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HISTORICAL INSTITUTIONAL ABUSE INQUIRY
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being heard before:

SIR ANTHONY HART (Chairman)

MR DAVID LANE

MS GERALDINE DOHERTY

held at

Banbridge Court House

Banbridge

on Thursday, 18th June 2015

commencing at 10.00 am

(Day 129)

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

1 Thursday, 18th June 2015

2 (10.00 am)

3 (Proceedings delayed)

4 (11.00 am)

5 DR HILARY HARRISON (called)

6 Questions from COUNSEL TO THE INQUIRY

7 CHAIRMAN: Can I just remind everyone all mobile phones must
8 be turned off or placed on "Silent"/"Vibrate", and no
9 photography or recording is permitted either in the
10 chamber or anywhere on the Inquiry premises.

11 Yes, Ms Smith?

12 MS SMITH: Good morning, Chairman, Panel Members, ladies and
13 gentlemen. Our witness today is Dr Hilary Harrison, who
14 has given evidence before the Inquiry on a number of
15 previous occasions, I think three so far, and no doubt
16 will be back again after today, but the statements that
17 she has provided to the Inquiry regarding this module
18 can be found -- there are two statements, one in respect
19 of Fort James, which can be found at FJH40373 to 40470,
20 and in respect of Harberton House 40571 to 40819.

21 Now the statements, Hilary, that you have provided
22 are detailed and, as you know, we will not be going into
23 them in any detail this morning, but I can assure you
24 that the Inquiry has read and considered them in full,
25 as with all the other statements that you have provided

1 in respect of the other modules of evidence.

2 I just want to look at something that had been
3 raised in the course of Module 1. In that module when
4 my colleague, Mr Aiken, was speaking to you you spoke
5 about guidance that was given to inspectors to allow
6 them to carry out the inspection. At that time the
7 guidance hadn't been found, but by the time we got to
8 Module 4 it had, in fact, been located. It is in this
9 bundle of papers at FJH5242 to 5262. That was actually
10 a checklist that was prepared in 1986 by the Social Work
11 Advisory Group. Isn't that correct?

12 **A. Yes, that's right.**

13 Q. You recall when Denis O'Brien was giving his evidence,
14 he didn't actually recognise the document or recall
15 using it. I wondered if you were -- I see it is now up
16 on the screen here. I take it that is the document we
17 are talking about?

18 **A. Yes, that's right.**

19 Q. It is headed "Standard for monitoring and inspection of
20 residential childcare". You did express some surprise
21 that he simply just did not remember this, because it
22 was clearly something that was used.

23 **A. Yes, that's right. After the Kincora Inquiry the**
24 **Department set about establishing standards for both the**
25 **monitoring and inspection of children's homes. In 1986**

1 this document was produced. It was circulated to Boards
2 at the time and also to voluntary organisations, because
3 in addition to informing the format of inspections and
4 the areas to be looked at in Social Work Advisory Group
5 inspections, it also gave an outline of the areas to be
6 covered in Boards' annual monitoring statements to the
7 Department in respect of children's residential care.

8 I came to the Department in 1992 and during that
9 year my colleague, Miss Reynolds, and I had prepared
10 a new set of standards, and they were based on the
11 existing standards that were given to us by -- by SSI at
12 the time, and this was one of the documents that was
13 given to us.

14 I understand also that Mr McElfatrick, who would
15 have been Mr O'Brien's Assistant Chief Inspector and
16 line manager in 1986, also shared these standards with
17 the Northern Ireland Office as a potential pro forma for
18 the inspection of training schools. Therefore, it's
19 unlikely that his own group of inspectors wouldn't have
20 known of their existence, and I could only suggest that
21 it was perhaps a lapse of memory on Mr O'Brien's part.

22 Q. Certainly when we look at the reports that Denis O'Brien
23 prepared after inspections, they were consistent with
24 this guidance. Isn't that correct?

25 A. That's true, yes.

1 Q. Now just another matter. You will be aware, Hilary,
2 that the Inquiry has been looking at two incidents, the
3 FJ5 incident in Fort James and the Harberton House peer
4 abuse incident, which has highlighted both the sexual
5 abuse of children in a residential setting, one by
6 a staff member and the other by abused children, who
7 became themselves abusers.

8 Again when you were giving evidence in Module 1, you
9 were asked when the Department issued guidance on those
10 two matters, one about the sexual abuse of children, and
11 you said that was in 1989. I am not going to call it
12 up, but we can see it at 40747 there is a document,
13 "Cooperating to protect children", which I believe was
14 the document that you were referring to.

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

16 Q. The particular aspect of the sexual abuse of children
17 can be seen at 40804.

18 In respect of peer abuse guidance from the
19 Department came out in 1996. While not seeking to
20 answer -- seeking an answer, Mr Aiken did ask you to
21 reflect on whether you thought the Department had taken
22 too long to issue guidance on these matters.

23 Now in light of the fact that we know that the
24 knowledge about sexual abuse of children dated from the
25 early '80s, it was the end of that decade before the

1 Department issued any specific guidance on sexual abuse
2 matters.

3 In this module we know that the peer abuse issue
4 came to the fore in 1990, but it was 1996, some six
5 years later, before the Department issued any guidance.

6 I wondered that, since you gave evidence last year
7 in Module 1, have you formed a view about that question
8 that was posed back then?

9 **A. Well, perhaps if I could answer the peer abuse one, the**
10 **Department obviously became aware of these incidents in**
11 **1990. It is clear from the activity reported in the**
12 **documentation to which we have access that the**
13 **Department took a number of steps to try and identify**
14 **the extent of the issue.**

15 For example, the Chief Inspector asked his
16 inspectors to try to determine the incidence of peer
17 abuse across -- across children's homes in the province.
18 The result of that exercise was that it was extremely --
19 it was a matter that was extremely difficult to
20 determine.

21 The inspectorate spent quite a lot of time with the
22 Western Board and also with the Management Executive in
23 deciding what steps ought to be taken, first of all, to
24 ascertain how the matter -- how the incidents had
25 happened and what the implications were for residential

1 childcare and other residential units.

2 In 19... -- in addition to that activity, in 1992
3 the Department convened with the Western Board
4 a regional symposium, to which all residential childcare
5 managers were invited. Also it's very important to
6 remember that members -- the chairs and members of the
7 Area Child Protection Committees would have been present
8 at that symposium.

9 Now the Area Child Protection Committees were Board
10 committees that had been established as a consequence of
11 the 1989 "Cooperating to protect children" guidance.
12 They were charged under that guidance of attending to
13 matters relating to child protection that were arising
14 within their Boards and also emerging knowledge and
15 information in relation to child protection. Peer abuse
16 was one of those emerging issues.

17 There would have been a responsibility, as the
18 Department would have expected, on the Area Child
19 Committees -- Area Child Protection Committees to deal
20 with that issue, to make sure that staff were aware of
21 the fact that peer abuse could happen in residential
22 settings, and to make sure that staff were equipped both
23 in terms of knowledge and training to deal with that.
24 So the responsibility wasn't entirely totally on the
25 Department to make sure that staff were aware of and

1 **dealing with these issues.**

2 **Also in 1992 the Department was beginning to prepare**
3 **quite comprehensive volumes of guidance -- I think six**
4 **in all -- in relation to the forthcoming Children Order,**
5 **and the Department was making sure that -- made sure**
6 **that that -- the issue of peer abuse was reflected**
7 **within the appropriate volumes of Children Order**
8 **guidance.**

9 Q. That led to the 1996 guidance --

10 A. **It did.**

11 Q. -- which was six years after Harberton.

12 In paragraph 1.19 of your Fort James statement, if I
13 can describe it as that, you refer to the 1994 SSI
14 report, where it talks about the Board policy about the
15 management of sexuality in residential care.

16 It seems to be from what you are saying to us,
17 Hilary, that the responsibility wasn't just the
18 Department's to issue guidance, but the Department was
19 relying on the fact that the Boards would have such
20 policies in place.

21 A. **Yes, and would have a responsibility to develop such**
22 **policies. I also think that it is important to remember**
23 **that the Department's regional strategy for 1992, which**
24 **was published in 1992, had also urged Boards to**
25 **establish treatment programmes for children who had been**

1 abused and also children who were abusers. So there was
2 no doubt the Boards would have been fully aware of the
3 issue of peer abuse and as part of their child
4 protection responsibilities would have been ensuring
5 that staff had that knowledge and had training to deal
6 with that.

7 Q. We know certainly that the Western Board had taken steps
8 and clearly had a policy in place. I just wondered if
9 you were aware about whether the other Boards had any
10 such policies?

