

Wednesday, 24 January 2018

2 (10.00 am)

3 LADY SMITH: Good morning, Mr MacAulay. On our last day of  
4 evidence of the case study, where do we go now?

5 MR MacAULAY: Good morning, my Lady. We're now moving to  
6 take the evidence of Sister Eileen Glancy and  
7 Sister Ellen Flynn, and we'll take them together.

8 LADY SMITH: Thank you.

9 SISTER EILEEN GLANCY (sworn)

10 SISTER ELLEN FLYNN (sworn)

11 LADY SMITH: We can put on the recording who's sitting where  
12 by asking the sister who is furthest away from me and  
13 sitting nearest the team of representatives is -- if you  
14 would like to speak, please.

15 SISTER ELLEN FLYNN: I'm Sister Ellen Flynn.

16 LADY SMITH: And the one nearest me, who is also nearest the  
17 screen and nearest the stenographers?

18 SISTER EILEEN GLANCY: Sister Eileen Glancy.

19 LADY SMITH: Thank you.

20 Questions from Mr MacAULAY

21 MR MacAULAY: I think you told us the last time you gave  
22 evidence that you are the safeguarding representative  
23 for the order since 2016.

24 SISTER EILEEN GLANCY: That's correct.

25 Q. Before that I think you had been the provincial bursar.

1 SISTER EILEEN GLANCY: I was, right.

2 Q. I think you will speak to the major part of the  
3 responses that the order has made to the request from  
4 the inquiry covered in what we've referred to as parts C  
5 and D of the response. That's correct, isn't it?

6 SISTER EILEEN GLANCY: Certainly part C. Sister Ellen, if  
7 possible, can come in as well on part D.

8 Q. Just on that, as I understand it, you yourself have  
9 carried out research in order to address the questions?

10 SISTER EILEEN GLANCY: Yes.

11 Q. And you have also been assisted by the archivist?

12 SISTER EILEEN GLANCY: That's correct.

13 Q. Sister Ellen, as far as you are concerned, you are the  
14 provincial to the congregation; is that right?

15 SISTER ELLEN FLYNN: That's correct.

16 Q. You have been in that position since 2015?

17 SISTER ELLEN FLYNN: That's correct.

18 Q. Apart from looking at aspects of part D, the inquiry  
19 I think will also expect to hear from you whatever  
20 response you may wish to make on behalf of the  
21 congregation to the allegations that have been  
22 ventilated throughout the course of this case study.

23 SISTER ELLEN FLYNN: Thank you.

24 Q. And can I say, I do intend to raise with you, for your  
25 reaction, the main practices that have been ventilated

1           in the evidence that might be considered to be abusive;  
2           do you understand?

3           SISTER ELLEN FLYNN: Yes. Thank you.

4           Q. Turning back to you then, Sister Eileen, the response to  
5           part C sought a response from your congregation to  
6           questions exploring the prevention and the  
7           identification of abuse, in particular looking to see  
8           what policies in particular had been in place over the  
9           relevant period.

10          SISTER EILEEN GLANCY: Yes.

11          Q. On the other hand, part D focused on the abuse  
12           allegations and any response to those allegations on  
13           behalf of the congregation.

14          SISTER EILEEN GLANCY: That's correct, yes.

15          Q. As you're aware, the case study that's now been going on  
16           for several weeks, has focused in particular on two  
17           particular institutions; that's Smyllum and Bellevue --

18          SISTER EILEEN GLANCY: Yes.

19          Q. -- with a particular focus on Smyllum.

20          SISTER EILEEN GLANCY: Correct, yes.

21          Q. I intend to look at the responses that have been made in  
22           connection with both those institutions but with  
23           a particular focus on Smyllum. As I understand it,  
24           part C for Smyllum is essentially mirrored in part D for  
25           Bellevue?

1 SISTER EILEEN GLANCY: It is, that's correct.

2 Q. Where there may be differences is in relation to part D.

3 SISTER EILEEN GLANCY: Yes.

4 Q. The congregation has produced some documents to the  
5 inquiry and in particular admission books and also  
6 inspection books. I wonder if we can perhaps begin by  
7 just looking at that material, just so that those who  
8 have participated in the inquiry can see what it is.  
9 Because of the nature of the material and the problems  
10 there would be with redaction, it hasn't been exported  
11 for public consumption. So I want to begin by perhaps  
12 asking you, Sister Eileen, simply to identify that  
13 material and tell us what it is.

14 SISTER EILEEN GLANCY: Okay.

15 Q. The boxes containing that material will be taken by  
16 her Ladyship's macer to you. (Handed)

17 You have been supplied with white gloves to protect  
18 you and the documents. So if you open the first box.

19 SISTER EILEEN GLANCY: Box number 12?

20 Q. Yes. If you can hold that up so we can see what it is.  
21 Can you tell me what that book is?

22 SISTER EILEEN GLANCY: It's the register from 1927 to 1946.

23 Q. That's a register that would record in particular the  
24 admissions for the children?

25 SISTER EILEEN GLANCY: The admissions of the children,

1 that's correct.

2 Q. We may come back to that. Then if we take the next box.

SISTER EILEEN GLANCY: This is a register from 1946 to 1979

4 and it's the admissions register.

5 Q. That effectively takes one up to date, doesn't it,

6 because the home closed in 1981.

7 SISTER EILEEN GLANCY: 1981.

8 Q. These registers you're looking at, they relate only to  
9 Smyllum?

10 SISTER EILEEN GLANCY: Absolutely, yes.

11 Q. Were there admissions registers for Bellevue?

12 SISTER EILEEN GLANCY: Can I just put this away, first of  
13 all?

14 (Pause)

15                   All the archival material from Bellevue, I think we  
16                   said that's in the response, was placed in  
17                   St Columbkille's Presbytery in Glasgow. There was  
18                   a very bad fire there and a lot of papers destroyed as  
19                   well as water damage from the Fire Brigade. We asked  
20                   for all the records to be given to us as opposed to  
21                   staying in the possession of the Archdiocese of Glasgow  
22                   and we did receive them back and we professionally got  
23                   them cleaned as far as we possibly could. It's very  
24                   difficult to read them, but, yes, there would have  
25                   been -- there is some kind of admission register.

