

**THE INQUIRY INTO HISTORICAL INSTITUTIONAL ABUSE 1922 TO 1995**

**MODULE 4**

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

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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 4, the Inquiry has heard evidence in respect to Nazareth Lodge Belfast and Nazareth House Belfast.
- 1.3 **Nazareth Lodge Belfast** was established in 1887 and was certified as an Industrial School from 11 November 1902 until 1950. From 1951 until November 1997, Nazareth Lodge was registered and operated as a Voluntary Children's Home. Initially Nazareth Lodge accommodated only boys. This practice changed in or around 1967<sup>1</sup>, when girls and boys both began to be accommodated in Nazareth Lodge, which allowed for siblings and family groups to be kept together.
- 1.4 As a general rule, from September 1953, boys living in Nazareth Lodge were moved as a group to Rubane when they reached the age of 11 years, heralding the start of their secondary school education. This practice stopped in 1977 and it appears that [REDACTED] [SR 30] and [REDACTED] [SR 52] were the catalysts for this change<sup>2</sup>.
- 1.5 **Nazareth House Belfast** was established as a voluntary home for children in 1876 and operated as a registered children's home between the 12 June 1950 and 31 May 1984, when the last child left. Mother Regional returned the Home's registration certificate to the Department of Health and Social

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<sup>1</sup> Transcript of Opening by Senior Counsel to the Inquiry, Day 81, line 24

<sup>2</sup> Transcript of SR 52's oral evidence: Day 112, page 141 lines 24-25 and page 142, lines 1-16. This development was also mentioned by SR 46 in her evidence on Day 93, page 63, lines 14-24.

Services by correspondence 27 June 1984<sup>3</sup>. The Department subsequently notified all Boards that Nazareth House had been removed from the Register by Circular HSS (CC) 2/84 issued on 11 September 1984<sup>4</sup>.

1.6 Nazareth House Belfast accommodated only girls. However, it is known that some exceptions were made as HIA 142 lived in Nazareth House between 1962 and 1964 when he was 2-4 years old. It is also known that HIA 386 lived in Nazareth House between the years 1969 and 1971 in the same group as his older sister, HIA 175, and was moved to Nazareth Lodge<sup>5</sup> only after his sister had left the Home.

1.7 The picture emerging from the evidence is that the Nazareth Homes in Belfast were populated largely by 'privately' placed children right up to the late 1960s. This is demonstrated by the following extracts from the Inquiry Bundle:

- 21 January 1935: Report on Nazareth Lodge Industrial School noted 6 "committed" children and 176 cases<sup>6</sup>.
- 20 November 1935: There is a note that there were 9 "committed" children with 179 "voluntary inmates and 14 babies...neither the government nor the local authority contributes to the support of such children."<sup>7</sup>
- Report from 19 December 1950: "3 training school children in residence, and 274 voluntary cases."<sup>8</sup>
- 31 March 1965: Nazareth House Belfast had 31 welfare and 88 voluntary placements; Nazareth Lodge Belfast had 29 welfare and 81 voluntary placements.<sup>9</sup>
- 14 November 1971: There were 67 children in Nazareth Lodge Belfast,

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<sup>3</sup> SNB 15489

<sup>4</sup> SNB 15478

<sup>5</sup> HIA 368 lived in Nazareth Lodge Belfast between September 1971 and August 1972 before being boarded out.

<sup>6</sup> SNB 13555

<sup>7</sup> SNB 13761 Memorandum of Inspection from Ministry of Home Affairs

<sup>8</sup> SNB 13672

<sup>9</sup> SNB 16623

57 welfare placements and 10 voluntary placements<sup>10</sup>.

- 1.8 The table below, which sets out a general profile of the Applicants in Module 4, also informs the HSCB view that it was not until the late 1960s that there was a significant shift in the direction of welfare authority admissions to the two Nazareth Voluntary Homes:

Placement	Total Applicants	Private	Welfare
1922 - 1929	1	1	
1930 - 1939	5	5	
1940 - 1949	20	20	
1950 - 1959	26	25	1
1960 - 1969	35	24	11
1970 - 1979	12	1 <sup>11</sup>	11
1980 - 1989	2		2

- 1.9 In the view of the HSCB, it is striking that the rise in the number of 'welfare' admissions to the Nazareth Homes in Belfast corresponds in time with social work becoming a professional occupation in Northern Ireland. The rise may also be a reflection of the Nazareth Homes asking the welfare committees to assume financial responsibility for children who had been

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<sup>10</sup> SNB 19901

<sup>11</sup> This was HIA 397 who was privately placed at birth in 1968 in St Josephs Baby Home and shortly after his move to Nazareth Lodge Belfast in May 1973, he came into the care of the Western Health and Social Services Board in September 1973.

privately placed there. Further reference will be made to this in Chapter 4 regarding finance.

- 1.10 It is also clear that over the years the Homes had to respond to reduced numbers of children being accommodated in residential institutions. The references in paragraph 1.2 demonstrate that these Homes were accommodating over 100 children in the early years, which changed substantially over time so that by 1989, Nazareth Lodge requested re-registration for the accommodation of just 30 children.<sup>12</sup>
- 1.11 The reduction in numbers of children in residential care had also contributed to falling numbers, which caused the viability of Nazareth House Belfast to be addressed. The Sisters of Nazareth engaged with the Eastern Board in this respect in early 1983<sup>13</sup>. While the future of Nazareth Lodge Belfast was secured, it was agreed that Nazareth House Belfast would close.
- 1.12 Further challenges for the Homes were: their need to respond to the changing character of children accommodated with them; and changing the physical nature of their accommodation to better suit the needs of children. This was addressed by the home in the 1960's when smaller bedrooms and the development of smaller units, each with their own Head of Unit, replaced the dormitory style accommodation. The autonomous nature of each Unit within Nazareth Lodge, however, led to other problems as this perpetuated a system in which there were significant disparities in child care standards and practices within the Home.
- 1.13 In preparing this 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. In doing so, the HSCB is aware that

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<sup>12</sup> SNB 15820 for the request from Nazareth Lodge, and SNB 15817 for the approval of the Department to the proposed course.

<sup>13</sup> SNB 15509

the Inquiry's focus is how the State performed its duties towards children in its care during the relevant period.

- 1.14 The core duty upon welfare authorities towards children in their care was found in Section 89 of the Children and Young Persons Act (NI) 1950 ("the 1950 Act")<sup>14</sup> and Section 113 of the similarly entitled 1968 Act<sup>15</sup>, which provided that welfare authorities had a duty to further the best interests of children in their care and afford them opportunity for the proper development of their character and abilities.
- 1.15 Welfare authorities also had a duty to ensure that no child in their care was deprived of the benefits available under the enactments relating to health, education and employment.
- 1.16 Section 90 of the 1950 Act provided that residential care was only to be provided for children where "it is not practicable or desirable for the time being to make arrangements for boarding out"<sup>16</sup>.
- 1.17 When preparing the written submissions at the close of Module 4, the HSCB has reminded itself of Miss Smith QC's closing remarks to the Inquiry Panel in Module 1, when she said:
- "a systemic failing by the State constituted of a failure to ensure either*
- (a) That the institution provided proper care, or*
  - (b) That the children in that institution would be free from abuse, or*
  - (c) That it took all proper steps to prevent, detect and disclose abuse in that institution, or*
  - (d) That it took appropriate steps to investigate and prosecute criminal offences involving abuse."*<sup>17</sup>

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<sup>14</sup> HIA 226

<sup>15</sup> HIA 372

<sup>16</sup> HIA 226

<sup>17</sup> Transcript of Day 41, page 19, lines 19-25 and page 20, line 1

## 2. STANDARDS OF CARE IN THE NAZARETH HOMES IN BELFAST

### 2.1 REGISTRATION AND INSPECTION

2.1.1 Nazareth House was registered as a voluntary children's home between 12 June 1950 and 31 May 1984.

2.1.2 Nazareth Lodge was registered as a voluntary children's home between 1951 until November 1997.

2.1.3 Pursuant to section 99 of the Children and Young Persons Act (Northern Ireland) 1950<sup>18</sup> and section 127 of the Children and Young Persons Act (Northern Ireland) 1968<sup>19</sup>, the Ministry of Home Affairs ("the Ministry") and, later on, the Department of Health and Social Services ("the Department") was the registering authority for all voluntary homes in Northern Ireland.

2.1.4 As the registering authority, the Ministry, and later the Department, had the power to remove a voluntary home from the register, so long as not less than 28 days notice in writing of its proposal to deregister was given to the voluntary home, where at any time it appeared to the Ministry (or Department) that the conduct of the voluntary home "*was not in accordance with the regulations made or directions given...or is otherwise unsatisfactory...*"<sup>20</sup>

2.1.5 The Voluntary Homes Regulations 1952<sup>21</sup> and Children and Young Persons (Voluntary Homes) Regulations (Northern Ireland) 1975<sup>22</sup> set out a number of important mandatory requirements upon the administering authority of each voluntary home in Northern Ireland, including:

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<sup>18</sup> HIA 232

<sup>19</sup> HIA 379

<sup>20</sup> HIA 233, section 99(4) of the Children and Young Persons Act (Northern Ireland) 1950 and HIA 379, section 127(4) of the Children and Young Persons Act (Northern Ireland) 1968.

<sup>21</sup> HIA 287

<sup>22</sup> HIA 444



- Ensuring that each home in its charge was conducted in such a manner and on such principles as would further the well being of the children in the home.
- Making arrangements for the home to be visited at least once in every month by a person who would satisfy himself whether the home was conducted in the interests of the well-being of the children and would report to the administering authority upon his visit and enter his name and date of visit in the record book.
- Appointing someone to be in charge of the home who would compile certain records<sup>23</sup>, keep them at all times available for inspection by the Ministry (and later Department) and be responsible for keeping the medical records of each child at all times available for the medical officer or any inspector appointed by the Ministry (and later Department).
- Ensuring that each child in the home attended religious services and received religious instruction appropriate to the religious persuasion of the child.
- Appointing a medical officer to carry out certain duties specified in the regulations.
- Making suitable arrangements for the dental care of children in the home.
- Notifying the Department of the death of any child in the home or any accident in the home resulting in serious injury to a child or member of staff and also notifying a welfare authority, if the child was placed in the home by a welfare authority.
- Arranging for periodic inspections by the Fire Service, carrying out periodic drills and practices and reporting to the Ministry (and later Department) any outbreaks of fire in the home.

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<sup>23</sup> The records to be kept were: 1. A register of admission and discharges; 2. An events of importance record book; 3. A record of fire practices or drills conducted in the home and all fire precautions agreed with the Fire Authority; 4. Menus of meals provided to the children in the home.

- Furnishing the Ministry (and later Department) with quarterly returns giving particulars of corporal punishment imposed during the preceding three months.
- Notifying the Ministry (and later Department) when a person in charge of a home ceases to be in charge of the home and of any new appointment made.

2.1.6 The 1952 and 1975 regulations also required the person in charge of the home to:

- Ensure that the home was maintained by his personal influence and understanding and that of his staff;
- Avoid resorting to corporal punishment as far as possible; and the regulations set out a code of conduct and conditions for persons in charge of the home to follow regarding punishments, the use of corporal punishment and the recording of corporal punishments in a record book.

2.1.7 The 1952 and 1975 Regulations also empowered the Ministry (and later Department) to give certain directions about the accommodation of children. These were directions:

- Limiting the number of children who at any one time could be accommodated in the home.
- Limiting the period during which any child could be accommodated in a home
- Requiring any child to be removed from a home and to be placed in another home or in a welfare authority home or to be boarded out.
- Requiring the administering authority of the voluntary home to furnish returns of the children in the home or boarded out from the home.
- Requiring the administering authority to furnish to the Ministry (and later Department) information about the facilities provided for the parents, guardians and relatives of children in the home to visit and communicate with the children and the administering authority was

required to comply with any directions so given by the Ministry (and later Department).

2.1.8 It is also important to note that, in addition to wide ranging duties upon administering authorities and the specified powers and monitoring role invested in the Ministry (and later the Department) by the 1952 and 1975 Regulations, there was a concomitant power of inspection invested in the Ministry (and later the Department) by the 1950 and 1968 Acts. Each of these statutes expressly empowered the Ministry “*at all reasonable times to enter the home and make such examination of the state and management thereof and the condition and treatment of the children therein as he thinks requisite...*”<sup>24</sup>.

2.1.9 The 1950 and 1968 Acts also gave the Department powers to:

- Require welfare authorities to remove a child from a voluntary home<sup>25</sup>
- Require the person in charge of a voluntary home to hand over any child accommodated in the voluntary home to a welfare authority<sup>26</sup>.

2.1.10 The Inquiry has heard evidence that the HSCB predecessors relied on the fact of registration of the Nazareth Homes when deciding about placements for children in their care. For example, on Day 116, Mr. O’Rourke agreed with the following proposition:

*“if a home was registered, it met the basic standards of material accommodation, staffing and so on, and it was just a question of whether it was in the right place for the right child...”*<sup>27</sup>

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<sup>24</sup> HIA 237, section 102(2) of the Child and Young Persons Act (Northern Ireland) 1950; HIA 383, section 130 (2) of the Child and Young Persons Act (Northern Ireland) 1968

<sup>25</sup> HIA 230, section 93(2) of the Child and Young Persons Act (Northern Ireland) 1968; HIA 375, section 117(2) of the Child and Young Persons Act (Northern Ireland) 1968

<sup>26</sup> HIA 237, section 101(2) of the Child and Young Persons Act (Northern Ireland) 1950; HIA 375, Section 129(2) of the Child and Young Persons Act (Northern Ireland) 1968

<sup>27</sup> Transcript of Day 116, page 163, lines 19 to 25

2.1.11 In the HSCB's view, its predecessors' reliance on the continued registration of the Nazareth House and Nazareth Lodge in satisfying itself that the Homes met basic standards of care was reasonable in all the circumstances, particularly given the wide range and scope of the duties and powers contained in the 1952 and 1975 Regulations which included a monitoring role for the Ministry (and later the Department) with regard to the use of corporal punishment and changes in the person in charge of the home.

2.1.12 In the HSCB's submission, the reasonableness of its predecessors relying on continued registration as signalling that basic standards of care were met is fortified by the Ministry (and later the Department) having express the powers to:

- “[E]nter the home and make such examination of the state and management thereof and the condition and treatment of the children therein as he thinks requisite...”<sup>28</sup>
- Limit the number of children in homes
- De-register a home if the mandatory regulations were not being complied with.

2.1.13 The HSCB also submits that the respected position of the Sisters of Nazareth in providing child care facilities in Northern Ireland since the turn of the century, the geography of Northern Ireland and the comparatively small professional body who placed children in the Homes on a regular basis (mostly the North and West Belfast and South and East Belfast Units of Management in the Eastern Health and Social Services Board) are all relevant factors when considering the question of reasonableness. There was, in the words of Mr. Lane on Day 117, an “*accumulated wisdom and experience*”<sup>29</sup> in Northern Ireland about these two Homes and the type of placements offered to children in the care system, who for whatever reason could not be placed with their extended family or in foster care placements.

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<sup>28</sup> HIA 237, section 102(2) of the Child and Young Persons Act (Northern Ireland) 1950; HIA 383, section 130 (2) of the Child and Young Persons Act (Northern Ireland) 1968

<sup>29</sup> Transcript for Day 117, page 48, lines 23 to 25

2.1.14 In his evidence to the Inquiry on Day 117, John Duffy on behalf of the HSCB said that there appeared to be a ‘light touch’ approach with regard to intervention within the voluntary homes.<sup>30</sup> This appears to chime with Dr. McCoy’s evidence to the Inquiry later the same day when he described the approach of the Department to the voluntary child care sector in Northern Ireland as ‘benign’<sup>31</sup>.

2.1.15 To date, there are no available records of inspections in Nazareth House and from the Inspection reports that are available in respect to Nazareth Lodge, it appears that the inspectors only began to examine and report upon compliance with the regulations from 1986. Through the work of the Inquiry, it now appears that, prior to 1986, the Department was not actively scrutinizing whether the conduct of the Nazareth Homes was in accordance with the regulations. There is no evidence that this was known to the Welfare Authorities or Health Boards at the time. Rather it appears they had implicit confidence in the body tasked with the regulation and inspection of the Homes.

2.1.16 In the HSCB’s view, it is clear from evidence given by social workers to the Inquiry that social workers did not rely on registration alone when placing children in the Nazareth Homes in Belfast. Rather, there was a two-step analysis. First, was the Home registered to accommodate children? If so, was the Home a suitable placement for the particular child? This was a professional assessment based on the child’s needs and whether or not the child could be accommodated with extended family or foster carers. From the late 1960s and early 1970s, it was also an assessment that was formally reviewed on a periodic basis through the child in care reviews convened by the HSCB’s predecessors.

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<sup>30</sup> Transcript for Day 117, Page 29, lines 9 to 14

<sup>31</sup> *Ibid.* Page 118, lines 12 to 19

2.1.17 In addition, from 1983, paragraph 17 of the Monitoring of Residential Childcare Services Circular<sup>32</sup> required Health Boards to satisfy themselves about the standards of care being provided for each child placed by them in a voluntary home whilst expressly stating that Health Boards are not involved in monitoring the overall standards, either professional or material, of voluntary homes.

2.1.18 In the HSCB's view, the terms of paragraph 17 of the 1983 Circular [10/1983] reflect the duty that Health Boards had to ensure that individual children placed by them in the Nazareth Homes were receiving satisfactory standards of care and, in practice, Health Boards discharged this duty by (a) ensuring social workers visited and spoke with children in their care at least once a month and (b) convening periodic child in care meetings and compiling reports on the child's wellbeing across a number of domains in order to meaningfully and regularly review the welfare of each child placed in care.