11 A. I am not presently aware whether that was the case, but
12 I would be very surprised if it were not the case, and
13 certainly the Eastern Board, who had obviously led
14 the -- Bob Bunting had led the review on peer abuse. So
15 I would expect they would have policy as well --
16 policies in place as well.

17 Q. One other matter that you talked about when we were
18 speaking earlier about the fact -- you know, the
19 response -- the Department's response to the peer abuse
20 issue, and you were saying that you felt that even
21 before the Harborton matter had come to light there was
22 a regional centre for the treatment of abusers that had
23 been set up in the Eastern Board area, but it was to
24 deal with abusers across the province. Is that correct?

25 A. Yes. It was a project which was part of child and

1 **adolescent psychiatry services within the Eastern Board.**
2 **I would say now I don't -- I'm not sure that this**
3 **project was established before the peer abuse came to**
4 **light, but it was certainly established by the time the**
5 **regional strategy was published in 1992.**

6 CHAIRMAN: Was that the unit in College Gardens in Belfast?

7 **A. Exactly, Chairman.**

8 CHAIRMAN: unit?

9 **A. unit.**

10 CHAIRMAN: , yes.

11 **A. , yes.**

12 MS SMITH: That was not -- that was to treat solely
13 children?

14 **A. Children and adolescents, yes.**

15 Q. And adolescents, yes.

16 **A. Yes.**

17 Q. But what I meant was it wasn't an adult facility?

18 **A. Oh, no, it wasn't, no.**

19 Q. Paragraph 1.6 you said that you were unaware whether
20 Fort James had been inspected by the Social Work
21 Advisory Group between the years of 1973, when it
22 opened, and 1981. We know that there was an inspection
23 in 1982 as part of the overall inspection in preparation
24 for the Hughes Inquiry.

25 The evidence of FJ7 yesterday was that she did not

1 recall any departmental inspections in her years up
2 until '92 and she was there from '75. Is there anything
3 that you wanted to say about that, Hilary?

4 **A. Well, I have dealt with this in former statements in**
5 **that the Department has discovered that there was**
6 **a change of policy in '72 from inspection to a -- the**
7 **support and facilitation of dialogue between residential**
8 **homes and the Department in order to inform departmental**
9 **strategy and planning. The Department's role in -- the**
10 **role of the Social Work Advisory Group appeared to be**
11 **more focused on providing advice. Inspection did not**
12 **appear to be to the fore. So whilst there wouldn't --**
13 **there maybe wasn't an inspection of Fort James, I don't**
14 **know whether visits took place, because there was**
15 **certainly a pattern of visiting by inspectors --**

16 Q. During that time.

17 **A. -- to residential homes during that time, yes.**

18 Q. We were discussing what form the visits might have
19 taken. I think the view is that they would simply have
20 spoken to the officer in charge and information
21 gathering activity maybe.

22 **A. Yes, that's right, the officer in charge and probably**
23 **the local manager for residential care.**

24 Q. So it is entirely possible that FJ7, who was then
25 a houseparent, would not have been spoken to during such

1 a visit?

2 **A. That's possible.**

3 Q. Evidence that we have heard from Board management was
4 that relations between the Department and the Board were
5 generally good. The Boards were giving full cooperation
6 to the inspectors, and Gabriel Carey certainly said that
7 he saw the inspections as a benefit, because they were
8 a fresh pair of eyes coming in, an independent pair of
9 eyes coming into the homes and looking at them.
10 Certainly he saw no difficulty with implementing
11 recommendations when he received them. He felt that was
12 part of the process.

13 I am moving on then, as you know, to talk about what
14 happened then in 1991, because we know that there was
15 an inspection of Fort James, which you refer to in
16 paragraph 1.16 of that Fort James statement. Denis
17 O'Brien described there being a misunderstanding between
18 the Board and the Department over that inspection
19 report, and certainly the tenor of the documents that we
20 saw suggest more of a disagreement than a simple
21 misunderstanding, because Gabriel Carey in his evidence
22 said that he felt that not sufficient regard had been
23 given to the fact that a number of matters were
24 addressed by the Board between the time of the
25 inspection and the -- I call the publication, but the

1 issuing of the final report for that year. His view was
2 that that -- those changes that had been you wrought in
3 that time period ought to have been reflected in
4 an addendum report.

5 The question I posed for you was: would it have been
6 possible to put those things down in an addendum report,
7 first of all?

8 **A. I was trying to find the date of the issue of the draft**
9 **report, and unfortunately I don't have it to hand, but**
10 **I suspect that there may have been quite a time lapse**
11 **between the carrying out of the inspection and the draft**
12 **report being issued, and Mr Carey's point was that**
13 **during that time the Board had begun -- had addressed**
14 **some of the recommendations and were planning to address**
15 **some of the others.**

16 I -- Mr O'Brien's evidence was that he was advised
17 to issue the report based on the findings that he had --
18 he found at the time of the inspection.

19 Q. Yes. If I can maybe assist you with that, the
20 inspection I think took place in January. There was
21 certainly a meeting in -- I think in or around April
22 between Mr Carey and Mr --

23 **A. Ah, right.**

24 Q. -- O'Brien where matters were discussed and
25 Mr O'Brien -- we can check the dates from the memos.

1 I don't have the page references in front of me, but we
2 can look back and check on those. They were pulled up
3 when both Denis and Gabriel Carey were giving their
4 evidence.

5 **A. Yes.**

6 Q. I think then what happened was that Denis indicated he
7 was reassured by the representations that had been made
8 to him, but nonetheless was told to publish what he had
9 found on the initial inspection.

10 **A. Yes.**

11 Q. My point about that really is, well, number one, would
12 it have been possible before issuing or publishing the
13 final report to have drafted an addendum reflecting the
14 changes that there had been and that he had discovered
15 through conversation with Gabriel Carey? I think you
16 would accept that it would have been possible to do such
17 a thing?

18 **A. It would have been possible.**

19 Q. Then the next point that I would make is -- we were
20 talking about what the next stage is that happened. So
21 Gabriel Carey gets the final report, which does not in
22 any way reflect the steps that have been taken in
23 between times, between January and I think it might have
24 been by this stage September before the report is out,
25 but I am subject to correction on the dates. He writes

1 and expresses his displeasure with the tone of the
2 report and the fact that it hasn't reflected the changes
3 that have been made. As he told us in evidence, there
4 were two reasons for that. One, he was cross that this
5 was not reflected and, secondly, it would look to his
6 senior management that, you know, he had not done
7 anything about these things in the interim. He wanted
8 essentially to keep himself right, and he wrote to
9 Stella Burnside, who was the Unit General Manager at the
10 time, setting out the recommendations that had been made
11 and what had been done and when those things had been
12 done.

13 Then what appears to have happened -- and this
14 is little bit of speculation, but it seems to be a fair
15 assumption of what might have happened -- is that Stella
16 Burnside then contacts the Department, because we then
17 get what is described as a follow-up inspection by Denis
18 O'Brien, where he does effectively recognise that these
19 matters have been addressed to a degree.

20 **A. Yes. That's correct. In fact, it is unusual to have**
21 **had a follow-up inspection report. What normally**
22 **happened in inspections is that there would have been**
23 **a follow-up visit to look at the recommendations and the**
24 **implementation of those, but it's interesting that this**
25 **is entitled "Follow-up inspection", and I presume that**

1 was disseminated to the Board as the -- as the final
2 inspection report would have been.

3 I really can't give an explanation as to why all of
4 the matters referred to by Mr Carey weren't included in
5 the final inspection report. I suppose there is --
6 inspectors are in a dilemma in that they are reporting
7 on the findings at the time, and I know that some of the
8 recommendations that the Board responded to were in
9 terms of their plans to address certain things.

10 Now some of the recommendations had been met -- had
11 been implemented, but it's very difficult to include,
12 you know, in an inspection report what people's plans
13 are, because they may not ultimately take place, and
14 there may have been some concern about that. I really
15 can't answer for it.

16 I do know that, having had experience myself of
17 issuing, for example, regional reports, sometimes --
18 some time after individual Board reports had been
19 issued, that where Boards had made progress in
20 implementing recommendations, we have acknowledged that
21 in the report.

22 Q. That would have been reflected in the final report --

23 A. It would, yes.

24 Q. -- where you were aware that they had done so?

25 A. Where we were aware, yes.

1 Q. In this case --

2 **A. That is my experience, but I don't know what the**
3 **practice was in the 1980s.**

4 Q. I appreciate that, but in this case certainly before the
5 Department issued the final report they were aware that
6 changes had been effected by the Board.