1 Q. It's quite difficult, I think, to work out --

2 SISTER EILEEN GLANCY: Very difficult and very difficult to  
3 handle because it's so delicate.

4 Q. Can we then look at the other box that again relates to  
5 Smyllum.

6 SISTER EILEEN GLANCY: This is a visitors' book from 1934 to  
7 1963 and it records visits of different people coming to  
8 Smyllum, including social workers, giving the date and  
9 a little word.

10 Q. Perhaps keep that on the table and take out the next ...

11 SISTER EILEEN GLANCY: This is a visitors' book from 1882 to  
12 1934.

13 Q. And the final book?

14 SISTER EILEEN GLANCY: The final book is a logbook, 1918 to  
15 1941.

16 Q. So if we just focus on the visitors' books, we appear to  
17 have a reasonably chronological run all the way through  
18 to 1963?

19 SISTER EILEEN GLANCY: Yes.

20 Q. Can you tell me why it stops at 1963?

21 SISTER EILEEN GLANCY: I simply can't, Mr MacAulay,  
22 unfortunately. We do not know why that stopped.  
23 We have tried our best to -- we've searched our  
24 archives, we have nothing else in our archives relating  
25 to Smyllum. We have made enquiries of everybody that

was ever in Smyllum that is still alive and we cannot understand why we do not possess anything further from 1963.

Q. I may return to this material. Can we perhaps put the material back in the box and we can clear the decks for you.

( Pause )

Sister, when we look at the first part, part C, of the response, and I'll put that on the screen now so we can have it at least available on the screen. That's at DSV.001.001.0578.

That's the front page. If we turn to page 0579, the general question was to do with national policy and guidance relevant to the provisions of residential care at Smyllum. There's a reference here to certain pieces of legislation, which I presume your lawyers would have put together for you.

SISTER EILEEN GLANCY: Correct.

Q. But if we move on to the next page, 0580, I'm assuming this is coming up on the screen.

LADY SMITH: It's catching up with you now, Mr MacAulay.

We're still on 0579 on the screen.

MR MACAULAY: I'm looking at the screen behind you, sister, and I don't see it there.

( Pause )

1           I think you have on the screen in front of you,  
2           sister, page 0580.

3 SISTER EILEEN GLANCY: No, we've just got the "Scottish  
4           Child Abuse Inquiry".

5 Q. That's what's behind you as well.

6           While we're waiting for that to sort itself out, can  
7 I ask you this -- and either one or both of you can  
8 answer this question in turn: have you considered the  
9 evidence that has been presented to the inquiry over the  
10 many weeks that this case study has been looked at?

11 SISTER ELLEN FLYNN: We certainly have.

12 SISTER EILEEN GLANCY: Yes.

13 Q. Because you haven't been here for most of it, do I take  
14 it you've been looking at transcripts of the evidence?

15 SISTER ELLEN FLYNN: Yes.

16 SISTER EILEEN GLANCY: Yes.

17 Q. Is there anything in the evidence that you've heard that  
18 might cause you to reconsider any aspects of the  
19 submissions contained in parts C and D that have been  
20 submitted?

21 SISTER ELLEN FLYNN: I can't really speak for part C, but  
22 certainly with regard to part D and indeed part B, the  
23 situation came to light, which I think one of the  
24 witnesses spoke about this week, of Brian Dailey, who we  
25 hadn't been aware of before. I'm sorry if I shouldn't

1 have used the name, but it caused us to change our  
2 original parts B and D.

3 Q. Of course that change has already been done because  
4 parts C and D and B reflect that particular change.

5 SISTER ELLEN FLYNN: It has been done, yes, anything  
6 further.

7 Q. Do I take it then there's nothing else in the evidence  
8 that you've looked at that would cause you to reconsider  
9 any parts of the submissions that have been submitted?

10 SISTER ELLEN FLYNN: In B and D we also changed -- it sounds  
11 strange, but we changed our apology because we realised  
12 that there was more than a possibility that some abuse  
13 had occurred, for which -- for anybody that's abused in  
14 our care, we would be abjectly apologetic. Even that  
15 sounds inadequate.

16 Q. Subject to that then, do I understand that you're  
17 content to rest with the material as we have it?

18 SISTER EILEEN GLANCY: If I could just go back to part C,  
19 Mr MacAulay. I think when it comes to common procedures  
20 and practices, looking at what was written, it was -- at  
21 that time when I wrote it, I thought there was a common  
22 procedure and common unwritten procedures, whereas now,  
23 having listened to -- especially the sisters' own  
24 evidence -- I see that each house was very, very  
25 distinct and perhaps there wasn't so much common

1           procedures as each house having its own kind of  
2           procedure or practice.

3       Q. That was one area I was going do raise with you -- and  
4           indeed it is evident from the responses that you were  
5           working under that basis.

6       SISTER EILEEN GLANCY: Yes, absolutely.

7       Q. And as you've explained, really, it would appear that  
8           each house had, even when there was a Mother Superior  
9           generally in charge, quite a significant degree of  
10           autonomy.

11      SISTER EILEEN GLANCY: Yes.

12      Q. Indeed, in the last couple of years, when Sister Marie  
13           went there to close Smyllum down, there was total  
14           autonomy.

15      SISTER EILEEN GLANCY: Yes, absolutely, yes.

16      Q. Then again, that's a caveat that you would want us to  
17           bear in mind when we look at the material.

