

- - - - -
HISTORICAL INSTITUTIONAL ABUSE INQUIRY
- - - - -

being heard before:

SIR ANTHONY HART (Chairman)

MR DAVID LANE

MS GERALDINE DOHERTY

held at

Banbridge Court House

Banbridge

on Wednesday, 17th June 2015

commencing at 10.00 am

(Day 128)

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

1 Wednesday, 17th June 2015

2 (10.00 am)

3 (Proceedings delayed)

4 (10.50 am)

5 WITNESS FJ7(called)

6 CHAIRMAN: Good morning, ladies and gentlemen. Can I remind
7 everyone, as always, that mobile phones must be either
8 turned off or placed on "Silent"/"Vibrate", and that no
9 photography or recording is permitted either in the
10 Inquiry chamber or anywhere on the Inquiry premises.

11 Good morning, Ms Smith.

12 MS SMITH: Good morning, Chairman, Panel Members, ladies and
13 gentlemen. Our first witness today is FJ7. She is
14 "FJ7". FJ7 wishes to take a religious oath and she also
15 wishes to maintain the anonymity afforded by the
16 Inquiry, Chairman.

17 WITNESS FJ7 (sworn)

18 CHAIRMAN: Thank you, FJ7. Please sit down.

19 Questions from COUNSEL TO THE INQUIRY

20 MS SMITH: Now FJ7 has given three statements to the
21 Inquiry. The first was provided for Module 1. That can
22 be found at FJH838 to 839 and it was made on 3rd
23 April 2014. A second statement is at 820 to 822 on 4th
24 June of this year and 813 to 819 from 5th June 2015.

25 Now, FJ7, you worked in Fort James from 1975 to

1 1990. Isn't that correct?

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

3 Q. Initially you were employed as a houseparent and then,
4 when the officer in charge left, you became a deputy
5 officer in charge --

6 **A. Yes.**

7 Q. -- at some point. In 1979 to 1982 you were also in
8 training for the CSS qualification --

9 **A. Yes.**

10 Q. -- which you did get in 1982, not 1989 --

11 **A. That's correct.**

12 Q. -- as is written in your witness statement. Just coming
13 back to the first statement that you gave us for
14 Module 1, if we might first, and, as I said, that's at
15 838, this was a statement that you provided specifically
16 to address the issue about visitors to Fort James.
17 Isn't that correct? You set out in that statement who
18 would have been admitted to the home.

19 Now the Inquiry will recall, and you may have been
20 told at the time, that an applicant to the Inquiry,
21 "HIA108", whose name is HIA108, alleged that she had
22 been abused by a priest who came to visit her in Fort
23 James. She told the Inquiry that staff had forced her
24 to see this priest when he came to the home and that he
25 had abused her two or three times per week while she was

1 there and we know that she was there in November 1980.

2 Now this would have been at the time when you were
3 doing your CSS course. So in that month for two weeks
4 of that month you would not have been in the home.

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

6 Q. But you in the statement that you provided to the
7 Inquiry certainly said -- sorry. The page references
8 are, in fact, changed on this. Sorry. It's at 40903
9 and it's 3rd -- yes, 3rd April statement. 40903. Yes.
10 Can I just -- that's the statement, FJ7, that you gave
11 to the Inquiry in April 2014. Is that right?

12 **A. Yes.**

13 Q. As I was saying there -- just if we can scroll down
14 through it -- you talk about people who visited the
15 unit. You were specifically asked -- if we can scroll
16 right down, please -- what your recollection was of any
17 priests calling at the unit. First of all, at
18 paragraph 2 you said in the early days that recording
19 was done in the large day-to-day diary and any visitors
20 or untoward incidents were logged there by management
21 and key workers.

22 I was saying that while we do have documentation
23 post-1980, it is likely that anything prior to that has
24 been destroyed, and we certainly have seen no documents
25 in relation to Fort James of an earlier date than the

1 early '80s. So we don't have any documentation. We
2 don't have the day-to-day diary or the untoward
3 incidents or visitors' records from that time, but you
4 yourself have no recollection of any priests calling at
5 the unit, although you remember that when young Catholic
6 children were making their first communion and
7 confirmation, that was done through the school.

8 **A. Yes.**

9 Q. You remember young Protestant children making their
10 confirmation and that being done through their church
11 and Sunday School, and that key workers would have been
12 involved in dealing with those members of clergy in
13 respect of that.

14 **A. Uh-huh.**

15 Q. When we were talking earlier, you did say that you had
16 a vague notion of a local priest visiting when one girl
17 was making her confirmation. Is that correct?

18 **A. Yes.**

19 Q. We talked about the name of that child and it certainly
20 wasn't the person who had spoken to the Inquiry about
21 a priest visiting her, and you thought the priest, who
22 was the local priest at that time, was a .

23 **A. Yes.**

24 Q. He is the only person you ever remember seeing in Fort
25 James?

1 **A. It was just a one-off that I can recall.**

2 Q. Well, as I was saying there, FJ7, we don't have
3 documentations -- documentation much before the early
4 '80s, but in paragraph 3 of your statement, which can be
5 seen at FJH813, please, this is a statement which you
6 made earlier this month, and you describe Fort James as
7 you remember it in the early '70s. You say:

8 "It was established as a children's home in '73 and
9 it was quite an old solid estate house."

10 If we can scroll down, please:

11 "It had three and a half floors. The house was
12 enclosed with a surrounding wall and sat among two acres
13 of woodlands and lawns. A bungalow built beside the
14 unit which was intended to be accommodation for the
15 officer in charge."

16 You go on to describe it. You say that when you
17 arrived:

18 "There were four large rooms used as bedrooms that
19 would have contained three beds. After about '78 this
20 was changed so that the shared bedrooms had two beds and
21 the home also had a few smaller single rooms."

22 Now when we were speaking, you made the point to me
23 that this home, when it opened in 1973, had a lot of
24 babies. In fact, a lot of the staff who applied to work
25 in the home and who then continued to work in it

1 throughout the time of its existence had been people who
2 applied to work with babies.

3 **A. Yes. Uh-huh, and that was the qualification for nursery**
4 **that they had. At the time when I applied, as I say, it**
5 **was a children's home as opposed to an adolescent unit.**

6 Q. Certainly the children who were in the home at that time
7 were younger, but that changed over the course of the --

8 **A. Yes.**

9 Q. -- existence of the home in that -- and please correct
10 me if I've got this wrong -- but from what you were
11 telling me essentially the decision was made that
12 younger children really ought to go into foster care
13 rather than into a residential unit --

14 **A. Yes.**

15 Q. -- and the foster care side of things grew so that
16 gradually the demographic of the children who were in
17 Fort James became largely adolescent?

18 **A. That's correct. I mean, it was secondary school. There**
19 **would have been a few -- still a few primary school**
20 **children, and that's probably because maybe you'd**
21 **a family of four. So their age range put them into the**
22 **children -- you know, the younger age group, but yes,**
23 **most of them were secondary school.**

24 Q. You describe in paragraph 4 here -- you talk about the
25 staffing that there were in the home in the early '70s,

1 approximately ten to twelve childcare staff, two cooks,
2 two domestic assistants working in the home. You say --
3 you were explaining that the qualifications that the
4 staff had were this National Nursery Examination Board,
5 the nursery nurse qualification.

6 **A. Yes.**

7 Q. And then at 4.6 you talk about there was a move away in
8 the late '70s to try to make the home less
9 institutionalised, giving children more of a choice
10 about bed linen and that sort of thing and the
11 decoration of the home.

12 **A. Uh-huh.**

13 Q. That was a major change around that time, was it?

14 **A. Well, it -- yes, because everything automatically --**
15 **rather than accept that everything came from the**
16 **hospital, because that's who provided all the food and**
17 **the linen and stores for the unit, it was about trying**
18 **to break that down and make it more personal.**

19 Q. Make it more homely effectively?

20 **A. Yes. Uh-huh.**

21 Q. You talked about the first car being got, for example,
22 in 1983/1984. I think you were explaining that this
23 type of large item for the home really only came at the
24 end of the financial year --

25 **A. Yes.**

1 Q. -- when there was a pool of money unspent that you could
2 actually access to get that type of thing. I know from
3 one of the former officers in charge of the home, he
4 said that you might put in a request for something but
5 it could be -- take some time before you would actually
6 see the fruits of that request.

7 **A. Yes.**

8 Q. It took him two years to get a typewriter, for example.
9 That was your experience also?

10 **A. Yes.**

11 Q. Just talking about some of the other changes that
12 occurred in the home over your time span there, we know
13 that you talk about in paragraph 6 that the fieldworkers
14 met with children and the fieldworker called at the home
15 to meet with the child once a month or more if the child
16 requested it.

17 I just wondered what interaction there was in the
18 early days between fieldwork staff and residential staff
19 and what kind of information you were being given by the
20 fieldwork staff about the children who were coming into
21 your care.

22 **A. Well, we wouldn't have been given -- usually if they**
23 **were relating to anybody, they would relate it to**
24 **probably the manager in the unit back then, but we would**
25 **have had -- you gained the information and the**

1 background of the family through time, if you like, but
2 it wasn't something that was formally given to you to
3 say, "This was what was happening to the child. This is
4 why they are here", or the background to it. That came
5 with time just, knowing, you know, the children and the
6 -- I suppose whenever the (inaudible) meetings started
7 to happen, you started to get the information.

8 Q. We know from evidence we heard from HH5 that certainly
9 when he moved to Harberton or he left Fort James -- he
10 was there for a year from '78 to '79 -- when he left, he
11 and Peter Newman set about setting up the review system
12 that came into play. So the residential social worker
13 would have then started to attend those review meetings
14 about the children, and I take it you would have
15 gathered more information in that way?

16 A. Yes.

17 Q. That was something that you also mentioned, that the key
18 worker was introduced for a child. You think that that
19 happened in the late '70s also.

20 A. Yes.

21 Q. Would that be right?

22 A. Yes.

23 Q. So each child in the residential setting had its own key
24 worker --

25 A. Yes.

1 Q. -- person that they could relate to on a deeper level,
2 as it were. That way more information would have been
3 gathered also about the child --

4 **A. Yes.**

5 Q. -- and its background.

6 You talk in the statement about things like holidays
7 and outings, and again we can see and heard -- we've
8 heard from other people and from the documentation that
9 we have seen that things did change from the 1980s
10 onwards with regard to case reviews.