7 The point I would like to make to you then is really
8 would it not have been more conducive to maintaining the
9 good relations that clearly existed between the Board
10 and the Department for that final report in '91 to have
11 reflected that state of play, as it were?

12 **A. It certainly would have led to a happier relationship.**

13 Q. At 1.21 you say that there was no response to
14 recommendations that were made in the 1994 report. They
15 hadn't been forthcoming by January 1995. I made the
16 point to you, well, perhaps was that because Fort James
17 actually closed in March 1995, although I think, if
18 I have understood you correctly, you said, "Well,
19 nonetheless you would have expected some response,
20 because a lot of the recommendations went beyond just
21 what the situation was on the ground in Fort James.
22 They were wider than that".

23 **A. Exactly. You know, recommendations such as the need for**
24 **staff to have access to a regular consultancy child and**
25 **adolescent psychiatric service, team leaders receiving**

1 **formal supervision, monthly monitoring reports to**
2 **comment on professional issues, those were much wider**
3 **than the inspection findings in relation to Fort James.**

4 Q. Well, Hilary, I am going to turn to something that we
5 learned about yesterday and that was the issue of annual
6 financial returns that were made to the Department from
7 Boards.

8 We heard from Marion Reynolds yesterday that you had
9 to look at these at some point in the course of your
10 work and try to make comparisons from them, which
11 created a difficulty. It wasn't easy to compare.

12 I just wondered if you could elaborate a little bit
13 on that and explain to us, first of all, what the forms
14 were, their purpose and so forth.

15 A. **Yes. Again I -- my memory isn't possibly as it should**
16 **be on this and I would need some time to reflect a bit**
17 **more on it, but I seem to recall that in 1994 the Chief**
18 **Inspector produced his first -- the Chief Inspector's**
19 **annual report, and in preparation for that report we**
20 **were trying to get a grip on certainly in my case family**
21 **and childcare spending and who was spending what and**
22 **what services were being offered by Boards, and doing**
23 **some sort of comparative analysis.**

24 Q. I think the impetus for this was the fact that the
25 Children's Order was on the horizon --

1 A. It may well have been.

2 Q. -- and it was to allow some planning by the Department.

3 A. That's right. To inform planning for that Order and to
4 look at the necessary resources to, for example,
5 establish new -- all sorts of new systems that would
6 have been established by the Children Order.

7 I think in doing that the only information that we
8 had to rely on were the financial returns made by the
9 Health & Social Services Boards at the time. They
10 were -- the family and childcare programme, as I recall,
11 was reflected on a form called FR22, which stands for
12 Financial Return 22, and when I was tasked with looking
13 at that -- not that I have any kind of financial
14 expertise, but just to have a look at the format of it
15 -- and it was very difficult from the figures presented
16 to disentangle, you know, fostering, residential care,
17 daycare services, services for voluntary service grant,
18 etc, etc.

19 As a result of that we produced -- the Department
20 produced revised guidance. I am not saying that the
21 guidance was not clear before, but we attempted to make
22 it clearer.

23 For example, we had found on some occasions that
24 Community Health Services were being put into Personal
25 Social Services spend on the family and childcare

1 programme. There was all sorts of confusion.

2 My recall is that my colleague whom I was working
3 with that on, Dr Eugene Mooney, from the Information --
4 the Department's Information & Analysis Branch, then
5 held a series of meetings with Boards in order to
6 clarify the financial returns and how those should be
7 completed in order to assist our analysis, and more than
8 that I'm afraid I can't say, because I then obviously
9 went on to do other things.

10 Q. Well, Hilary, just if I might explore that a little bit
11 more with you, these FR22s I presume were in existence
12 from the onset of the Department of Health & Social
13 Services in the early '70s?

14 A. I would assume so, although I am not entirely certain
15 when they were introduced, yes.

16 Q. We know from our conversation earlier there are a number
17 of things that will have to be explored further and that
18 might be one of those, but if we assume that they were,
19 the next question I wanted to ask you then was this was
20 an exercise that you were carrying out in or around '94,
21 '93/'94. Would that be right?

22 A. Yes.

23 Q. I wondered if you were aware of any previous exercise of
24 analysis of financial returns in respect -- obviously in
25 the Inquiry's mind --

1 **A. Yes.**

2 Q. -- in respect of family and childcare services?

3 **A. Not within the Social Services Inspectorate. I am not**
4 **aware of any. That doesn't mean that it didn't take**
5 **place before, but I am not aware of that having been**
6 **done before.**

7 Q. Can I just be clear? The financial returns went to the
8 Department and they may then have just been forwarded on
9 to the Department of Finance, if that was a requirement.

10 **A. It is possible. I am not sure what the process was.**

11 Q. The other thing that I wanted to talk to you about was
12 the set-up of Harberton House. I wondered if you were
13 aware whether there had been any capital funding from
14 the Department in respect of the set-up of Harberton,
15 first of all?

16 **A. Yes. As I was explaining, the Department did not give**
17 **capital grants to Boards. My understanding of the**
18 **process is that Boards, having submitted plans for**
19 **a children's home to the Department, and the Department**
20 **really looked at those plans in quite a lot of detail.**
21 **Again I can only speak for the 1990s, when all plans for**
22 **children's homes would have been submitted to the Social**
23 **Services Inspectorate, and we would have gone over those**
24 **in detail, not obviously looking at it in the sorts of**
25 **way that Estates and other elements of the Department**

1 would have considered them, but looking at their -- the
2 feasibility of the design of the unit in terms of
3 supervision of children, where the unit was located, you
4 know, the planned -- whether or not there were planned
5 bedrooms, etc, all the sort of issues that would impact
6 on the professional practice. So we would have
7 commented in detail on those.

8 That -- a series of questions -- having -- after the
9 Department had looked at the plans a series of questions
10 then would have gone back and forward between the
11 Department and Boards, and eventually the Boards would
12 have come up with a planning bid that the Department
13 could approve. That then went as part of I gather the
14 public expenditure survey bids, and the Department then
15 bid for that -- those monies in addition to the --

16 Q. Their own budget?

17 A. -- the normal -- yes, and in addition to the normal
18 revenue monies allocated to the Board, and mostly
19 I gather they were successful in obtaining the money.
20 So that would have gone -- those -- the capital for the
21 building of the home would probably have gone as part of
22 the Departmental funding to the Board, not as a discrete
23 amount to be used in a particular way. Having said
24 that, I wouldn't like to stand by everything I said.
25 This is just my understanding --

1 Q. I understand.

2 **A. -- and (inaudible).**

3 Q. If I can just then squeeze that out a little bit, if
4 I may. You have explained that in the 1990s when you
5 were working in the Inspectorate that any new proposal
6 for a children's home would have been scrutinised by
7 your Department. Presumably equally in the 1980s, when
8 this -- the proposal for a new home would have had
9 financial implications whether in terms of -- it would
10 have more than likely required additional monies from
11 the Department for the set-up of that home.

12 **A. Yes.**

13 Q. In seeking that bid for monies the Board was also
14 required to get Departmental approval before it could
15 set up a home?

16 **A. Yes.**

17 Q. So the purpose of seeking that approval would have been
18 -- presumably in 1980 there would have been a degree of
19 scrutiny of the bid that was put in and the proposal
20 that was put in in similar terms to what you said
21 happened in the '90s?

22 **A. I would expect so, yes.**

23 Q. So if that was the case then, you would have been
24 looking at the structure of the home, its purpose, its
25 size, its location, the number of beds that there would

1 have been in it and so forth.

2 I know that you can't say definitively what happened
3 in 19... -- probably late '70s, before Harberton opened
4 in 1980 --

5 **A. Uh-huh.**

6 Q. -- but one question I wondered -- and I think you have
7 probably answered this -- is that: would it have been
8 possible for the Department to attach conditions to the
9 set-up of a particular home, first of all?

10 **A. Yes. It would have been possible to set conditions, but**
11 **it is unlikely, given the kind of degree of**
12 **communication between the Department and the Board,**
13 **that -- it is unlikely that the Department would have**
14 **had to set conditions, because the final bid would have**
15 **had all of the elements that the Department wished the**
16 **home to address and consider, and therefore there**
17 **wouldn't have been a need to set additional conditions.**

18 Q. So there would have been a degree of negotiation saying,
19 "Look, we think you need to look at this aspect of it.
20 You know, it is too big a size or where you are locating
21 it" --

22 **A. Exactly.**

23 Q. -- "is not a good idea. So therefore we won't approve
24 this bid unless you change this", and that would have
25 been then resulting --

1 **A. Yes.**

2 Q. -- in a revised submission, as it were?

3 **A. Exactly, yes, and the Board would have had to**
4 **demonstrate that there was a need for the particular**
5 **facility that was --**

6 Q. In this case we know that Harborton was being set up as
7 an assessment centre. I am wondering would it have been
8 part of that consideration by the Department to ensure
9 that it was effectively going to be fit for that
10 purpose?