## 2.2 VIEWS OF VISITING PROFESSIONALS

2.2.1 The general thrust of the evidence is that social workers who visited Nazareth were welcomed by the Sisters and they either took the children away from the Home or visited them within the confines of the Nazareth Homes. On Day 110, [REDACTED] [NL 187] described her visits in the following way:

*"when I visited, rang the bell at the door, it was always opened by an elderly nun, who showed me into a waiting room just on the left. Then usually one of the nuns, either SR 180 or SR 30, would come to the waiting room and speak to me. We would have some discussion about the children. Then I was brought down the corridor to another larger room, quite a formal sitting room, but it had a large table, almost like a boardroom table. It was quite a kind of formal setting. The children*

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<sup>32</sup> SNB 7500

*were then brought to me there and I was able to spend time with them alone. The nun who had spoken to me had by that stage left and I spoke to the children on their own usually for about an hour or so.<sup>33</sup>*

2.2.2 NL 187 visited HIA 41 and his siblings in Nazareth Lodge between October 1975 and August 1977 and she said: *“I never saw anything else within the home. I never saw where the ... children slept or their living quarters or anything beyond there.”<sup>34</sup>* However, NL 187 also recalled that *“in the 1980s I had a young -- a teenage girl who was in Nazareth Lodge, and I do recall going to her bedroom to talk to her.”<sup>35</sup>*

2.2.3 NHB 136 was a social worker who visited HIA 5 in Nazareth Lodge between December 1983 and June 1985. NHB 136 has no memory of seeing HIA 5 or his brother in their bedroom at Nazareth Lodge<sup>36</sup>. However, she does recall confronting SR 2 and seeking certain assurances before placing any child in Nazareth Lodge, due to the lasting impact upon her of a talk delivered by a former resident of the Home, when she was studying social work at Queen’s University<sup>37</sup>.

2.2.4 In the HSCB’s view, this shows that social workers who placed children in the Nazareth Homes took steps to satisfy themselves that the children for whom they had case responsibility were being well cared for. This point is also demonstrated by NHB 136’s evidence when she was asked by Miss Smith QC about her impressions of the Home. She told the Inquiry:

*“I think I was very happy with it...I think SR 2 was very good, very caring. I spent a lot of time with her...I would not have left the children there or – and I placed other children after that, and believe me, social workers do not place children very easily. It hurts to take a child from its home, you know, even if the environment was*

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<sup>33</sup> Transcript for Day 110, page 28, lines 1-15.

<sup>34</sup> *Ibid.* Page 29, lines 7-9.

<sup>35</sup> *Ibid.* Lines 23-25.

<sup>36</sup> Transcript for Day 106, page 12, lines 18-22.

<sup>37</sup> *Ibid.* Page 5, lines 16-25 and page 6, lines 1-5.

*very poor...I have no sense of anxiety about the Home, and I'm pretty certain, knowing how I practice, that if I had, I would have done something or recorded it.<sup>38</sup>*

- 2.2.5 Other social workers who have submitted to evidence to Inquiry have mentioned the institutional quality of the buildings. For example, [REDACTED] [NL 234] who was a Senior Social Worker for HIA 141's family and visited Nazareth Lodge in the late 1970s, said in her witness statement:

*"I believe I visited Nazareth Lodge on four or five occasions. It was a large and imposing building with extensive grounds and I remember thinking how difficult it would be to supervise all the children in this environment."<sup>39</sup>*

- 2.2.6 In March 1988, Mr Black, Assistant Director of North and West Belfast Unit of Management in the Eastern Health and Social Services Board wrote to Miss Beagon of the Social Services Inspectorate having canvassed the views of his staff and said:

*"There was unanimous recognition of the high levels of physical care afforded to the children, in terms of environmental issues, clothing and provision of food."<sup>40</sup>*

- 2.2.7 On Day 114, Miss Reynolds, who inspected the Home in 1993, also spoke about the institutional quality of Nazareth Lodge which she said was:

*"Really in quite an institutional setting, because it had a primary school, a nursery school, a secondary school, and another large children's home all on the one campus...but, having said that, once you got into the Homes, the Sisters had made considerable effort to personalise the Homes, to make them domestic in nature, and*

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<sup>38</sup> Transcript for Day 109, page 10, lines 1 to 13

<sup>39</sup> SNB 7462, Witness Statement of NL 234, paragraph 28

<sup>40</sup> SNB 13915



*they had done that as much as they could, given the structure of the buildings and the premises they had..."*

## 2.3 THE APPLICANT'S EVIDENCE

2.3.1 Some Applicants, who were in the care of welfare authorities, have filed witness statements and, in most cases, given evidence about the care they received whilst living in one or other of the Nazareth Homes in Belfast. These Applicants' evidence describes intolerable living conditions in which physical and emotional abuse and neglect and exploitation of children was rife.

2.3.2 In general terms, there appears to be a disconnect between the childhood experiences that the Applicants have described in their evidence to the Inquiry and the views recorded by visiting social workers about the standards of care provided to children in the Nazareth Homes over the years.

2.3.3 The HSCB has been able to produce social work records for most of the Applicants in Module 4 who were in the care of welfare authorities and Health Boards and placed in one or other of the Nazareth Homes in Belfast. With some notable exceptions, some of which are addressed in paragraph 2.4 below and in Chapter 3, there is nothing in the records to suggest that the welfare authority had knowledge of the issues these Applicants have now talked about to the Inquiry. This is seen in the following case examples:

- **HIA 327** lived in Nazareth House between 29 November 1961 and 9 July 1971. HIA 327 did not give oral evidence but her witness statement describes physical abuse by SR 79 and SR 31, heavy cleaning and scrubbing chores, terrible food as well as Jeyes Fluid being used in

baths and the children all wearing the same clothes<sup>41</sup>. HIA 327's social work records show that regular reviews were held in respect of her and she was also visited regularly by her social worker. However, there is no indication that the visiting social work knew about the conditions now described by HIA 327 in her witness statement.

- **HIA 225** lived in Nazareth Lodge between 13 January 1965 and 20 August 1968 when he was aged 8 to 11 years old. In his witness statement HIA 225 recalls "*we made our own beds, we cleaned, we cleaned the baths, and we polished the corridors and floors with an orange wax using bits of blanket.*"<sup>42</sup> HIA 225 also recalls being beaten with a wooden bat by SR 34 and serious physical and emotional abuse by NL 4. He also remembers being made to eat turnip and his own vomit. There are no entries in HIA 225's social work file that would suggest that the welfare authority had any knowledge of the issues raised by HIA 225 in his witness statement at the time of his placement in Nazareth Lodge Belfast.
- **HIA 175** lived in Nazareth House Belfast between 16 May 1969 and 10 September 1971, when she was aged 13 to 15 years old. HIA 175 recalls seeing her younger brother standing with a wet sheet over his head after he wet the bed, using a very heavy buffer to polish the floors and having chores that included working with the elderly. HIA 175 also recalls SR 31 hitting her with a bunch of keys and her social worker buying her clothes, which were taken off her by SR 31<sup>43</sup>. There are voluminous social work records relating to HIA 175 but there are no records of HIA 175 bringing any matters of concern to the attention of her social worker and there is nothing in the records to suggest that the

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<sup>41</sup> SNB 791-800

<sup>42</sup> SNB 530, Witness Statement of HIA 225, paragraph 7

<sup>43</sup> SNB 161 - 169

welfare authority had any knowledge of the issues now raised by HIA 175 in her witness statement<sup>44</sup>.

- **HIA 368** was born in 1961 (younger brother of HIA 175) and he was placed in Nazareth House Belfast between 16 May 1969 and 10 September 1971 and Nazareth Lodge Belfast between September 1971 and 11 August 1972. HIA 368 recalls standing with a wet sheet over his head after wetting the bed in Nazareth House and being forced to eat vegetables. He also recalls receiving 'hidings' from the nuns and teenage girls making him 'climb up their nightdresses and touch them intimately.'" However, there are no records in HIA 368's social work files that suggest that the welfare authority had any knowledge of the incidents now described by him.
- **HIA 397** was born in August 1968 and lived in Nazareth Lodge Belfast between 1 May 1973 and 16 March 1978. HIA 397 being slapped by a member of lay staff and also describes rough handling by her and on occasion when she struck her stiletto shoe into his hand. HIA 397 also describes physical abuse at the hands of two sisters. There are records of monthly social work visits taking place from October 1975 but there are no recordings of these matters in the social work notes and records.

## 2.4 [REDACTED] [HIA 141]

2.4.1 It is known from the social work records relating to HIA 141 that there were serious issues about the care she and her siblings received in Nazareth House Belfast. HIA 141 was placed in Nazareth House on 4 March 1977 at the age of 12 months along with her eight siblings and she lived there until 24 August 1981, when she was 5 years old. The social work records show the following incidents:

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<sup>44</sup> SNB 3571, Witness Statement of Marian Hall dated 3 March 2015, paragraph 17

- In **April 1977**, HIA 141 sustained a scald injury to her face when NL 19 was supervising her. She received prompt and appropriate medical care and attention. Prior to this event occurring, HIA 141's mother had complained to the social worker about NL 19's behaviour in the Unit and the social worker promptly raised this with SR 29. On being notified of the scalding, the social worker immediately informed HIA 141's mother and visited the Unit the following day when she spoke with SR 29 and queried NL 19's qualifications who said she was a State Registered Nurse who came to work in Nazareth House in June 1975. According to SR 29, NL 19 *"had proven herself as a person who could shoulder responsibility but added that, at times, she became quite agitated and had a tendency to shout at the older girls rather than reason with them."*<sup>45</sup> The social worker's report about the matter concludes by saying NL 19 was given one weeks leave after the incident and there was a question mark over her return to Nazareth House. SR 29 indicated that, if she did return, it would not be to HIA 141's Unit.<sup>46</sup>
- In **May 1977**, HIA 141's brother, known as NL 109, broke his arm after falling ten feet from the top of a fire escape. The report from Nazareth Lodge details that NL 109 was immediately rushed to hospital and his arm placed in plaster<sup>47</sup>.
- In **May 1977**, HIA 141's sister, known as NL 30, fell off a swing and required eight stitches to her chin<sup>48</sup>.
- In **September 1977**, NL 30 was sexually assaulted whilst she was playing with two other children in the grounds of the Home.<sup>49</sup> The records show that NL 30's social worker visited her in the Home the

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<sup>45</sup> SNB 5971

<sup>46</sup> SNB 5971-5972

<sup>47</sup> *Ibid.*

<sup>48</sup> SNB 5965

<sup>49</sup> *Ibid.*

following day and the staff at Nazareth Lodge were noted to be shocked at the incident and stated that it would lead them to being much more careful in the future when supervising the children<sup>50</sup>. NL 30 was medically examined after the assault. The police were also notified and NL 30 was interviewed.

- 2.4.2 After HIA 141's scalding injury, documents in her social work file show that the District Social Services Officer was informed and there followed a series of memos and letters between the District Social Services Officer and Director of Social Services about the matter between May and June 1977. For example, on 4 May 1977, the District Social Services Officer wrote to the Director of Social Services saying, *inter alia*:

*"I think the only thing we can do is monitor the situation and respond appropriately. Accidents can occur although SR 29 does not appear to be entirely happy with the explanation that has been given."<sup>51</sup>*

On 15 June 1977, the Director wrote to the District Social Services Officer saying:

*"The case, in general, raises some interesting points as to our agency's motivation and ability to cope with 9 children from the one family in care and I would hope that when we next meet I would have some opportunity to discuss these with you."<sup>52</sup>*

- 2.4.3 Other documents in HIA 141's social work file show that the District Social Services Officer was updated with relevant reports, for example those relating to NL 30' medical examination following the sexual assault, and

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<sup>50</sup> *Ibid.*

<sup>51</sup> SNB 5979

<sup>52</sup> SNB 46635

reference the District Social Services Officer's intention to "*raise the matter with the Director*".<sup>53</sup>

- 2.4.4 It is also known that the family's social worker compiled a report dated 19 October 1977 detailing, *inter alia*, all the above-mentioned incidents<sup>54</sup>. This report was sent by NL 234, the Senior Social Worker to the District Social Services Officer for the attention of the Principal Social Worker on even date with a covering memo that said:

*"We are all very concerned about these children, especially in view of the incidents which have occurred in Nazareth Lodge. The Sisters have done a great deal to help these children but there are difficulties in running a home of this size and some of the younger staff are untrained and need a lot of supervision."*<sup>55</sup>

- 2.4.5 The social worker's report dated 17 October 1977 stated:

*"I feel that the overall care at 'Nazareth' is good although I feel that when incidents happen they are sometimes slow to notify our department and a little vague about the procedure to take, although they have been advised about this on several occasions.*

*The building is extremely extensive which must make the actual running of the home very difficult.*

*The grounds are very widespread and open and it would therefore be virtually impossible to have control over persons passing through the grounds.*

*The tennis courts, which are beside the play area, are let to a local R. C. Church and its members, thus affording all sorts of people access to the grounds.*

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<sup>53</sup> SNB 46642 and SNB 46643

<sup>54</sup> SNB 46608 - 46611

<sup>55</sup> SNB 46607

*The soup kitchen. I was not aware that a soup kitchen existed until the incident involving NL 30. On enquiry I was informed that a hatch leading from the kitchen to a hut outside the building is used to serve free meals to the poor. While I appreciate that this is a service which the Sisters feel they should offer to the poor in the community I think that it increases the need for strict supervision of the children while they are playing outside the building."*

- 2.4.6 However, there is no documentation on HIA 141's social work file or that of her siblings that records what consideration was given to the views expressed in the social worker's report dated 17 October 1977 by (i) the District Social Services Officer and (ii) the Director of Social Services, and what steps, if any, were taken on foot of the concerns raised. The HSCB considers that a record ought to have been kept recording the views of the District Social Services Officer and Director of Social Services and any steps that were taken to address the issues raised.
- 2.4.7 The HSCB also considers that the contents of the report dated 17 October 1977, the number and nature of adverse incidents recorded and the serious child care practice issues raised were all such that they ought, as a matter of good practice, to have been raised with the Home and the Department by its predecessor organization.
- 2.4.8 It is also noted that pursuant to regulation 9(b) of the Children and Young Persons (Voluntary Homes) Regulations (Northern Ireland) 1975<sup>56</sup>, the Administrating Authority of Nazareth Lodge was required to notify the Department "of any accident in the home resulting in serious injury to a child". However, to date, no documentation has been filed with to the Inquiry that shows that such notification was given after HIA 141 was scalded or when her siblings were injured. The giving of such notification should have alerted the registering authority to the injury and the associated issues regarding staff supervision, training and adequacy of staff numbers.

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<sup>56</sup> HIA 444

## 2.5 CONCLUDING REMARKS

2.5.1 It appears to the HSCB that a large proportion of the Applicants in Module 4 have spoken about living in fear during their time in the Nazareth Homes. HIA 132, who was privately placed in Nazareth Lodge between 15 November 1960 and 20 August 1968, spoke about this on Day 91 when he explained why he did not tell anyone about what he was going through at the time:

*"It was the fear, the fear of getting beat and the fear of nobody listening, and they would beat you for -- they would say, "You're telling lies"."*<sup>57</sup>

2.5.2 In the HSCB's view, the fear felt, and consequential silence of Applicants, may be a relevant consideration when assessing why social workers were not aware that children in their care were being subjected to child care practices which were so obviously inimical to their proper development and welfare.

2.5.3 The HSCB also considers that the system in operation during the time period under consideration had four main strands to ensure basic standards of safe care for children placed in voluntary children's homes. These four strands were:

- (i) **The employment of appropriate management and staff:** In the HSCB's submission, it was the responsibility of the administering authority of the Nazareth Homes in Belfast to recruit and deploy managers and staff with the necessary skills and experience to ensure the 'well-being' of children placed within their children's home and, pursuant to the 1952 and 1975 Regulations, this responsibility

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<sup>57</sup> Transcript of Day 91, page 30 line 25 to page 31 line 2



included ensuring that appropriate management, monitoring and supervision arrangements were in place.

- (ii) **The ‘voluntary visitor’ arrangement:** The administrating authority had the responsibility to ensure that each of the Nazareth Homes was visited on a monthly basis by a voluntary visitor to ‘satisfy himself whether the home is conducted in the interests of the well-being of the children<sup>58</sup>’.
- (iii) **The visiting social worker:** In 1983, the Circular 10/1983 stipulated that Health and Social Services Boards “*must satisfy themselves about the standards of care being provided for each child placed (by them) in a voluntary home*”.<sup>59</sup> This was undertaken by Board (and later Trust) social workers when they visited children in the Homes, which by policy had been set at a minimum level of monthly and when they conducted the periodic child in care review meetings.
- (iv) **Registration and Inspection of the home by the Ministry of Home Affairs (and later the Department)** under the 1950 and 1960 Acts and 1952 and 1975 Regulations.

2.5.4 The HSCB considers that the range of measures set out above was capable of providing an effective mechanism to safeguard the care and safety of children placed in voluntary children’s homes. However, it now seems that these measures were not effective in relation to the Nazareth Homes in Belfast. In the HSCB’s view, the reasons for this are multifactorial and complex. The fact that visits to the Home by social workers and inspectors and, in all likelihood, voluntary visitors were generally pre-arranged and were, therefore, anticipated by staff and children may have a part to play

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<sup>58</sup> Regulation 4(2)

<sup>59</sup> SNB 7502, paragraph 17

because, each only really provided a 'snapshot' of the homes care and of the children's experience of that care.