11 I was wondering just about record-keeping, and you
12 talked about the officer in charge, FJ5, came in -- he
13 started in September 1980. You say he introduced
14 individual notebooks in respect of the children to the
15 home. Is that right?

16 **A. Yes, notebooks that the children could also write in.**
17 **We could write in -- staff could write in, but the**
18 **children could also write in it.**

19 Q. Just basically what kind of things might have been
20 recorded in the notebooks that you can remember?

21 **A. Well, I suppose for the staff it would have been quite**
22 **general stuff really, I suppose what was happening to**
23 **them or who had visited or whatever. For the kids, when**
24 **they would write in it, it could have been complaining**
25 **about somebody else they were fighting with, you know.**

1 **It could have been anything.**

2 Q. Well, I mean, we will come on to look at some of the
3 inspections, but certainly up until 1982 you don't
4 really remember any formal inspections of Fort James by
5 the Department. Is that right?

6 A. **No. The first one I would have remembered would have
7 been in '82, if that's the year, Denis O'Brien.**

8 Q. The Social Work Advisory Group inspected at that time.

9 A. **Yes.**

10 Q. That was the time when all homes in Northern Ireland
11 were being inspected in light of what had happened in
12 Kincora --

13 A. **Yes.**

14 Q. -- and the fact that the Department sent out the
15 inspectors to look at every home, but before that you
16 don't remember any regular inspections --

17 A. **No.**

18 Q. -- by the Department at all?

19 A. **No.**

20 Q. I just wondered do you remember inspections by -- at
21 Board level from senior management within the Western
22 Board?

23 A. **No, but I wasn't a manager back then before that, you
24 know. I became -- I had become the deputy manager, but
25 I didn't -- but I have no recollection of -- but that**

1 **doesn't mean to say it didn't happen, but I just said**
2 **I have no recollection.**

3 Q. I suppose it is entirely possible there may have been
4 inspections, for example, when you were out on the CSS
5 course?

6 A. **It's possible. That's what I'm saying. Uh-huh.**

7 Q. Well, the Inquiry has heard --

8 A. **Because --**

9 Q. Sorry.

10 A. **Go ahead. I don't -- I don't recall any.**

11 Q. The Inquiry has heard from HH22 and seen from papers,
12 including inspection reports, that Fort James itself as
13 a home presented difficulties for the supervision of
14 children. Is that your memory?

15 A. **Well, because of the type of building I suppose. It was**
16 **three and a half floors high and you -- the kitchen and**
17 **all were and sitting room were downstairs, but the**
18 **bedrooms, as I say, you went up, but any time, you know,**
19 **kids wanted, say, a hairdryer or something, you had to**
20 **go to the top of the house to get it and come down, but**
21 **the children could be dispersed in any of the rooms.**

22 Q. I think when I was talking to HH22, she described it as
23 having lots of nooks and crannies for children.

24 A. **Oh, there was plenty of those.**

25 Q. Also we heard that in the early days when she was there

1 -- and I know she left -- you worked with her.

2 **A. Yes.**

3 Q. There was overlap at the time she was there. She said
4 essentially in the '70s the focus was on dealing with
5 the primary care of the children rather than therapeutic
6 work with the children.

7 **A. Yes.**

8 Q. Would that be right? She also said that there was very
9 little information coming in from fieldwork staff as --
10 when children were admitted to the home.

11 Do you recall yourself -- in the '70s do you recall
12 any particular difficulties that you would have
13 experienced in the home or any untoward incidents in
14 that time period that stick out in your memory? I know
15 you talk in the statement about the difficulties that
16 you experienced in dealing with the older children and
17 the difficulties that presented for staff. You told me
18 a little bit more about that.

19 **A. Yes. You were talking I suppose for those younger**
20 **children in the '70s I suppose it was a different -- it**
21 **was about the care. It was always the difficulties then**
22 **we had -- you know, the older teenagers, and if any of**
23 **them -- you know, we couldn't -- because of The Troubles**
24 **and everything else and because of their age, we**
25 **couldn't give them permission to go to pubs and**

1 whatever. So it ended up it became almost secluded in
2 a sense, because then they would be saying they are
3 going to their friends and then come back, but the
4 chances are they had alcohol taken, because otherwise we
5 had to report them missing, and, you know -- and it was
6 about dealing with that, and they were difficult
7 sometimes to deal with whenever the alcohol was, you
8 know, in.

9 Q. One of the points that you made to me when we were
10 talking earlier, FJ7, was that the staff were
11 ill-trained and ill-prepared to deal with the teenage --

12 A. Yes.

13 Q. -- problems, the general teenage problems in any event,
14 because they had been trained as nursery nurses to look
15 after babies.

16 A. Yes, that was their training. In the mid-'70s it was
17 just -- it was whatever common sense anybody had and
18 trying to have good practice, but, you know, in terms of
19 therapeutic skills and stuff like that, we didn't have
20 that. It was just what any parent would do.

21 Q. Certainly whenever -- things moved on and there was more
22 training provided for staff -- is that correct -- in the
23 '80s and '90s?

24 A. Yes.

25 Q. I know that there was certainly a lot of in-house

1 training. We have seen some documentation to show some
2 of the courses that went on -- staff were sent on
3 certainly in the late '80s, '90s.

4 **A. Yes.**

5 Q. But I just wondered about sexual activity between
6 children, first of all. Were you aware or when did you
7 become aware about sexual activity between children in
8 your work in residential childcare?

9 **A. I am not really thinking of within the unit so much,**
10 **because that was something that I suppose you were aware**
11 **that, you know, at night-time or whatever if the**
12 **children were -- you know, the different rooms, if you**
13 **like, but, I mean, I would have been aware of kids**
14 **outside the unit and meeting people and situations**
15 **happening, but not ...**

16 Q. At paragraph 8.5 here you say that:

17 "Whenever children were coming into Fort James, they
18 were admitted by the courts due to neglect or alcohol
19 abuse."

20 **A. Yes.**

21 Q. I think you meant alcohol abuse on the part of the
22 parents --

23 **A. On the part of the parents. Yes. Sorry.**

24 Q. -- rather than the children. You say:

25 "Back then sexual abuse was not talked about."

1 **A. No.**

2 Q. "So no-one was asking the question."

3 So these children were coming in and you really had
4 very little information about their backgrounds or what
5 they might have experienced in the community. If I have
6 understood you right, certainly while the issue of
7 sexual abuse might have been something that you knew
8 about, it wasn't something that was talked about or
9 explored about the children at that point in time?

10 **A. It was not, no.**

11 Q. From what we have heard from other people, that really
12 was only something that began to be developed in the
13 '80s.

14 **A. Yes.**

15 Q. Right through to the end of the '80s, while there was
16 a certain -- an awareness of the fact that sexualised
17 children, if I can put it that way, might engage in
18 sexualised behaviour, that the actual issue of peer
19 abuse was not on the radar at any stage until really the
20 late '80s, early '90s. Would that be your recollection?

21 **A. Yes.**

22 Q. I think you made the point to me that when you started
23 in 1975, I think you said it was a figure of 75%?

24 **A. Well, that's just a rough figure I would have said. The**
25 **children came in under the umbrella of neglect or**

1 **alcohol abuse from families, but by the time I left in**
2 **1990 you were talking about 75 almost being about sexual**
3 **abuse, the reason they were admitted.**

4 Q. So 75% of the children would have been --

5 **A. Because people were asking the question, you know.**

6 Q. Also in paragraph 9 of the statement, FJ7, you talk
7 about the changes that occurred in the course of your
8 time in Fort James about preparing young people for
9 leaving care. We can see from that -- I should have
10 said to you, FJ7, that the Panel have read your
11 statement in its entirety, and I am scanning through it
12 and just pointing out a few paragraphs, but you can rest
13 assured that the entire statement has been read. You
14 talk about the changes here and you say that that
15 changed over the years right up to a situation where
16 there was phased discharge into the community --

17 **A. Yes.**

18 Q. -- for the young people.

19 I know that you have addressed an issue here about
20 the fact that the children's belongings were given to
21 them in a bin bag, because you didn't have the cash
22 actually to provide them with a hold-all. That came
23 some time later. The reason you address that issue is
24 because of something that someone who came to speak to
25 the Inquiry had raised. He has given evidence and he

1 has confirmed that it really wasn't a major issue or
2 major complaint of his.

3 I know that one thing he did tell us was about
4 an incident involving a member of staff. He gave a name
5 which, whenever you were asked about remembering did
6 anyone of that name work there, you were quite clear
7 no-one of that name worked there, but you were able to
8 identify someone else who effectively fitted the
9 description that he was giving, and confirmed that that
10 member of staff -- and I am just going to use the first
11 name -- was SND 449 She was married at that time to
12 someone called SND 448

13 **A. Yes.**

14 Q. You confirmed to me --

15 **A. Yes.**

16 Q. -- what this gentleman had told us about that man
17 SND 448 profession at the time.

18 **A. Uh-huh.**

19 Q. You also confirmed that another person that he named --
20 I will call her ^{SND 450} -- also worked in the home at that
21 time. You did confirm that SND 448 would have come to
22 pick up his wife at the end of her shift to the home,
23 but when I told you a little bit about the allegation
24 that was made and I asked you if any altercation
25 involving a resident and anyone belonging to a member of

1 staff or colleagues of his took place, I was asking at
2 that stage, "Would you have expected to know about it?"
3 Now we are talking about in or around March, spring of
4 1981. I know you were still at that stage engaged in
5 the CSS course. So you weren't full time in the unit,
6 but would you have expected to hear about such
7 an incident?

8 **A. Well, I would have -- yes, because I would have always**
9 **read the log books whenever I came back to catch up.**

10 Q. And you would have expected to see something like that
11 --

12 **A. Yes.**

13 Q. -- recorded there?

14 **A. Yes.**

15 Q. I am going to move on to talk about a matter that the
16 Inquiry has been looking at, FJ7. I know that this was
17 a difficult matter for you to discuss when we were
18 discussing it earlier. So I will do a lot of the
19 talking and try to make it a little bit easier for you.

20 In your third statement you address this. That's
21 the statement which is at -- I will just check the
22 page reference number. That's 813. That's the issue of
23 a former officer in charge -- sorry. It is changed
24 I think. This is now -- yes. I think I have maybe
25 given the wrong page reference. The third statement is

1 at 820. Thank you.