18      SISTER EILEEN GLANCY: Yes.

19      Q. How are we doing with the screen?

20      LADY SMITH: Mr MacAulay, I think we had better have  
21           a break. It's possible that in moving the furniture to  
22           accommodate two witnesses, it could be as simple as some  
23           of the connections having come loose. The easiest way  
24           to investigate that is if I go off the bench and people  
25           can start crawling around on their hands and knees if

1 necessary.

2 (10.19 am)

3 (A short break)

4 (10.40 am)

5 LADY SMITH: I think we have a solution that's perhaps not  
6 the best solution, but I'm told that you feel you can  
7 read all right on the laptop.

8 SISTER EILEEN GLANCY: Yes, thank you.

9           LADY SMITH: Let me know if it's not working for you and  
10           we can take it from there.

11 Mr MacAulay.

12 MR MacAULAY: So you should have on the screen, let's start  
13 again, at DSV.001.001.0579, which is the first page of  
14 the part C response.

15 SISTER EILEEN GLANCY: Yes.

16 Q. You say in the first sentence -- and I think we looked  
17 at this before -- that:

18                    "When Smyllum was opened in 1864, until its closure  
19                    in 1981, the Daughters of Charity had no national  
20                    policies or written guidelines relevant to the provision  
21                    of residential care for children."

22 SISTER EILEEN GLANCY: That's correct, yes.

23 Q. Then there are set out some of the relevant legislation.  
24 If I move on to page 0580, at (ii), what you have said  
25 is this:

1                   "Although there is no archival evidence to show the  
2 exact extent to which the organisation was aware of its  
3 duties in this regard, there is no evidence within the  
4 archives or from surviving sisters to suggest that the  
5 organisation did not comply with all regulations as set  
6 out in the acts outlined above."

7 LADY SMITH: Just one moment, Mr MacAulay. Are we all right  
8 there?

9                   (Pause)

10 MR MacAULAY: So the suggestion there is that there is no  
11 evidence within the archives that the organisation did  
12 not comply with all the regulations. Can I just test  
13 that with you by looking at the matter of keeping  
14 records? You'll be aware that throughout the case study  
15 a number of sisters have been asked about this.

16 SISTER EILEEN GLANCY: Yes.

17 Q. Can we just see what the regulations may have been for  
18 at least part of the time that we're looking at in this  
19 case study. I'll put the relevant regulations on the  
20 screen for you. That's at LEG.001.001.2719.

21                   You'll see on the screen what bears to be the  
22 Administration of Children's Homes (Scotland)  
23 Regulations 1959, which came into force on  
24 1 August 1959; do you see that?

25 SISTER EILEEN GLANCY: I see that, yes.

1 Q. This has been looked at under reference to the evidence  
2 of Professor Norrie. And if I can turn to page 2723, at  
3 regulation 13 towards the bottom, we can read:

4 "The administering authority [and that would be the  
5 order for these purposes] for any home shall forthwith  
6 inform the Secretary of State, and if practicable, the  
7 parent or guardian of the child, of any case in which  
8 a child accommodated in the home dies while so  
9 accommodated; runs away, or without lawful authority is  
10 taken away, from the home."

11 So do you see there was a duty on the order to  
12 report to the Secretary of State --

13 SISTER EILEEN GLANCY: Yes.

14 Q. -- a death in care?

15 SISTER EILEEN GLANCY: Yes.

16 Q. And also if a child ran away while in care?

17 SISTER EILEEN GLANCY: Yes.

18 Q. Do you know if these duties, first of all, were known to  
19 sisters and were complied with?

20 SISTER EILEEN GLANCY: I simply don't know. It's  
21 a presumption on my part that they would know the  
22 regulations, but that is a presumption. Again,  
23 I presume that they did, but there is nothing -- we do  
24 not have the records to show that this actually did  
25 happen. So I really cannot answer that question in any

1           other way.

2       Q. I think I can say to you that the inquiry has sought  
3           from the Secretary of State, or now the Scottish  
4           Government, whether they have any information of reports  
5           being made and they certainly don't have any in the  
6           records. The national records have been looked at and  
7           no record has been found, at least, to show that this  
8           happened.

9           But putting that aside then, can I take you to  
10          page 2727, which sets out in the schedule the sort of  
11          documentation that ought to be kept.

12          At paragraph 1 in the schedule, we're told that:  
13            "A register in which shall be entered the date of  
14           admission and the date of discharge of every child  
15           accommodated in the home."

16          We've seen from what has been produced that  
17           registers were kept.

18       SISTER EILEEN GLANCY: They were, yes.

19       Q. Certainly the registers record the dates of admission of  
20           children and indeed other information as well?

21       SISTER EILEEN GLANCY: Yes.

22       Q. So far as the dates of discharge, would you agree that  
23           these are patchy?

24       SISTER EILEEN GLANCY: That's the word I was going to say  
25           before you said it, Mr MacAulay; they are patchy. There

1           are some dates of discharge, but there are some entries  
2           where there is no date of discharge.

3       Q. And I think, certainly latterly, dates of discharge are  
4           not very often recorded.

5       SISTER EILEEN GLANCY: Yes. Correct.

6       Q. We're then told at regulation 2 that:

7               "[There is to be] a logbook in which shall be  
8           recorded every event of importance connected with the  
9           home, including visits and inspections, every punishment  
10          administered to a child in the home, and every fire  
11          drill or practice conducted in the home, a note of the  
12          fire precautions recommended to the administering  
13          authority by the fire authority in the course of  
14          consultation, as provided for under regulation 9, and of  
15          the extent to which these recommendations have been  
16          implemented."

17           Again, we know there was a visitors' book at least  
18          up to a particular point in time.

19       SISTER EILEEN GLANCY: Yes.

20       Q. A number of sisters have been asked about whether there  
21          was any recording made of any punishments being  
22          administered to children. You can correct me if I'm  
23          wrong, because you have looked at the transcripts, but  
24          it does not appear to have been a practice within  
25          Smyllum of, in particular, recording punishments.