- 2.5.5 The HSCB also considers it significant that SR 18's childcare practices in Nazareth Lodge were uncovered only after members of staff and children persisted in making and voicing their complaints. In the final analysis, therefore, the mechanisms described in paragraph 2.5.3. above did not serve to end deleterious child care practices in Nazareth Lodge. Rather, it was the persistence of NL 170 and the courage of NL 168 speaking out that led to the investigation and, ultimately, the resignation of SR 18.
- 2.5.6 Social workers now know that there are a range of factors, which make it difficult for children and young people to recognize and speak out about abuse or malpractice by their carers, and the HSCB submits that a clear and effective response to any such disclosures is of major importance.

### 3. HOW WELFARE AUTHORITIES & THE HEALTH AND SOCIAL SERVICES BOARDS RESPONDED TO COMPLAINTS OF HARM IN THE NAZARETH HOMES IN BELFAST

- 3.1 There is evidence before the Inquiry of complaints being made to social workers in the 1970s, 1980s and 1990s about harm to children living in Nazareth Lodge.
- 3.2 In the HSCB's view, the response of its predecessor organisations to complaints of harm evolves considerably over the decades and this is demonstrated in the case examples set out below.

#### 1970s

#### 3.3 [REDACTED] [HIA 195]

- 3.3.1 On **23 January 1973**, HIA 195 and her sister complained to their social worker "about the way [REDACTED] [SR 31] had been treating them. They felt she continually picked on them in front of the group and they also accused her of being violent towards them." The social worker observed, "...It is difficult to know whether the children are exaggerating or if they have developed a persecution complex that SR 31 is against them.<sup>60</sup>" There is no record that the social worker raised this complaint with any other person and a witness statement dated 30 March 2015 by the social worker concerned states that:

*"I do not recall whether I took any further steps in relation to what the girls told me in January 1973 and can find no note made by me in the records that assists. I cannot therefore recall who was told, if anyone, and what was done, if anything. However now, in 2015, having reviewed the recordings in the social work file made by me in 1973, I think it likely that if I had taken any step of bringing this to my Senior Social Worker or any other person it would be recorded. I further think it*

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<sup>60</sup> SNB 46677

*likely that if I had cause for serious concern as a result of what the girls told and how they presented, I would have done exactly that. The absence of any record of that nature suggests to me that I was not seriously concerned at that time.”<sup>61</sup>*

3.3.2 In the HSCB view, the evidence available suggests that the social worker, [REDACTED] [NHB 146] was not sufficiently concerned by HIA 195’s disclosures about SR 180 either to report them to her own line manager or to talk to the Sister herself. Applying today’s standards, such passivity by a social work professional may appear inappropriate. However, in the HSCB’s submission, the social worker’s response may provide valuable insight into societal norms and standards at the time, as well as the weight attached to views expressed by children about care giving adults in the 1970s. It is also clear that the possibility of wider institutional abuse simply never occurred to the social worker.

3.4 [REDACTED] [NL 57]

3.4.1 In **June 1976**, NL 57 told her social worker, [REDACTED] [NL 187] *“that she is unhappy at Nazareth. She said that SR 180 was cruel to her, often made her look after younger children and, in fact, had hit her just about one hour before I arrived. I had never heard NL 57 complain about SR 180 before. In fact, I know that the Sister is very fond of her and I had thought the feeling was mutual. I asked why SR 180 had hit her, thinking that NL 57 had been disobedient and had deserved it. NL 57 admitted that she had been disobedient. I felt that NL 57 was just complaining because of this and decided to leave the matter unless she [sic]...”*

3.4.2 In her evidence, NL 187 said:

*“At the time I didn't believe that SR 180 would have hit NL 57. I just didn't think that a nun would hit a child, and I didn't believe it had happened, and until then I had genuinely believed that NL57 and SR 180 had a good relationship.”<sup>62</sup>*

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<sup>61</sup> SNB 7208, paragraph 8 at SNB 7210

3.4.3 It may be that this evidence and the reference in NL 187's notes that NL 57 had been disobedient and had deserved it are further helpful indicators of standards applicable at the time. ██████████ explored with this with NL 187 who said:

*"...there wouldn't have been a Board policy at that stage preventing corporal punishment. So, you know, I don't think I would have seen it in the same light that obviously I do today."*<sup>63</sup>

3.4.4 On **17 August 1977**, NL57 told NL 187 that she was very unhappy in Nazareth Lodge and that SR 180 often hit her or shouted at her for trivial reasons. NL 187 asked NL57 if she wanted to move to another group within the home and she was keen to do this<sup>64</sup>. There is no suggestion in the records that NL 187 raised this with SR 180 or with the Sister in Charge of the Home.

3.4.5 In the HSCB's view, NL 187's response to NL 57's complaints of being hit and shouted at by SR 180 was rooted in a practical solution that would satisfy NL 57 and keep her away from SR 180. It appears, however, that the possibility of institutional abuse simply did not register with NL 187. This is consistent with the approach taken by HIA 225's social worker in Rubane in 1971, when he complained to her about being physically assaulted by a teaching Brother<sup>65</sup>. It is also in keeping with SND 484's approach when Sr 6 admitted grabbing HIA 69 by the throat in Termonbacca in March 1978.<sup>66</sup>

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<sup>62</sup> Transcript for Day 110, page 41, lines 9 to 13

<sup>63</sup> Transcript for Day 110, page 51, lines 6 to 12

<sup>64</sup> Transcript for Day 110, page 42, lines 4-8.

<sup>65</sup> HSCB Closing Written Submissions for Module 3, Rubane, paragraph 3.4.2.

<sup>66</sup> Transcript for Day 23, page 58, lines 15-19 when SND 484 said *"we might have made a decision he was safe enough there and then, but we would have to get a plan for him as quickly as possible to -- to not have him, you know, in the same group at least anyway."* and also SND 2231

## 3.5 [REDACTED] [NL 92]

3.5.1 On 9 November 1979, NL 92, whilst home with her mother at the weekend, presented with an injury to her arm and the mother alleged that the nuns, naming [REDACTED] [SR 46], were mistreating NL 92<sup>67</sup>. This set in train the following events<sup>68</sup>:

- A referral to the 'on call' social worker on 9 November 1979.
- The 'on call' social worker visited the child and her mother and arranged a medical examination, which was undertaken on 9 November 1979.
- SR 46 telephoned NL 92's social worker, [REDACTED] [NL 274], on Monday 12 November 1979 and described grabbing NL 92 to stop her hurting herself on broken crockery.
- The social worker spoke with SR 46 in Nazareth Lodge on 12 November 1979 when, in addition to NL 92's injury, she raised with SR 46 "other incidents of slapping and hitting with a slipper and during this discussion SR 46 admitted that the use of this form of punishment was wrong and she agreed not to do it again."<sup>69</sup>
- The social worker spoke with NL 92's mother on 14 and 16 November 1979 and, on the latter date, the mother said she did not want the matter to go any further.

3.5.2 In the HSCB's view, this series of events shows that there was a system in place in the Northern Health and Social Services Board, which ensured that NL 92's mother's discovery of an injury to her child and her subsequent complaints were dealt with promptly. Nevertheless, by today's standards at least, it is striking that [REDACTED] complaints about SR 46 "*slapping and hitting with a slipper*" were dealt with by a newly qualified social

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<sup>67</sup> SNB 60249.

<sup>68</sup> SNB 60250 to 60253

<sup>69</sup> SNB 7355, Witness Statement of NL 274 dated 3 April 2015 (at SNB 7357).

worker<sup>70</sup> and there are no records of this complaint being referred to senior management or to the Sister in Charge of the Home.

3.5.3 It appears to the HSCB that the social worker did her best to manage the situation for the individual child and family. However, the possibility that the complaint by NL 92's mother could signal child care malpractice beyond the individual child did not seem to occur to the social worker or her Team Leader, who she feels sure she consulted<sup>71</sup>. In addition, the social worker did not speak with the Sister in Charge of the Home but instead managed this with the Sister concerned.

3.5.4 The HSCB suggests that the approach of the social worker in this case example is consistent with the others referenced above in paragraphs 3.3 and 3.4. There are also apparent similarities in the social workers' views about the Sisters in the Home: NL 187 did not think a nun would hit a child; NHB 146 wondered whether HIA 195 had developed a persecution complex that SR 31 was against her; and NL 274 'tactfully' addressed with SR 46 her discipline methods. This all suggests that the Sisters were understandably (given their pioneering status of providing care for children) held in high regard by the social workers and the complaints of the children did not sit easily with their view of the religious order.

## 1980s

3.6 [REDACTED] [HIA 210]

3.6.1 In **November 1984**, HIA 210 told his social worker, NL 180, that during his placement in Nazareth Lodge<sup>72</sup>:

- He received regular beatings from SR 62 who used whatever implement was to hand – a stick and, on one occasion, a vacuum cleaner pipe.

<sup>70</sup> The social worker gained her professional social work qualification in September 1979.

<sup>71</sup> Witness statement of NL 274, paragraphs 7, SNB 7356, and 10, SNB 7358.

<sup>72</sup> SNB 19013

- SR 62 split his brother's head open requiring stitches.
- He had been put in a bath of cold water for telling his previous social worker about the punishments
- He had been locked on a bathroom overnight without lights and a darkened cupboard had been used for similar punishments.

3.6.2 In **March 1985**, the Senior Social Worker for HIA 210 (who interviewed HIA 210 and his brother) wrote about the matter to the Principal Social Worker<sup>73</sup>. The Principal Social Worker then wrote to the Assistant Director of Social Services, Family and Child Care on 30 April 1985<sup>74</sup> and, on 15 May 1985, the Director of Social Services wrote to the Chief Social Worker Advisor in the Department of Health and Social Services ("the Department"), enclosing the correspondence from North and West Belfast staff outlining the allegations of physical abuse and reminding the Department of the Departmental investigation into similar allegations which had been brought to the attention of the Eastern Health and Social Services Board in March 1984<sup>75</sup>. The letter states:

*"As these allegations describe unacceptable child care practices rather than complaints relating to one child, I would be grateful for your views on the appropriate action which should be taken in this matter."*<sup>76</sup>

3.6.3 The Chief Social Work Advisor replied on 29 May 1985, agreeing that the Department had indeed investigated the allegations made in 1984 but he said that *"it would be better if HIA 210's complaint could be dealt with under the procedures laid down in the Department's circular HSS (CC) 2/85 dated 30 April 1985 with particular reference to paragraph 28. If following your investigations you are satisfied that there is substance in HIA 210's allegations or that*

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<sup>73</sup> SNB 31563 for the senior social worker's memo to NL 233 dated 6 March 1985

<sup>74</sup> SNB 31562

<sup>75</sup> This is a reference to the NL 157 case.

<sup>76</sup> SNB 31514



*unacceptable child care practices have taken place in the home the Department will take the matter up with the Sisters of Nazareth.<sup>77</sup>*

3.6.4 In the HSCB's view, this is a most significant piece of correspondence as it is the genesis for a lengthy and unsatisfactory investigation process. In the letter, the Department advises the Board to carry out an investigation under a new Circular which had been issued to, *inter alia*, the General Manager of each Health and Social Services Board and the Chairman of the Management Committee of each Voluntary Home less than a month beforehand<sup>78</sup> and which was encountering serious opposition by Trade Unions and public workers<sup>79</sup>. In her evidence to the Inquiry of Day 118, Hilary Harrison also accepted that the guidance in the Circular was not implemented by Health Boards until 1991, given public workers' opposition to its contents<sup>80</sup>.

3.6.5 It is also apposite to note that paragraph 41 of the Circular stated that the Department wished to be assured that all Boards and Voluntary bodies had adequate arrangements to investigate complaints arising within the residential care system<sup>81</sup> and a deadline of 13 July 1985 was set in the Circular for Boards and Voluntary Homes to submit to the Department "*a statement of the procedures which operate for the investigation of complaints made by children in residential care and their parents*"<sup>82</sup>. When the Chief Social Work Advisor directed Mr Moore to deal with HIA 210's complaint "*under the procedures laid down in the Department's circular*", this date had not been reached. It is clear, therefore, that the Board was being asked to carry out an investigation in the knowledge that procedures for the investigation of complaints under the Circular had not been developed by the Board or Voluntary Home. Nor had they been considered by the Department.

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<sup>77</sup> SNB 31556

<sup>78</sup> SNB 19076, the HSS (CC) 2/85 Circular is dated 30 April 1985

<sup>79</sup> SNB 9043, Statement of Doreen Brown dated 14 April 2015, paragraph 7

<sup>80</sup> Transcript for Day 118, page 78, lines 10 to 12

<sup>81</sup> SNB 19083

<sup>82</sup> SNB 19085, HSS (CC) 2/85 Circular, paragraph 51.0

- 3.6.6 It is submitted that this is an important observation because it ought to have been obvious that the Eastern Board was no more equipped to carry out an investigation in May 1985 than it was in March 1984, when there was collaboration between officials in the Department, Home and Board and the Department assumed a co-ordinating and active role in investigating the complaints regarding NL 157.
- 3.6.7 In addition to approving the investigative procedures of the Boards and voluntary bodies, paragraph 48 of the 1985 Circular required the Department “*as the body responsible for registering the homes*” to review returns of complaints by each Management Committee every three months. In the HSCB’s view, this is consistent with the Department having an overarching governance role. However, it is perhaps surprising that there is no reference to the Department’s inspectorial function and the ultimate powers invested in it under section 130(2) of the Children and Young Persons Act (NI) 1968 “*at all reasonable times to enter the home and to make such examinations into the state and management thereof and the condition and treatment of the children therein...*”<sup>83</sup> In the HSCB’s view, this point is underscored by Dr McCoy in paragraph 16 of his witness statement dated 13 April 2015, which states:

*“When concerns about the behaviour of a member of staff were brought to the attention of SSI these would have been discussed with the Manager of the Home and an investigation of the concerns requested. This would have been sufficient in respect of complaints by individual children about a specific member of staff. In the event that the number of children making complaints was significant and involving the overall treatment and care that the group of children being accommodated an unannounced inspection could have been conducted. This was not thought to be necessary in respect to Nazareth Lodge.”*<sup>84</sup>

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<sup>83</sup> HIA 383

<sup>84</sup> SNB 9139, Witness Statement of Dr Kevin McCoy dated 13 April 2015

3.6.8 In contrast to the Department's powers as set out in section 130 of the 1968 Act, the HSCB considers that the Eastern Board officials had no authority to enter the Home to examine the state and management of the Home and the condition and treatment of all the children in the Home, some of whom were not in the care of the Eastern Board. In his evidence to the Inquiry, NL 233 said he was never happy with the decision for him to investigate as he did not think it was possible for him to investigate these matters<sup>85</sup>:

*"I believed I had no right to access the home's records. I had no right to actually interview the staff unless that was actually organised on my behalf. I certainly had no right to actually interview SR 180. I had no right to actually interview the Mother Superior, and I had no right to interview the children who were in the care of other Districts or Boards, and the word in that circular 28 is: "... should be prepared to assist voluntary bodies." I believe that the Eastern Board were saying to the Department that, "We are prepared to assist", but it was a different role between assisting and leading."*<sup>86</sup>

3.6.9 NL 233's evidence is in keeping with a memo he sent to **DL 518** at the time (dated 18 February 1986), which ended with him saying:

*"I honestly believe that I can take this matter no further as I do not feel that I have the authority to deal with any of the issues that this incident now raises and I would ask to be freed from any further involvement in this issue until matters of accountability have been clarified."*<sup>87</sup>

3.6.10 The Board's lack of authority to undertake the investigation was expressly raised at the time by Mr Moore, the Director of Social Services in the Eastern Board in correspondence dated 24 January 1986 to the Chief Social

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<sup>85</sup> Transcript for Day 111, page 23, Lines 6 to 10

<sup>86</sup> Transcript for Day 111, page 33, lines 7 to 18

<sup>87</sup> SNB 7032 - 7033

Work Advisor, by which stage there were other similar fact disclosures by [REDACTED] [NL 145]. Mr Moore's letter states:

*"Specifically, NL 145 alleges that she was made to lie on a bed while she was beaten with part of a shower unit by SR 62. I would not regard this as poor professional practice but rather physical assault on a child, which amounts to a criminal offence. There is consequently the question of whether the police should be notified. ...With the further information from NL 145, I felt we could quite reasonably conclude that we had moved from the particular to the general and that the investigation should be more wide-ranging. This being the case, I do not think the Board has the authority to undertake the sort of investigation which would now appear to be necessary and which would involve interviewing the former Mother in Charge."*<sup>88</sup>

3.6.11 In his reply dated 7 February 1986, the Chief Social Work Advisor made it clear that he remained of the view that the complaints should be fully investigated by the Board and Administering Authority in accordance with the Circular<sup>89</sup>. On 30 April 1986, Mr. Moore wrote again to the Chief Social Work Advisor, after [REDACTED] [HIA 97] had been interviewed and said:

*"I feel that HIA 97's account corroborates to a considerable degree the allegations made by HIA 210 and NL 145 with regard to the behaviour of SR 62. There can no longer be any question that the information we now have available from three former residents amounts to alleged general malpractice and, in some instances, physical assaults by SR 62."*<sup>90</sup>

3.6.12 The correspondence between the Department and the Board demonstrates that the Department was at pains to impress upon the Board that the complaints by HIA 210, HIA 97 and NL 145 needed to be treated individually but the Board disagreed. The Department's resistance to approach the matter on an institutional basis may be viewed as surprising

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<sup>88</sup> SNB 31493

<sup>89</sup> SNB 31491

<sup>90</sup> SNB 31486

given both the outcome of the police investigation at Rubane in 1981, which uncovered physical and alleged sexual abuse on an institutional scale and the Eastern Health and Social Service's Board embargo on new admissions to Rubane in 1982 after further allegations were made concerning child care practices at Rubane.