2 We know that this person was -- I should say that it
3 is clear, FJ7, that your full name is shown on this
4 screen, as are the names of other people. Can I just
5 assure you that before any of this is put on to our
6 website all of those names will be redacted, and just to
7 remind people that no names can be used outside this
8 chamber without the permission of the people it
9 concerned, first of all. So I just wanted to reassure
10 you about that --

11 **A. Thank you.**

12 Q. -- because the names can be seen here.

13 Certainly this officer in charge -- and I am just
14 going to use his first name, because that's easier, but
15 he too has a designation, which I think is FJ5 -- he was
16 working in Fort James from until

17 Now you were deputy officer in charge to
18 him during that time. Isn't that correct?

19 **A. Yes.**

20 Q. Again for most of the time that he was officer in charge
21 you were engaged in this course of study leading to your
22 qualification until March 1982. That took you away from
23 the home for blocks of two weeks each month --

24 **A. Yes.**

25 Q. -- during term time.

1 Now we have been told by the person who succeeded
2 him ultimately, FJ 33 that FJ5 was admired by the staff
3 in Fort James. He felt, when he came, he had a lot to
4 live up to. Is that your view of the man who you worked
5 with?

6 **A. Well, knowing FJ 33 he didn't have anything to live up**
7 **to. He was a good person and a good worker.**

8 I suppose when FJ5 came, as you said earlier, before
9 that we dealt with the care of the children, the primary
10 care. I think that's probably one of the things. He
11 came -- he was a trained social worker, came from
12 a residential background, and brought with him new --
13 I suppose new stuff. Again it was starting to work
14 therapeutically with the children. I suppose that was
15 what the difference was, you know.

16 **Q. He was the one --**

17 **A. Responding to the behaviours and looking at ways to deal**
18 **with the behaviours.**

19 **Q. You say that he was willing to share that knowledge with**
20 **you --**

21 **A. Yes.**

22 **Q. -- and the other staff.**

23 **A. Uh-huh.**

24 **Q. That was to the benefit you felt of the children in the**
25 **home.**

1 **A. Yes.**

2 Q. You also described him as very work-focused.

3 **A. Yes.**

4 Q. He wasn't someone to socialise outside the home with the
5 staff or anything like that.

6 **A. No.**

7 Q. I think you also describe him in what I would term as
8 a stickler for time. If a meeting was to start at
9 8 o'clock in the morning, it started then.

10 **A. Oh, yes. Uh-huh. Yes.**

11 Q. He also introduced certain practices into the home with
12 regard, as you say, to looking after the needs of the
13 children, such as giving them hot water bottles, reading
14 to them in bed at night. Do you remember all of those
15 things being introduced into the home?

16 **A. Yes. It was all done responding I suppose to individual
17 children. So it wasn't just en blank -- you know, en
18 masse. It was for individuals, you know, and therefore
19 that's -- sort of came about gradually, responding to
20 the needs.**

21 Q. Well, in October 1983 a boy who was resident in the home
22 made allegations about FJ5. That led to a police
23 investigation.

24 Can I just ask, first of all, FJ7, when you first
25 became aware that the allegations had been made?

1 **A. The allegation was probably made Monday, Tuesday of the**
2 **week and I probably knew about it about three or four**
3 **days later.**

4 Q. When you say you knew about it, how did you first learn
5 about it? Was that informally or were you formally
6 told?

7 **A. No. Well, I would have thought that it was probably**
8 **TL 20 that -- I'm thinking it was him that**
9 **actually came out and informed me of it.**

10 Q. He was then Principal Social Worker?

11 **A. Yes.**

12 Q. You think that he came and told you --

13 **A. Yes.**

14 Q. -- and spoke to you about it at that stage. You
15 subsequently gave a statement to the police, which can
16 seen at 30379. In that statement, which we can look at
17 -- and I know you have had the chance to look at this
18 yourself this morning -- this was January of 1984, when
19 police are carrying out their investigations, and you
20 described the situation in Fort James and how it
21 operated and the normal procedure during that time. Can
22 you just scroll down, please? You say that:

23 "Until Christmas 1980 a system of duty night staff
24 was in operation, which meant that someone would be
25 employed on waking duty in the home during that period

1 of time."

2 **A. Yes. If -- yes. If staff were on at night -- and that**
3 **was coming from the nursery time. It still hadn't**
4 **changed over obviously from what I'm saying there. They**
5 **were still on waking duty.**

6 Q. Yes. We know that certainly by the late '80s there
7 wouldn't have been waking night duty in the homes, in
8 either there or in Harberton House. That had changed to
9 just sleeping-in staff.

10 **A. Sleeping-in staff, yes.**

11 Q. After the incidents, which I know you are aware of, but
12 weren't at the time, because you had moved on into
13 a different field in 1990, but after the Harberton House
14 waking night staff were reintroduced into the homes?

15 **A. Yes.**

16 Q. Certainly there was waking night staff in 1980. You go
17 on just in this statement, please, if we can just scroll
18 on down it, to talk about you produced the log books
19 covering the period from September '80 to September '83
20 and:

21 "Each child and resident had a set of day cards. A
22 member of staff would record something on each child.
23 The child would be encouraged to also record anything
24 using this document."

25 Those day cards were the little notebooks you were

1 talking about that were used?

2 **A. Uh-huh.**

3 Q. So this was the statement that you provided to police at
4 the time. It was just a general background statement
5 about how the home operated really. I just wondered
6 about the daybooks themselves and the recording therein.
7 I take it every member of staff who would have recorded
8 in them might have taken a different approach to what
9 they recorded?

10 **A. Well, they would have been recording whatever, you know,**
11 **event that happened or that was important to record, if**
12 **you like. Maybe an accident or report or family**
13 **visiting or whatever it was. So, I mean, although the**
14 **styles -- in terms of styles there would have been no --**
15 **we would not have had any training in record-keeping, if**
16 **you like, in that sense. So people just wrote it as it**
17 **was.**

18 Q. Well, can I just also check with you, FJ7, you were not
19 made aware when you were told that these -- you were
20 made aware that there were allegations of a sexual
21 nature --

22 **A. Yes.**

23 Q. -- had been made against FJ5, but you weren't told any
24 of the detail. Isn't that correct?

25 **A. No.**

1 Q. In fact, management told you and other staff not to
2 discuss the matter or to speak to FJ5 about it -- isn't
3 that correct --

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

5 Q. -- or have no contact with him? I know you yourself --

6 **A. That was a few weeks later that instruction came.**

7 Q. Yes. I know you yourself acted as bail surety for him
8 --

9 **A. Yes.**

10 Q. -- when you were requested to do so by his solicitor at
11 the time, and while there is some suggestion in material
12 that we have seen that you were told not to do that,
13 your firm recollection is that you were told that this
14 might not be the wisest thing to do, but having already
15 given your word you were going to do it, you stood by
16 that?

17 **A. Yes.**

18 Q. This was not a man who you really knew as anything other
19 than a work colleague. Is that right?

20 **A. That's correct.**

21 Q. Certainly with regard to the details of what had
22 happened, you only knew the details when you saw
23 material last month --

24 **A. That's correct.**

25 Q. -- in preparation for this Inquiry. Is it fair to say

1 that there must have been some talk among the staff
2 whenever this matter came to light and that they -- the
3 overall impression among staff was one of general
4 disbelief? Would that be ...?

5 **A. Yes.**

6 Q. Right. Now we know that there was an internal review
7 carried out, and we can look at that. It is 30990.
8 This is a record of your interview by a team, a review
9 group that was set up. That was Tom Haverty, who was
10 the District Social Services Officer at the time, Peter
11 Newman, the Assistant Director of Social Services, and
12 Mr Thompson, who was Assistant Chief Administrative
13 Officer for Personnel and Management Services. It would
14 appear that you were interviewed on 7th December 1983.

15 I know you saw you this document this morning, FJ7.
16 I was asking you if you had any recollection of it at
17 all, but it clearly shows that they were looking at not
18 the details of the allegations that the child had
19 raised, but really whether there were any lessons for
20 management as a result of what was taking place in the
21 home around that time. That's certainly how it was
22 explained to you, but again you have no actual memory of
23 this interview taking place.

24 **A. I had that many interviews that whole year and on top of**
25 **that we had still to run the children's home, you know.**

1 **So we still had our work to do. We had long hours,**
2 **because we hadn't enough staff, and I was being**
3 **interviewed every week. So I had no memory of that**
4 **specific one.**

5 Q. But certainly this took place -- and just to be clear,
6 it wasn't just you who was interviewed.

7 **A. Yes.**

8 Q. The other staff members were all interviewed, including
9 key worker, and the houseparents were all
10 interviewed at the time and what they recalled about it.
11 For example, key worker recalled that
12 had travelled with FJ5 on three trips out of the
13 jurisdiction in 1991, two in 1991, and one trip that you
14 actually describe in your statement that you do remember
15 --

16 **A. Yes.**

17 Q. -- which was when FJ5 took a group of boys out of the
18 jurisdiction to collect furniture for flats that older
19 children would have been moving into whenever they left
20 care.

21 **A. Uh-huh.**

22 Q. But as a result of this review, if we can look at
23 another document, please, at 30986, there was -- this
24 is -- it is headed "Follow-up action to be taken" and
25 one of the things -- number 1:

1 "Understaffing in the home, especially lack of
2 management of staff during this period. Although the
3 staffing situation has improved recently, it is still
4 necessary to review the staffing levels, especially in
5 the light of the independent living units coming into
6 operation.

7 Decision-making within the home by management staff.
8 Systems (sic) in the systems for management of the home
9 and changes in the routine in respect of the care of
10 children were not shared with district management."

11 The change in bedroom routine had been introduced by
12 FJ5.

13 "Important for middle management at district level
14 to be kept informed of change in practices in the home."

15 You in particular said management staff felt
16 isolated in the home. Referred to the fact that middle
17 and senior management did not have residential care
18 experience and in some ways that added to your sense of
19 isolation.

20 "Raises the degree and quality of support offered to
21 management staff in the home."

22 It said:

23 "Currently, TL 4 , " who I think was then Senior
24 Social Worker, "visits Fort James regularly about three
25 times a week, but it is necessary for more frequent

1 visits to be carried out by TL 20 and we should
2 carefully monitor practices and standards of care in the
3 home. In addition, it would be helpful if at least
4 an annual review on children's homes was carried out by
5 T. Haverty, P. Newman and TL 20 ."