1 SISTER EILEEN GLANCY: That's correct. I have gleaned that  
2 from the sisters themselves, that they did not record  
3 punishments.

4 Q. The third paragraph tells us:

5 "Records of the food provided for the children  
6 accommodated in the home in sufficient detail to enable  
7 any person inspecting the records to judge whether the  
8 dietary is satisfactory."

9 We have heard some evidence that at least there was  
10 some evidence of menus being prepared.

11 SISTER EILEEN GLANCY: Yes.

12 Q. Other than that, did you have any recollection of this  
13 type of record being kept?

14 SISTER EILEEN GLANCY: No. None at all.

15 Q. Can we look at 4, which looks to be an important  
16 regulation or provision, and that is:

17 "[There is to be] a personal history of each child  
18 in the home. This shall include his medical history  
19 ..."

20 And we know there were medical records kept.

21 SISTER EILEEN GLANCY: There were, yes.

22 Q. "... a note of the circumstances in which he was  
23 admitted to the home, and in the case of a child in the  
24 care of a local authority of the circumstances which  
25 made it impracticable or undesirable to board him out;

1           a record of the progress made during his stay in the  
2         home (in which shall be noted, among others things,  
3         visits received from parents, relatives or friends,  
4         successes achieved at school or elsewhere, and any  
5         emotional or other difficulties experienced by the  
6         child); and a note of his destination when discharged  
7         from the home."

8           Again, the sisters have, I think individually, been  
9         asked as to whether such records were kept, and subject  
10        to evidence we heard, I think yesterday, no such records  
11        would appear to have been kept. Is that your  
12        understanding?

13        SISTER EILEEN GLANCY: That is my understanding and that's  
14        what causes us the greatest sadness because to us this  
15        is the most important record for any child, even for  
16        when they're an adult and they want to look back and see  
17        any history about them when they were children in  
18        Smyllum. So this does cause us grave concern.

19        LADY SMITH: This must be particularly important for a child  
20        who may, once in Smyllum, never again have contact with  
21        parents or their own families, as happened sadly in the  
22        cases of many children, so they don't have a relative to  
23        ask them what happened when they were a child.

24        SISTER EILEEN GLANCY: Indeed, my Lady.

25        LADY SMITH: What happened when they were growing up.

1 SISTER EILEEN GLANCY: Indeed, and this does cause us grave  
2 sadness.

3 MR MacAULAY: Are you accepting, sister, that there was no  
4 such record kept at Smyllum?

5 SISTER EILEEN GLANCY: I think on this, certainly the  
6 individual sisters did not record -- because we were  
7 taking that from their evidence -- the different  
8 circumstances of the child during their stay. Whether  
9 there was an official record in the superior's office  
10 with regard to some information on the child, we simply  
11 do not know, because we've got no evidence of it.

12 Q. But we have put into that particular equation what  
13 you have already, I think, said, that each house had  
14 a significant amount of autonomy --

15 SISTER EILEEN GLANCY: Absolutely.

16 Q. -- and the information in relation to the progress of  
17 a child would really be resident in the house rather  
18 than within the --

19 SISTER EILEEN GLANCY: Absolutely, and it wasn't there. It  
20 wasn't there.

21 Q. Okay. If I can go back then to the response at  
22 DSV.001.001.0580. When we read the part I read before  
23 that there was no evidence to suggest that the  
24 organisation did not comply with the regulations,  
25 I think you are accepting that on the face of it, you

1 did not comply with the regulations.

2 SISTER EILEEN GLANCY: Absolutely, yes.

3 Q. The next bit -- I'll just read that out to you:

4 "On many occasions social workers, Catholic Child  
5 Welfare representatives, health board officials,  
6 et cetera, inspected the establishments annually and  
7 often commented in writing on the well-being of the  
8 children visited."

9 We do have the visitors' book at least up to 1963,  
10 and having looked at that, there are comments being made  
11 there by social workers, who, as I understand it, aren't  
12 so much inspecting the establishment but there to visit  
13 a child that was placed there.

14 SISTER EILEEN GLANCY: Yes.

15 Q. What's your basis for making this quite broad statement  
16 in relation to there being inspections on many occasions  
17 by the organisations mentioned?

18 SISTER EILEEN GLANCY: When I spoke to individual sisters  
19 when I was compiling this, a few of them did say that  
20 there were visits occasionally, so I just -- that was my  
21 summing-up of what I had just picked up.

22 Q. And you have looked at the evidence and does that remain  
23 your position in relation to the sort of evidence we've  
24 had from sisters as to what visits there were and what  
25 inspections in particular took --

1 SISTER EILEEN GLANCY: Certainly this would give a picture  
2 that it was much more structured.

3 Q. Yes, and would you agree that the evidence from the  
4 sisters does not support such a strong statement  
5 in relation to this section?

6 SISTER EILEEN GLANCY: Yes, I would.

7 Q. If we turn to the next page, 0581, this is repeated --  
8 and I don't propose to take you to where it is  
9 repeated -- about the absence of archival records, but  
10 towards the bottom you do say:

11 "Social workers in conjunction with the  
12 establishment reviewed a child's continued residence."

13 Can I just understand your basis for that statement?  
14 Do you think that is supported by the evidence?

15 SISTER EILEEN GLANCY: Again, it was in conjunction with the  
16 discussions I'd had with individual sisters that they  
17 did say that social workers did come to see the child  
18 and to -- just to make sure the child was, you know --  
19 how the child was in Smyllum. Perhaps "continued  
20 residence" is not factually correct.

21 Q. Very well. If we move on to the next page then at 0582,  
22 what we read at the top of that page is that:

23 "As stated above, the organisation, through the  
24 Provincial Councillor responsible for childcare  
25 throughout the province, had frequent meetings with the

1           Local Superior and made regular visits to the  
2           establishment to ensure that all childcare practices  
3           were up-to-date and complied with."

4           I just want to understand what is meant by that and,  
5           in particular, what childcare practices are in mind when  
6           that statement is being made?