3.6.13 In her evidence to the Inquiry on Day 118, Hilary Harrison suggested that the Department could have directed the Eastern Board to the Board's child protection responsibilities when corresponding about HIA 210's complaints. However, this is not mentioned in any of the contemporaneous correspondence. Paragraph 2.34 of **DL 518** witness statement dated 25 March 2015<sup>91</sup> explains that the Eastern Board had in operation a written procedure for dealing with child and abuse and neglect since 1975 and that this procedure had its origin in a Circular issued by the Department in 1975, which specifically related to non-accidental injury of children in the community. That protecting children from familial or parental abuse was the focus of the Procedures is demonstrated by the guidance given to social workers when trying to assess if a child is safe in the care of his or her family<sup>92</sup>. It is also noteworthy that paragraph 1.5 of section 8 of the 1991 Eastern Board Child Protection Policies and Procedures<sup>93</sup>, which were in operation when **[REDACTED]** [NL 168] made her complaints, expressly excluded allegations made against a member of staff of an organisation providing social care services including residential care when the complaints procedure of the organisation was to be used<sup>94</sup>.

3.6.14 In the HSCB's view, there was an unsatisfactory response to the HIA 210 [and others] complaints by all concerned and it appears that the 1985 Circular was a large contributory factor. The Circular was in its infancy when HIA 210's complaints were made and, in the HSCB's view, it lacked

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<sup>91</sup> SNB 6934

<sup>92</sup> SNB 7433, Procedure for dealing with child and abuse and neglect, page 8

<sup>93</sup> SNB 7433

<sup>94</sup> SNB 7375, Witness Statement of John Duffy dated 16 April 2015, paragraph 6.3

sufficient definition to enable the Board, the Voluntary Home and the Department “to be confident and clear about their respective responsibilities both in actual investigations and in progressing any follow up action”.<sup>95</sup> In the HSCB’s view, the investigation process also took too long.

3.6.15 The HSCB is clear that “senior professionals and officers within two key statutory organisations could seemingly hold such strong, conflicting views as to accountability and responsibility around matters as important as the investigation of child care concerns” is itself a concern and this may well stem from “a lack of clarity in the key legislation and subsequent guidance about which organisation is ultimately accountable for the care and protection of children placed in voluntary homes.”<sup>96</sup>

3.6.16 The lack of a Management Committee also led to a situation whereby, at the request of the Department, [REDACTED] [SR 143] carried out the investigation into HIA 210’s complaints, which was unsatisfactory given her lack of independence. In SR 143’s report dated 3 July 1986, she listed the people she interviewed in the course of her investigation. It is interesting to note that [REDACTED] [SR 29] and [REDACTED] [NL 32] were among those interviewed by SR 143 because SR 29 had previously received a complaint about [REDACTED] [SR 62] by NL 32 on an unspecified date, which led to SR 29 speaking to the then Superior in Nazareth Lodge, [REDACTED] [SR 63] and SR 62 was subsequently hastily removed from child care duties in Nazareth Lodge. From the information available, it is hard to say with certainty when SR 62 left Nazareth Lodge, as the witness statement at SNB 1912 states she was in Nazareth Lodge between 1959 and 1979. However, in her evidence [REDACTED] [SR 194] said SR 62 was Head of one of the Units when she arrived in 1980 and the documents at SNB 10429 and 10430 record SR 62’s name with "group of children" in 1980 and 1981. 1982 is first year SR 62 is not so

<sup>95</sup> SNB 7379, Witness Statement of John Duffy dated 16 April 2015, paragraph 11.4.2.

<sup>96</sup> SNB 7376, Witness Statement of John Duffy dated 16 April 2015, paragraph 7.3.

listed.<sup>97</sup> The Regional Minutes of 23 February 1982 are also noted, which records: "SR 62 to the door in the Lodge on 24 January"<sup>98</sup>.

3.6.17 There is no evidence that either the Department or the Board was advised about the circumstances of SR 62's departure at the time she left and it is not mentioned in SR 143's investigation report in 1986. Did SR 143 investigate the circumstances of SR 62's departure from Nazareth Lodge? What, if anything, did NL 32 or SR 29 tell SR 143? These questions remain unanswered on the information available to date.

3.6.18 In the HSCB's view, information about the reasons for SR 62's departure from Nazareth Lodge were relevant to the investigation in 1986 and ought to have been included in SR 143's investigation report, if they were known to her. If the reasons for SR 62's departure were not known to SR 143, they clearly should have been. In the HSCB's view, it is clear that SR 143's investigation offended the *nemo iudex in sua causa* principle.

3.6.19 In the HSCB's view, it is also noteworthy that, during the lengthy investigation process, the Department and Voluntary Home were both armed with the findings of the 1983 Inspection into Nazareth Lodge that, in keeping with the convention, had not been provided to the Eastern Board. As the 1986 report is not currently available, it is not known whether or, to what extent, the Inspector in 1986 addressed the ongoing investigation into SR 62's practices in the Home. There is also an open question, in the HSCB's view, as to whether or not the Board was receiving the Nazareth Lodge inspection reports in 1986, which is discussed further in paragraphs 3.7.10 and 3.7.11 below.

3.6.20 There were other issues with the Circular that, in the HSCB's view contributed to events unfolding as they did. For example, paragraph 33 of

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<sup>97</sup> SNB 10423 indicates that 1974 is first year SR 62 is assigned to "group". Prior to that, SR 62's name was listed beside church, collecting, refectory.

<sup>98</sup> SNB 10389

the Circular purported to invest in the Director of Social Services and the Chairman of the Management Committee of a Voluntary Home a discretion about whether or to inform the police of complaints alleging criminal activity when it states *“the decision whether, or at what stage, to inform the Police may be taken either by the Director or the Chairman of the Management Committee.”*<sup>99</sup>

3.6.21 This is out of step with the duty contained in Section 5 (1) of the Criminal Law Amendment Act (NI) 1967 in respect to arrestable offences and, in the HSCB’s view, is likely to have had a significant bearing on the handling of HIA 210’s complaints. **DL 518** reflects upon this in paragraph 2.1 of his witness statement dated 25 March 2015, when he says:

*“As is the case in many aspects of life, timing is of the essence and in relation to the referral to the Police it was of crucial importance in this case. If this complaint had arrived before the implementation date for the regional guidance...it would have been referred immediately to the Police...”*<sup>100</sup>

3.6.22 On Day 118, Mr Aiken BL drew Hilary Harrison’s attention to sections 94(2) and 117 of the Children and Young Persons Act (Northern Ireland) 1968 and said that time would be afforded to the core participants to further consider these provisions and address them with the Panel as needs be<sup>101</sup>. The HSCB is grateful for this approach and would intend to revisit this with the Inquiry in due course.

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<sup>99</sup> SNB 19082

<sup>100</sup> SNB 6919, paragraph 2.1

<sup>101</sup> See Transcript for Day 118, page 69, lines 7-25, page 70 and page 71, lines 1-12.



1990s

## 3.7 [REDACTED] NL 269, JANUARY 1993

3.7.1 In January 1993, Miss Reynolds undertook an inspection of Nazareth Lodge between 4 and 11 January 1993<sup>102</sup>.

3.7.2 On 26 January 1993, [REDACTED] NL 269, a member of staff at Nazareth Lodge telephoned Miss Reynolds and raised a catalogue of concerns about Nazareth Lodge, which were assiduously recorded by Miss Reynolds. In her oral evidence to the Inquiry, Miss Reynolds said [REDACTED] NL 269 complaints could be evidence of a practice issue;<sup>103</sup> that she did not see this as a matter being dealt with under the complaints circular<sup>104</sup>. Rather, she saw this as a child protection matter<sup>105</sup>. Hilary Harrison also described the complaints as a 'child protection issue'. However, there is no evidence that the Department notified any of the Boards of any child protection concerns regarding children in their care following Mr Gilmore's conversation with Miss Reynolds.

3.7.3 In her evidence, Miss Reynolds also said that, after carrying out her inspection:

*"I didn't really have the locus for being in the home to raise things. So I don't know that I would have had an opportunity to inform them, but I can't recall..."<sup>106</sup>*

3.7.4 However, Section 130 of the Children and Young Persons Act (Northern Ireland) 1968, empowered the Departmental inspector "*at all reasonable times*

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<sup>102</sup> SNB 15303

<sup>103</sup> Transcript for Day 114, page 37, line 3.

<sup>104</sup> Transcript for Day 114, page 40, lines 3 to 5

<sup>105</sup> *Ibid.*

<sup>106</sup> Transcript for Day 114, page 41, lines 18 to 20

*to enter the home and make such examination of the state and management thereof and the condition and treatment of the children therein as he thinks requisite...*<sup>107</sup>

- 3.7.5 In the HSCB's view, this would have entitled Miss Reynolds to extend her inspection or, at least, make further enquiries in the Home on receipt of the very specific concerns raised with her by [NL 269]. Considering [NL 269] complaint regarding [NL 165] and the subsequent events in 1994 and 1995, it may be that an opportunity was lost to investigate the extent of NL 165's connection or association with Nazareth Lodge and the impact of his presence upon the children residing there.
- 3.7.6 Paragraph 13.60 of the Hughes report also records that *"Mr Armstrong said in evidence that the Department would consider whether spot checks in the form of unannounced visits would be a useful component to complement formal inspections"* and the report concluded that there is *"a need for the inspection process to include unannounced visits and we recommend accordingly. We further recommend that Social Work Advisors should record significant matters arising out of unannounced visits to be pursued immediately with management or in the context of the next formal inspection, as appropriate."*<sup>108</sup>
- 3.7.7 The disinclination on the part of the Department to extend the timetable for an inspection or the production of an inspection report was also seen in 1988. Miss Beagon carried out her inspection of Nazareth Lodge on 12 and 13 January 1988 and wrote to Eastern Board on 14 January 1988 seeking written contributions. It appears, therefore, that Miss Beagon carried out the inspection before knowing what issues, if any, the Board would raise. However, she also produced the inspection report by 24 February 1988, which was one week before she received a substantive written contribution from social services. This is significant because the report from social services raised an important practice issue concerning *"the perceived*

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<sup>107</sup> HIA 383

<sup>108</sup> Report of the Committee of Inquiry into Children's Homes and Hostels, page 310, paragraph 13.60

*insistence of heads of units within Nazareth Lodge that fieldwork staff should communicate directly with themselves as opposed to informal discussion sessions with key-workers; and the apparent lack of clear procedural framework within Nazareth Lodge.”<sup>109</sup>*

3.7.8 As the inspection was over, the written contribution of social services could not have had any bearing on Miss Beagon’s inspection or her report and it is concerning to note that the issue raised in Mr Black’s letter to Miss Beagon dated 3 March 1988, about the perceived insistence of the Heads of Unit that fieldwork staff should communicate directly with them as opposed to the key workers chimes with the concerns raised by NL 269 with Miss Reynolds five years later in January 1993<sup>110</sup>.

3.7.9 In her evidence on Day 112, Miss Reynolds described the inspection report as *“the property of the administering authority”* and she was of the view that it was not shared with the Boards by the Department of Health and Social Services<sup>111</sup>. In his statement of evidence dated 15 April 2015, Mr. Chambers also describes the report as being *“confidential to the Administering Authority”<sup>112</sup>*.

3.7.10 In her evidence, Miss Harrison said that she believed inspection reports were being sent to the Boards by 1984, as the Hughes Inquiry made reference to this. Paragraph 13.61 of the Hughes reports notes *“with satisfaction that SWAG reports are now made available to Boards and voluntary organisations, whereas previously they were treated as confidential to the Department. It is only proper that the Department’s assessment of the care provided is made known to the management of the homes. This enables*

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<sup>109</sup> SNB 13916

<sup>110</sup> SNB 19070, see paragraph 2(iii)

<sup>111</sup> Transcript Day 114, page 30, lines 11 to 17

<sup>112</sup> SNB 9166, Witness Statement of Norman Chambers, paragraph 4.21

*management to take steps to remedy defects; it also permits management to comment on the Department's views where it considers these to be ill-founded."*<sup>113</sup>

3.7.11 However, given the oral evidence of Miss Reynolds and Mr Chambers as well as the contents of a letter sent in April 1982 by the Deputy Chief Social Work Advisor to the Director of the Eastern Board about disclosing a Rubane inspection report to the Board<sup>114</sup>, and the lack of any Board representative on the circulation list for the 1988 Inspection Report<sup>115</sup>, the HSCB is not certain that the contents of paragraph 13.16 of the Hughes report computes with Boards being sent inspection reports of voluntary homes and it may be that further investigation is required in connection with this.

3.8 [REDACTED] [NL 164] in 1994

3.8.1 In September 1994, NL 164's social worker received the following information from two residential social workers:

- (a) On **8 September 1994**, [REDACTED] [NL 171] told [REDACTED] [NHB 137] that NL 165 and [REDACTED] [NL 166], who were previous residents of Nazareth, had 'beaten up' NL 164 after NL 164 had pulled the hair of [REDACTED] [NL 168] and that SR 18 was present.
- (b) On **13 September 1994**, [REDACTED] [NL 170] spoke with NHB 137 on the telephone and said that she had completed a report regarding an incident whereby NL 164 had been locked in the kitchen by SR 18 and that although she had been advised not share this information with

<sup>113</sup> Report of Committee of Inquiry, page 311, paragraph 13.61

<sup>114</sup> SND 194, Letter dated 6 April 1982 from Mr P. J. Armstrong to Mr E. S. Gilliland, which states, "I have noted your request for a copy of the Social Work Advisory Group's report on its inspection of the Rubane to be sent to your Board and I appreciate your reason for asking for it. Nevertheless, an assurance was given to the managers of all the voluntary homes that our inspection reports would be treated as confidential. It would not be proper therefore for me to accede without the agreement of the Management Committee and I shall ask the Chairman to consider your request."

<sup>115</sup> SNB 13914. See also SNB 13920, correspondence to Nazareth Lodge in advance of inspection in January 1990, which confirms the report will be sent to the Department and Management Committee.

Social Services, she had a copy of her report which she would give to him.

- (c) On **14 September 1994**, NHB 137 spoke with NL 170 about her concerns and he recorded that she was *'now not able or willing to speak about these other than it seems NL 164 is being picked on. When asked for report, NL 170 declined to forward this to me. She was advised any concerns would be investigated if raised.'*
- (d) On **16 September 1994**, NHB 137 wrote to the Assistant Principal Social Worker in the Trust and said, *inter alia*, "what is also of concern is the statement that information is being withhold from the responsible social worker and this information is being withheld on the instruction of senior staff."
- (e) On **22 September 1994**, a Child in Care Review took place, which was attended by NL 164 and SR 18. It is noted that NL 164's key worker is named as **NL 284** on the Review Record and she is also in attendance. The review record states, *"There have been a number of complaints received about incidents which have occurred within the Unit between staff/residents. Mr O'Rourke asked NL 164 if he felt he was being unfairly treated within the unit and NL 164 said no."*
- (f) On **27 September 1994**, Mr O'Rourke sent a memo to NHB 137 asking for the issues to be discussed with SR 18 and **[REDACTED]** [SR 121], the Head of the Home and for a report back to him.
- (g) On **6 October 1994**, NHB 137 visited Nazareth Lodge and spoke with SR 18 and said he would be contacting her and SR 121 regarding the complaints. However, there is no record on NL 164's file evidencing that such a meeting ever took place. Nor is there any record of NHB 137 reporting back to Vincent O'Rourke.

3.8.2 The HSCB is of the view that the withholding of information from a fieldwork social worker by a residential social worker is a serious matter that is aggravated in this case by the assertion that the information was being withheld on the instruction of senior residential staff.

3.8.3 The HSCB recognises that there were a number of failings regarding its predecessor's response to the information it received in September 1994. In the HSCB's view, the Trust concerned ought to have reported to the Management Committee and the Head of the Home NL 170's refusal to supply information to NHB 137. In addition, this issue may have been more effectively addressed by a sufficiently senior member of Trust staff, as opposed to the social worker and that the matter ought not to have been allowed to drift without any apparent resolution. In his witness statement, Mr O'Rourke noted that he did not impose or suggest a timeframe in which NHB 137 should report back to him<sup>116</sup>. A simple review mechanism such as that may have prevented drift from occurring.

3.8.4 The HSCB also notes that by September 1994, there were now potentially three sources indicating concern about information flow between lay staff in Nazareth Lodge: the correspondence to the Social Services Inspectorate from North & West Belfast Unit of Management in 1988; NL 269 contact with Ms Reynolds in January 1993; and NL 170's statement to a social worker in Craigavon & Banbridge Health & Social Services Trust. Each source did not know of the other. The Department (specifically the Social Services Inspectorate), however, was the recipient of the information in each of the first two examples in 1998 and 1993 yet there does not appear to have been a system in place to record and retain such information in an easily accessible way. Mr Aiken BL asked Hilary Harrison about this on Day 118, when she said:

*"We had very thick, for example, children's files and we always made a recommendation that there should be a chronology of significant events in the child's life so that people having to quickly get up to speed on information could look at that and determine what -- you know, what significant events had occurred...We didn't have that system within our own situation unfortunately."*<sup>117</sup>

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<sup>116</sup> SNB 7468, Witness Statement of Vincent O'Rourke dated 9 April 2015, paragraph 14

<sup>117</sup> Transcript for Day 118, page 68, lines 8 to 17

3.8.5 It is unclear whether NL170's written report to SR 121 in 1994 ever reached the Trust. However, it appears from a stamp mark that NL 171's report was received by the Trust in late September 1994. In the HSCB's view, the contents of this report raised serious issues about child care practices in Nazareth Lodge and, in keeping with the Departmental 1985 Circular, the Trust ought to have raised the issues with the Head of the Home, Management Committee and Department and there ought to have been an investigation into the matters of concern. Given the contents of the letter, the HSCB is also of the view that the Northern Ireland Protocol for the joint investigation by social workers and police officers into cases of alleged and suspected cases of child abuse ought to have been invoked<sup>118</sup>.