6 Now documents that we have seen in the Inquiry, FJ7,
7 suggest that certainly with regard to the internal
8 inspections by middle and senior management in the Unit
9 of Management, that those certainly appear to have
10 happened after this event.

11 **A. Yes.**

12 Q. You have no recollection of them happening prior to
13 that?

14 **A. No.**

15 Q. So this would seem to have been a catalyst for
16 management to sort of sit up and say, "Look, we need to
17 have a more -- a greater knowledge of what is happening
18 in our children's homes".

19 **A. Yes.**

20 Q. Staff felt that TL 4 role wasn't clear and that
21 needed to be clarified.

22 "The practice of returning diary cards to the
23 children, thereby depriving the whole management staff
24 of ongoing records on the children. Action has been
25 taken to rectify that.

1 Reappraisal of the recording system kept in the
2 home. Again action had been taken.

3 Staff should write frequent progress reports in the
4 child's file. That now takes place.

5 **FJ 32** indicated that her role was not clear when
6 she first started. It was felt there should be more
7 induction training for staff."

8 If we can scroll down:

9 "Communication between management staff.
10 Communication was limited, owing to the staffing
11 problem."

12 I mean, you were out part of this period in time
13 training. There seems to have been a definite
14 understaffing of the home during this period. That's
15 your recollection?

16 **A. Yes. The staff were doing an awful lot of long hours**
17 **prior to -- prior to FJ5 coming into post, and I suppose**
18 **from the time that HH5 and HH22 moved up to the other**
19 **unit. Staff were doing a lot of hours. I mean, we**
20 **worked 42 hours and we slept in the building a couple of**
21 **nights a week, but we were also doing additional hours**
22 **to that. That was the hours that we were contracted**
23 **for. The staff were just -- health -- it was almost**
24 **like -- taking the children out -- if I was on a day**
25 **off, I would take a couple of children with me if I was**

1 going out on a social day. It was more to rescue the
2 staff as much I suppose to look after the children, you
3 know.

4 It wasn't until FJ5 came and he recognised that --
5 he said, "You realise you are doing 40 hours' voluntary
6 work every week?" Then it was putting it on paper and
7 looking at the overtime, and then it became an issue
8 because it was an overtime payment, and then that came
9 down to, "Right. Then let's get the staff", but the
10 staff didn't actually arrive until after FJ5 had left,
11 which took the two years.

12 Q. I think you were saying that before he came there was
13 a series of interim managers --

14 A. Yes.

15 Q. -- looking after the home -- isn't that correct -- who
16 were not from a residential background -- sorry --
17 weren't from a children's home.

18 A. They were residential, but they were from older people,
19 yes.

20 Q. Yes, and they had sort of had office-based jobs. They
21 hadn't had hands-on --

22 A. No.

23 Q. -- care of children or the elderly for that matter.

24 "Support/training for staff outside the home. At
25 least one member of junior staff felt it would be a good

1 idea for counselling opportunities to exist from outside
2 the home.

3 Permission for children leaving the home. Action
4 was taken on that particular issues. We should review
5 how effective it is and whether greater authority should
6 be delegated to the officer in charge."

7 This, of course, was because FJ5 had taken or
8 appeared to have taken from the home without
9 seeking permission from somebody more senior than
10 himself to do so, and that was actioned:

11 "Reviews are regularly carried out. It would seem
12 that absences from the home are not normally considered.
13 This should take place."

14 Someone is obviously writing on this document, "Who
15 should seek approval" to take children out of the home?

16 The names of those attending reviews should be
17 recorded obviously.

18 "Action has now been taken for TL 4 to examine
19 records in the home on a regular basis and sign
20 logbooks. An urgent need for secretarial support at
21 Fort James",

22 but from FJ33 that urgent need was not met at that
23 time or for some time later.

24 "Evident during our review that staff were not
25 receiving the level of supervision they required. With

1 the improved staffing establishment this should now take
2 place. It is, however, necessary to monitor on
3 a regular basis the level of and effectiveness of all
4 supervision.

5 All children should have a key worker at all times."

6 That is 27th April 1984. So it is clear that -- if
7 I can put it in this way, would you -- it seems to be
8 that the whole issue of complaint about FJ5 was
9 a wake-up call for middle and senior management as to
10 what was actually happening in the homes for which they
11 had responsibility. Would you have seen it in that way?

12 **A. Yes, yes.**

13 Q. Now I just want to deal briefly, if I may, FJ7, whenever
14 the court case -- you learned from another member of
15 staff in the home who was -- attended in the court that
16 the case had collapsed. She phoned to tell you. Then
17 you were later told --

18 **A. She actually came back to the unit.**

19 Q. And told you.

20 **A. Yes.**

21 Q. Your overwhelming sense was one of relief, because, as
22 you described it to me, you yourself felt -- I don't
23 want to put words into your mouth, but I know that you
24 found difficulty in talking about this to me earlier.

25 So please correct me if I have got anything incorrect,

1 but you felt somewhat beleaguered in your role as acting
2 officer in charge, that if this man had been convicted
3 of the charges that he faced, that there was a view that
4 somebody was going to have to take responsibility for
5 that and that might well have been you?

6 **A. Yes.**

7 Q. During that period of time you felt that you had
8 complete and utter lack of support from your management.
9 Your line manager, **TL 20** was off on sick leave.
10 You felt that you were being constantly bombarded by
11 questions from the police. Your own legal
12 representatives gave you, as you perceived it, a hard
13 time, and there was no-one there really looking after
14 your interests or the interests of the other staff in
15 Fort James at that time, but particularly you in the
16 role that you had at that time. Is that a fair --

17 **A. That's fair, yes.**

18 Q. -- summary of how you put it to me? You did make the
19 point to me that the one person who was supportive in
20 any way was Dominic Burke, who actually said to you that
21 he was there for you if you needed to talk about
22 matters.

23 Now I know that that was a particularly difficult
24 period of your life, and having come to speak to the
25 Inquiry, you found it difficult to go back there and to

1 talk about it. So I am not going to go into it in any
2 more detail other than the matters that we needed to
3 hear from you about, which I have addressed.

4 Well, the inspection reports, if I can move on to
5 a separate issue, FJ7, and that's -- we know that there
6 were three inspection reports. There was this SWAG
7 report from 1992 -- sorry -- 1982 that was part of the
8 overall departmental investigation of what was happening
9 in homes at that time.

10 Now that identified a number of difficulties in Fort
11 James. You made the point to me that that came really
12 on the heels of the fact that both HH5, who was officer
13 in charge, and the deputy officer in charge had left in
14 1979, and that leadership had gone from the home.
15 Really there were these interim people who basically
16 held the fort until the appointment of FJ5 in 1980. He
17 then creates -- started to change things in 1980 to '92,
18 but not everything was the way it should have been by
19 that stage of the inspection in 1982.

20 By 1987, which is another report that the Inquiry
21 has seen, there were clearly improvements had been made.
22 Now at that stage I think FJ³³ was in charge and the only
23 thing that was seen to be needed in Fort James was
24 redecoration. That was the only recommendation that
25 really was made in that report.

1 Then we come back to 1991 and there is a negative
2 report. I just wanted to check -- and I think you've
3 probably answered this question already. When Denis
4 O'Brien spoke to the Inquiry, he said that he felt that
5 the improvements had largely been due to the work of
6 FJ33. I think you would support that --

7 **A. Yes.**

8 Q. -- that that was the case.

9 **A. Yes.**

10 Q. Certain practices had been put in train by FJ5 that were
11 then improved upon and carried on by FJ33 but by 1991
12 there is a negative report on the home. You and FJ33
13 both left in 1990. Isn't that right?

14 **A. I left January 1990. FJ33 left I know within a year**
15 **anyway or thereabouts. So it could have been 1990 for**
16 **him.**

17 Q. There seems to be a pattern that, you know, when the
18 leadership, the management of the home leaves, then
19 things regress. Would that be a fair way of looking at
20 it?

21 **A. Yes.**

22 Q. Well, FJ7 you will be glad to know that those are the
23 only things that I wanted to ask you about. The Panel
24 Members may have some questions that they want to ask
25 you, but is there anything that you feel we haven't

1 covered that is either in your statement that I've
2 missed or anything else that you wanted to say about
3 your recollections of Fort James?

4 **A. That's what I can remember.**

5 Q. Thank you.

6 **A. Thank you.**

7 **Questions from THE PANEL**

8 MS DOHERTY: Thanks very much. That has been really
9 helpful.

10 Can I just ask about the range of children, because
11 one of the things that witnesses have told us is that
12 Fort James, the staff themselves had no say over which
13 children came in. If there was an emergency, then
14 a child was taken into the home if there was a space.
15 Is that your experience, FJ7?

16 **A. Yes, yes, and we had some special needs children or mild
17 disabilities. They went to Belmont House School, and
18 you know, we had no say. It was if we had space, that
19 was it.**

20 Q. That was it. I mean, I was going to ask you about
21 special needs children, because we also saw from some
22 records that Fort James was used for respite care, that
23 there was times ...

24 **A. Yes. After the flats were set up there was like
25 a summer respite. I remember one family using that**

1 **like, say, two summers or something like that, and hence**
2 **eventually they built a unit up beside Harberton House**
3 **for respite for those children.**

4 Q. And those would have been children with learning
5 difficulties?

6 A. **Yes, severe -- mild to severe.**

7 Q. In relation to then if you had an emergency admission,
8 just looking at this issue about information about
9 children, you could be in a situation that you would be
10 on the floor on duty, emergency admission, and you may
11 not know the reasons for that admission. You might not
12 know the details of the child's context before they came
13 into the home.

14 A. **That's correct, yes. It could have been the middle of**
15 **the night. It might not have been during the day.**

16 Q. Okay. Can I just ask, I mean, in relation to FJ5, one
17 of the issues in relation to witnesses was about
18 preferential treatment being shown to particular
19 children and special time and special interest being
20 shown in their hobbies vis-a-vis other children. Would
21 that have been your experience?

22 A. **Where -- the child that you are referring to was --**
23 **I suppose it is responding to the behaviour, and that**
24 **applied to most of the children. That's when FJ5 was**
25 **about. It was responding to the behaviour of the child**

1 and hence the therapeutic bit, trying to keep them
2 occupied. So that young man, yes, would have got
3 different -- not different but needed more attention.