7           SISTER EILEEN GLANCY: Throughout our province, the  
8           Provincial Councillor responsible for childcare would  
9           visit regularly all the children's homes that we had  
10          throughout the province. They did ask about, you know,  
11          childcare practices. Now, obviously, from what we've  
12          already said this morning, some of those practices  
13          weren't adhered to.

14          Q. What do you mean by that? What examples do you want to  
15          put forward?

16          SISTER EILEEN GLANCY: Well, the recording. Mostly the  
17          recording.

18          Q. If a Provincial Councillor came to visit a place such as  
19          Smyllum, that person would really have no records upon  
20          which to form a reasoned basis as to how children were  
21          being cared for.

22          SISTER EILEEN GLANCY: No, other than through speaking with  
23          the superior and with the individual sisters.

24          Q. So far as that was concerned, do you know how often that  
25          did take place in fact?

1 SISTER EILEEN GLANCY: Just looking from experience of those  
2 days, it was maybe every other month -- up to six times  
3 a year that would probably happen.

4 Q. Then can I look at page 0583 on to page 0584 where the  
5 question is dealing with the admissions --

6 LADY SMITH: Just before we go on from admissions, when you  
7 say that it was up to six times a year that the visits  
8 would take place, what evidence are you basing that on?

9 SISTER EILEEN GLANCY: Practice, really. It's the practice  
10 of the province that a councillor would make regular  
11 visits to each of the houses, not just the childcare  
12 homes, but for each of the houses. That would happen  
13 very regularly.

14 LADY SMITH: How many houses were in the province in the  
15 period that we have been looking at?

16 SISTER ELLEN FLYNN: Many.

17 SISTER EILEEN GLANCY: It could be up to a hundred houses.  
18 Not all childcare houses, but there could be possibly  
19 20, 25 childcare --

20 LADY SMITH: That's a lot of visits to make every year by  
21 somebody based in London.

22 SISTER EILEEN GLANCY: It is. Yes, based in London, yes.  
23 But there was no other responsibility.

24 LADY SMITH: What's the furthest north that you had a house  
25 in that period?

1 SISTER EILEEN GLANCY: In that period? Probably Dundee.

2 LADY SMITH: And the furthest south?

3 SISTER EILEEN GLANCY: Torquay.

4 LADY SMITH: So miles of Britain to cover?

5 SISTER EILEEN GLANCY: Yes.

6 LADY SMITH: Thank you.

7 MR MacAULAY: Just to follow that thinking through, I think  
8 you said in answer that the Provincial Councillor would  
9 speak to the Mother Superior.

10 SISTER EILEEN GLANCY: Yes.

11 Q. Are you also envisaging that the Provincial Councillor  
12 would speak to each of the sisters in charge of the  
13 individual houses?

14 SISTER EILEEN GLANCY: Absolutely, because she would stay --  
15 she would stay overnight, presumably.

16 Q. Those who were in charge of individual houses who have  
17 given evidence, have they confirmed with you that this  
18 practice was in place?

19 SISTER EILEEN GLANCY: Yes.

20 Q. Of course we don't -- the Mother Superior who has given  
21 evidence, of course, that was Sister Maria, she wasn't  
22 involved in --

23 SISTER EILEEN GLANCY: No.

24 Q. So she wouldn't be a person that the  
25 Provincial Councillor could go to and get any

1 information really?

2 SISTER EILEEN GLANCY: Not with regard to childcare, no.

3 LADY SMITH: When the Provincial Councillor was visiting  
4 houses throughout Britain, would I be right in thinking  
5 that her concerns were to find out about the well-being  
6 of the nuns, the sisters in these houses, both  
7 spiritually and physically, as well as anyone that they  
8 were caring for?

9 SISTER EILEEN GLANCY: Yes.

10 LADY SMITH: Quite a tall order.

11 SISTER EILEEN GLANCY: It is.

12 SISTER ELLEN FLYNN: Is it possible for me to add to the  
13 answers?

14 LADY SMITH: Please do.

15 SISTER ELLEN FLYNN: I think you could feel that there was  
16 only one Provincial Councillor, but in fact there was a  
17 Provincial Council, at that time, of up to eight  
18 councillors. They took responsibility at this time --  
19 it's not the same now, but at this time for professional  
20 areas, so there would have been one for nursing, one for  
21 childcare, and so on throughout the province. They  
22 didn't all always live in London. So there were some,  
23 you know, for -- I'm not sure, I don't know in this  
24 case, but we certainly could find minutes that would  
25 give us maybe a bit more information about Provincial

1           Council meetings on this structure if you're interested  
2           in how that worked in more detail.

3           So it's not that one councillor was looking after  
4           a hundred houses; they worked in professional groupings.  
5           So, to be absolutely accurate, I'd have to search back  
6           to see how many and who.

7        MR MacAULAY: If there are minutes and information that  
8           would help in indicating visits made to, for example,  
9           a place like Smyllum or Bellevue, then that would be  
10          helpful.

11       SISTER ELLEN FLYNN: We can see what we can find, thank you.

12       LADY SMITH: Then the nature of the purpose -- of what the  
13           purpose of the visit, because I can see if it was  
14           a councillor whose responsibility was the nuns' welfare,  
15           then one might infer that the councillor wasn't there to  
16           find out about the children and how provision was being  
17           made for the children. But vice versa, if it was  
18           somebody who had responsibility for the provision of  
19           care for children, it would be the other way round.

20       SISTER ELLEN FLYNN: In my knowledge of our history,  
21           I can't -- I wasn't there, so I don't know, but our  
22           common practice -- and as far as I know has been for  
23           a long time -- is that the councillor, even now visiting  
24           anywhere -- now we're in geographic areas, not in  
25           professional groupings. Her responsibility, because our

1 main emphasis is always on service, there would be  
2 a large section of her responsibility that would be  
3 looking at the service and the quality of the service  
4 and also whether the sisters were living the lifestyle  
5 and in the manner that we should be living.