11 **A. The Department certainly -- again I can only speak from**
12 **experience -- but in -- we would have considered issues**
13 **such as if a unit were being set up as a short-term unit**
14 **-- in this case an assessment unit would have clearly**
15 **been a short-term unit, probably six months at the most**
16 **-- that we would have looked at what the Board's plan --**
17 **contingency planning was in relation to preventing that**
18 **unit from silting up with children who would be there**
19 **long-term, and that certainly we would have expected in**
20 **the planning bid to see the Board's plans around**
21 **ensuring that that unit maintained its purpose and**
22 **focus.**

23 Q. Yet we know that, despite that degree of scrutiny that
24 there is likely to have been, within six months of
25 Harborton opening there were difficulties in meeting

1 that. It was effectively silting up.

2 **A. Yes. I would have considered that to be a Board**
3 **responsibility to address that.**

4 Q. I understand what you are saying, but the Board would
5 then have to look at it and how they could try to get
6 back to the purpose of -- the original purpose of the
7 assessment unit.

8 **A. Exactly, yes. Uh-huh.**

9 Q. If the planning had been such that the Department had
10 said, "Well, yes, your plans are right. This will
11 operate as an assessment unit and therefore we will
12 approve it", would it not be then surprising that within
13 six months it was not really going to do that?

14 **A. Well, it would be surprising, but the responsibility**
15 **would have been on the Board to ensure that that did not**
16 **happen, as per the bid. They obviously -- I would be**
17 **very surprised if they had not in their bid included**
18 **some sort of measures to protect the aim and function of**
19 **the unit and to demonstrate that they could meet the**
20 **ongoing residential care needs of children without**
21 **having to rely on further long-term places. It would**
22 **have been the Board's responsibility to preserve the**
23 **integrity of that unit in their -- in their planning and**
24 **in their addressing the needs of children within their**
25 **area.**

1 Q. But presumably getting the approval meant that they had
2 convinced the Department that they could do that?

3 A. Yes, that's right. I'm assuming that that --

4 Q. So something obviously went wrong somewhere.

5 A. Well, yes. Something did go wrong, but, you know, it --
6 the Department could only approve on the basis of what
7 the Board had stated that it could do and had the
8 wherewithal to --

9 Q. To do that?

10 A. -- to do it.

11 Q. I just wonder -- presumably the bid and the feasibility
12 of Harberton House as an assessment centre would then
13 have been looked at. I mean, the Department would not
14 have just accepted what the Board was telling it. It
15 would have carried out its own investigations presumably
16 to check that those needs -- that it could achieve what
17 it was setting out to do.

18 A. Yes. Well, again I can only speak from the 1990s, and
19 certainly when bids like that or proposals would have
20 come the way of the Social Services Inspectorate, we
21 would have had a lot of questions around was there
22 a need for the facility, what were the -- how did this
23 fit in with the Board's fostering plans, their adoption
24 plans, their plans for permanency of children? You
25 know, there would have been a much wider consideration.

1 **Really the Boards were required to justify to**
2 **a fairly high level the need for the facility and also**
3 **to justify to a fairly high level the fact that they**
4 **could maintain the facility in the way that they -- that**
5 **they could -- they could maintain the integrity of the**
6 **facility and its purpose and aims and so on --**

7 Q. Yes.

8 A. -- but I can't speak for the 1980s.

9 Q. I appreciate that. We have heard from a number of
10 witnesses in this module and there have also been
11 statements that have been provided to the Inquiry by
12 others whom we will hear from eventually but perhaps not
13 as -- on the wider issue of governance and finance.

14 One of the statements that the Inquiry received was
15 from a **HH 45** . That's from the Board. I know
16 you have seen these statements, Hilary. At paragraph 2
17 of his statement at FJH808, you will see here that -- he
18 talks in the preceding paragraph about the block grant
19 to Northern Ireland, but he then goes on to say -- and
20 the division of that between the departments. He goes
21 on to say:

22 "The allocation of funds from the DHSS to the four
23 Boards to commission services to meet the needs of their
24 respective populations was roughly based on (informed
25 adjustments to rather than dictated) a very complex

1 capitation formula (supported by the University of York)
2 reflecting by programme of care
3 (children/elderly/hospital, etc) the population size,
4 age and gender profile and specific needs (reflecting,
5 eg, deprivation levels and local provision costs). It
6 was easy to determine the population size and age,
7 gender split by the programme of care, but it was
8 another matter to establish or agree the cost
9 differentials for providing health and social care for
10 different populations, and even more complicated to
11 determine and agree needs adjustment factors. The
12 Western Health & Social Services Board, although it had
13 the smallest and youngest population profile, had the
14 highest deprivation and therefore argued for many years,
15 with varying degrees of success, that it was underfunded
16 through the capitation formula. Relative funding
17 directly impacted on the possible spend on
18 population/services by the Board."

19 Now I just wondered if you accepted, Hilary, that
20 this was a fair summation of how funds were allocated to
21 Boards, first of all, from the Western Health & Social
22 Services Board perspective?

23 **A. Well, I would accept probably to the extent of my**
24 **limited knowledge paragraph 2 apart from the last**
25 **sentence. I really would not have sufficient**

1 information to endorse that last sentence. Certainly
2 there was a very complex capitation formula.
3 I understand that the Department sought in every way
4 possible to ensure that funds were appropriately
5 provided, and I know that, for example, there were
6 regular reviews of the capitation formula, at which
7 Boards were represented, and they brought their various
8 needs and complaints to the table and those were all
9 considered. I don't think one Board was favoured more
10 than another. There was certainly a general impression
11 I know that the Eastern Board got much more favourable
12 funding than the others, but then the regional Board --
13 sorry -- the Eastern Board had a number of regional
14 centres. I think we are also to remember that this
15 was -- the capitation formula applied to both health and
16 social services.

17 Q. Yes.

18 A. The social services budget is I gather a drop in the
19 ocean compared to the health budget. So there would
20 have been every attempt made to ensure that there was
21 fairness in the allocation of funding. It wouldn't be
22 in the Department's interest to have a Board
23 underfunded, and certainly in relation to family and
24 childcare, where in the case of children in care -- in
25 the care of the Western Board, those children would have

1 **been in care under Fit Person Orders, under Parental**
2 **Rights Orders or indeed have been admitted to voluntary**
3 **care, and in each of those cases the Board was in loco**
4 **parentis, in some cases held responsibility, parental**
5 **responsibility for the children, had a range of**
6 **responsibilities, and it would have been extremely**
7 **important that the Board was sufficiently funded in**
8 **order to carry out those statutory responsibilities to**
9 **children, and if there had been any indication that the**
10 **Board's resources did not permit it to do that, that**
11 **would have been a red alert I would think to the**
12 **Department and, you know, I would be very surprised if**
13 **that had not been addressed.**

14 Q. Well, if I can just -- I mean, I know, Hilary, from our
15 conversation earlier that this is something that the
16 Inquiry will have to revisit and the Department and
17 Boards will have to give us more information --

18 **A. Absolutely, yes.**

19 Q. -- to enable us to do so. So I am only looking at a few
20 aspects in the course of this module on this issue.

21 **A. Sure.**

22 Q. Dominic Burke has made the case that the Western Health
23 & Social Services Board received a low level of resource
24 from its inception, because it was based on the income
25 of welfare committees, health and -- I have forgotten

1 the other welfare committee that --

2 **A. Yes. It would have been county welfare committees.**

3 Q. Yes, the county welfare committees. It meant that with
4 increases it didn't really matter, because the baseline
5 was always too low. That was the argument that the
6 Board was constantly making to the Department.

7 I am not going to call up his statement, but it is
8 at SND19146. In paragraph 2 there he says:

9 "The Capitation Formula Review Group reports showed
10 that the Western area was underfunded against the
11 factors that were examined."

12 Now I know that last night we were provided by the
13 Department with some of those Capitation Review Group
14 reports, which we haven't had the opportunity to
15 consider, but we no doubt will in due course, and I am
16 sure there will be representations made on behalf of
17 both the Department and the Board on foot of those
18 Review Group reports. That has to be looked at.