4 Q. Could you say what sort of attention that was or ...?

5 A. Well, it was to keep him occupied in terms of --
6 although he had a key worker as well, but it was trying
7 to get a structure in terms of -- he did read to him,
8 because he couldn't read. He -- but, I mean, that
9 wouldn't -- there would be nothing hidden about that.

10 Q. No, no. It would be open behaviour.

11 A. Yes, you know.

12 Q. But there would have been a particular -- would he have
13 worked particularly with this young man as opposed to
14 other ...?

15 A. Probably more so, and more so I would say is because
16 also the young man in question actually looked for his
17 attention. So -- and it was getting a balance. They
18 were ending up doing -- I think they did a bit of
19 gardening, and FJ5 had . So he would have
20 helped look -- you know. So it was from
21 that focus. It was because was responding to him --
22 his demands as well.

23 Q. And did other staff respond in the same way? Was there
24 an expectation that that was the way of dealing with it?
25 So it wasn't just FJ5 doing it, but that other staff

1 were expected to?

2 **A. Well, his key worker would have been involved in it.**
3 **Probably there were some things FJ5 did just the same**
4 **way I would have done something for other children and**
5 **responding to whatever it is they needed.**

6 **Q. Just a final question. I mean, one of the things that**
7 **struck is both you and FJ5 often worked full weekends on**
8 **and then --**

9 **A. Yes.**

10 **Q. Was there any discussion between yourselves about the**
11 **impact of that just in relation to working those hours**
12 **and actually working separately?**

13 **A. Well, FJ5 did make the point when he arrived, he didn't**
14 **know I was on the course. So he arrived as a manager to**
15 **a unit where his deputy wasn't there part of the time.**
16 **So he wasn't -- you know, he didn't have that**
17 **information until he arrived, you know. So from that we**
18 **did -- that was raised.**

19 **I suppose it was a matter of somebody -- one of us**
20 **having quality time off whenever we got time off,**
21 **because the shifts were long.**

22 **Q. So that was the compromise in a way?**

23 **A. Yes.**

24 **Q. If you worked long shift, and then -- but for the two of**
25 **you as the deputy and the manager, did you have**

1 opportunities to be on shift together and to be able to
2 kind of talk about general issues to do with the home
3 and the running of it?

4 **A. Eventually we ended up that we managed to try and**
5 **work -- the other days in the week we would have**
6 **overlapped --**

7 Q. Okay.

8 **A. -- for days to try and do some management, you know,**
9 **stuff together if -- that needed done for rotas and**
10 **petty cash, whatever.**

11 Q. Okay. Thanks very much.

12 **A. Thank you.**

13 CHAIRMAN: Well, FJ7, I'm sure you will be relieved to hear
14 that we don't have any further questions for you. Thank
15 you very much for coming to speak to us today --

16 **A. Thank you.**

17 Q. -- particularly about matters that clearly you found
18 very difficult to deal with. I can understand why.
19 Thank you for coming.

20 **A. Thank you.**

21 **(Witness withdrew)**

22 MS SMITH: Chairman, there is one further witness today, who
23 hopefully will have arrived, but -- I am told that she
24 has. So I will need to consult with her before we take
25 her evidence.

1 CHAIRMAN: Very well. We will rise for the moment.

2 (11.40 am)

3 (Short break)

4 (12.45 pm)

5 MS MARION REYNOLDS (called)

6 Questions from COUNSEL TO THE INQUIRY

7 MS SMITH: Good afternoon, Chairman, Panel Members. Our
8 next witness is Marion Reynolds. Marion has given
9 evidence before. So there is no need for her to be
10 sworn.

11 She has given two statements relevant to this module
12 of the Inquiry. The first can be found at 40181 to
13 40372, which includes exhibits. In response to
14 questions posed by the Inquiry she has given us
15 an additional statement, which can be found at 40898 to
16 40902.

17 Just to recap, Marion, you were a Social Services
18 Inspector between 1992 and 1994 and in that job you
19 carried out -- sorry -- since 1992, and in 1994 you
20 carried out inspections of Fort James and Harberton
21 House, which are the two homes we are looking at in this
22 module.

23 The Inquiry has seen and read the statement you
24 provided and we have also seen the inspection reports,
25 not just your own of those two homes, but the preceding

1 ones.

2 Paragraph 2 of your original statement you outlined
3 the background to the homes and you talked about the
4 previous inspection that had been carried out by Denis
5 O'Brien. You looked at that before you went, but
6 I presume that you read all the inspection reports that
7 there were before you carried out the inspection?

8 **A. No. The only reports I would have read would have been**
9 **the previous report from 1991 and the Harberton House**
10 **peer sexual abuse report, and then the documentation**
11 **which would have been provided by each home as**
12 **pre-inspection documentation, the monthly -- the annual**
13 **monitoring statement and documentation such as that.**

14 Q. Can I just pause there, Marion, because you've mentioned
15 something I don't think we have heard of before. It was
16 the Harberton House peer inspection report. Was that
17 a departmental report?

18 **A. No, it was the Bob Bunting report of 1990.**

19 Q. Well, in your original statement you deal with Fort
20 James at paragraphs 7 to 19 and Harberton House at
21 paragraphs 20 to 33. The questions that we posed arose
22 out of what you said in paragraph 35 of that statement,
23 which -- if I can just check what page that was on. It
24 was -- can we move to that page, please? It is page
25 4...

1 CHAIRMAN: 40190.

2 MS SMITH: Thank you, Chairman. 40190. In this paragraph
3 you say that:

4 "In April '95 [you] spoke to Chris Stewart,
5 Management Executive, immediately following a meeting
6 with the Foyle Trust on 11th April to assess the
7 adequacy of funding to the Trust's family and childcare
8 programme of care. At that meeting I was appraised that
9 the Trust's funding was such that at times 'decisions
10 had had to be made relating to the discharge of
11 statutory functions and/or compliance with procedural
12 guidance'. I recall being told that funding was
13 provided to the Board using the capitation funding with
14 a weighting for social disadvantage and that the Board's
15 funding was equitable. I further recall being told that
16 the Board prioritised its spending across its programme
17 of care and it was for the Board to reprofile its
18 spending priorities."

19 Now I just confirmed with you and in this statement
20 you have said that Chris Stewart was someone whom you
21 had worked for within the Department before when you
22 were looking at the closure of Nazareth House in Derry.

23 **A. No, the funding of Nazareth House, the funding.**

24 Q. Sorry. You knew -- you felt that he had some knowledge
25 of the Western Board and that's why you went to him.

1 **A. Uh-huh.**

2 Q. In respect of the -- being told that the capitation
3 formula was equitable, did you yourself know how the
4 Boards were funded or Trusts by this stage?

5 **A. Well, I knew that they got funding using the capitation**
6 **formula and for new services they would have got**
7 **a proportion under the Barnett formula, but other than**
8 **that I had no knowledge of how.**

9 Q. I was asking if you recalled was it Chris Stewart or was
10 it someone who told you that they had enough money and
11 it was up to them how to spend it really?

12 **A. In terms of the equitableness of the funding between the**
13 **other Boards and Trusts, I think that might have been**
14 **Chris, but I wouldn't be certain. In terms of it being**
15 **up to the Board to reprofile its spending, I have**
16 **a feeling that was possibly an internal discussion in**
17 **SSI.**

18 Q. And you thought that that might have been Norman
19 Chambers or Kevin McCoy, but you are not sure which?

20 **A. I am not sure, but I think, because I copied that memo**
21 **to Chris to Norman Chambers, it may have been Norman,**
22 **but I wouldn't like to say.**

23 Q. Just to be clear, we should look at the memo, which is
24 at 40372. If we look at paragraph 2, you say:

25 "The risks implicit in such a strategy are known to

1 managers and the consequences have been apparent in
2 cases coming to the attention of the Department."

3 When I was asking you about this, you mentioned the
4 Harberton peer abuse incident. There was a case
5 involving a --

6 **A. Uh-huh.**

7 Q. -- I think the name was, and I think you also mentioned
8 the issues that the Western Board had faced with regard
9 to child abuse within the community and investigations
10 along those lines. So you say:

11 "Given the claims made by senior management within
12 Foyle, there is a need to assess the adequacy of funding
13 to the family and childcare programme of care,
14 particularly at this point in time."

15 **A. Uh-huh.**

16 Q. I think that's where our question came in about you
17 being told it was adequate and you saying that what you
18 were actually told was that it was equitable.

19 "I would welcome an opportunity to discuss these
20 matters with you."

21 Obviously there was a discussion between you and
22 Chris Stewart and obviously an interdepartmental
23 discussion about the matter.

24 So you are being told by the Board that, "We don't
25 have adequate funds in our Board, and that means that

1 sometimes we have -- there's an impact. The resources
2 essentially determine whether we can fulfil our
3 statutory duties and whether we can meet all the
4 procedural guidance that you are giving us".

5 **A. Uh-huh.**

6 Q. So you then go back and say, "Well, look, what is the
7 position here?" You are told, "They get an equitable
8 distribution in line with the other Boards and it is up
9 to them how they spend it".

10 **A. Well, I think when I previously worked with Chris, it**
11 **was because I believed the funding of Nazareth House in**
12 **Londonderry was inequitable, and if I had believed or if**
13 **I had found grounds that the funding in Foyle Trust was**
14 **inequitable, I would have been taking similar efforts to**
15 **address that, but having been told that it was equitable**
16 **and that other Trusts and Boards were funded in**
17 **a similar way, there was no basis for me then to take**
18 **action.**

19 But in relation to the discharge of statutory
20 functions in relation to children, it is quite clearly
21 in the legislation the responsibility of the Board and
22 the Trust to ensure that its spend ensures the
23 protection of children and the discharge of those
24 functions first.

25 Q. You made the point to me -- I was then asking you about

1 what you knew about the -- which is clearly a complex
2 area of funding, and the capitation formula and power.
3 The point that has been made to the Inquiry is that the
4 power formula did not take account of the low base rate
5 that came about due to the historical basis for funding
6 when the reorganisation of childcare was part of the
7 whole set-up of the Department of Health and Social
8 Services and the Boards at that time in '73.

9 You made the point to me that in 1973 there were
10 three or five years when childcare was ring-fenced. Is
11 that right?