6 The visits every couple of months would be less  
7 formal than what we call a regular visitation, which at  
8 that time would have taken place about every six years,  
9 which is a canonical requirement; it's three now, so I'm  
10 slightly hesitant.

11 This would go right back to our central organisation  
12 that this local community is delivering this service in  
13 this way and living their lifestyle in this way and  
14 there would be a set of recommendations.

15 LADY SMITH: Right. Thank you.

16 MR MacAULAY: Then moving on to admissions policy. You  
17 touch upon that on pages 0583 to 0584. I think what you  
18 tell us is that the essential policy is that Smyllum was  
19 open to cater for children from Catholic families.

20 SISTER EILEEN GLANCY: Yes, correct.

21 Q. I think we heard evidence that there were children from  
22 other denominations also admitted.

23 SISTER EILEEN GLANCY: Yes.

24 Q. It was very much driven by the Catholic Church and, in  
25 particular, Catholic beliefs?

1 SISTER EILEEN GLANCY: Yes.

2 Q. For example, as we can see, I think, from the admissions  
3 register, one thing that was recorded, I think quite  
4 religiously, was a child's date of baptism and possibly  
5 confirmation.

6 SISTER EILEEN GLANCY: Yes.

7 Q. On a number of occasions you mention in this part of the  
8 response the creation of family units within Smyllum.

9 SISTER EILEEN GLANCY: Mm-hm.

10 Q. And we have heard some evidence about that. It would  
11 appear that this may have again been a patchy  
12 development, perhaps starting some time in the 1960s.

13 SISTER EILEEN GLANCY: Yes. That's correct.

14 Q. But notwithstanding that creation of family units, we  
15 still have fairly large units of about 20 or so.

16 SISTER EILEEN GLANCY: 20 children, yes.

17 Q. And I think we heard evidence yesterday that that was  
18 a large number of children to be looked after by one  
19 sister and perhaps two lay staff.

20 SISTER EILEEN GLANCY: Yes.

21 Q. I think when last you were here, we identified that as  
22 time went on in the 1960s and 1970s, the numbers began  
23 to dwindle at Smyllum.

24 SISTER EILEEN GLANCY: That's correct, yes.

25 Q. If we just get a feel for what the position was in the

1           1960s -- I'll put this document on the screen for you.

2           It's SGV.001.001.0443.

3           What you have on the screen is a document, perhaps  
4           not one we've looked at before, but we have looked at  
5           a similar document. It's the return of particulars  
6           required under the 1948 Children Act. You will see  
7           if we turn to the last page of the document,  
8           page 0444, and we go towards the bottom, can we see that  
9           this return is dated -- it looks like "6 December 1968".

10          SISTER EILEEN GLANCY: Yes.

11          Q. The name has been blanked out, but I can tell you that  
12           this was signed by Sister [REDACTED] EAL [REDACTED], who was the  
13           Mother Superior at the time.

14          SISTER EILEEN GLANCY: She was, yes.

15          Q. While we have this page on the screen, can we see that  
16           the way Smyllum was financed, insofar as Local  
17           Authorities were concerned, was having a weekly charge  
18           made to the Local Authority, and you see that at  
19           paragraph 10.

20          SISTER EILEEN GLANCY: Yes. I do, yes.

21          Q. Can we just move up to paragraph 10. I will read what's  
22           there:

23           "Weekly charge made to a Local Authority in respect  
24           of each child in the care of that Local Authority under  
25           the Children Act (1948)."

1                   And at this time that was £6, 14 shillings and  
2 pence. So it was a per head charge was the way it  
3 worked?

4 SISTER EILEEN GLANCY: Yes.

5 Q. And again, when we look at the admissions registers,  
6 this is not universal, but do we see that the Local  
7 Authority that has placed the child is identified.

8 SISTER EILEEN GLANCY: Yes.

9 Q. And in some cases the actual charge is also --

10 SISTER EILEEN GLANCY: Identified, yes.

11 Q. So that keeps a record for the congregation of who the  
12 charges are to be made to?

13 SISTER EILEEN GLANCY: Yes.

14 Q. Presumably there was a sister within Smyllum who would  
15 be responsible for that part of the operation.

16 SISTER EILEEN GLANCY: There was.

17 Q. But if we go back then to page 0443, just to see what  
18 the numbers were at this time in Smyllum, and the  
19 make-up. If we go down towards the bottom, paragraph 7,  
20 we have a breakdown in paragraph 7 of the numbers in  
21 reference to boys and girls and indeed ages. For  
22 example, at this time, in 1968, there was one boy and  
23 one girl who were under 2, but the total for boys was 56  
24 and the total for girls was 69, so that's 125 children  
25 altogether in 1968 if you do your arithmetic.

1                   Am I looking at the wrong document?

2                   SISTER EILEEN GLANCY: It's a different document.

3                   Q. This is page 0443.

4                   SISTER ELLEN FLYNN: It's 0418 up there.

5                   SISTER EILEEN GLANCY: 0418 is on the screen.

6                   LADY SMITH: I think we've got the 1962 return on the  
7                   screen.

8                   MR MacAULAY: I'm looking at 1968.

9                   SISTER EILEEN GLANCY: Yes. Got it now.

10                  MR MacAULAY: I'll go through this again then. There's one  
11                  boy and one girl under 2.

12                  SISTER EILEEN GLANCY: Yes.

13                  Q. Then we get the numbers for the totals, 56, 69,  
14                  totalling 125.

15                  SISTER EILEEN GLANCY: Yes.

16                  Q. That's at 1968. And these documents, as you can  
17                  probably tell from the tag at the top, were recovered  
18                  from the Scottish Government because no doubt that's  
19                  where the particulars were sent.