19 But just to -- if we could look at a statement --
20 another statement that has been provided for the Inquiry
21 by Tom Frawley. That's at FJH604. He is talking here
22 about Harberton House, but if we can scroll down to
23 paragraph 8 at the bottom of that page, he is talking
24 about the background and the contextual situation to
25 what happened in Harberton House, and he said:

1 "Another important backdrop to the matters being
2 enquired into at Harberton House is the historical
3 underfunding of Health & Social Services in the west of
4 Northern Ireland. This circumstance mirrored the
5 situation in the National Health Service in England
6 which established a national working group to look at
7 how a more equitable allocation of resources formula
8 across the English regions might be developed."

9 He goes on to talk about the English working party.
10 Then he said:

11 "In Northern Ireland an equivalent group was
12 established under the acronym PARR (Proposals for the
13 Allocation of Revenue Resources). However, the final
14 report was only eventually published in 2003. An
15 insight into the scale of the difference in resources
16 between social services in eastern and western areas of
17 Northern Ireland is reflected in the Bunting report into
18 the circumstances surrounding incidents of peer child
19 abuse at Harberton House. At section 2.2 of the report,
20 titled "Fieldwork staffing", Bunting compared the social
21 work staffing levels at Foyle Community Unit with the
22 social work establishment at North & West Belfast Unit
23 of Management."

24 He goes on to give figures there. He said:

25 "While significant efforts were made to secure

1 agreement between the Department and the four Boards on
2 achieving a more equitable distribution of resources
3 across Northern Ireland, agreement to facilitate any
4 change was never reached and as a consequence only very
5 limited progress was made.

6 In responding to its historical underfunding the
7 Western Health & Social Services Board was constantly
8 required to examine what were considered controversial
9 government policies in order to achieve financial
10 efficiencies. In the late '80s and early '90s the Board
11 tendered for what at that time was one of the highest
12 value hotel services contracts ever outsourced in the
13 health service in the UK. Despite concerns, the
14 contract was agreed and implemented, releasing almost
15 £1 million, part of which was allocated for investment
16 in social services, including children's services."

17 Now there is also -- he is making the point, as was
18 Dominic Burke, that, "We started off with a low base
19 rate here, and despite representations, that was never
20 fully sorted until 2003". I think this Capitation
21 Review Group was set up actually in the mid '90s, but it
22 took according to Dominic Burke --

23 **A. Uh-huh.**

24 Q. -- about ten years to finally arrive at some resolution
25 that if not everybody was happy with, they were

1 certainly content to see implemented.

2 There is also an entry in the minutes -- the
3 Board minutes of 30th May 1991. Now I mentioned this
4 yesterday, Panel Members, and I didn't have the
5 reference number, but the reference for the
6 entire minute, it starts at FJH19366. If we look at
7 19367, please, this is the comments being made by the
8 Chairman of the Board in May 1991. If you just -- the
9 second paragraph there it says:

10 "However, he said despite the Board's progress and
11 achievements to date, he still had one major continuing
12 disappointment and that was the Board's underfunded
13 situation. In spite of well-reasoned arguments put
14 forward by the Board and which, in fact, had been
15 accepted by the Department, the issue had not been
16 addressed to his satisfaction. He emphasised that the
17 resolution of this issue will be a major priority over
18 the next 12-18 months."

19 So the Chairman of the Western Board is saying,
20 "Look, we have put forward arguments and the Department
21 are accepting those arguments, that they are
22 well-reasoned and accepted that" -- the arguments
23 presumably were in relation to this issue of being
24 underfunded.

25 So it suggests that in 1991 there was an acceptance

1 on the part of the Department that there was some
2 underfunding.

3 Yesterday Marion Reynolds spoke to us and she told
4 us that there had been a sum given to the Board in 1988
5 after negotiations between the Board and Department, and
6 certainly there was a minute, another Chairman's
7 comments, in 1988 to the effect that negotiations were
8 finally bearing fruit for the Western Board.

9 I know that we talked about this, and the lump sum
10 that was provided seems to have been monies that were
11 actually provided for the voluntary sector within the
12 Board area. Is that correct?

13 **A. Yes. We were able to check that this morning from**
14 **my previous statement. The Department gave**
15 **an additional 50,000 revenue funding to the Western**
16 **Board in order for it to properly finance the basis it**
17 **was supporting in Nazareth House in Derry.**

18 Q. That was really to help out Nazareth House and bring it
19 up to standard --

20 **A. Exactly.**

21 Q. -- essentially. Is that correct?

22 **A. Yes.**

23 Q. I mean, the view of -- I mean, that's the view of the
24 Western Board.

25 **A. Yes.**

1 Q. We know we have this contrary --

2 CHAIRMAN: What date is that?

3 MS SMITH: This minute is 1991. The lump sum was 1988

4 I think.

5 **A. Yes, that's right.**

6 Q. In fact, it was April 1987, April 1987. I think there
7 was 50,000 was given to -- for Nazareth House.

8 **A. Yes.**

9 Q. There was another 25,000 for Orana Children's Home. Is
10 that right?

11 **A. That's right, yes. That wasn't in the Western Board.**

12 Q. That was Southern Board I believe?

13 **A. It was Southern Board, yes.**

14 Q. So I know that you will be carrying out further
15 investigations into this -- not you personally --

16 **A. Yes.**

17 Q. -- but the Department will be, Hilary --

18 **A. Yes.**

19 Q. -- about this matter, but certainly the view of Marion
20 Reynolds and Kevin McCoy was that the use of resources
21 was a matter for the Board, and that is another matter
22 which will need to be revisited in more detail, not
23 least by yourselves, but also by the Board, and I just
24 wonder, however, though, in light of this comment does
25 the Department accept -- and I am not necessarily

1 looking for an answer today, but these are questions
2 that will have to be answered -- does the Department
3 accept that the Western Board was under-resourced as
4 a result of a low baseline, first of all?

5 A. I really couldn't answer that at the moment. I think
6 having received these documents very recently and also
7 having heard the assertions of former members of the
8 Board that they were underfunded, the Board was
9 underfunded, the Department really does need to
10 investigate this matter in some detail. I have already
11 set in train some action in relation to that.

12 One of the things I want to comment on is that the
13 Bunting review, which pointed out the differential in
14 social work rates and so on across the -- I think it
15 maybe commented on the four Boards, but certainly there
16 were great differentials. That is not, of course, as we
17 all know, an indication of funding. That is
18 an indication of how resources have been allocated.

19 In relation to the historic underfunding, etc,
20 I really don't understand that, because my understanding
21 of the Northern Ireland block grant, for example, was
22 that it was based on the Barnett formula, which I think
23 came out in '78, and which was a kind of per head
24 capita -- per capita per head count in the population.

25 Q. Yes.

1 A. I think that in principle was applied also to the
2 departmental resources, and I know -- I know certainly
3 that in terms of allocation of additional childcare
4 monies that it tends to go on childcare population and
5 that's how those are distributed, you know, Hughes 6
6 money and child protection monies and so on.

7 In terms of the Western Board's general grant
8 I really don't know the answer to that, but we will seek
9 to find answers and no doubt come up with a view on
10 whether the Board was underfunded.

11 Q. Indeed.

12 A. The only other comment I would make is that I think all
13 of the Boards felt that they were underfunded and
14 claimed they were underfunded. I spoke recently to
15 someone who was present at the capitation review
16 meetings and he said yes, that was true, that, in fact,
17 the capitation formula sometimes did come up with the
18 need for more resourcing than was given to a Board, but
19 that was -- that was true of all Boards and not just the
20 Western Board.

21 Q. I think you made a point to me when we were talking
22 earlier that the Western Board on various indices that
23 you were looking at with regard to childcare --

24 A. Yes.

25 Q. -- they came last in terms of their performance --

1 **A. Well, the --**

2 Q. -- in relation to the other Boards. Isn't that correct?

3 **A. Yes. If you are comparing -- if you are comparing**
4 **figures, obviously somebody has to come last, and that's**
5 **not necessarily an indication of poor performance, but**
6 **certainly on important indices like fostering rates,**
7 **like admissions to secure accommodation, like admission**
8 **to residential care, and another important one that**
9 **I would have had advisory responsibility for in the**
10 **Department was permanency planning for children and**
11 **adoption, on all of those indices the Board did not come**
12 **out favourably in comparison with other Boards.**

13 Q. Again there's a circular argument here, because the
14 Boards -- and I don't mean to preempt anything they want
15 to say about this --

16 **A. Sure.**

17 Q. -- their argument will be, "The reason we were coming
18 bottom of the Boards in these league tables, as it were,
19 is because we were under-resourced", I presume. That
20 might be an argument --

21 **A. Yes. I understand that may be an argument, yes.**

22 Q. -- they might have made. Certainly from the
23 Department's point of view you would say that, "Whatever
24 resources you had, priority ought to have been given to
25 childcare, because you had statutory duties to meet in

1 respect of the care of the children who came into your
2 care".