3.9 [REDACTED] [NL 168] and [REDACTED] [NL 164]

3.9.1 In November 1995, NL 168 and NL 170 complained to SSI Inspector Judith Chaddock about the behaviour of SR 18. Some of the complaints made by NL 168 related to her *'first hand experience; others related to general observations in the unit'*<sup>119</sup>. The complaints made were wide ranging and serious in nature and included:

- Ex-resident NL 165 physically assaulted NL 164 in Donegal in summer 1994
- NL 165 drove the minibus in Donegal.
- NL 164 had been abandoned in Donegal when SR 18 put him off a mini bus for misbehaviour many miles from where the unit was staying.
- SR 18 had harboured NL 165 in the Unit.
- SR 18 withheld clothing allowances.
- Emotional abuse of residents by SR 18.

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<sup>118</sup> This was in operation since May 1991 and is found at SNB 7218

<sup>119</sup> SNB 49386, Significant Interview/Event Report signed by NL 168's social worker, dated 27 November 1995

- Formal complaints were discouraged by ‘bribery’ or ‘threats’.<sup>120</sup>
- SR 18 read aloud from a newspaper an article about NL 168’s brother who faced serious criminal charges.
- Denial of food to the residents until previous meal is eaten and SR 18 retrieved food from the bin.
- Communal presents were withheld from residents.

3.9.2 The complaints made to Judith Chaddock involved children from three different Trusts<sup>121</sup> and it appears that she notified each of them, as well as the Home, of the complaints made and she asked the Regional Superior of the Home to investigate and that *‘a report is sent to me in due course.’*<sup>122</sup>

3.9.3 In the HSCB’s view, there followed a co-ordinated response to this situation by the Trusts concerned and it appears that Mr David Gilliland, Principal Social Worker in North and West Belfast took the lead role in liaising with the Nazareth Lodge Management Committee. Mr Gilliland met with the Honorary Secretary of the Management Committee, Mr Kinder, and agreed that there would be an investigation with an independent element and that SR 18 would *‘take leave of absence during the investigation’* which happened with immediate effect<sup>123</sup>. The Management Committee then appointed a ‘sub committee’ to investigate the complaints and the sub committee was comprised of two members of the Management Committee and Mr Chard, an experienced social work professional from Down and Lisburn Trust as an independent member.

3.9.4 In his evidence to the Inquiry, Mr Chard recalled feeling that *“the level of proof that would be required by the Management Committee would be extremely*

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<sup>120</sup> SNB 49387 Significant Interview/Event Report signed by NL 168’s social worker, dated 27 November 1995

<sup>121</sup> South and East Belfast Trust, North and West Belfast Trust and Craigavon and Banbridge Trust.

<sup>122</sup> SNB 49442

<sup>123</sup> SNB 6908-6912, Witness Statement of David Gilliland and SNB 49396 for the memo dated 19 December 1995



*high*<sup>124</sup> and that *“the Management Committee and I think especially the Chair and the Honorary Secretary were extremely defensive.”*<sup>125</sup> Mr Chard also recalled that after the report was presented to the Management Committee on 4 March 1996, *“(a) I was asked to leave the meeting and (b) I was asked to leave my copy of the report behind...”*<sup>126</sup>

3.9.5 After the Management Committee meetings on 4 and 11 March 1996, Mr Gilliland’s evidence and the documentation available shows that Mr Gilliland met with Mr Kinder and SR 194 on 3 April 1996 when he was provided with minutes of the Management Committee meetings.

Thereafter, senior managers from the three Trusts concerned with the investigation met on 29 April 1996 and *“agreed that the respective Trusts would individually progress matters. We all took the view that the information currently available was less than adequate...”*<sup>127</sup>

3.9.6 It appears from the documentation available that Mr Kinder had informed Mr Gilliland that the sub-committee’s report would not be made available to the Trusts<sup>128</sup>. However, Mr Kinder replied to letters both from Craigavon and Banbridge Trust and North and West Belfast Trust seeking *“a specific response to the detailed allegations made by NL 168 in respect of herself”*<sup>129</sup>.

3.9.7 In the HSCB’s view, the records and evidence regarding the investigation that took place in 1996 shows that the complaint investigation process had evolved considerably from that which saw the impasse between the Department and the Eastern Board officials in the mid 1980s. It also appears that Mr Gilliland played an important role in ensuring an independent

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<sup>124</sup> Transcript for Day 113, page 163, lines 13-14.

<sup>125</sup> Transcript for Day 113, page 166, lines 18-20

<sup>126</sup> Transcript for Day 113, page 169, lines 7-8

<sup>127</sup> SNB 49408, Written memo from David Gilliland to Judy Kennedy, Programme Manager which enclosed the minutes of the Management Committee meetings on 4 and 11 March 1996.

<sup>128</sup> SNB 49474, Memo dated 3 May 1996 from Barbara McDermott to Mr Boyle, Craigavon and Banbridge Health and Social Services Trust.

<sup>129</sup> SNB 49407, letter from Mr Gilliland to SR 194 dated 3 May 1996.

element and the removal of SR 18 from Nazareth Lodge during the investigation process.

3.9.8 However, in the HSCB's view, there were some issues with the investigation process including:

- The lack of discussion and definition about the specific role of the independent member of the sub-committee and his subsequent exclusion from the decision-making process about the complaints<sup>130</sup>.
- The investigation report lacked any detail and depth<sup>131</sup>.
- The information provided to the Trusts about the outcome of the investigation also lacked detail and depth.
- It appears that the Department was not informed about the outcome of the investigation, which resulted in the resignation of SR 18, who was a Head of Unit during the 1995 inspection.
- It appears that the Department did not seek any information about the outcome the investigation, despite Judith Chaddock asking in December 1995 that a report would be sent to her about the matter 'in due course'<sup>132</sup>.

3.9.9 In the HSCB's view, the lack of meaningful oversight on the part of the Department during the investigation in 1995 and 1996 meant that the registering authority, which had just completed an inspection of the Home in November 1995, did not consider the wider practice and management issues arising in connection with the complaints and there was no follow up advice or direction given to the Home about these matters.

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<sup>130</sup> Transcript for Day 113, page 169, lines 10-12 when Mr Chard said of being asked to (a) leave the meeting and (b) leave his report, "*both must have come as quite such a shock to me that I have still such a clear memory of them to date.*"

<sup>131</sup> SNB 19320

<sup>132</sup> SNB 49442

3.9.10 It also appears that although the Management Committee minutes of 11 March 1996<sup>133</sup> identified an action to be taken after the conclusion of the investigation in the following terms “*in light of the complaints investigation to review procedures for complaints and untoward events*”, there does not appear from the records to have been any formal consideration by the Home of any wider practice implications in light of the events leading to the complaints. It may be that with SR 18’s resignation that the Home felt the matter had been sufficiently addressed. However, in the HSCB’s view, deeper underlying issues regarding management and professional supervision in the Home needed to be addressed with the Home by the Registering Authority.

3.9.11 Finally, Mr Chard explained in his evidence that he had certain clear memories of his dealings with the Nazareth Lodge Management Committee. In the HSCB’s view, Mr Chard’s memories may provide some insight into the relationship that existed between the Management Committee and the Administering Authority of the Home.

3.9.12 It is submitted that this an important consideration as the Regulation 4(2)<sup>134</sup> monthly visits were being undertaken by members of the Management Committee at the request of the administering authority and there is some evidence that practice issues detected by the monthly voluntary visitor were recorded as needing to be raised interchangeably with the Sister in Charge and the Management Committee. By way of example, this is seen in the following Monthly Visitor Reports regarding SR 18’s group, which were compiled by Miss Muriel Simms:

- **SNB 15109** – Feb 1995 SR 18’s group: “*Recording of untoward events still not sorted out. Will bring up at management committee*”:
- **SNB 15121** – March 1995 SR 18’s group: “*Untoward events records unsatisfactory. Will raise with sister and sister-in-charge*”:

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<sup>133</sup> SNB 19326

<sup>134</sup> HIA 445 for the Children and Young Persons (Voluntary Homes) Regulations (Northern Ireland) 1975, regulation 4(2).

- **SNB 15143** - May 1995: *“Sister has now got a hard backed book and will write events in as they happen. Agree to discuss at management committee to find common approach”*:
- **SNB 15167** - July 1995: *“Holiday in Donegal. Very successful – weather was very good. No serious problems”; Under ‘Untoward Events’ “Book opened but nothing in it yet. Will speak to [REDACTED] [SR 9].”*

3.9.13 In the HSCB’s submission, it appears that there may have been a blurring of roles and responsibilities between the administering authority, voluntary visitor and Management Committee in Nazareth Lodge, as evidenced by the following:

- The Monitoring Statement for Nazareth Lodge for the period 1 April 1992 to 31 March 1993 suggests as much when it states *“the Management Committee is satisfied that the Home continues to provide good quality care for children and residents.”*<sup>135</sup>
- Miss Beagon’s letter to her colleague in the Child Care Branch of the Department states, *“I agree with you that supervision is not the function of the Management Committee but they have always tended to feel that they have this overview and while they show an interest in it I would not want to discourage them from so doing.”*
- The following entry in Nazareth Lodge’s undated policy statement on Child Protection, *“The Management Committee will decide whether the member of staff is to be suspended from duty or requested to take leave of absence”*<sup>136</sup>, which is at odds with the evidence of Patrick Kinder on Day 120, when he was at pains to emphasise that the Management Committee did not have a decision-making role but rather than advisory and supportive role to the administering authority, namely the Sisters of Nazareth.

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<sup>135</sup> SNB 14293.

<sup>136</sup> SNB 16708 at 16712, paragraph 13

3.9.14 If the Inquiry considers that there a was degree of enmeshment between the administrating authority, voluntary visitors and Management Committee in Nazareth Lodge, the Inquiry may wish to consider what implications, if any, this had for the running of the Home.

#### 4. THE ROLE OF WELFARE AUTHORITIES & THE HEALTH AND SOCIAL SERVICES BOARDS IN FINANCING THE HOMES RUN BY SISTERS OF NAZARETH, BELFAST

4.1 The role of the Welfare Authorities and Boards in financing the homes at Nazareth House, Belfast and Nazareth Lodge, Belfast developed significantly over the period relevant to the Inquiry, not least due to the change in the profile of children placed in the Homes, with the welfare authorities increasingly responsible for greater numbers.

4.2 The congregation had various sources of funding, including:

- a. Donations, legacies, collecting (“charitable donations”);
- b. Maintenance paid by the welfare authorities (“the per capita payments”);
- c. Additional grants paid by the welfare authorities;
- d. Grants payable by the Department and its predecessor organisation, the Ministry;

#### 4.3 Charitable Donations

4.3.1 From documentation available it is apparent that in addition to the kindness of the local community described by Sister Brenda McCall in her evidence on Day 119<sup>137</sup>, the congregation also received legacies and donations<sup>138</sup> throughout their years of operation, which on occasion were sizeable. This generosity was recognized in Reports of Visitation, for example:

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<sup>137</sup> Transcript for Day 119, page 75, line 13 to page 77, line 2

<sup>138</sup> For Nazareth Lodge see SNB 12645 - 12724 which shows regular modest donations and collecting, with larger sums of £7,500 in September 1981 (SNB 12709) and £7,500 on three occasions in March, April 1982 and a notation of £6,000 as an end of year adjustment (SNB 12712 and SNB 12713)

- 15 March 1971: *“the Collecting Sisters are as generous as ever in their efforts and their Benefactors full of charity despite their own anxieties and troubles”*<sup>139</sup>;
- 26 September 1983: *“There are two Sisters at the collecting. As always here the Benefactors are most generous to them”*<sup>140</sup>;
- 13 October 1989: *“...the benefactors are still as generous as ever and many donations and legacies are still received”*<sup>141</sup>

4.3.2 In records made available to the Inquiry the HSCB notes that legacies were regularly modest payments, with some examples of sizeable contributions.

4.3.3 Nazareth House Belfast received the following substantial legacies:

- £ 79,078.12 on 10 September 1984;
- £ 12,029.66 on 12 July 1986;
- £ 20,000.00 on 12 February 1990;
- £ 52,893.49 on 12 June 1990<sup>142</sup>

4.3.4 Nazareth Lodge Belfast, in addition to more modest inheritances, received the following:

- £ 10,000 on 26 May 1955;
- £ 5,000 on 29 May 1969;
- £ 5,000 in January 1971;
- £ 16,189.40 in May 1981;
- £ 13,088.68 on 21 January 1984;
- £ 10,000 on 30 November 1984;
- £ 14,000 in December 1989/ April 1990<sup>143</sup>

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<sup>139</sup> SNB 19855

<sup>140</sup> SNB 19862

<sup>141</sup> SNB 19867

<sup>142</sup> SNB 10141, SNB 10149, SNB 10161, SNB 10161

<sup>143</sup> SNB 11442, SNB 11454, SNB 11456, SNB 11466, SNB 11470, SNB 11471, SNB 11474

4.3.5 In her evidence on Day 118 Hilary Harrison referenced capital reserves as an available source of funding to another voluntary home provider<sup>144</sup>. The HSCB notes the ability of the Sisters of Nazareth, on occasion, to draw down on other funds<sup>145</sup> and is reminded that the Inquiry learnt that loans were available from the Mother House in Hammersmith, with an expectation that same would be repaid<sup>146</sup>.

4.3.6 The HSCB identifies these records in relation to funding available from charitable sources to set the context of discussions during the 1980's, which will be referred to hereinafter, and to offer an insight into all sources of finances available to these Homes.

#### 4.4 Maintenance by the Welfare Committees and Boards

4.4.1 The per capita charge was a weekly maintenance rate payable by the welfare authority to the voluntary home for those children that had been placed by the authority. The HSCB refers to the trends identified in Chapter 1 of this submission and suggests that this, therefore, became a more significant source of funding for the Homes from the late 1960's and the increase in welfare placements.

4.4.2 As to what the per capita payment encompassed, it was noted in Paper No PSSC 42/87<sup>147</sup>, prepared by the Eastern Board on 30 October 1987 that historically, from the creation of the Welfare Committees in 1949:

*"this rate did not cover all the expenditure involved in caring for children; additional grants were paid as the need arose to meet the cost of, for example, holidays."*

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<sup>144</sup> Dr Barnardo's - See Transcript for Day 118, page 96, lines 9 to 10

<sup>145</sup> For example: SNB 10141 - £60,000 was borrowed from the "congregational account"; SNB 10161 - £30,000 was transferred "to No 1 Account"

<sup>146</sup> Opening to Module 4 by Senior Counsel to the Inquiry, Transcript of Day 81, page 20, lines 19 to 24

<sup>147</sup> SNB 15443



4.4.3 The legislative basis for these payments is found in the Children and Young Persons Act (Northern Ireland) 1950, section 90(5)<sup>148</sup>, and subsequently Section 114(5) of the Children and Young Persons Act (Northern Ireland) 1968<sup>149</sup>.

4.4.4 Each of these provisions was in the same terms and provided that the maintenance, or per capita charge, was to be agreed between the authority and the Home, subject to the approval of the Ministry. They read:

*“Where under this section a welfare authority provide for a child by maintaining him in a home or hostel not provided by the authority, the terms, whether as to payment by the authority or other matters, upon which the child is so maintained shall be such as may, with the approval of the Ministry, be agreed upon between the authority and the persons providing the home or hostel.”*

4.4.5 The HSCB notes that from 1949 until the reorganization of local government in 1973 the maintenance rates approved by the Ministry were regularly communicated to the Welfare Committees in accordance with this provision. The following examples are identified in the bundle:

- 13<sup>th</sup> November 1950 – the approved maintenance levels shortly after the creation of the Welfare Committees notes £1. 0. 0. per week for children in Nazareth Lodge<sup>150</sup>;
- By 17<sup>th</sup> April 1972 the approved maintenance level was £7 per week for children in both Nazareth Lodge and Nazareth House<sup>151</sup>;

4.4.6 In approving the terms for the maintenance of children, the Ministry would note:

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<sup>148</sup> HIA 227

<sup>149</sup> HIA 373

<sup>150</sup> SNB 16245

<sup>151</sup> SNB 15542-3

*“These approvals are given on the understanding that the Committee will satisfy themselves in each future case that the actual rates charged by the Home have not been reduced below those listed.*

*Where it is proposed to pay rates higher than those approved, or where children are maintained in another home or school, the Ministry’s approval must be sought.”<sup>152</sup>*

4.4.7 Full accounts of Nazareth Lodge Belfast are available to the Inquiry for the late 1950’s. These offer an insight into the sources of income, and the much greater role at that time for sources of funding other than maintenance (per capita payments) from the Welfare Committees. It is noted:

- In Year End 30<sup>th</sup> June 1956 the Home operated at a deficit of £2,517.0.3<sup>153</sup>
- In Year End 30<sup>th</sup> June 1957 the Home achieved an excess of income over expenditure of £ 8,966.6.1<sup>154</sup>

4.4.8 During the 1960’s the role of per capita payments likely remained limited, at least until the end of the decade when the number of children placed by welfare authorities began to increase. In any event, exceptional increases to the per capita payments would likely only have been considered if it was known that the Home was struggling financially. In this respect the HSCB notes that when responding to the Child Welfare Council, Ministry of Home Affairs, as to their position as at 31 December 1963, Nazareth House confirmed to the Ministry that their financial resources were sufficient<sup>155</sup>.

4.4.9 In his evidence to the Inquiry on Day 111, Mr Robert Moore, now retired Director of Social Services, Eastern Board, recalled a time between 1967 and 1971 when he was Children’s Officer and suggested a Sister in Charge (of a

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<sup>152</sup> SNB 16363. This is repeated on later approvals, see SNB 15703-4 for 3 May 1967 and Circular No TC 2/1967 outlining the rates approved by the Ministry as of that date.