12 **A. The Personal Social Services budget was ring-fenced**
13 **I think for three or five years to ensure that none of**
14 **that money leached into health, because that was the big**
15 **concern, that money would -- from the Personal Social**
16 **Services would go into health. So for the first three**
17 **or five years that was ring-fenced with the aim that,**
18 **once it was established, that ring-fencing was no longer**
19 **required, because it would be much more difficult to**
20 **take money out from an established budget.**

21 **Q.** The Board have also asked me to make the point to you
22 that there was acceptance by the Department that there
23 was inequity, if you like, for the Western Board and
24 that they were, in fact -- that the Board had put
25 forward well-reasoned arguments in May 1991 to the

1 Capitation Funding Review Group, and the Board's minutes
2 record in 1991 that:

3 "In spite of well-reasoned arguments put forward by
4 the Board and which, in fact, had been accepted by the
5 Department, the issue had not been addressed to the
6 Board's satisfaction."

7 So they are suggesting that the Board were -- that
8 the Department were accepting the arguments that the
9 Board were putting forward that they were under-funded.
10 Is that your understanding?

11 **A. Until you brought that minute to my attention I had no**
12 **knowledge of it. In previously reading papers for this**
13 **module I read the minutes of the Board meeting from 1988**
14 **in which it states that £50,000 was given by the**
15 **Department because of recognition of under-funding in**
16 **the Western Trust, and if that was the case and if there**
17 **was a sustainable argument, I find it difficult that the**
18 **Board is going back in 1991 with another argument, but**
19 **I don't know anything about that. So it wouldn't be**
20 **fair to comment.**

21 CHAIRMAN: What is the reference for that minute, please?

22 MS SMITH: I am hopeful that the -- this is a Board minute
23 from 1991 that Ms Smyth gave to me. Unfortunately we
24 don't have a Bates number, but I am sure we can get that
25 Bates number and give it to you, Chairman.

1 We were talking earlier, Marion, and you were
2 talking about the fact that there were different models
3 being used to determine how funding was divided up
4 between various Boards. The point you made to me is
5 that certainly a 2004 document that you have seen called
6 Appleby, which the Inquiry has yet to see, but I am sure
7 will be received shortly, that that suggests that the
8 Department was using one model of deprivation and the
9 Board was using a different model. The point you made
10 to me was that the Board was using a more subjective
11 model than that applied by the Department.

12 **A. Well, I have only read small parts of Annexe E of the**
13 **Appleby report. So I am merely commenting that Appleby**
14 **comments that if you use one set of measures, the --**
15 **there was 75% -- £75 million overspending on Personal**
16 **Social Services; if you use another measure, it is**
17 **35 million overspend; and if you use the Board's**
18 **measures, it turns round to something like £120 million**
19 **underspend, but then he goes on to comment that the**
20 **Board's measures are much more subjective and they don't**
21 **have the same empirical base. Now that is the extent of**
22 **my knowledge and I wouldn't like to push it any further**
23 **than that.**

24 CHAIRMAN: We obviously need to look at this report in its
25 entirety --

1 **A. Yes.**

2 Q. -- even though it comes into existence after our terms
3 of reference.

4 **A. It actually, Mr Chairman, refers to -- it looks at**
5 **funding during the 1970s and it also looks at 1994. So**
6 **it's not just looking at 2004. So it might have**
7 **relevance.**

8 CHAIRMAN: That's why we want to look at it.

9 **A. Yes.**

10 MS SMITH: I think it clearly falls slap bang within our
11 terms of reference.

12 **A. Uh-huh.**

13 Q. You make the comment that the Western Board were not
14 investing sufficiently in fostering. You will not be
15 surprised to say (sic) that that is not accepted by the
16 Board, but I know when we were talking about this, you
17 felt that there was something you wanted to say as to
18 how the Western Board were dealing with the issue of
19 fostering in comparison to other Boards.

20 **A. The point that I was making was that it was -- it is**
21 **always difficult to recruit foster carers and other**
22 **Trusts would have had the same problem as the Western**
23 **Trust.**

24 **For example, North & West Belfast, which was in the**
25 **centre of civil disobedience at the time, and also had**

1 a number of large Catholic families, who weren't in
2 a position then to take on more children, they had very
3 innovative attempts to recruit foster carers from
4 outside their own Trust area in an attempt to build up
5 their stock. So they were much more innovative in their
6 attempts to recruit foster carers.

7 I think the only thing I can suggest is my personal
8 perspective was that I didn't think the Trust was doing
9 enough to recruit foster carers. A lot of children were
10 in foster homes -- in children's homes for years. The
11 care plan was fostering, but there was no fostering
12 turned up. There were no foster carers to take children
13 rather than them going to residential care.

14 The only thing I can suggest is there will be
15 departmental statistics which will show the rate of
16 fostering in the Western Trust areas in comparison to
17 others. That's maybe the fairest way of finding how the
18 Trust performed against others.

19 Q. Well, I am just going to refer to some documents. I am
20 not necessarily going to pull them up here, but at
21 FJH502 to 503 is a record of a presentation made by
22 Gabriel Carey, TL 4 and SND 502 in 1990
23 to the Community Care Committee of the Western Board,
24 and that the Board would say demonstrates the Board's
25 recognition of fostering as a vital service to be

1 further developed.

2 TL4 is recorded in that as saying:

3 "There's a total of 184 children in foster care in
4 the Foyle Community Unit as against an average figure of
5 160. He stated that where money had been available to
6 employ 2.6 more staff in fostering, additional resources
7 would be necessary to develop further this aspect of
8 care.

9 Mr Carey emphasised the need to develop the foster
10 care system and stressed the importance of training
11 and support for foster care -- parents. In addition, he
12 said it would also be desirable to develop a specialist
13 fostering service for children who are difficult to
14 place."

15 I haven't had the opportunity to look at this, but
16 there is a Strategic Plan for Childcare Services 1992 to
17 1997 at FJH1013 also has something to say on the subject
18 of fostering.

19 When we -- when I was pointing this out, that this
20 is the Board's view is they were trying to develop their
21 foster care services, you made the point about the lack
22 of innovation in comparison to North & West Belfast.
23 You also made the point to me that if there was a case
24 made for a particular capital expenditure, if I can put
25 it that way, with regard to developing a better foster

1 care system within the Western Board, that that would
2 have been looked on favourably by the Department. Is
3 that correct?

4 A. I think what I said was if the -- there are two things
5 I want to say. One is that from my inspections of all
6 of the children's homes in the Western Board the
7 children were admitted, even very young children -- most
8 children under 10 in the other Boards were not admitted
9 to children's homes -- because of the absence of the
10 foster homes. There were children remaining in
11 residential care much longer because there was no foster
12 parents for them to exit from. So that would be the
13 context.

14 In terms of -- what I was saying in terms of the
15 Board developing a different residential model on
16 a smaller scale, there would have been the facility
17 I understand for them to have bid to reprofile their
18 spend to the Department, but the revenue monies --
19 because they came on a capitation, there wouldn't be the
20 facility to get new revenue monies, but there would be
21 the facility to develop a new service by getting
22 bridging money from the Department with the intention
23 that over a period -- a specified period of time they
24 could withdraw monies from the more expensive service.

25 Q. Yes. I think we were talking about the fact that, for

1 example, once Fort James closed, there was monies
2 released into the Board --

3 **A. Uh-huh.**

4 Q. -- which they were then able to redeploy into foster
5 care --

6 **A. Uh-huh.**

7 Q. -- or whatever.

8 **A. Uh-huh.**

9 Q. You are saying that instead of waiting for the home to
10 close, then they ought to have applied to the Department
11 for a bridging loan to enable them to get the monies in
12 advantage of the closure, as it were, that would allow
13 the steps to be taken much more quickly?

14 **A. Well, it's my understanding that that would have been**
15 **an alternative rather than -- I mean, their strategic**
16 **plan was that over a period of time they were going to**
17 **take fourteen places out, but actually in the closure of**
18 **Fort James they took sixteen places out at once with**
19 **a consequence impact on the numbers in Harberton House**
20 **and in Nazareth House in Londonderry. So that created**
21 **pressure on their other residential homes rather than**
22 **them having built up a range of services which would**
23 **have facilitated their planning processes.**

24 Q. You make the point that the model of residential care
25 was based on large children's homes and I was asking

1 surely that was the case in other Boards. We have
2 heard, for example, about Nazareth Lodge, although you
3 say there was a distinction between the voluntary homes
4 and statutory homes by that time.

5 **A. Well, I think one of the things, once the local**
6 **authorities in Northern Ireland were given the power to**
7 **open children's homes in the 1950 legislation, the**
8 **difference noted was that their homes tended to be**
9 **smaller, and over the years the size of the statutory**
10 **homes continued to reduce, but in the Western Board all**
11 **of their children's homes were based on a large number**
12 **of children, and that wouldn't have been what was**
13 **happening in other Boards. There would have been in**
14 **some areas some large children's homes, but by and large**
15 **the model was to 10 or 12 bed units, not 20, 25.**

16 **Q. I made the point to you that when Harberton opened in**
17 **1990, it wasn't meant to be a residential unit. There**
18 **was something you wanted to say about that.**

19 **A. Well, I think, I mean, part of it is when you open**
20 **a children's home, you have to protect how it functions,**
21 **and if you don't protect how it functions, it becomes**
22 **unable to operate to its aims and objectives. Staff**
23 **don't have the function that they were employed to have,**
24 **and you eventually end up with a general purpose**
25 **children's home.**

1 I told you a story of the Eastern Board had
2 an assessment unit at Palmerston. When I was a young
3 social worker, I was infuriated one day because the
4 officer in charge arrived at my office with a 6-year-old
5 boy, because his period of assessment was up and it was
6 now up to me to find him somewhere else to live. You
7 know, I thought it was terribly bad practice, but that
8 was how they protected their -- and I am not advocating
9 that as an approach, but I am just saying they protected
10 their assessment function in a much more robust way.
11 I think if you are running an assessment unit, you have
12 to be prepared to be, because if I don't do that, you
13 then don't have throughput and you lose the whole
14 assessment function.

15 Q. We have certainly heard that very shortly after it
16 opened Harberton's assessment function was certainly
17 under threat. It had to divide then into a two-unit
18 home.