20                  SISTER EILEEN GLANCY: Yes.

21                  Q. And can I say this: this appears to be the most recent  
22                  that they have in their records. I think I'm right in  
23                  saying you had no records that would, as it were, bring  
24                  us up-to-date?

25                  SISTER EILEEN GLANCY: We haven't, no.

1 Q. I think we heard from Sister Maria when she gave her  
2 evidence that when she came to close down Smyllum, there  
3 were about 50 children there.

4 SISTER EILEEN GLANCY: That's what she said, yes.

5 Q. Can we take it then that, over that period of time, the  
6 numbers were gradually reducing?

7 SISTER EILEEN GLANCY: They were.

8 LADY SMITH: Help me with this: we've got a total of  
9 125 children identified from those details. In item 6,  
10 the total number of beds available in the home is 124.

11 SISTER EILEEN GLANCY: Yes.

12 LADY SMITH: On the face of it, that might be interpreted as  
13 telling me there were 125 children there but only beds  
14 for 124 of them.

15 SISTER EILEEN GLANCY: Perhaps there was a cot. That was my  
16 only thinking, that perhaps -- we have heard that there  
17 was occasionally babies. Now, whether you count a cot  
18 as a bed, I don't know any other explanation, my Lady.

19 LADY SMITH: Right. Can you also help me with item 5?

20 I see that the home undertakes to bring up children  
21 in the Roman Catholic religious persuasion.

22 SISTER EILEEN GLANCY: Mm-hm.

23 LADY SMITH: We did hear evidence, as you will be aware,  
24 from one applicant whose heritage and faith was Jewish.

25 SISTER EILEEN GLANCY: Correct.

1 LADY SMITH: What happened? Have you been able to find out  
2 where a child came from a background that they were not  
3 of the Catholic faith?

4 SISTER EILEEN GLANCY: No. There is no -- I can't find  
5 anything or get any information from anybody that would  
6 explain what would happen to a child of another faith or  
7 none, with allowing that child to be taken to their own  
8 church. I haven't heard anything.

9 LADY SMITH: Which would seem to be the right thing to do  
10 for the child, wouldn't it --

11 SISTER EILEEN GLANCY: Absolutely, yes.

12 LADY SMITH: -- rather than to impose the Catholic faith on  
13 them?

14 SISTER EILEEN GLANCY: Yes, absolutely.

15 LADY SMITH: Thank you.

16 MR MacAULAY: Going back to the matter of admission of  
17 children and to what extent children/siblings were kept  
18 together, can we just look at that aspect of the  
19 admission regime. If we turn to page 0587 then of the  
20 response. That's DSV.001.001.0587.

21 What we read on the top is:

22 "Also sisters who worked in Smyllum state clearly  
23 that every effort was made to keep siblings together and  
24 they can identify brothers and sisters in group  
25 photographs reserved in the archives."

1 SISTER EILEEN GLANCY: Yes.

2 Q. We do have to put this into a particular time frame,  
3 don't we? Because I think we have heard evidence -- and  
4 this appears to be undisputed -- that certainly before  
5 the family group set-up was operational, siblings were  
6 separated.

7 SISTER EILEEN GLANCY: Oh yes, they were. It was of its day  
8 in the sense that boys were separated from girls, they  
9 were separated into nursery age, infant, junior and  
10 senior age until the family group homes came into  
11 existence in the 1960s.

12 Q. When the family groups were in place, I think we've  
13 heard some evidence that even then, depending on numbers  
14 and vacancies, siblings could still be separated.

15 SISTER EILEEN GLANCY: If there were only, say, two beds  
16 free and there were three siblings, as we heard last  
17 week, then two would be put into one house and one in  
18 another until such time as another bed was made  
19 available, yes.

20 Q. When would you say that Smyllum was, as it were, totally  
21 family orientated? By that I mean that each of the  
22 houses had been constructed/divided up so as to be  
23 a family orientated house.

24 SISTER EILEEN GLANCY: It probably went into the early  
25 1970s, I would say.

1 Q. We have had evidence that even then, children would go  
2 into a particular place and remain there and brothers  
3 and sisters would be elsewhere.

4 SISTER EILEEN GLANCY: Yes.

5 Q. Can I turn to the matter of discipline then, sister, and  
6 look to what you say on page 0589. If I take you to the  
7 bottom of that page, where you begin by saying:

8 "There were no written policies/procedures."

9 And the sisters who have given evidence have  
10 confirmed that that's the case.

11 SISTER EILEEN GLANCY: Yes.

12 Q. "However, from the evidence of sisters who worked in  
13 Smyllum it is clear that all matters relating to  
14 discipline rested with the sisters in charge of the  
15 group homes."

16 SISTER EILEEN GLANCY: Yes.

17 Q. I think we've touched upon this already, but that  
18 reflects the autonomy each of the homes had.

19 SISTER EILEEN GLANCY: It does.

20 Q. "Depriving a child of watching TV, playing outside or  
21 from going to the shops on a Saturday afternoon were  
22 common methods of discipline used by the sisters. On  
23 rare occasions where matters required it, the  
24 Local Superior would become involved."

25 What's not mentioned there is whether or not there

1           was any form of physical chastisement used. We have  
2           heard evidence from a number of sisters that to some  
3           extent there would be some physical chastisement, for  
4           example a slap on the hand, a slap on the bottom --

5           SISTER EILEEN GLANCY: Yes.

6           Q. -- or indeed perhaps using a hairbrush on the knuckles  
7           and a slap on legs, hands or bottom was other evidence.  
8           So to some extent, that did take place. We're looking  
9           at an era when corporal punishment was acceptable.

10          SISTER EILEEN GLANCY: Yes, yes.

11          Q. Do you accept that at least to a that extent there was  
12           a degree of physical punishment in addition --

13          SISTER EILEEN GLANCY: I do, yes, from listening to the  
14           sisters' evidence last week, yes.

15          Q. You mention on page 0590 the fact that there was an  
16           increase -- that the change from large groups into  
17           smaller groups and an increase in members of lay staff  
18           would lower the ratio of children to staff down. But  
19           again, there was evidence very recently that even with  
20           that change and with the group set-up, there were too  
21           many children. So 20 children, for example, for one  
22           group with the staff and sister involved was seen to be  
23           a significant number.