<sup>153</sup> SNB 16148

<sup>154</sup> SNB 16147

<sup>155</sup> SNB 10567, response to Question 17

different home) apply for an increase in the weekly charge to enable her to recruit lay staff, such were the obvious demands upon her<sup>156</sup>:

*“Q: You say that the Sister in Charge declined your suggestion that she apply for an increase in the weekly charge.*

*A: Yes”<sup>157</sup>*

In respect of why this might have been refused, despite Mr Moore’s strong feeling that the Sister was being overworked and his preparedness to get her money to assist:

*“Q: Had you formed a view as to why you thought she turned your offer down?*

*A: Well, I have to admit that I hadn’t formed a view until I was asked this morning, but on reflection I think it was probably two-fold. I think that for some voluntary organisations... if they took more support from the State, then perhaps they feared that the State would interfere in their affairs. I also think that the homes run by religious orders – this is a generality – would have been reluctant to employ many in the way of lay staff. They did, but they were mostly domestic and cooks and staff like that, but in terms of care staff they might have been reluctant to too much by way of staffing up, possibly because they suspected the influence of people coming from society outside their establishment.”<sup>158</sup>*

4.4.10 The HSCB has noted that Robert Moore’s views and suggestions were taken forward by late 1971. The Belfast Welfare Committee noted at their meeting on 9 November 1971 that:

*“The City Welfare Officer submitted an application from St Joseph’s Babies Home, Ravenhill Road for an increase in rates from £3.00 to £7.00 per week and on his*

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<sup>156</sup> Transcript of Day 111, commencing page 113, line 17

<sup>157</sup> Transcript of Day 111, page 113, line 23

<sup>158</sup> Transcript of Day 111, page 115, line 8

*recommendation the Committee referred the application to the Association of Welfare Committees for their observations”<sup>159</sup>*

4.4.11 This request for a substantial increase in the maintenance rate was approved by the Ministry from 1<sup>st</sup> December 1971<sup>160</sup>.

4.4.12 It is also noted that during her oral evidence on Day 119, Sister Brenda McCall accepted that the analysis of Mr Moore as to the reluctance of religious orders to seeking additional funding from statutory sources:

*“Q: Was there a reluctance on the part of the Order to accept money from the State in whatever manifestation the State appeared, whether local authority or government?”*

*A: I would say yes, because probably the Sisters thought that they may lose their Catholicity and their running of their own home I should imagine. That would be the reason, rightly or wrongly, but I should imagine.”<sup>161</sup>*

4.4.13 Mr Moore also recalled another way in which he had sought to reach out with forms of support to another Home run by a religious order:

*“The Southern Board ran in-service training programmes for its own residential childcare staff, and we thought it was a good idea to make this available to the staff of [the voluntary home], and we would have done that at no cost to the home itself, but the offer was declined.”<sup>162</sup>*

4.4.14 By 1971 a greater proportion of the children residing in the Home were in the care of the Welfare Authority. By 14 November 1971 it is recorded that there were 67 children in Nazareth House, only 10 of which were voluntary

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<sup>159</sup> SNB 16336

<sup>160</sup> SNB 16337

<sup>161</sup> Transcript of Day 119, page 78, lines 2 to 9

<sup>162</sup> Transcript of Day 111, page 116, lines 17 to 21

thus some 57 were the responsibility of the welfare authorities<sup>163</sup>. As the number of children in the care of the authorities increased, so too the funding provided by the welfare authorities on a per capita basis increased.

4.4.15 On 1<sup>st</sup> November 1972 the congregation noted that funds were low<sup>164</sup>. The HSCB notes the timing of this record and the proximity in time to requests that were made to Belfast Welfare Committee to assume financial responsibility for children that had been privately placed. This occurred, for example, with HIA 62 who was received into the care of the Belfast Welfare Committee on 11 September 1973 following correspondence from dated 5 September 1973 from Down & Connor Catholic Family Welfare Society requesting that they assume financial responsibility<sup>165</sup>. The HSCB considers that this request was likely related to a need for additional funding for the Home. The positive response from the Welfare Committee, together with their decision to receive HIA 62 into their care, it is submitted, showed a willingness to respond and assist, but also to ensure that HIA 62 received all other benefits of the involvement of the Welfare Committee<sup>166</sup>.

4.4.16 Following the reorganization of local government in 1973, the Board inherited the responsibility for maintaining those children previously placed in Voluntary Children's Homes. Paper No PSSC 42/87 outlines that from this time it was agreed that:

*"the Board, within whose administrative area the Voluntary Home was located, would be responsible for determining the appropriate per capita maintenance rate, and that the other Boards using the Home would accept this rate."*<sup>167</sup>

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<sup>163</sup> SNB 19901

<sup>164</sup> SNB 19900

<sup>165</sup> SNB 6506

<sup>166</sup> For example, an assigned Social Worker, visits from the Social Worker, reviews as to her circumstances.

<sup>167</sup> SNB 15443

The Eastern Board therefore assumed a lead role from this point until the end of the period under examination by the Inquiry.

4.4.17 Two developments are worthy of highlight in the subsequent years:

- a. Paper No PSSC 42/87 notes that in the mid 70's the Eastern Board rationalized the per capita rate to make it inclusive of all the revenue expenditure required to care for the children<sup>168</sup>;
- b. The Department issued Circular HSS 15 (OS) 1/74: "Support for Voluntary Organisations" ("the 1974 Circular")<sup>169</sup>

4.4.18 The 1974 Circular sets an important context, in the view of the HSCB. The introduction thereto denotes clear support for deriving assistance from voluntary workers and voluntary organisations in the delivery of statutory services. It concludes:

*"But voluntary bodies must not be regarded simply as an adjunct of the statutory service. They have an independent status and an independent part to play in their own right, and this should be recognized in any arrangements which Boards may make with them."*<sup>170</sup>

4.4.19 It further records the need for

*"appropriate financial and other forms of support for voluntary bodies"*<sup>171</sup>

while recognizing:

*"Unless a voluntary organization is reasonably independent of public funds its traditional freedom to act and criticise is likely to be eroded. An independent*

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<sup>168</sup> SNB 15443

<sup>169</sup> SNB 9011

<sup>170</sup> SNB 9011

<sup>171</sup> *Ibid*, paragraph 2

*organisation should generally be able to interest the public in its activities and enlist their financial help.”<sup>172</sup>*

4.4.20 The HSCB has noted the analysis of this Circular by Norman Chambers<sup>173</sup> and his comparison of the cost of homes between the voluntary and statutory sector, suggesting the former represents a cost of between one third and one half of the latter. The HSCB has previously provided evidence to the Inquiry to outline that making such a comparison is not appropriate. In Module 1, the HSCB submitted written evidence to the Inquiry by TL 19 dated 23 May 2014, which explained: *“such comparisons are not always appropriate as you are not always comparing like with like.”<sup>174</sup>*

4.4.21 The HSCB also observes the evidence of Hilary Harrison on Day 118 and her comment upon the larger per capita rate payable to Dr Barnardo’s:

*“... as you will have seen perhaps from some of the financial information that you have reviewed, that Barnardo’s would have had very generous per capita payments from the Boards, because they were able to argue their case very well...”<sup>175</sup>*

4.4.22 The HSCB respectfully says that such a comparison cannot be made between two different providers of different services. Indeed as was noted by Hilary Harrison when considering what difference she might have expected Mr Chambers to note on his first inspection of Nazareth Lodge in 1983, as compared to his previous experience in Dr Barnardo’s:

*“You had a situation in ‘83 where children who could not be looked after in other situations were often referred to Barnardo’s homes, because they had the specialist expertise and so on.*

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<sup>172</sup> SNB 9014, paragraph 19

<sup>173</sup> Statement of Norman Chambers, paragraph 1.6

<sup>174</sup> SND 19146, paragraph 3

<sup>175</sup> Transcript of Day 118, page 96, lines 3 to 7

*So the difference I imagine would have been quite stark... and therefore perhaps some of his observations were the kind of very – kind of extreme observations were coloured by having come from another extreme.”<sup>176</sup>*

4.4.23 By 1987 this comparison was also a matter that those responsible at the time were alert to. They noted that the rates for those Homes were:

*“consequently misleading in that they tend to reflect standards of provision rather than comparable operational costs”<sup>177</sup>.*

The same paper also noted that within the Eastern Board:

*“projections for 1987/88 indicate that there will be little difference in costs between the care provided in a Voluntary Home and that in the Board’s Children’s Homes”.*

4.4.24 Developments in respect of this mode of funding were significant during the last 15 years of the period relevant to this Inquiry, namely 1980 – 1995. This is further examined by the HSCB separately herein below.

## 4.5 Grants

4.5.1 A further source of funding for the Homes from statutory sources was in the form of grants. These were provided for by legislation: Section 118 of the Children and Young Persons Act (Northern Ireland) 1950 and Section 152 of the Children and Young Persons Act (Northern Ireland) 1968. Again the provisions were in identical terms (save for the removal for the Ministry to have the consent of the Ministry of Finance which appeared in the earlier Act). Section 152 of the 1968 stated:

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<sup>176</sup> Transcript of Day 118, page 96, lines 12 to 22

<sup>177</sup> SNB 15444



*“(1) The Ministry may pay grants of such amounts and subject to such conditions as it may determine towards towards expenses incurred or to be incurred by any voluntary organization, in circumstances such that it appears to the Ministry requisite that the grants should be made, for improving premises in which voluntary homes are being carried on or the equipment of voluntary homes, or for securing that voluntary homes will be better provided with qualified staff.*

*(2) A welfare authority may, with the consent of the Ministry, make contributions to, or in other respects assist, any voluntary organization the object or primary object of which is to promote the welfare of children or young persons.*

*(3) The conditions on which any grants are paid under this section towards expenses incurred or to be incurred by any voluntary organization may include conditions for securing the repayment in whole or in part of the sums paid in the event of the premises ceasing to be a voluntary home, and notwithstanding anything in the constitution of the voluntary home or the voluntary organisation, or in the trusts, if any, to which the property of the home or of the organisation is subject, the trustees, or other persons having for the time being control or management of the said property, may accept such sums on those conditions and execute any instrument required for carrying those conditions into effect, and shall be bound by those conditions and any instrument so executed, and have power to fulfill the conditions and the obligations created by the instrument.”*

4.5.2 Particular attention is drawn to the division of responsibility for grants as between the Department and the Welfare Authorities within this provision. The HSCB observes a similarity in this regard to the overarching responsibility of the Department in respect to regulating the running of voluntary homes.

4.5.3 An example of grant by the Ministry is recorded by the congregation in their Irish Regional Meeting of 9<sup>th</sup> May 1973:

Lodge: Modernisation of Bethlehem Bedrooms..... £783.00 for each

*75% of cost promised by Ministry.<sup>178</sup>*

4.5.4 The HSCB also notes the requirement in Section 152(2) for the Welfare Authorities to secure approval from the Ministry for any proposed grant payment. It is noted within the minutes of the Welfare Committees that in respect of clothing costs this received a standing approval that did not appear to require individual authorisation:

*“ Approval is also given to the payment of claims from approved voluntary homes for the provision of clothing for children on first coming into care and on final discharge from care. This approval is given on the understanding that the Committee will satisfy itself that the provision of such clothing is necessary and that the cost is reasonable. As the weekly maintenance charges which are approved from time to time by the Ministry, include an element for renewal of clothing it is assumed that no claims for clothing other than those mentioned above will be made on the Committee.”<sup>179</sup>*

4.5.5 After 1973 and the establishment of the Boards, the 1974 Circular<sup>180</sup> provided that Boards would only require Departmental approval in certain circumstances<sup>181</sup>. For grants in respect of non-capital purposes this included: where the proposed grant was greater than £15,000 or would result in greater than £15,000 being paid in a financial year; where the grant rate exceeded 75%<sup>182</sup>. All grants in respect of capital purposes required approval by the Department in 1974<sup>183</sup>, but by 1978 general authority was given to a limit of £5,000<sup>184</sup>.

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<sup>178</sup> SNB 10381

<sup>179</sup> SNB 16242

<sup>180</sup> HSS 15 (OS) 1/74 at SNB 9011

<sup>181</sup> SNB 9014, paragraph 24

<sup>182</sup> SNB 9005 - These limits were increased to a limit of £25,000, or a grant rate of 90% in 1978 pursuant to Circular HSS (OS15) 2/78

<sup>183</sup> SNB 9015, paragraph 25

<sup>184</sup> SNB 9005 - Circular HSS (OS15) 2/78

4.5.6 A practical example of this in operation is identified by the HSCB in the congregation's Irish Regional Minutes of 5 April 1982:

*".. a further grant of £4,000 towards the cost of a mini bus was received from the Health and Social Services Board this year"*<sup>185</sup>

#### 4.6 1980

4.6.1 At the start of the decade it was recorded at the Council Meeting during Visitation to Nazareth Lodge, Belfast on 15<sup>th</sup> October 1980:

*"The financial position has improved and Mother was able to repay £10,000 of the loan to Hammersmith last month. Our one worry at the moment is the decrease in the number of children coming into care."*<sup>186</sup>

4.6.2 However following 1980 the Homes struggled as a result of reduced occupancy and the imposition of Government cash limits. This was described in 1987 thus:

*"Since 1980, with the imposition of Government cash limits which have not usually kept pace with inflation, and salary increases, Voluntary Homes have been in an increasingly difficult financial position – they have not been able to find sufficient additional finances by efficiency measures. This difficulty has been exacerbated by a decrease in the occupancy level of the Homes. In recognition of this difficulty the Board has provided additional finance over the past five years to increase the per capita maintenance rates beyond the percentages set by the Government cash limits and, in addition, has made one-off grants each year towards the deficits which have arisen."*<sup>187</sup>

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<sup>185</sup> SNB 10390

<sup>186</sup> SNB 19897

<sup>187</sup> SNB 15443 - 4

4.6.3 This, it is suggested, demonstrates the commitment of the Board to work in partnership with Voluntary Homes in difficult financial times by direct financial support.

#### 4.7 1983

4.7.1 In 1983 the HSCB has noted that the Sisters of Nazareth specifically engaged with the Eastern Board and the Department in respect of concerns around funding issues, which was linked with the reduced numbers of children in care. **SR 220**, the Mother Regional, noted:

*“The basic problem is one of under-occupation and particularly in respect of Nazareth Lodge the significant drop in the average level of occupation from 55/57 children last year to 35/37 children in the current year has led to serious financial problems”*<sup>188</sup>

4.7.2 On 3 March 1983 **DL 518** informed the Department that Nazareth Lodge, Belfast, had requested a substantial increase in the per capita rate. A note taken in this respect notes:

*“One solution may be to amalgamate the 15 children in Nazareth House into Nazareth Lodge. In this way the Lodge will become reasonably viable, at least in the short term, rather than have both establishments running at a considerable loss.”*<sup>189</sup>

4.7.3 The congregation also provided Mr Gilliland, with their accounts for the children’s unit at Nazareth House, Belfast, Year End 31 March 1983<sup>190</sup>. The financial difficulties were such that during 1983 the Eastern Board provided

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<sup>188</sup> SNB 15498

<sup>189</sup> SNB 15509

<sup>190</sup> SNB 15505

a grant of £41,000 to Nazareth House<sup>191</sup>, and £45,000 to Nazareth Lodge<sup>192</sup>.

The congregation themselves linked the necessity of this to:

*“the loss of income through reduced numbers of children in care”<sup>193</sup>.*

4.7.4 By 23 November 1983 the HSCB suggests that the Eastern Board had responded favourably in discussions with the Sisters of Nazareth. On that date **SR 220** confirmed to the Department in respect of Nazareth Lodge, Belfast:

*“I am pleased to say that the Eastern Health and Social Services Board has given a revised per capita rate from 1 April 1983 which in the view of our Accountants will enable us to continue operation in Nazareth Lodge at the present reduced level of occupation (i.e. 35/37 children).”<sup>194</sup>*

4.7.5 The same correspondence recognized that in recent time there had been just 4 to 7 children in Nazareth House and that this number would not constitute a viable unit. **SR 220** therefore confirmed an intention to close Nazareth House, Belfast. This was implemented following the last child leaving on 31 May 1984<sup>195</sup>.