19 A. Uh-huh.

20 Q. I just wondered about the -- the regional strategy
21 1992-'97 you say was inconsistent with the provision in
22 the Western Health & Social Services Board. I wonder
23 were Boards -- was there consistency of provision in
24 other Boards or how were the other Boards? Where they
25 more consistent in their approach or what was the

1 position?

2 **A. I think they possibly were more. I know in the Eastern**
3 **Board I can't think of any large statutory children's**
4 **home. I am not sure in the other Boards. There might**
5 **have been one or two, but I think the tendency was for**
6 **their homes to be smaller.**

7 **In my discussions with the Board and the Trust**
8 **I regularly was encouraging them to move to smaller**
9 **children's homes, and they actually adopted that model**
10 **after the publication of "Children Matter" in 1998.**

11 **Q. Well, you also, as you are now, expressing concern about**
12 **the structure of children's services in the Western**
13 **Board.**

14 **Dominic Burke said that initially the Western Board**
15 **was bereft of staff and there was always a difficulty**
16 **recruiting staff in the West. Would you accept that as**
17 **a reality that they had to contend with?**

18 **A. That is right. That is true, yes.**

19 **Q. He also said that the Board recognises then that middle**
20 **management took time to develop. It was working from**
21 **a very low baseline. They did the best with the**
22 **resources provided and made steady progress in**
23 **developing management teams.**

24 **I know you have an issue with regard to the actual**
25 **structure of the management teams as well.**

1 A. Well, I thought the way they structured their -- they
2 had -- in Foyle Trust they had six Assistant Principal
3 Social Workers. Five of them were office managers and
4 they didn't have responsibility for specific programmes
5 of care or specific services, and one of them was the AP
6 for residential care, and his role was residential care,
7 leaving and aftercare, fostering, daycare services and
8 he was also the liaison with Nazareth House Children's
9 Home in Londonderry, and he also was the visiting
10 officer for the three children's homes. So he had
11 a huge span of control and the others were office
12 managers.

13 With the result of having six APs then they had
14 a lower number of Senior Social Workers, which meant
15 their span of control for supervising staff was very
16 wide. So I thought it diluted the management capability
17 of first line and middle management staff the way they
18 had structured.

19 In the Eastern Board at the same time I would have
20 been an Assistant Principal Social Worker. My
21 responsibilities were for the office, for a fostering
22 and adoption team, for a children's home and for two or
23 three teams in the office. So you had -- you weren't --
24 and other APs had different roles. So you ended up with
25 a much wider level of experience of what was happening.

1 Q. If I have understood what you said in your reply to us
2 in the second statement, if I can summarise it this way,
3 you say that the levels of discretion to use the funds
4 were really only fettered by the Department's policy
5 directives. I wondered if you could explain a little
6 bit more what you meant by that.

7 A. Well, I think it's my understanding -- and I have to
8 keep emphasising I have really no great knowledge about
9 finance at all -- but it's my understanding that the
10 monies were allocated by the Department and that the
11 Boards spent that in relation to achieving the
12 Department's policy objectives, but, I mean, in addition
13 to the policy objectives I suppose I should underscore
14 they would also have had responsibility for discharging
15 their statutory functions. Those were the priorities
16 and other spend came after that.

17 Q. Did you feel then that the priorities -- that the other
18 spend was coming in advance of the other two?

19 A. Well, I mean, if, as I was told by Foyle Trust in April
20 '95, that they were saying that they couldn't discharge
21 statutory functions or comply with departmental
22 circulars, I don't know to what degree they then looked
23 at what other spend they had which weren't statutory
24 functions, which were secondary, which could have been
25 put on the long finger.

1 Q. You also made the point that you felt -- and I don't
2 want to put words in your mouth -- please correct me if
3 I have got this wrong -- you felt that while the Board
4 -- the Western Board was good at planning what they were
5 going to do, they weren't very good at implementing it.
6 I made the point that, well, their answer to that would
7 likely be, "Well, we didn't have the resources to carry
8 out our plans in the way we would have liked".

9 A. I think the Western Board had very good staff. I mean,
10 I have seen a lot their planning documents and I don't
11 think there's any problem with their plans, but in terms
12 of implementing, events seemed to always overtake them.
13 You know, there was always something else that came in.

14 There were more children coming into care. So they
15 couldn't reduce the number of children in their units.
16 If you look at -- the Bunting report told them to reduce
17 the number in Harberton from 25 to 20. The

18 report says 20 to 16. Fort James closes and
19 they are up at 29.

20 So their planning profile doesn't inform what they
21 actually do, and that's what I mean when I say, you
22 know, their plan... -- I don't see anything wrong with
23 their planning, but in terms of carrying it out into
24 practice, that's where the difficulty was.

25 Q. Just one other thing. The Board clearly doesn't accept

1 that it weighted allocation of funds in favour of the
2 elderly and didn't -- they would say they didn't veer
3 money away from the childcare budget to elderly care
4 budget. They would say at a point in time more money
5 was made available to the Board to develop services, to
6 support and keep them in the community. That was a set
7 sum to deliver certain projects. So they seem to say,
8 "Yes, we did eventually get money to do these things,
9 but it wasn't always forthcoming".

10 **A. Well, I couldn't comment. I was told that they had**
11 **invested more in their elderly programme. Whether**
12 **that's accurate or not I don't know, but that's what**
13 **I was told.**

14 In terms of how money was allocated, the investment
15 in the Children Order I think gives an indication. We
16 were told at the Department that to implement the
17 Children Order they needed -- the Boards needed across
18 Northern Ireland 200 additional social workers.

19 To write the first annual report on the operation of
20 the Children Order John Clarke, who was the Head of
21 Childcare Policy, his deputy and myself went round every
22 Trust in Northern Ireland to try and ascertain what had
23 happened to the monies for the Children Order, because
24 we wanted to put a chapter in the book, in that first
25 report, on what the additional allocation had provided.

1 We couldn't find out even how many additional social
2 workers had been recruited, and because of that the
3 Assistant Secretary then met with the Chief Execs and
4 the Director of Social Services of the Trusts in
5 an attempt to find out how many additional social
6 workers and what other things had been bought with the
7 additional money to implement the Children Order, and we
8 could never find that answer.

9 That was new monies, just recently allocated, and
10 one would have expected to be able to track what had
11 happened to them, and we couldn't. That chapter was
12 never written, because we couldn't get the information.
13 So it's very difficult. I am using that example to show
14 how difficult it is to see what happens to departmental
15 money once it goes out to Boards.

16 Q. That was not obviously peculiar to the Western Board;
17 that was all Boards?

18 A. No, that was all over Northern Ireland. I am not saying
19 it is specific to Western.

20 Q. Marion, thank you very much. I have nothing further
21 that I want to ask you, but I am fairly confident that
22 the Panel will want to ask you some questions.

23 Questions from THE PANEL

24 CHAIRMAN: Now just to follow up the last matter you were
25 asked about, Marion, because Dr McCoy in a sense hinted

1 at something similar perhaps when he was giving
2 evidence, which was that often -- and I am paraphrasing
3 here -- often the Department did not have any clear idea
4 of how money was actually spent by the Boards.

5 However, when one looks at the degree of
6 correspondence that there was about getting £10,000 for
7 this or £50,000 for that, it is rather difficult to
8 understand how it can then be the case that the money is
9 simply handed over and you don't know how it is spent.

10 You are saying that if you look at that specific
11 example of a new beginning, the Children Order --

12 **A. Uh-huh.**

13 Q. -- there's an assertion that over the whole of the four
14 Boards you need 200 social workers. You were never able
15 to get from them the information that says, "Well, the
16 Western Board recruited 10 and Eastern Board recruited
17 30"?

18 **A. No.**

19 Q. That seems to me an astonishing lack of basic
20 statistical, or management, human resource, however you
21 categorise it -- if somebody can't say, "Well, last year
22 we took on ten more people". That's perhaps more
23 a comment than a question.

24 **A. Well, you see -- well --**

25 Q. Here's the question: was there a suspicion that the

1 money went somewhere else? I don't mean
2 misappropriated, but used for some other purpose.

3 **A. I think it's very difficult and, I mean, when I went**
4 **into commissioning Social Services at the Eastern Board**
5 **in 2006, I realised then how difficult it was, because**
6 **people could say, "We recruited 10 new social workers"**
7 **but you don't know how many left. So when you are**
8 **adding money to the top, you are not sure what's coming**
9 **off the bottom, and how money -- I think sometimes**
10 **Boards and Trusts had their own priorities. They had**
11 **schemes that they wanted to advance. So sometimes the**
12 **money would have been diverted, but it wasn't that it**
13 **was misappropriated.**

14 Q. No.

15 **A. They maybe had other priorities which they wanted to**
16 **advance.**

17 Q. But if they say, "We need X -- we need a certain amount
18 of money for this project" in a general sense and it is
19 given, they are not really supposed to use it for
20 something else, are they?

21 **A. No.**

22 Q. No. Now I am interested in this question of
23 disproportionately funding its older people programme of
24 care that you heard a suspicion about, but if we step
25 back from that for a moment, each Board has a whole

1 series of subdivisions of responsibility. Isn't that
2 right? You have acute care, elderly people, mental
3 health and so on.

4 **A. Uh-huh.**

5 Q. There is an element of discretion left to each Board
6 that they may put more money into acute health in one
7 area, say cardiac services, or another Board might
8 choose to spend it on home helps.

9 What we have here is a suspicion somewhere --
10 whether it is well-founded or not you can't say -- that
11 the Western Board was giving higher priority to the POC,
12 as it is called, programme of care, for a different
13 category of people, that is older people, at the expense
14 of its statutory function for childcare.

15 **A. Well, that's what I was informed. That's what I recall
16 being told, but even if it wasn't the elderly programme
17 of care, to discharge its statutory function was the
18 first call on its money.**

19 Q. Yes, exactly. You are making the point I was about to
20 ask you, because when you stand back and look at it,
21 statutory childcare function must be met first --

22 **A. Uh-huh.**

23 Q. -- and if its resources fall below what is required to
24 discharge that statutory function, it must be topped up
25 first, and if that means another discretionary programme

1 suffers, well, that's what has to happen. Isn't that
2 right?

3 **A. That's right.**

4 Q. Did the Department ever get annual reports from each of
5 the Boards showing how they spent their money across
6 their whole range of services?

