nazareth House and comments as follows regarding Termonbacca:

“The loss of income referred to is a result of less children being placed in the home and a shorter period of stay for those children who do become resident there. This situation is a combination of the policy of using residential care as a last resort along with the fact that St Josephs is not prepared to offer places for those children whose need is the highest i.e. adolescents. In effect, the home is attempting to continue offering a service that is now outdated, mainly for younger children in a large group setting.

On 12 June, there was a meeting between Board staff and representative from St Joseph’s, Nazareth House and Good Shepherd Convent to discuss the opening of Harbeton House and the recommendations of the Black report. It is clear that residential care in the Board’s area will be changing over the next few years, and the need will be for places for adolescents (some with behavioural problems and difficulties) particularly as the Training schools cease to exist. The message we gave to the voluntary sector is that they were a vital asset and had a positive contribution to make. However, it was essential that they adapt to the changing situation, in terms both of the needs of the children and the voluntary sector’s own survival. If they did not, then the number of children in their establishment would continue to fall and eventually would reach the stage where the homes cease to be viable. To say that we received an enthusiastic response at the meeting would be an exaggeration.

In view of this, I am concerned that the Board does not take any measures which would encourage the voluntary sector to desist from examining their future...it seems to me that the theme of SR 97 letter (and the alteration of the basis of calculating the per capita rate) is that a falling average number of children should be accompanied by an increase in the per capita rate. This is something I would strongly advise against, as we would then be funding an unhealthy situation. Perhaps more importantly, we would be encouraging the home in avoiding looking at the realities of their position (i.e. that the numbers are

falling because we would be financially compensating them for this.)⁷⁸

- 9.16. In keeping with the submission made in paragraph 9.8. above, the HSCB asks the Inquiry to note that some of the differences and strains in the 1980s were in respect of costs associated with looking after the elderly, which were still being grouped with costs for running Nazareth House Children's Home. This is documented in a letter dated 15 May 1980 from the Mother Superior in Nazareth House to the Director of Social Services in the Western Board, which refers to the need for improvements to provide better sitting rooms, toilet and bedrooms for the old people and states, *inter alia*,

'Our working relationship's with your staff are very good but I am increasingly concerned about financial relationship in respect of the old people...I must ask your Board to reconsider our request for some assistance for the major renovations being undertaken. Perhaps your Board would even be prepared to support a case to the Department of Health and Social Services to see if help can be obtained.'⁷⁹

1990s

- 9.17. From the documentation available, it appears to the HSCB that funding resurfaced as a contentious issue in 1993 when, for the first time, the Board formalized its partnership with Nazareth House through a written service contract. The problem facing the parties is framed in an internal Board memo dated 13 October 1993 which stated:

'In formalizing a contract with Nazareth House, Foyle Community Unit recognized that the cost per child per week approach that had been used in the past was not really appropriate in a situation where the cost of Nazareth Home, like many of our own facilities, is largely fixed within ranges of activity. As Foyle Community Trust plans to reduce the number of children placed in Nazareth House and in our statutory homes in line with the Regional and Board strategies, it was important to frame the contract in such

⁷⁸ SND 14449-14450

⁷⁹ Not yet found in the Inquiry Bundle (copy attached).

a way as to ensure as far as possible the financial stability of Nazareth House children's home.⁸⁰

9.18. The HSCB recognises that a significant funding gap developed in respect to Nazareth House that was not being met by the annual percentage increases. However, the HSCB submits that the Board itself was severely constrained by budgetary considerations.

9.19. The HSCB also suggests that the Inquiry should exercise caution when interpreting the figures contained in reports regarding capitation funding between:

- (i) The statutory and voluntary sectors;
- (ii) The different Board areas; and
- (iii) Different homes, be they statutory or voluntary.

9.20. The HSCB says that a fair analysis of the relative figures, such as those contained in the 1992 Social Services Inspection Report requires close consideration the type of factors set out in the witness statement filed by TL19 dated 23 May 2014, such as the size of the home, whether the facilities were shared with other services and the nature of the service provided (for more specialist the service, higher capitation charges would apply).

9.21. The HSCB also says a fair analysis of the finance problem should also take into account the severe resource constraints facing the Western Board at the time, which are explained the witness statement by TL19 dated 23 May 2014 which explains that:

‘The baseline for funding for the Social Services in the new Boards⁸¹ was based in the historical income of the predecessor County Council Welfare

⁸⁰ SND 14764

⁸¹ The four Health and Social Services Boards were formed in 1973 pursuant to the Health and Personal Social Services (NI) Order 1972.