3 Just one thing whenever the Department is looking at
4 this then. Aside from determining whether the Western
5 Board was under-resourced as a result of a historical
6 low baseline, I think the Inquiry would wish to know
7 then, if they determined that it was, well, then the
8 view -- is it the view of the Department that that was
9 redressed at any point in the course of the time period
10 that the Inquiry is looking at? That was something else
11 that we would require assistance on.

12 So that -- those are the questions that I wanted to
13 explore with you, Hilary. I am sure the Panel Members
14 may have some things they want to ask you, but before
15 they do I just wondered was there anything you felt we
16 haven't covered in our conversation that I have
17 neglected to raise that you wanted to say?

18 **A. I don't think so. Thank you.**

19 Q. Thank you very much.

20 Questions from THE PANEL

21 CHAIRMAN: Dr Harrison, I know this is an exceptionally
22 complicated area and it is one we are going to have to
23 look at again, so we are really only at an early stage
24 perhaps in fully having available to us the necessary
25 data upon which certain conclusions could be later

1 drawn, but, as I understand, your position or the
2 Department's position at the present time is that
3 Northern Ireland starts out with a cake of a certain
4 size determined in accordance with the Barnett formula.

5 **A. Yes.**

6 Q. That cake is then sliced up for the various
7 responsibilities of government in Northern Ireland,
8 health, roads and so on --

9 **A. Yes.**

10 Q. -- education, whatever. We, of course, are looking at
11 what ultimately is probably an extremely small slice of
12 the cake, which is that portion that is allocated across
13 the four Boards across the province for childcare
14 services. Isn't that right?

15 **A. That's right.**

16 Q. The way in which that slice is first of all determined
17 involves I presume various priorities to be decided by
18 those who make the decisions. Is that right?

19 **A. Yes.**

20 Q. But I get the impression from what you say that the
21 decision-making responsibility is divided, as it were,
22 between the Board, which has certain statutory
23 responsibilities to discharge, and the Department,
24 because while the Boards have to do the work on the
25 ground and that determines what they feel they need, the

1 Department has to argue on a broader playing field or
2 broader table for not just what is thought to be
3 necessary by the four Boards for their childcare
4 services, but whether, in fact, that is a reasonable
5 request for them to make.

6 **A. Yes.**

7 Q. When we look at the question of the reasonable request,
8 is it in a sense a two-way dialogue and not just
9 a monologue of the Western Board saying, "We need this"
10 and getting what they say is a deaf or at least not
11 terribly responsive ear, because the Department looks at
12 what the Board is actually doing on the ground. Isn't
13 that right?

14 **A. Absolutely, yes.**

15 Q. Am I right in saying it is at this point that the layout
16 in financial terms from the Department's perspective
17 became rather unclear, because it was not always
18 apparent in what way each Board was actually using the
19 money that was given to it on certain assumptions or
20 premises?

21 **A. Yes. I think that became very clear in Miss Reynolds'**
22 **evidence yesterday.**

23 Q. Yes.

24 **A. Yes.**

25 Q. So one then looks in a little bit more detail at what

1 that implies, and we come back again to this constant
2 necessity, because it's a statutory obligation, to look
3 after certain aspects of childcare first. Isn't that
4 right?

5 **A. That would be my view and the view of the Department,**
6 **yes.**

7 Q. Am I right in presuming that the Department's view would
8 have been at that time, "Well, if the capitation formula
9 is right, and we believe it is right, you have got
10 certain -- you have got sufficient resources, and on
11 that assumption it is really for you to make sure that
12 out of that probably quite thin slice of the ultimate
13 cake you are using it in a proper way"?

14 **A. Perfectly described, yes.**

15 Q. If it became apparent that for whatever reason that
16 wasn't the case, what can the Department do about it?

17 **A. Well, again I can only speak from my experience. I know**
18 **that the Department would raise the matter with the**
19 **Board itself, the Management Board, if it became**
20 **apparent that, for example, statutory duties weren't**
21 **being fulfilled. I'm trying to think of one maybe --**
22 **there is no statutory duty, for example, to carry out**
23 **monthly visits to children in residential care**
24 **surprisingly, but there isn't. There certainly is in**
25 **relation to children in foster care. If a Board were**

1 saying, "We can't do our visits. We haven't got the
2 resources", the Department would insist that they
3 allocate resources to that.

4 It is interesting that the -- that when the peer
5 abuse became known, I think the Board was immediately
6 able to allocate something like six additional social
7 workers, two of them to fostering units. So the Board
8 did have the power to shift resources around. Now they
9 suddenly got these. They were able to create these
10 posts in a very short time.

11 Q. So in a sense that's a reflection, is it not, of
12 prioritisation at a local level where the service is
13 being delivered?

14 A. Absolutely.

15 Q. Because presumably those six social workers weren't
16 immediately recruited. They were taken away from
17 something else they were doing, because this was seen to
18 be a greater priority.

19 A. Yes, possibly, but they were additional posts. So
20 someone -- qualified social workers filled those
21 additional posts. Even if social workers were moved
22 from somewhere else, then they obviously recruited
23 qualified social workers to --

24 Q. One would assume that to fill the gap that was created
25 that more people were brought in --

1 **A. Exactly, yes, yes.**

2 Q. -- or else a decision had to be made not to deliver
3 a degree of service that those six people had been doing
4 before they were moved.

5 **A. Well, they were --**

6 Q. But we don't know that.

7 **A. Yes. They were additional. It is possible that**
8 **resources were diverted from another programme of care**
9 **--**

10 Q. Exactly.

11 **A. -- to the childcare programme to allow those six**
12 **additional social workers to be recruited.**

13 Q. Your point is that on a general basis and then in this
14 specific instance as an example of that that is for the
15 Board to decide, because it has -- on the Department's
16 fundamental premise it has the resources, and if they
17 are using it in a different way than that which is
18 considered wise, then that's for the Board to sort out.

19 **A. Yes.**

20 Q. Right. Can I just ask you in relation to a specific
21 aspect of this degree of departmental control over the
22 way detailed money is concerned, when Harborton was
23 being planned, as I understand what you're saying, you
24 would have expected the Board not just to look at the
25 services delivered in the home itself, because as

1 an assessment unit the principle, not just the desirable
2 thing, but the fundamental principle is the children
3 have to move out of it --

4 **A. Exactly.**

5 Q. -- otherwise it turns into a residential long or medium
6 term home and you referred to the need to avoid this
7 silting up, as it is described.

8 Do I take it to mean that in effect the Department
9 would have looked at the greater plan, not just the
10 building, about how the children come in and more
11 importantly how they go out and where they go as part of
12 its approval process?

13 **A. It should have done, yes.**

14 Q. It should have done?

15 **A. It certainly should have done and that would have been
16 the process that I would have been familiar with in the
17 1990s.**

18 Q. Yes. Well, Harberton must have been planned, as
19 Ms Smith pointed out --

20 **A. Yes, yes.**

21 Q. -- mid -- late '70s.

22 **A. Yes, probably.**

23 Q. -- as it comes into being in 1980.

24 **A. Yes, yes. If I can give an example. It is not just
25 about the opening of homes, but when the Western Board**

1 proposed to close Fort James, there were considerable
2 concerns on the part of Department as to where then its
3 capacity -- its need for residential services -- how
4 those could be met in the absence of -- in the absence
5 of rapid development of fostering services, and you may
6 have noted in the evidence that again my colleague Miss
7 Reynolds and Mr Chambers, the Assistant Director, had
8 a number of meetings and wrote to the Board expressing
9 concerns about how they would meet their needs for
10 residential care, given the fact that Harberton was
11 already operating at capacity and they -- yet they were
12 closing a long-term children's home. So it was both in
13 terms of open and closing children's homes the
14 Department would have tried to maintain that strategic
15 oversight.

16 Q. Yes. So the Department does maintain quite a --
17 attempted to maintain is perhaps a better way of putting
18 it -- a very close understanding of how the money was
19 being spent in relation to what were seen as desirable
20 outcomes?

21 A. Yes, yes.

22 Q. The local manifestation of a wider policy to ensure that
23 in this particular location what should have been
24 happening was actually happening?