7 **A. It's my understanding -- now I always have the caveat
8 about finance that I don't know -- but it's my
9 understanding that each of the Boards or Trusts provided
10 financial returns to the Department.**

11 Q. Yes. Well, this is an issue that we intend to pursue I
12 think with the Boards and the Department to see exactly
13 what money was being spent on childcare, because it does
14 seem surprising to us that there is a lack of
15 information coming forward at the moment, maybe simply
16 because we are not looking in the right place for it.

17 **A. I think that will be quite difficult, Mr Chairman,
18 because I know that Dr Harrison during I think the late
19 1990s or 2000 did a review of the financial returns
20 FR22, which was the family and childcare, and not all of
21 the Trusts were reporting spend using the same headings.
22 So the result was you weren't able to compare apples and
23 apples.**

24 Q. Well, this is a perennial problem, of course. If you
25 allow people too much discretion locally, they start

1 doing things the way they think is best, but it makes
2 comparisons very difficult, because you are not
3 comparing like with like.

4 Finally, you mentioned the 2004 Appleby report.
5 What exactly was Appleby or who was Appleby?

6 **A. He was a professor at The King's Fund and he was brought**
7 **in to look at needs effectiveness in Northern Ireland.**
8 **So he did an independent review of funding in the HPSS.**

9 Q. Yes. We have been given a document which came into
10 existence in 1995 to deal with this whole question of
11 capitation. It purports to be a final report, but it
12 identifies a whole series of areas, not just childcare,
13 that require further work to be done to address what are
14 clearly extremely complex issues about whether one area
15 of care needs more money and so on.

16 Was Appleby the end of a long process that went on
17 over perhaps nearly a decade?

18 **A. Well, he definitely refers to the 1970s funding and to**
19 **funding in 1994, but, as I say, I have only read a few**
20 **paragraphs of Annexe E and that's the extent of my**
21 **knowledge on it. So I wouldn't be able to help on that.**

22 Q. No. I just ask because we were told by another witness
23 that he thought that the process had come to an end in
24 2004, and I just wonder if what he had in mind was the
25 Appleby report and the consequence.

1 **A. Quite possibly.**

2 Q. No doubt the Department will find it for us. I am sure
3 it is in the Departmental library.

4 MR O'REILLY: Is that 2004?

5 CHAIRMAN: Yes, the Appleby report.

6 MR O'REILLY: Yes. I think we are in the process of getting
7 to grips with it.

8 CHAIRMAN: Yes. Thank you very much. Thank you.

9 MS DOHERTY: Thanks very much. Can I just clarify: in the
10 conclusion of your first statement you talk about the
11 1992 to '97 regional strategy highlighting the need for
12 smaller units. Was that the Board's regional strategy
13 or the Department's regional strategy?

14 **A. It was the Department's regional strategy.**

15 Q. So the Department's regional strategy. So the sense was
16 that this was the Department's and what was happening in
17 the North-West was not actually looking at the
18 implementation of that. It was putting more people into
19 Harberton at that time.

20 **A. Uh-huh.**

21 Q. What was the -- what was the relationship between the
22 Board and the Department then in relation to that?
23 I mean, could the Department -- did it have any leverage
24 at all with the Board to be able to say ...?

25 **A. Well, in my meetings with the Board and the Trust,**

1 I would regularly have been promoting that they move to
2 smaller residential units, but I don't think there was
3 a facility for us to say to them, you know, "You must do
4 it this way", because they had the statutory duty to
5 provide children's homes.

6 Q. Okay, and because --

7 A. But their model was a very expensive model and I was
8 pointing out in Denis O'Brien's 1991 report on Fort
9 James the cost per resident week was £310. In the
10 Board's annual monitoring statement for 1994/'95 on Fort
11 James the cost had risen to over £720 per resident week.
12 So the cost of their model was out of line with I think
13 what would have been the costs in other children's
14 homes.

15 Q. I mean, linked to that is -- I mean, I think it is
16 probably clear from what we have already heard that very
17 shortly after Harberton became an assessment centre --
18 it was six months later -- there was concern about
19 throughput, and the fact that in a sense in devising the
20 notion of an assessment centre, the routes out for
21 children after six weeks and, you know, where they would
22 go, it would appear that that wasn't thought out
23 sufficiently.

24 A. Yes.

25 Q. I am just wondering about whether -- what -- did the

1 Department have any involvement as far as you know in
2 helping the Boards to consider their strategies? You
3 know, if they are saying, "We are going to have
4 an assessment centre", actually looking at that wider
5 context for it?

6 **A. I am not sure what happened in relation to Harborton,**
7 **but I know I would from time to time have got**
8 **documentation from the Trust or the Board to comment on**
9 **and I would have provided comment.**

10 Q. But that again would be the same as sort -- when you are
11 talking about promoting good practice and comment.

12 **A. Uh-huh.**

13 Q. It wouldn't be something that the Board would have to
14 accept, you know.

15 **A. No.**

16 Q. Even if funding was offered, you know -- because we
17 understand that the Department helped to fund Harborton
18 House -- there would be no provisos with funding that
19 said, you know, "If you are going to get this funding,
20 you have to use it in this particular way"?

21 **A. Well, I think if there was capital funding, you probably**
22 **would have had some more leverage than if -- once the**
23 **revenue funding goes out, I think you have less.**

24 Q. Yes.

25 **A. But to make the case to draw down capital funding,**

1 I would have thought the Department would have had a bit
2 more leverage, yes.

3 Q. In terms of the 50,000 that you talk about them getting
4 additionally --

5 A. Uh-huh.

6 Q. -- do you know what that was for or ...?

7 A. I don't, but, I mean, I only -- I mean, this is
8 something I have only read in the papers that were
9 provided to me, but in 1998 the Board seemed to be very
10 content that they had got this money and it was
11 recognition that they were underfunded.

12 That's why I was making the point that it seems
13 strange in 1991 they were making a further case, because
14 the case that was being made could have been made in
15 1988, if that was the problem, because they are
16 referring to the funding when the Boards were set up in
17 '73.

18 Q. Okay. So it may be in 1998 they consider that to be
19 a stop-gap measure --

20 A. Could have been.

21 Q. -- that it responded to immediate crisis, but didn't
22 look at the fuller issue?

23 A. That's possible.

24 Q. Okay. Thank you.

25 MR LANE: You mentioned that you hoped that they would

1 create smaller, more specialist homes instead of having
2 the big ones.

3 **A. Uh-huh.**

4 Q. I can understand the smaller bit, because you can have
5 things of a family group home size or whatever, but what
6 were the specialisms you were hoping they would create?

7 **A. I thought -- they did have a problem in terms of
8 children who were sexually abused --**

9 Q. Uh-huh.

10 **A. -- or children who needed preparation for fostering,
11 those sorts of specialisms, and, I mean, one of the
12 problems that the Western Board kept saying was the
13 travel time that their staff had, but all of their
14 residential facilities were based in Londonderry whereas
15 the population -- one of their papers shows the
16 population was coming from places like Strabane. So it
17 would have made more sense to locate children's homes
18 nearer to the communities where the children came from.
19 So even having family group homes or homes near -- much
20 more community homes would have been preferable in my
21 view.**

22 Q. Right. Okay. Thank you. To pick up one of the points
23 that the Chairman was asking about, when you had the
24 money shared out to deal with the 1995 Order and so many
25 hundred social worker posts to be created, I don't see

1 why that should be difficult to trace, because
2 presumably what you do if you receive that sort of money
3 is that you create posts on your establishment, in which
4 case those posts should be identifiable. Whether they
5 get filled is another matter and whether people move on,
6 that is a different issue, but you should be able to
7 identify the posts surely.

8 **A. We thought that, but we never found an answer.**

9 Q. So did they not use that sort of system then?

10 **A. I don't know what system they used, but, I mean,**
11 **I remember discussions -- and I am not just talking**
12 **about the Western Board -- I remember discussion with**
13 **the Trusts across Northern Ireland, and at that stage**
14 **there were eleven Trusts, and we could never get**
15 **an answer that added up.**

16 Q. One last question just to clarify it for me. The APSW
17 post, you said the span of control was too broad. What
18 actually did the span of control contain?

19 **A. Well, I outlined for TL 4 post --**

20 Q. Yes, that's right.

21 **A. -- what he had. The others were office managers, which**
22 **meant they would have been -- in each officer -- office**
23 **there would have been family and childcare social**
24 **workers, social workers for the elderly --**

25 Q. Yes.

1 A. -- and then there would have been the general management
2 of the office.

3 Q. TL 4 post was the one I was thinking of
4 mainly.

5 A. Well, TL 4 post, he had -- he was responsible for the
6 children's homes in the Foyle Trust, leaving and
7 aftercare, fostering, daycare, liaison role with
8 Nazareth House and he was also the visiting officer for
9 the three children's homes. So he had a huge span of
10 control.

11 Q. There was a lot of daycare as well, was there?

12 A. Well, it would have been the childminding and nursery
13 groups, etc. So he would have responsibility for that,
14 but when his post -- I mean, I read the minutes of the
15 meeting, and they are in the committee's -- Panel's
16 papers. The minutes setting up his post, it was
17 envisaged that that post would rotate across the APs
18 when it was established, but it never did. It was
19 always left with TL 4 .

20 Q. Okay. Thank you very much.

21 CHAIRMAN: Well, Marion, thank you very much indeed for
22 coming back to speak to us again, even if we keep asking
23 you about this arcane subject of funding. We appreciate
24 the points you make, that in that respect you are not
25 really expert or knowledgeable.

1 I think I am right in saying, however, that we may
2 be seeing you again in another capacity from your past.

3 **A. Uh-huh.**

4 Q. Thank you very much for helping us today, because it has
5 thrown a certain amount of extra light on an area that
6 is still perhaps not as clear to us as it might be, but
7 it has been very helpful to hear from you. Thank you.

8 **A. Thank you.**

9 **(Witness withdrew)**

10 MS SMITH: Chairman, that concludes today's evidence.

11 CHAIRMAN: Very well. Usual time tomorrow.

12 (1.30 pm)

13 (Inquiry adjourned until 10 o'clock tomorrow morning)

14 --ooOoo--

15

16

17

18

19

20

21

22

23

24

25

I N D E X

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WITNESS FJ7(called)2
 Questions from COUNSEL TO THE INQUIRY2
 Questions from THE PANEL39

MS MARION REYNOLDS (called)44
 Questions from COUNSEL TO THE INQUIRY44
 Questions from THE PANEL65