4.7.6 During the following years discussions had continued between the Eastern Board and the voluntary organisations. The HSCB considers that the Board was continuing to promote and support the voluntary sector, noting that by 1987:

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<sup>191</sup> SNB 10391 (and SNB 15505 for expression of thanks from the congregation to the Board)

<sup>192</sup> SNB 10392

<sup>193</sup> SNB 10392 and SNB 19895 (27<sup>th</sup> October 1983)

<sup>194</sup> SNB 15498

<sup>195</sup> As notified to the Department by correspondence of 27 June 1984 – SNB 15489. The Department subsequently notified all Boards that Nazareth House, Belfast, had been removed from the Register by Circular HSS (CC) 2/84 issued on 11 September 1984 – SNB 15478

*“In order to ensure the financial viability of Voluntary Children’s Homes new financing arrangements have been agreed which entail the Board paying for the number of places agreed for the Homes regardless of occupancy levels.”<sup>196</sup>*

- 4.7.7 The HSCB expects that this development would have allowed the Voluntary Homes certainty of income and alleviated the difficulties experienced as a result of under-occupancy.
- 4.7.8 Also by 1987, the Board was engaging with voluntary organisations regarding the contribution made by them to the running of their home. In this respect the Board suggested that, in principle, the voluntary organisation should contribute up to 5% from their charitable income sources. A question was raised as to the *raison d’etre* of a voluntary home if it was fully funded<sup>197</sup>.
- 4.7.9 Further the statutory definition of a Voluntary Home was noted:
- “Voluntary Home means any home or other institution used in whole or in part for the boarding, protection, care and maintenance of poor children or children otherwise in need of help, being a home or other institution supported wholly or partly by voluntary contributions or endowments...”<sup>198</sup>*
- 4.7.10 It was also noted that in making grants for capital projects, the Department required the voluntary organisation to contribute up to 25%.<sup>199</sup>

## 4.8 1991 - 1992

- 4.8.1 The Inquiry has been advised of the increase in the per capita cost that was implemented by the Eastern Board during this period from £287<sup>200</sup> to £450

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<sup>196</sup> SNB 15444

<sup>197</sup> This view was discussed with Miss Beagon by the Chair of the Inquiry. See Transcript of Day 115, page 40, line 20

<sup>198</sup> Section 126, Children and Young Persons Act (Northern Ireland) 1968, at HIA 378

<sup>199</sup> SNB 15446

per week for children in Nazareth Lodge, Belfast. This rise was specifically attributed by Miss Beagon in her Inspection Report to implementation of recommendations from the Hughes Inquiry:

*“The per capita rate agreed with the Eastern Health and Social Services Board is £450 per week. This is a big increase since last year and it has been given to cover the implementation of Hughes 6 and the increase in staff salaries as a result of it. The Eastern Board have also agreed to seconding 3 members of staff on CSS this year so Nazareth Lodge are fairly happy with the financial position”<sup>201</sup>*

4.8.2 As the Inquiry will know, “Hughes 6” recommended:

*“The Boards, in consultation with the Department and staff interests, should introduce parity of pay between residential child care and fieldwork staff, linked to professional qualifications and training”<sup>202</sup>*

4.8.3 Paragraph 13.29 and recommendation number 8 of the Hughes Report:

*“Child care organisations should give priority to enabling existing residential staff to obtain professional qualifications and to the appointment of qualified staff to residential posts”<sup>203</sup>*

appears to have been equally recognized with the secondment of staff to training.

4.8.4 The HSCB submits that this significant increase should not immediately lead to a view that the earlier rate was too low. Rather, when seen in the full context, the action was one of support by the Board for the voluntary organisation in relation to issues of staffing.

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<sup>200</sup> As recorded in the SSI January 1991 Inspection Report – SNB 14178

<sup>201</sup> SNB 13944

<sup>202</sup> 1985 Report of the Committee of Inquiry on Homes and Hostels

<sup>203</sup> *Ibid.*

4.8.5 In this respect it may be worthy to re-reference Section 152(1) outlined at paragraph 1.5.1 herein above and the discretion also placed on the Ministry, later the Department. It appears in this instance that, by substantially increasing the per capita maintenance rate, the HSCB's predecessor was proactively responding and finding a solution to assist the Home to ensure parity of pay and better qualified staff.



## 5. FAMILIES AND FRIENDS OF CHILDREN PLACED BY THE HSCB'S PREDECESSORS IN THE NAZARETH HOMES IN BELFAST

### 5.1 CONTACT WITH FAMILY MEMBERS

5.1.1 Prior to the implementation of the Children (Northern Ireland) Order 1995<sup>204</sup>, there was no statutory duty in Northern Ireland to promote contact between children in care and their parents.

5.1.2 However, the importance of continued contact between children in care and their parents was recognized in the Voluntary Homes Regulations 1952<sup>205</sup> and the Children and Young Persons (Voluntary Homes) Regulations (Northern Ireland) 1975<sup>206</sup> which required the administering authority of every voluntary home to

- Furnish to the Ministry (and later the Department) on demand such information as the Ministry (and later the Department) may require as to the facilities provided for parents or guardians or relatives of children in the home to visit and communicate with the children; and
- Comply with any direction given by the Department as to the provision of such facilities.<sup>207</sup>

5.1.3 The importance of contact with relatives and friends was also set out in the 1952 Memorandum by the Home Office on the Conduct on Children's Homes, paragraph 33 of which states:

*"The child's link with his own family and friends should be preserved wherever possible, and the staff of the home can help to strengthen the link by getting to know visiting parents. Visits by relatives and friends should be encouraged, and there should be no undue restriction as to times. Normally, the letters sent and*

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<sup>204</sup> Article 53(1) of the Children (Northern Ireland) Order 1995

<sup>205</sup> HIA 287

<sup>206</sup> HIA 444

<sup>207</sup> Children and Young Persons (Voluntary Homes) Regulations (Northern Ireland) 1975, regulation 12.

*received by a child should not be read by the staff of the home; exceptionally, the head of the home...may find it necessary to supervise correspondence.<sup>208</sup>*

5.1.4 The HSCB submits that there is evidence that its predecessors tried to maintain contact between children placed in the Nazareth Homes in Belfast and their families. This is evidenced by the following examples:

- **HIA 327** was placed in Nazareth House Belfast between **1961 and 1971** and her social work records show the frequency of visits by her mother between 1964 and 1968. However, a report dated 19 November 1969 noted that although HIA 327's mother appeared to be fond of her children, she let them down by not visiting when she promised and that *'she feels rather resentful towards Nazareth House's attitude towards herself and the children going home to her and this may explain some of her behaviour<sup>209</sup>*.
- **HIA 397** who was born in August 1968 and lived in Nazareth Lodge Belfast between **1 May 1973 and 16 March 1978**. During this time, the welfare authority promoted contact between HIA 397 and his mother and grandmother.
- **HIA 117** was placed in Nazareth Lodge Belfast between 1965 and 1975 along with two of her sisters. A visitation sheet maintained by the social worker documents the visits she and her sisters received from her mother, father, aunt and grandmother between December 1965 and September 1968.
- **HIA 363** was born in 1970 and was placed in Nazareth Lodge on **14 August 1977** and stayed there until she was 18 years old. The social work records show that, from early 1978, HIA 363 was spending some

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<sup>208</sup> HIA 470 at 476

<sup>209</sup> SNB 6731, Witness Statement of Marian Hall dated 5 March 2015, Exhibit 11

weekends at home with her mother and the Progress Report for October 1978 noted HIA 363's mother was visiting her monthly<sup>210</sup>. The records also show that the social worker took HIA 363's mother and brother to see her at Nazareth Lodge<sup>211</sup> and that over the summer of 1979 arrangements were made for HIA 363 to spend time at home with her mother and brother<sup>212</sup>. Family visits in Belfast also took place in 1979 and 1980 as well as daylong visits between HIA 363 and her sibling, who had been fostered<sup>213</sup>.

- **HIA 210** was part of a large sibling group. His social worker between **1978 and 1982** told the Inquiry on Day 109, "*...the only thing I can remember was it took a lot of arranging between various social workers in various parts of Northern Ireland to get the family together. So -- and also the children weren't really driving that, because they didn't know their siblings very well. They had been separated when they were quite young and there weren't close bonds between them.*"<sup>214</sup>

5.1.5 There is also evidence before the Inquiry that social workers were aware of the importance of placing siblings in care together if possible. In her witness statement, ██████████ [NL 190] said, "*it was recognized that splitting up siblings was not good practice, but the reality was that sufficient places were not available in one establishment.*"<sup>215</sup> Ms Smith QC asked NL 190 about this on Day 109 and this is what she said:

*Q. But how was it recognised? I mean, how did you know it wasn't a good idea to split up families?*

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<sup>210</sup> SNB 42706

<sup>211</sup> SNB 42696 and SNB 42691

<sup>212</sup> SNB 42686

<sup>213</sup> SNB 42681, SNB 42662, SNB 42669, SNB 42668 and SNB 42661

<sup>214</sup> Transcript Day 106, page 66, lines 17 to 23

<sup>215</sup> SNB 6070, paragraph 4

A. *I think it was -- I think it is almost instinctive that we feel that we shouldn't split up families; that brothers and sisters are important. It may have been part of my training, although I can't remember it specifically being addressed then.*

Q. *But you were saying that even then -- it is certainly recognised today, but you said even in the late '70s, early '80s this was a recognised feature of your work.*

A. *I think it was, yes, yes. We certainly as social workers were trying to keep families together.”<sup>216</sup>*

5.1.6 In practice, it seems that special arrangements were made in some cases, in co-operation with the Nazareth Homes, to keep siblings together within these Homes, which were very large:

- **HIA 142** was placed in Nazareth House as a very young boy between 1962 and 1964. At this time, Nazareth House was usually reserved for girls yet HIA 142 lived there between the ages of 2 and 4 years of age. In the HSCB's view, it is likely that this was arranged so that HIA 142 could stay with his five older sisters, who were admitted to the Nazareth House at the same time as him.
- **HIA 368** lived in Nazareth House between 1969 and 1971 along with his older sister, HIA 175. A handwritten note in the social work records dated 14 May 1969 states “Place obtained in Nazareth Lodge if [HIA 368] is committed. Mother Cronin [REDACTED] is prepared to move [HIA 175] from Nazareth Home if we feel this is better.<sup>217</sup>” It is also noteworthy that HIA 368 was moved from Nazareth House to Nazareth Lodge in September 1971, which was only after HIA 175 left the home to live elsewhere.

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<sup>216</sup> Transcript for Day 109, page 67, lines 11 to 23

<sup>217</sup> SNB 43957

5.1.7 However, some Applicants have complained about being separated from their siblings. For example, **HIA 225**, who lived in Nazareth Lodge between January 1965 and August 1968 said on Day 87:

*"I don't hold Nazareth Lodge or Rubane at all responsible for being separated. The systems failure there was in Social Service and the Welfare Authority. It was they who placed us."<sup>218</sup>*

5.1.8 The Sisters of Nazareth's Admission Book documents that HIA 225 and his two brothers and four sisters were all placed in the Nazareth Homes in Belfast and it appears that the girls were placed in Nazareth House, the older boys in Nazareth Lodge and the youngest boy in the Nursery<sup>219</sup>. However, it appears from HIA 225's witness statement that his older brother *"started to run away a lot ...[and] was moved to Rubane prematurely because he kept running away. I did not know he was leaving and I did not see him for three years after he was moved."*<sup>220</sup>

5.1.9 HIA 225's sibling bond with his younger brother was also interrupted when HIA 255 moved from Nazareth Lodge to Rubane in August 1968 as his social work records state that he missed his younger brother who was left behind in Nazareth Lodge. For example, a '3 - Monthly Review' record in respect of HIA 225, which is undated, states,

*"[HIA 225] was very attached to his brother...when in Nazareth Lodge. Feels that he misses the regular contact he had with other members of his family when in Belfast. Consideration will be given to the arranging of more family reunions. The possibility of accommodating the three boys in a foster home is being discussed."<sup>221</sup>*

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<sup>218</sup> Transcript for Day 87, page 33, lines 12 to 15

<sup>219</sup> SNB 4482

<sup>220</sup> SNB 530 and 531, paragraph 8

<sup>221</sup> SNB 42355

It appears, therefore, that the practice of moving boys routinely from Nazareth Lodge to Rubane once they reached secondary school age had a detrimental impact on HIA 225, as it separated him from his younger brother who was of considerable importance to him.

5.1.10 Other social work records regarding HIA 225, however, indicate that social workers made attempts to promote contact between HIA 225 and his siblings after his move to Rubane. This is evidenced by the following entries in '3 - Monthly Review' records in respect of HIA 225:

- 22 April 1969 - *"Although [HIA 225] feels the separation from the other members of his family quite keenly. Attempts have been made to reunite the family at every opportunity.<sup>222</sup>"*
- 19 July 1969 - *"[HIA 225] said that he feels rather isolated from the other members of his family. Attempts have been made to improve this situation and there have been consequently more exchanges of visits<sup>223</sup>."*
- 15 July 1970 - *"[HIA 225] does miss not being able to see the other members of his family as regularly as he would like.<sup>224</sup>"*
- 9 October 1970 - *"There is regular contact with the rest of his siblings<sup>225</sup>."*
- 31 December 1970 - *"[HIA 225] has regular contact with his elder brother and sister... but sees his younger siblings less frequently.<sup>226</sup>"*
- 2 April 1971 - *"[HIA 225] visits his sister ...very frequently and likes to visit his other siblings whenever possible."*
- 1 October 1971 - *"[HIA 225] received a birthday card from his father in London and hopes that he will come to Ireland in the near future. There is regular contact with his siblings."*

5.1.11 The HSCB considers that the practice of moving boys routinely to Rubane when they reached secondary school age was not child focused and,

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<sup>222</sup> SNB 42357

<sup>223</sup> SNB 42358

<sup>224</sup> SNB 42362

<sup>225</sup> SNB 42363

<sup>226</sup> SNB 42364

although some exceptions to this general rule were made<sup>227</sup>, it does not appear that the welfare authorities to any great extent challenged the practice. In HIA 225's case, however, the '3- Monthly review records' indicate that his social workers took active steps to arrange contact between the siblings after his move to Rubane with a view to mitigating the effect of separation.

5.1.12 HIA 37 is a further Applicant who spoke about being separated from her siblings<sup>228</sup>. HIA 37 lived in Nazareth House between 1956 and 1965 and came from a large sibling group of seven children. From the available records, it appears that the eldest three siblings were placed in Belfast by arrangement between their father and the Parish Priest, while the three younger children were placed in Gleneyre and came within the care of the Armagh Welfare Committee. The social work records available do not offer any clear explanation as to why the sibling group was separated between these two Homes or why some children were in the care of the welfare authority and others were 'privately' placed.

5.1.13 In the HSCB's view, this was both an anomalous and unsatisfactory situation, as the siblings placed in Gleneyre had contact with their mother<sup>229</sup> whereas it does not appear that similar arrangements were made for HIA 37 and her siblings who had been 'privately' placed in Belfast. In addition, the three children who were in the care of the welfare authority and placed in Gleneyre in 1956 were subsequently fostered between two placements in 1960 and 1961, whereas HIA 37 remained in Nazareth Lodge until she was 16 years old. In the HSCB's view, this is evidence that the welfare authority actively pursued boarding out for the children in Gleneyre, which was in keeping with their duty under the legislation at the

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<sup>227</sup> Such as in the case of HIA 41

<sup>228</sup> Transcript for Day 107, pages 120 to 121

<sup>229</sup> SNB 9874, Supplemental Witness Statement regarding HIA 37 dated 11 May 2015, Exhibit 2

time<sup>230</sup>. This sits in stark contrast with HIA 37's care history, as she stayed in Nazareth House until she was 16 years old.

## 5.2 FRIENDS AND FAMILIES OUTSIDE THE NAZARETH HOMES

5.2.3 The Sisters of Nazareth had a practice whereby some children who lived in the Belfast Homes visited families in the community at weekends and over holiday periods. It appears from the evidence that this practice extended both to children who were privately placed and those who were in the care of the welfare authorities and Health Boards.

5.2.4 The practice appears to be in keeping with the 1952 Memorandum by the Home Office on the Conduct on Children's Homes, paragraph 34 of which states:

*"It is essential that children should learn to make friends outside the home and should be used to meeting other young people and to visiting ordinary homes.... it is important that a child who has no parents or other relatives who visits him, or whom he visits, should be befriended individually by local people who are on friendly terms with the staff of the home. .."*<sup>231</sup>

5.2.5 However, it appears that the Sisters of Nazareth, who made the arrangements for children to visit families in the community did not put the welfare authority on notice of this happening and, in Module 1, the Congregation accepted that there were failings in respect of notification to the welfare authorities of boarding out arrangements pursuant to section 1 of the Young Persons Acts<sup>232</sup>.

5.2.6 So far as children in the care of welfare authorities and Health Boards are concerned, NL 190 spoke about this issue in her evidence on Day 109. NL

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<sup>230</sup> HIA 226: section 90 of the Children and Young Persons Act (Northern Ireland) 1968

<sup>231</sup> HIA 476

<sup>232</sup> Transcript for Day 41, page 12, lines 13 to 16



190 was HIA 210's social worker in the Southern Health and Social Services Board between 1978 and 1982 and she recalled that he was already visiting a family in the community when she assumed case responsibility for him. NL 190 said of that family:

*"A. The only enquiries I remember was when I was doing the home study with the family. I didn't -- I assumed that the church and the children's home prior to my involvement had set it up. So I didn't query that. That was something in those days I think that was often done, that families would take a child out for the weekend.*

*Q. When we were talking earlier, you were saying it was simply assumed if people were willing to take children, they were willing to look after them.*

*A. Yes, yes. There wasn't the same suspicion we might have nowadays."*<sup>233</sup>

5.2.7 However, in his witness statement dated 11 November 2014, which was filed in Module 3, **DL 518** stated at paragraph 1.13:

*"In July 1972 I was alerted by Divisional Staff that Nazareth Lodge Children's Home had been allowing couples who wished to befriend or visit children, to take them out without any assessment as to their suitability. I contacted the Mother in Charge to express my concern as to what had been happening and wrote to her in July 1972 confirming that couples and families should be approved by the Welfare Department before children in our care were allowed out, even for day visits and asking her to notify our Department in these circumstances. I also informed the other Voluntary Homes of this policy and our Divisional staff."*<sup>234</sup>

5.2.8 In the HSCB's view, **DL 518** correspondence indicates that there was social work knowledge in the early 1970s about the need for families to be approved before they could be entrusted with looking after children in the

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<sup>233</sup> Transcript of Day 109, page 70, lines 7 to 17

<sup>234</sup> RUB 5569

care system and his stance on the matter represents good social work practice at the time.

5.2.9 The 1952 Home Office Memorandum emphasised the importance of children making friends and visiting families outside of the Home. In the HSCB's view the requirement to notify the Board of such arrangements and approval of them by Boards were important mechanisms that ought to have been followed. They provided means of endeavouring to safeguard vulnerable children in care. However, they do not appear to have been consistently observed.