25 A. Yes, yes. Also in relation to the kind of spending of

1 monies, etc. Now again I may be wrong in this. It is
2 just something I've thought of recently, but the --
3 I understand that there were accountability review
4 meetings --

5 Q. Yes.

6 A. -- by the Management Executive, and Boards would have
7 been held to account really for how they had managed
8 money and what they were doing in terms of meeting
9 departmental priorities, and any -- any concerns about
10 failure to do -- you know, to meet those priorities
11 would have been raised at those accountability review
12 meetings.

13 I am not sure when they started and how long they
14 continued for, even whether they continue at the moment,
15 because I am retired -- I am supposed to be retired
16 about four years, but those are the sorts of things that
17 we would hope to address in a further submission and
18 those are really pertinent questions that we would want
19 to revisit.

20 Q. Yes. I mean, you do appreciate that many of the
21 questions we perhaps are raising at the moment may need
22 to be themselves refined in the light of what more
23 information becomes available to us. I think my
24 colleagues certainly have questions they want to pursue
25 about Harberton in detail.

1 MS DOHERTY: Thanks very much. I mean, in relation to that
2 it would be very helpful if there was any documentation
3 that the Board or the Department could provide about
4 Harberton, the actual planning for that, and any of the
5 correspondence that went back and forth, because it --
6 I mean, as the Chair said, it does seem strange that
7 within six months they were silting up, so that that was
8 known. So it would be great to get some of the detail.

9 **A. Uh-huh.**

10 Q. I just wondered, Hilary, can you think of any examples
11 where a planning application was turned down because the
12 Department was of the view that either the type of
13 service or the way it was planned wasn't appropriate?

14 **A. Uh-huh. I can't think of any that was turned down.**
15 **I~have to add the caveat that I wasn't the person**
16 **responsible for residential care advice. My colleague**
17 **Marion Reynolds would have had that responsibility in**
18 **the department, although I would have been involved in**
19 **-- we'd have discussed things very -- we worked very**
20 **closely together and I would have been involved in**
21 **discussions with her.**

22 **Usually where a planning application for**
23 **a children's home is being produced, there would have**
24 **been discussion with the Department long before the**
25 **submission even got on to paper, because it is quite --**

1 a children's home is a very -- obviously a very
2 important facility within childcare services, but also
3 it's a very costly facility. You know, the Department's
4 view would be that only where necessary should children
5 be admitted to residential care. Where possible they
6 should have the opportunity of a proper family home,
7 etc, etc, and, of course, as a result of that we have
8 seen an amazing reduction in the number of children's
9 homes in the province. Only one voluntary home left,
10 for example.

11 So starting from that point there would be a lot of
12 discussion around needs and so on. Again only speaking
13 from my personal experience, you know, there would be
14 discussion -- for example. I would have been responsible
15 for advice in relation to children with disabilities,
16 disabled children. When it became evident that there
17 was a growing need for maybe respite facilities for
18 children with complex needs, there would have been
19 discussion with the Department long before a planning
20 application came before it.

21 So it's highly un... -- a planning application
22 wouldn't have just arrived out of the blue. So it's
23 highly unlikely that it wouldn't have been submitted
24 without departmental encouragement, but there
25 certainly -- we certainly would have questioned

1 **(inaudible).**

2 Q. It would be very helpful to see that, because it seems
3 to me, I mean, just looking at the documentation we
4 have, that seems to be a point that the Department has
5 some leverage, you know, because there is money involved
6 and there is the actual approval.

7 **A. Yes, yes. That's right.**

8 Q. Because once you see it approved, Fort James, very
9 quickly there is concerns about its location. Is it
10 appropriate? But again those concerns are repeated.
11 Really it doesn't go anywhere.

12 Your example of Fort James closing, again where
13 there was very clear arguments, very valid arguments to
14 say, "Is this the appropriate timing? Is it the right
15 way to do it?" It still happened --

16 **A. Yes.**

17 Q. -- despite all that the Department had to say.

18 **A. Yes, yes. Uh-huh.**

19 Q. So is there a sense --

20 **A. Yes.**

21 Q. -- in which the fact that the Boards had the statutory
22 responsibility to provide, despite the fact that the
23 Department had to approve, once they were approved and
24 they were up there, it seemed that your level of
25 influence was more about trying to guide and prod rather

1 than assert authority.

2 A. Exactly. That's right. The Department under the '72
3 Order, as I remember, had an ability to give directions
4 to a Board. I think that -- I don't know. I'm not sure
5 what the status of that is. I think it was revoked at
6 some stage, but it would only be in very, very critical
7 circumstances that the Department would say to the
8 Board, "You absolutely must" and that direction would
9 have to be signed off by permanent -- it may have even
10 been a legal document. I am not sure.

11 Once the Department had given approval, then the
12 Department's role is really one of encouragement and
13 support and, you know, engagement rather than -- it
14 cannot really direct a Board in relation to what to do
15 with its money, for example. It certainly can direct
16 the Board to fulfil its statutory responsibilities, but
17 it -- you know, it really is up to Boards to determine
18 how they are going spend the money in order to meet
19 their statutory responsibilities and importantly
20 departmental priorities as set out in regional -- in the
21 regional plan.

22 Q. That's what I would like to turn to. I mean, the notion
23 of the regional plan -- and you used the words, "We
24 would urge the Boards to look at smaller homes". That
25 was what -- again there is the bit about this is

1 a regional plan where, you know, the best minds in the
2 Department, looking across the province and provision,
3 are saying, "Actually this is where we should be going",
4 advice to ministers, advice -- but again it seems to be
5 that bit about, "This is guidance. This is what we
6 think" --

7 **A. Yes.**

8 Q. -- "but if you want to do something" --

9 **A. Yes.**

10 Q. Do you think that was a weakness?

11 **A. Well, in the context of the regional plan where the**
12 **regional plan said, "We would urge the Boards to**
13 **consider developing smaller units", I would think that**
14 **from 1992 the Board would not have approved**
15 **an application for a large home. So it certainly**
16 **exercised that degree of oversight and control in**
17 **relation to applications coming forward. So there would**
18 **have been some measure of control in relation to matters**
19 **such as that.**

20 Q. Okay. That's very helpful. Thank you.

21 MR LANE: I'd just like to follow up again the question of
22 the approval for Harberton, because if you go back in
23 1952, there was the Home Office guidance which very
24 clearly emphasised the development of small homes --

25 **A. Yes.**

1 Q. -- family group homes and so on, and indeed even there's
2 an appendix showing how to break down a larger home into
3 smaller units. So the message was very clear there, but
4 at the point that Harberton was approved and started
5 I think all the homes that were in the Western Board's
6 area were all what you might call large or largish.

7 **A. They were. That's right.**

8 Q. They were medium-sized to say the least.

9 **A. Medium, yes. Uh-huh.**

10 Q. I am not aware of any small homes at that particular
11 point.

12 **A. No, no. That's right.**

13 Q. There were later on --

14 **A. Yes, yes.**

15 Q. -- but not at that time.

16 **A. They had Coneywarren in the Sperrin & Lakeland District**
17 **--**

18 Q. Yes.

19 **A. -- which was large and, yes, Fort James, which is a --**
20 **well, when we say large, it would have been small in**
21 **comparison with the homes in 19... -- in the 1950s, but**
22 **by those standards they would have been medium-sized**
23 **homes.**

24 Q. Well, Termonbacca and Bishop Street were obviously large
25 at the beginning as well.

1 **A. Yes, they were large. Yes, yes.**

2 Q. So there wasn't actually anything by way of small units

3 --

4 **A. Yes.**

5 Q. -- for Harberton to send children on to. So would

6 that -- I mean, I realise that you don't have the

7 documentation. Is that the sort of factor that should

8 have been taken into account at that time?

9 **A. When Harberton -- when the planning application came in**
10 **for Harberton, what should have been taken into account**
11 **is if this was an assessment unit, what the plans were**
12 **for to move children back to their families, or to**
13 **fostering, or to long-term residential units. Those --**
14 **those would have been the three main options and there**
15 **should have been some sort of planning around each of**
16 **those and determination, you know, the Board saying,**
17 **"Well, we have the means to do this. We have the social**
18 **workers in place. We have the fostering placements in**
19 **place. We have a policy that will promote permanency**
20 **for children. We have an adoption team working to**
21 **secure families for children who would otherwise spend**
22 **their lives in residential care, foster care".**

23 **So again I'm speaking from the '90s. Those were the**
24 **sorts of things that we would have looked at, yes.**

25 Q. I believe the only one we have heard mention was Fort

1 James as a place for children to move on to, but then if
2 it was serving the whole of the Western Board's region,
3 then no doubt Coneywarren and so on would have been
4 included as well.