Committees. As the new organizations were not co-terminus with the County Council footprints, monies were allocated on a proportionate basis, mainly population. The WHSSB received a low level of resource from its inception, due to its population size. Over the following years all Boards received parentage increases but these did not alter the low funding base in the West.’

9.22. The HSCB also asks the Inquiry to place some weight on the fact that it was not until the 1990s that the Capitation Formula Review Group was established to conduct a ‘root and branch’ review of resource allocation between the four Board areas in Northern Ireland and that this Group identified the Western Board as being underfunded⁸². Further evidence for this is contained in the third Capitation Formula Review Group report dated October 2000 which identified that the WHSSB had the highest level additional needs index and ‘the largest gradient is in respect of the Family & Child Care POC, which has a 45% absolute difference in needs indices between the WHSSB and NHSSB at the other.’⁸³

9.23. The HSCB submits that these statistics reflect high levels of social deprivation in the Western Board area, which were so vividly described by Bishop Daly in his oral evidence to the Inquiry. The HSCB also submits that the high level of need generated a high level of demand for social services in Western Board, which had a low funding base until allocation of resources across the four Boards began to be comprehensively reviewed in the 1990s. **The HSCB asks the Inquiry to accept that this is an important contextual matter that ought to be considered when examining the issues about finance.**

9.24. The HSCB rejects any suggestion that the low capitation rate for Nazareth House and the protracted negotiations about finance indicates that the Board was in any way exploiting the services of its colleagues in the voluntary sector.⁸⁴ Rather, the HSCB asks the Inquiry to accept that the low capitation

⁸² See witness statement of TL19 dated 23 May 2014, paragraph 2.

⁸³ Submitted to the Inquiry on 26 May 2014. Not yet found in the Inquiry bundle.

⁸⁴ This was abundantly apparent in TL4’s oral evidence: See transcript for day 31, page 122 lines 10-23.

charge and protracted negotiations about finance in the 1980s and 1990s were grounded in genuine budgetary constraints; that the Board recognized the problem and was proactive in trying to find a funding solution. The HSCB also asks the Inquiry to accept that the budgetary constraints on the Western Board were exacerbated by an unfair and inequitable allocation of resources to the Western Board at the time.

- 9.25. **The HSCB also asks the Inquiry to accept that, despite their financial differences, there was a very good working relationship between the Sisters and the professionals in the Board which was enduring in nature and, throughout the operation of their voluntary homes in Derry, the Board professionals continually recognized and valued the work of the Sisters of Nazareth.**

10. SEXUAL ABUSE

- 10.1. The evidence of the HSCB witnesses pointed towards the Kincora revelations as the ‘clearest identification’ of sexual abuse by staff working in Children’s Homes: see transcript of TL4’s evidence on day 31, page 138, line 1-6.
- 10.2. The evidence also demonstrates that the Western Board had identified peer sexual activity as a specific issue for the attention of staff working in Children’s Homes in the 1980s, as this is expressly addressed in the Western Board’s ‘Residential Child Care Policy’ booklet that was written by TL4 and published by the Western Board in 1988.⁸⁵
- 10.3. In addition to the 1988 policy booklet, the HSCB submits that the following examples show that the Western Board took proactive steps to address the issue of peer sexual abuse in residential homes:
 - (i) The Western Board’s initiative in establishing a Child Care Review Team to examination the implications of incidents of peer child abuse within residential care (‘the Bunting review’).
 - (ii) The Western Board’s provision of waking night staff in the statutory and voluntary sectors i.e. Nazareth House.⁸⁶
 - (iii) The provision of regular training on sexual abuse issues, which is well documented from 1990.⁸⁷
 - (iv) The Western Board’s instruction of SND 470, an eminent expert in the field of child sexual abuse to provide specialist support and training for staff in the residential homes: see transcript of TL4’s evidence on day 31, page 140, lines 1-25.
 - (v) The Western Board’s Peer Abuse Child Care Symposium (1992).⁸⁸

⁸⁵ SND 17607

⁸⁶ SND 14755 for an internal Western Board memo regarding waking night staff at Nazareth House