5.2.10 The HSCB acknowledges that in the HIA 210 case, there was acquiescence in pre-existing arrangements set up by the Home. However, this appeared at the time, to the social worker to be a positive arrangement for HIA 210 and his brother. While the HSCB recognises that this acquiescence did not comply with the approach advocated by **DL 518** in Belfast in 1972, the Social Worker who was employed by the Southern Health and Social Services Board did then undertake an assessment and the family was subsequently approved by the Board as foster carers for HIA 210's brother. It is accepted that there may have been different practices across different regions of Northern Ireland.

## 6. SOCIAL WORK INFLUENCE ON THE CARE GIVEN TO CHILDREN

6.1 In this Module the Inquiry has heard from a significant number of Applicants about abusive experiences during their time in residential care. The HSCB has carefully examined in Chapters 2 and 3 matters relating to standards in the Homes run by the Sisters of Nazareth in Belfast, and how the welfare authorities and health boards responded to complaints of harm by children resident in those Homes.

6.2 The HSCB considers, however, that the experiences of some Applicants to the Inquiry have also highlighted evidence of social work practice that positively contributed to the care they received.

6.3 Further the HSCB will seek to set out in this Chapter the systems that were developed and implemented to promote the best interests of children.

6.4 [REDACTED] [HIA 62]

6.4.1 HIA 62 was initially placed in Nazareth House, Belfast on 3 June 1961 with her sisters, HIA 63 and HIA 61<sup>235</sup>. These sisters were privately placed in residential care upon the recommendation of Father Fitzpatrick.

6.4.2 Following a written request from Down & Connor Catholic Family Welfare Society HIA 62 was taken into the care of Belfast Welfare Committee on 11 September 1973. From this date she had an assigned social worker, who explained on her first visit that she would visit monthly.

6.4.3 A significant issue in the care history of HIA 62 arose on 28 March 1974, when records outline that contact was made with HIA 62's social worker to advise that SR 18 wanted her removed the following day<sup>236</sup>.

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<sup>235</sup> SNB 4103

<sup>236</sup> SNB 44649

6.4.4 In this respect Section 117(1) of the Children and Young Persons' Act 1968<sup>237</sup> is relevant. That provision required a child to be removed from a voluntary home "if required to do so by... the managers of the home". SR 18, as Head of Unit, had determined that HIA 62 should be removed. As will appear below the Head of Home was also engaged in discussion to identify an appropriate response to meet HIA 62's needs. It appears therefore that the social worker had no authority to refuse to remove the young person, but rather had to manage the situation as best as possible, bearing in mind the welfare of HIA 62.

6.4.5 Upon being notified of the request to remove HIA 62, then aged 15, from the Home, the following action was taken by the social worker:

- She visited the following day to immediately address the issues with SR 18;
- She secured agreement for HIA 62 to remain in Nazareth House for a further period, until 8 April 1974, to properly identify alternative accommodation;
- She sought information from an alternative source about the asserted difficulties with HIA 62's behaviour, specifically her school, which cast some doubt upon the issues being raised by SR 18;
- She met with HIA 62 to discuss the issues directly with her<sup>238</sup>.

6.4.6 In meeting with HIA 62 it was clear that she had held a close relationship with [REDACTED] [SR 153]. HIA 62 was aware that SR 153 was now in Nazareth Lodge, Belfast and enquired if it would be possible for her to go there. Initially it appeared that this would be possible<sup>239</sup>.

6.4.7 However, a meeting took place on 1 April 1974 between the social worker and SR 18. At that time records indicate that SR 18 expressed her

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<sup>237</sup> HIA 375

<sup>238</sup> SNB 44649 - 44650

<sup>239</sup> SNB 44650

unhappiness with the plan for HIA 62 to move to Nazareth Lodge in Belfast and suggested instead that this teenage girl should be transferred to the Good Shepherd, Derry. The social worker recorded in her notes that she was “*totally against that*”, noting HIA 62’s education was based in Belfast, and her sisters resided in Belfast<sup>240</sup>. This, the HSCB suggests, demonstrates the determination of the social worker to base plans upon the particular needs and best interests of this child, who was in the care of social services.

6.4.8 Unfortunately [REDACTED] [SR 31] subsequently confirmed that it would no longer be possible to transfer HIA 62 to Nazareth Lodge, Belfast, following liaison with “the Superiors of Nazareth”<sup>241</sup>. NHB 124, Principal Social Worker, intervened to try to change that decision by meeting with [REDACTED] [SR 220], Head of Home, but was unable to do so.

6.4.9 Section 114(1)(b) of the 1968 Act<sup>242</sup> required that a welfare authority discharge their duty to provide accommodation for a child:

*“...where it is not practicable or desirable for the time being to make arrangements for boarding-out, by maintaining the child in a home provided under this Part, or by placing him in a voluntary home the managers of which are willing to receive him.”*

The social worker, therefore, had no power or authority to require a placement in Nazareth Lodge to proceed, if not agreed by the Home. While SR 220 was Head of Home in Nazareth House, Belfast, it was conveyed to the social workers involved that the decisions had all been discussed with Superiors who had equal authority over Nazareth Lodge, Belfast.

6.4.10 Alternative arrangements were made for HIA 62 so that she remained in Belfast. Ultimately, following a short placement in Ettaville Girls’ Hostel,

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<sup>240</sup> SNB 44650 - 44651

<sup>241</sup> SNB 44651

<sup>242</sup> HIA 372

she was successfully boarded out with her sister. That boarding out arrangement was approved and financially supported by social services.

6.4.11 By May 1976 HIA 62 had discussed a wish to move to live in England. The social worker acted proactively to support and arrange this through the following:

- Arrangements for a visit by the local authority in England to the home in which HIA 62 proposed staying;
- Financial support in relation to the travel costs and a final clothing grant.

6.4.12 It is also worthy to note that HIA 62's social worker was alert to her close relationship with SR 153 and during March – April 1974, which must have been a time of uncertainty for HIA 62 while alternative arrangements were made for her accommodation, to meet with SR 153<sup>243</sup>. The social worker also made contact with SR 153 on behalf of, and at the request of, HIA 62 in June 1975<sup>244</sup>.

6.4.13 The HSCB suggests that the actions taken by the social worker, NHB 115, (and her managers), and specifically those at paragraph 6.4.3 and paragraphs 6.4.5 to 6.4.8 were driven by efforts to minimise disruption of HIA 62's placement insofar as she had the authority to do so<sup>245</sup>. It is also evidence of social workers assessing whether a particular placement was suitable for a particular child as discussed in Chapter 2 at paragraph 2.1.16.

6.4.14 In the view of the HSCB this is a clear example of how the legislative framework applicable in 1974 prevented a welfare authority from requiring a placement in a voluntary home to either commence or continue without

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<sup>243</sup> SNB 44651 – 3<sup>rd</sup> April 1974

<sup>244</sup> SNB 44662

<sup>245</sup> Transcript for Day 99, page 114, lines 7 to 11, when Mr Aiken BL has the following exchange with HIA 62: "Q ...As I was saying to you, in fairness to the social workers, NHB 115 seems to have been all over this like a rash. A: Very proactive, yes."

the agreement of those running the home, even if that placement was, in the view of social services, in the best interests of the child or young person involved.

6.4.15 It is also perhaps apt to note, as indicative of a degree of independence that was afforded to Voluntary Homes, that while the Department had an equal power to require a welfare authority to remove a specific child from a Voluntary Home<sup>246</sup>, no corresponding provision appears that enabled the Department to require a Voluntary Home to accept a proposed placement of a specific child in the event of their refusal to do so.

6.5 [REDACTED] [HIA 368]

6.5.1 HIA 368 was placed in Nazareth House, Belfast, on 16 May 1969 where his sister HIA 175 had already been placed. It was noted when HIA 368 gave evidence that insofar as the Inquiry understood he was the first boy in Nazareth House. HIA 368 himself did not recall any other boys being there during his time<sup>247</sup>, however it does appear that HIA 142 was in Nazareth House at an earlier date as detailed in Chapter 5 at paragraph 5.1.6.

6.5.2 During his evidence to the Inquiry<sup>248</sup>, a positive contribution from social services to HIA 368 was noted in the form of Down County Welfare Committee arranging and financing clothing for him<sup>249</sup> and his sister<sup>250</sup>.

6.5.3 The welfare authority also promoted boarding out arrangements for these siblings. After their placement in Nazareth House, Social Services advertised for a foster placement for HIA 368 and HIA 175. A family responded and, following a visit from the social worker to the family at

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<sup>246</sup> Also section 117 of the Children and Young Persons' Act (Northern Ireland) 1968 at HIA 375

<sup>247</sup> Transcript for Day 101, page 8, lines 19 to 23

<sup>248</sup> Transcript for Day 101 commencing page 18, line 23

<sup>249</sup> SNB 6447 and SNB 6448, SNB 43553

<sup>250</sup> SNB 43833

which she gained a positive impression, arrangements were made for a first meeting with the children on 14 December 1969.

6.5.4 HIA 368 and his sister were boarded out for a number of periods during the holidays, with a plan that they would move permanently in October 1970. Unfortunately this was unable to proceed, at least in part due to health difficulties of the proposed foster carer<sup>251</sup>.

6.5.5 HIA 175 left Nazareth House in the summer of 1971. Arrangements continued to identify a foster placement for HIA 368, the younger of the two siblings. He was boarded out with a family at the end of the summer 1971 and this progressed to a permanent arrangement in September 1972. As outlined by Senior Counsel to the Inquiry during HIA 175's evidence:

*"... there were some behavioural issues and some communication difficulties with you and your foster parents, but Social Services stepped in and helped to resolve that over the years..."*<sup>252</sup>

## 6.6 SOCIAL WORKERS

6.6.1 The HSCB also notes that there were a number of Applicants who came forward to the Inquiry commenting positively upon the contribution Social Workers made to their childhood. Having an assigned social worker was a key difference in experience between those children that were privately placed, and those in the care of an authority. The latter had assigned social workers who visited, reviewed their circumstances, worked to maintain family relationships (as detailed in Chapter 5) and where possible promoted arrangements for boarding out.

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<sup>251</sup> SNB 6424, paragraphs 5 to 7

<sup>252</sup> Transcript for Day 101, page 31, lines 17 to 20



6.6.2 Social work visiting to children in residential care on a monthly basis was implemented in the Belfast area prior to any statutory requirement to do so. As outlined by Robert Moore in his evidence to the Inquiry:

*“Q: Well, you talk about in paragraph 7 here that you yourself were instrumental in instituting a practice that the social worker would visit a child in residential care at least monthly and that there be quarterly reviews.*

*A: Yes*

*Q: That was a legal requirement for boarded out children. Do you recall when you set that up, Robert?*

*A: Oh, I think the answer has to be – has to be no, but there is a time frame. I was at headquarters of Belfast Welfare from 1965 until 1971. So a midpoint would not be too far out.”<sup>253</sup>*

6.6.3 When asked by Ms Doherty about ways in which influence could be brought on the quality of care that was being provided to the children in a voluntary home, other than financial means, Mr Moore noted:

*“There were other ways that were employed to try and influence change. Not least was individual visits by social workers to the children for whom they had a responsibility, because they would have spent time not only with the children but also with the Superior and the staff in charge to talk about the care needs of that child. So there was ongoing dialogue...”<sup>254</sup>*

6.6.4 Fieldwork social workers responsible for children placed in these Homes were at times working under difficult circumstances as a result of complex factors including, but not limited to busy caseloads and tensions in the community due to political differences<sup>255</sup>. However they worked with the aim of promoting the interests of children.

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<sup>253</sup> Transcript of Day 111, page 12, line 24 – page 113, line 10

<sup>254</sup> Transcript of Day 111, page 151, lines 5 to page 152, line 3

<sup>255</sup> As described, for example, by NL 191 – Transcript of Day 105, page 5, line 19 to page 7, line 17

6.6.5 They also sought to engage with children in a positive way. NL 187 gave evidence to the Inquiry on 16 April 2015 and noted:

*“... once I learned to drive I did take them out to a few places. We went swimming and different – different places.”<sup>256</sup>*

## 6.7 BOARDING OUT

6.7.1 The legislative framework promoted Boarding Out for children as the preferred means of a welfare authority providing a child with accommodation.<sup>257</sup>

6.7.2 The HSCB would highlight a number of examples of this being actively pursued and promoted for children:

- **HIA 210:** His social worker, NL 180, gave evidence to the Inquiry on 24 March 2015. He noted a change in the demeanor of HIA 210 following a move in placement from Nazareth Lodge to Rubane, such that he was concerned that the placement was not meeting his needs and that he might become unfosterable. An alternative placement was arranged, from where he transferred to foster parents<sup>258</sup>;
- **HIA 142:** This Applicant was placed in Nazareth Lodge, Belfast just before his second birthday. He remained in the Home for two and a half years before being boarded out with his Great Aunt, who later adopted him. HIA 142 recalled in his statement that *“the welfare used to visit and once they sent us on holiday to Weston-Super-Mare”<sup>259</sup>*

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<sup>256</sup> Transcript of Day 110, page 29, lines 2 to 4

<sup>257</sup> Section 114 of the Children and Young Persons’ Act (Northern Ireland) 1968 – HIA 372

<sup>258</sup> Transcript of Day 104, page 46, line 3 to page 47, line 10

<sup>259</sup> SNB 286, paragraph 11

- **HIA 297 and HIA 91:** These brothers were in the care of Armagh Welfare Committee. HIA 297 was placed in Nazareth Lodge on 23 April 1968 and HIA 91 joined him on 28 August 1970. The welfare committee promoted a boarding out arrangement for them and they were placed with a family together from 1 August 1972. Regrettably, despite support and close monitoring by the social worker, this did not offer these children the standard of care that it should have;
- **HIA 259:** He was placed in Nazareth Lodge on 27 April 1972. Efforts were made by the social worker to identify a suitable family that could offer a boarding out arrangement. This included circulating a report on him to other Districts, but unfortunately a foster home was not identified<sup>260</sup>.

6.7.3 The ability to secure an appropriate boarding out arrangement, and whether that was in the specific interests of the particular child, was kept under consideration for those children in the care of a welfare authority through the review process.

6.7.4 It was not always, however, achievable or appropriate. For HIA 363 fostering was kept under close consideration, however it was doubted that she herself would want this. This was particularly so in the absence of her mother's consent. By contrast, however, her brother had a very successful fostering arrangement during his childhood.

6.7.5 Arrangements for a child to be boarded out did not always ensure that he or she received the care that they deserved. These examples at paragraph 1.7.2 above are, however, highlighted as evidence of the efforts that were made by the HSCB's predecessors to identify solutions for children to be looked after outside a residential care setting. For many children this did achieve a good outcome.

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<sup>260</sup> SNB 5585

6.7.6 The system of regular reviews for children placed by a welfare authority ensured that these issues were discussed and assessment of the merits and /or availability of a boarding out arrangement continued. This contrasts with those children that were privately placed for whom no such system was in place.

6.7.7 Some Applicants to this Inquiry, who were placed privately, spent a significant proportion of their childhood within one of the Homes run by the Sisters of Nazareth in Belfast. These particularly include:

- HIA 361: placed 6<sup>th</sup> October 1941 to 7<sup>th</sup> July 1952, almost 11 years;
- HIA 30: placed 27<sup>th</sup> December 1944 to 6<sup>th</sup> November 1960, almost 16 years;
- HIA 166: placed 31<sup>st</sup> August 1948 to 1960, 12 years;
- HIA 224: placed 8<sup>th</sup> March 1949 to 1<sup>st</sup> March 1966, almost 17 years;
- HIA 430: placed 30<sup>th</sup> September 1949 to 17<sup>th</sup> December 1963, over 14 years;
- HIA 197: placed 1949 – 1967, 18 years;
- HIA 52: placed 4<sup>th</sup> June 1951 to 10<sup>th</sup> May 1968, almost 17 years;
- HIA 20: placed 21<sup>st</sup> October 1952 to 10<sup>th</sup> January 1967, over 14 years;
- HIA 316: placed 1953 – 1967, 14 years;
- HIA 250: placed 30<sup>th</sup> May 1955 to 16<sup>th</sup> September 1972, 17 years;
- HIA 21: placed 6<sup>th</sup> February 1957 to 25<sup>th</sup> August 1968, 11 ½ years;
- HIA 9: placed 21<sup>st</sup> January 1960 to 19<sup>th</sup> December 1974, almost 15 years;
- HIA 62: placed 3<sup>rd</sup> June 1961 to 15<sup>th</sup> March 1974, almost 13 years;

6.7.8 Within the Applicants to this Inquiry there are no examples of children that were placed in Nazareth Lodge, Belfast or Nazareth House, Belfast by the welfare authorities at a young age, and who then remained in the Home for such a long period. The HSCB suggests that the systems in place to

proactively look away from residential care for those children that were the responsibility of a welfare authority ensured this was an unlikely outcome.

## 6.8 CONCLUDING REMARKS

- 6.8.1 It is submitted by the HSCB that for those children in the care of an authority, systems were in place that were designed to promote the interests of children and to ensure that their circumstances were reviewed, so that if deficits in arrangements were identified steps could be agreed to remedy same.
- 6.8.2 It is significant, in the HSCB's view, that arrangements such as social work visits to children in residential care were implemented as good practice prior to any statutory requirement to do so. This showed, it is suggested, a resolve to design, develop and implement systems of good practice that would keep the individual child's welfare paramount even though the underpinning legislation did not substantially change between 1950 and 1995<sup>261</sup>. This was the core focus and responsibility of the welfare authorities.

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<sup>261</sup> Transcript of John Duffy's evidence on Day 117, page 39, lines 5 to 25 and page 40, lines 1 to 4.