5 **A. Yes, yes, although I gather that the most of the**
6 **movement would have been between Fort James and**
7 **Harberton rather than Coneywarren, because it was**
8 **located some distance away from the Foyle Unit of**
9 **Management's responsibility -- area of responsibility.**

10 Q. We have seen a reference to the Community Homes Design
11 Guide.

12 **A. Yes.**

13 Q. Was that used in the design of Harberton do you know?

14 **A. You know, I absolutely couldn't say. I know -- I noted**
15 **with interest that I think the Bunting review commented**
16 **on the fact that the layout of the home wasn't conducive**
17 **to effective supervision of children, and I was**
18 **surprised at that, because in 1980, you know, I would**
19 **have expected the layout of the home to be really**
20 **considered by both the Board and the Department. It**
21 **wasn't obviously totally the Department's responsibility**
22 **to consider these things, but that there would be**
23 **a design that would -- that would facilitate easy**
24 **supervision of children. So yes.**

25 Q. It would certainly be interesting to know where the

1 design had come from --

2 **A. Yes.**

3 Q. -- to be approved at that stage.

4 **A. That's right. I mean, the Board may well have**
5 **documentation that denotes that. I know we have done**
6 **several searches now in the Department for Harberton**
7 **House and anything that might be related to it. We have**
8 **come up sadly with very little information. It is**
9 **possible that out of the probably hundreds of thousands**
10 **of files maintained by the Department -- we maintain all**
11 **of the Health Service's files -- that there might be one**
12 **file somewhere that deals with planning applications**
13 **that may have this information, but I really couldn't**
14 **say. It is more likely to be found in the Board's**
15 **archives I think than the Department, but it will**
16 **probably be more easily found there. We will certainly**
17 **look. We will certainly look.**

18 Q. It would certainly be useful to have under the
19 (inaudible) policy (inaudible) as well.

20 **A. It is an interesting question as to what the**
21 **considerations were around the time of Harberton as**
22 **well.**

23 Q. Just now you said that 1992 a large home wouldn't have
24 been approved. Why 1992? What was the relevant point
25 there?

1 A. Because the -- as your colleague has pointed out, the
2 regional strategy had said --

3 Q. Oh, right.

4 A. -- that they would urge Boards to develop small units.
5 So highly unlikely that a large unit, because it would
6 have been a direct conflict with the regional strategy.

7 Q. It is a question I asked yesterday, but what was the
8 thinking about the small homes? How were they meant to
9 be specialising in that strategy?

10 A. I think probably the document "Children matter", which
11 was -- which we have submitted to the Panel, describes
12 what an ideal model of a range of differentiated
13 residential units dealing with children, for example,
14 who had very challenging behaviour, children who needed
15 other units maybe dealing -- assisting children who
16 needed preparation for fostering, you know, permanency
17 planning for children, and that document sets out what
18 the range might be, yes. That probably is our ideal
19 thinking, but it came along -- I think it was published
20 in -- in the 2000 -- early 2000s. So yes, it was
21 a while in coming, but ...

22 Q. Thank you very much.

23 CHAIRMAN: Just before we let you go can I just take you
24 back to one thing I should have asked you earlier,
25 Dr Harrison, and that relates to what you told us about

1 the annual financial returns? You recalled a document,
2 a form an FR22.

3 **A. Yes.**

4 Q. As I understand it, there was a desire when the first
5 Chief Inspector's annual report was being planned,
6 presumably -- I think you said it was 1992 I think.

7 **A. 1994 it was produced, but it probably was being planned
8 around '93, yes, '92/'93.**

9 Q. That it became apparent to yourself and your colleagues
10 that it was extremely difficult to work out from the
11 information you already had just exactly which Board was
12 spending what on particular services.

13 **A. Yes, yes.**

14 Q. So you could not do a comparative analysis. Do you
15 think as part of that departmental process some form of
16 internal paper would have been produced analysing the
17 difficulties and so on?

18 **A. It might well have been produced by the Analysis -- the
19 Information & Analysis Branch, because that branch was
20 responsible for producing statistics --**

21 Q. Yes.

22 **A. -- for the Department to inform departmental planning.
23 So as a result of the meetings which I know took place
24 between that branch and representatives -- Financial
25 Directors of Boards I think were involved -- it could be**

1 **that a paper was produced. I could not answer to that,**
2 **but (inaudible).**

3 Q. Well, I think it would be very helpful --

4 **A. Yes. Uh-huh.**

5 Q. -- if some enquiries could be made in that respect,
6 because I suspect that if we were simply given the
7 returns themselves, they would not necessarily reveal
8 without a great deal of time being spent on it --

9 **A. That's right, yes.**

10 Q. -- what the underlying problems were and the reason for
11 them --

12 **A. Yes.**

13 Q. -- whereas if somebody has already done the work as long
14 ago as twenty years ago, it would make it a lot easier
15 to understand.

16 **A. That's right. That is if the documentation hasn't been**
17 **destroyed --**

18 Q. Well, that's always the concern, of course.

19 **A. -- in the Department's disposal schedule.**

20 Q. But we would be grateful --

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

22 Q. -- because whilst the amounts themselves in the Western
23 Board area in the context of Harberton and Fort James
24 are important, it is important also to understand how
25 they may have stood in relation to other Boards and so

1 on, because they may have been the same or they may not
2 have been the same.

3 **A. Yes.**

4 Q. But if some further inquiries could be made in that
5 area, we would be very grateful.

6 **A. We will endeavour to do that and I would hope that the**
7 **submission would also produce the kind of figures and**
8 **considerations that you have suggested, that even if we**
9 **can't find a paper, we should be able to go back**
10 **historically and look at funding hopefully.**

11 Q. Well, that would be extremely helpful. That is the last
12 question, but for today, because we will undoubtedly be
13 seeing you again, Dr Harrison. I think -- I hope we
14 have avoided the problem we created for you on the last
15 occasion when you were here --

16 **A. Well, my mobile phone is well and truly switched off.**

17 Q. -- when you were being pressed by your --

18 **A. Yes.**

19 Q. -- concerned husband to know where you were.

20 **A. Yes, yes.**

21 Q. Let's hope we have not created that problem for you
22 today.

23 **A. He will not do that again.**

24 Q. I do not blame him in the least. I do not blame him in
25 the least.

1 (Witness withdrew)

2 MS SMITH: Chairman, Panel Members, just before we conclude
3 the evidence in this module, I think it is appropriate
4 just to remind the Panel that we have received some
5 other statements.

6 There is a statement from Shirley Young, which can
7 be found at FJH46... -- sorry -- 476, and she is
8 currently employed in the Western Health & Social Care
9 Trust as Assistant Director of Human Resources and has
10 given the Inquiry information in that respect.

11 I've made mention of Mr Frawley's statement, which
12 is at FJH599, and there are a number of exhibits
13 attached to that.

14 I did mention that we had received two statements in
15 response to questions asked of the Board by Ciaran
16 Downey. There is one in respect of Fort James
17 Children's Home. That's at FJH838, and then a second in
18 respect of Harberton at FJH771.

19 I don't propose to open any of those and some of
20 those witnesses will, of course, be asked to attend when
21 we deal with the overall governance and finance matters.

22 CHAIRMAN: Yes. There are quite a number of issues which
23 these statements touch upon which appear to us to be
24 more appropriately addressed when we look on
25 a province-wide basis at issues of finance and

1 governance in the light of what has been thrown up in
2 the individual modules rather than trying to, as it
3 were, put the cart before the horse and look at them
4 today. So we will be coming back to those.

5 MS SMITH: Yes. One final one was that of HH 45 ,
6 who was the retired Director of Finance --

7 CHAIRMAN: Yes.

8 MS SMITH: -- of Foyle Unit of Management. That's at
9 FJH806.

10 CHAIRMAN: Yes. Very well.

11 MS SMITH: That then concludes the evidence in this
12 Module 5, Chairman.

13 I know that written submissions will be submitted by
14 both the Board and the Department early next week.

15 I know that the Panel will then consider those and
16 determine whether there's any necessity for any oral
17 submissions to be made in respect of this module.

18 CHAIRMAN: Yes, and another matter, although I said this
19 before at the end of various modules, but particularly
20 in relation to this one, there may well be further
21 matters that occur to the Panel that we ask to be
22 addressed in correspondence. Clearly in this particular
23 module there are quite a number of financial loose ends
24 that we may need to follow other than those we have
25 identified in the course of today and other days.

1 Thank you all very much. We will resume on Monday,
2 when we commence the next module.

3 (12.27 pm)

4 (Inquiry adjourned until 10.00 am
5 on Monday, 22nd June 2015)

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