⁸⁷ For examples of course see SND 9773 and 9824

- 10.4. In HH 5's evidence to the Inquiry, he spoke about a 'protocol' in operation in the Western Board in the 1980s, which involved residential staff informing the child's field social worker about issues of concern who then progressed the matter. HH 5 also referred to the Core Evaluation Team meetings in Harbeton House as a regular forum for discussing presenting issues in respect to the children and sharing information: see transcript for day 24, page 121 lines 17-25 and page 122 lines 1-8.
- 10.5. However, on the evidence available to the Inquiry, the HSCB submits that it appears the Western Board was not always told about sexual activity between children in its care who were placed in the voluntary homes in Derry. This is evidenced in the following example concerning HIA 69:
- (i) Sr. 6 concession in her oral evidence that she did not think she mentioned the incident between HIA 69 and SND 33 to either boy's social worker: see transcript for day 35, page xxx
 - (ii) SND 33 told the police in 1980 that he told both Sr. 2 and Sr. 6 that HIA 69 was abusing him.⁸⁹
 - (iii) The detailed case reports prepared by SND 484 do not reference her being told about HIA 69 and SND 33.
 - (iv) A handwritten document dated 24/6/87 reflects that that SND 502 contacted the DHSS about HIA 69 and records that "The only incident on file involving [HIA 69] is the SND142/92] case."⁹⁰
- 10.6. The HSCB asks the Inquiry to accept that the oral evidence and documentation relating to those Applicants who were either named as possible perpetrators or victims of peer sexual abuse, indicates that the Western Board responded in a consistently appropriate manner as soon as incidents of a sexual nature were brought to the attention of the social care professionals.

⁸⁸ SND 16738

⁸⁹ SND 18112

⁹⁰ SND 10103-10104

11. BEFRIENDING

11.1. The HSCB submits that the Western Board had a clear written policy on befriending children in residential care with the publication of the Residential Child Care Policy booklet in 1988 and asks the Inquiry to note that the process of vetting befrienders was said to be 'similar to that of prospective foster parents'.⁹¹

11.2. In her statement to the police during the police investigation into HIA 127's allegations about SND 38, [REDACTED] SR 142, formally [REDACTED] SR 142, who worked in Nazareth House between 16 January 1989 and 9 September 1992, said:

"The practice approved by social workers at regular reviews was that where a child, such as [HIA 127] could not go home on visits or receive visits from his family, then the key worker was encouraged to take that child to his or her home, so that the child could experience a stable home environment. All such visits were logged in the appropriate record book and that record book along with other relevant documents could form the documentary basis of the periodic case conference conducted by social workers on each child. I recall that at least two social workers had responsibility for [HIA 127]. They were aware of this practice and as far as [HIA 127] was concerned they were provided with a documentary record of each trip out in [SND 38]'s company. At no time was any anxiety or concern expressed regarding this practice. These visits did not involve an overnight stay except on one occasion at Christmas Eve. Since this was outside the agreed and approved routine we contacted [redacted name] sought her permission and she readily gave it."

⁹¹ SND17581-17582

- 11.3. TL4 and SND500 testified that it was an exceptional circumstance for a key worker to befriend a child and they each recalled only two examples in their professional careers: one involving SND 38 and HIA 127 and one other which even at this stage, the child in adult life with his own family, are still very much of the key workers life: see transcript for day 31, page 146 lines 12-22 and transcript for day 28, page 68 lines 23-25 and page 69 lines 1-13.
- 11.4. **The HSCB asks the Inquiry to accept the evidence of TL4 and SND500 that befriending by a key worker was an exceptional circumstance and that the Western Board did not approve a policy of keyworkers in Nazareth House taking children in residential care home.**
- 11.5. The HSCB also asks the Inquiry to note that in the case records of HIA 127, SND 38 is consistently referred to as a ‘keyworker’ and that it was SND 38 himself who recommended a ‘befriender’ for HIA 127 in a residential review form dated 5 May 1989⁹².
- 11.6. When considering this issue, the HSCB asks the Inquiry to reflect upon the evidence of TL4 and SND 500, who both explained the particular role of keyworkers in residential care. Keyworkers are tasked with building a meaningful relationship with children they look after. TL4 said, “They are children. They’ve got feelings. They develop relationships...they live off relationships, as we all do...but the role of the key worker was actually controlled. They didn’t just take children out of their own accord without other people knowing it was happening.’ see transcript for day 31, page 144 lines 3-22.
- 11.7. Finally, the HSCB asks the Inquiry to reflect upon the difficult task facing social workers working with children in residential care who try to achieve ‘a healthy balance between safety and between allowing normal and healthy opportunities for the young people that [they] have got responsibility’ for⁹³:

⁹² SND 5228

See SND 500's oral evidence in the transcript for day 28, page 66 lines 1-12