24          SISTER EILEEN GLANCY: I think from listening to the sisters  
25           last week, I think they said either two or three staff,

1 plus the sister. Now, I accept the fact that they all  
2 weren't on duty at the same time, so when there was only  
3 two on duty then that is still a large number of  
4 children.

5 Q. You say at the top of page 0591 that there were changes  
6 made and what you say is:

7 "... due to a greater knowledge and understanding of  
8 child development --"

9 SISTER EILEEN GLANCY: Mm-hm.

10 Q. "-- with particular reference to children in care. This  
11 was in part due to the training in childcare undertaken  
12 by sisters."

13 And training is also something that you mention  
14 again if you turn to page 0593, for example. I'll just  
15 take you to that page. If you look at that first  
16 paragraph where you say that:

17 "It became customary for sisters who worked in  
18 Smyllum to undertake the training course we have heard  
19 about, either in Langside College, Glasgow, or in  
20 London."

21 SISTER EILEEN GLANCY: Yes.

22 Q. If we go on a few pages, again I think training is  
23 mentioned on page 0600 where we read:

24 "From the early 1960s onwards, sisters holding posts  
25 of responsibility were trained in childcare, often being

1           seconded for a year in order to undertake the course."

2           You mention that in 1967 the first lay member of  
3           staff was seconded from Smyllum by the organisation to  
4           undertake this course.

5           SISTER EILEEN GLANCY: Yes.

6           Q. We have heard evidence, sister, as you'll be aware, of  
7           sisters undertaking the training course, but it does  
8           appear from the evidence and from certainly my  
9           understanding of it, that only one sister seems to have  
10          done the course before going to Smyllum.

11          SISTER EILEEN GLANCY: Mm-hm.

12          Q. Would that accord with your own understanding?

13          SISTER EILEEN GLANCY: Yes.

14          Q. There were, I think, some sisters who never did the  
15          course at all.

16          SISTER EILEEN GLANCY: Mm-hm.

17          Q. And other sisters who did the course having been at  
18          Smyllum.

19          SISTER EILEEN GLANCY: Yes.

20          Q. And some who went back to Smyllum afterwards and some  
21          who did not.

22          SISTER EILEEN GLANCY: Yes.

23          Q. The other thing that came out of the evidence is,  
24          I think, that some sisters who went to Smyllum with no  
25          training --

1 SISTER EILEEN GLANCY: Yes.

2 Q. -- were very young?

3 SISTER EILEEN GLANCY: Yes.

4 Q. Do we have to bear that in mind when we're looking to  
5 see what skills they might have had to manage the sort  
6 of children they had to deal with?

7 SISTER EILEEN GLANCY: That's very true, yes.

8 Q. With the benefit of hindsight, do you think there ought  
9 to have been a system in place whereby more experienced,  
10 better-trained people were in charge of children, even  
11 in the early 1960s and indeed 1950s?

12 SISTER EILEEN GLANCY: Yes, I would agree. I think  
13 obviously the more training and more experience somebody  
14 has to run a group of 20 children would be very, very  
15 beneficial.

16 Q. If I take you then, sister, to page 6005 (sic) where  
17 you're dealing with visitors and the fact that visitors  
18 were encouraged to visit family groups in order to  
19 replicate what happens in families so far as possible --

20 SISTER EILEEN GLANCY: It's not on the screen yet.

21 Q. I'm sorry. 0605. The general issue here is looking at  
22 visitors. You said earlier that parents were encouraged  
23 to visit and you then say at (v):

24 "The unwritten policy of welcoming visitors was  
25 present throughout the lifespan of Smyllum and from the

1           surviving sisters it is known that visitors were  
2           encouraged to visit the family groups, when established  
3           in the 1960s, to replicate what happens in families so  
4           far as possible."

5           SISTER EILEEN GLANCY: Yes.

6           Q. We've heard evidence that, for example, trainee priests  
7           were able to access Smyllum.

8           SISTER EILEEN GLANCY: Yes.

9           Q. I think the person that was mentioned before,  
10           Brian Dailey, was able to access and have unsupervised,  
11           it would appear --

12           SISTER EILEEN GLANCY: It would appear so, yes.

13           Q. -- access to children. Certainly with the benefit of  
14           hindsight do you have any views on that unsupervised  
15           access to people who --

16           SISTER EILEEN GLANCY: With hindsight that would certainly  
17           never, ever happen today. Checks would obviously be  
18           made and the usual protocols for safeguarding children  
19           would be in place. In the 1960s, I'm not sure what  
20           checks were made at all.

21           Q. Can I take you then to page 0610. (Pause)

22                 This is a section dealing with complaints and  
23           reporting. The first question that's posed is:  
24                 "What policies and/or procedures did the  
25           organisation/establishment have in place in relation to

1           complaints and reporting at the establishment?"

2           And the answer is:

3           "There is no archival evidence of written policies  
4           and/or procedures in relation to complaints and  
5           reporting."

6           What is the position? Were there any policies or  
7           procedures?

8           SISTER EILEEN GLANCY: Not as far as we know.

9           Q. So when you say there's no archival evidence, what you  
10           really mean is such policies or procedures did not exist  
11           at all?

12           SISTER EILEEN GLANCY: No, we certainly don't have any  
13           archival evidence of that at all.

14           Q. Is there any evidence to suggest that there was a policy  
15           or a procedure put in place in relation to complaints  
16           and reporting?

17           SISTER EILEEN GLANCY: No.

18           Q. What you do say is there is no knowledge from the  
19           sisters of any complaints being made.

20           SISTER EILEEN GLANCY: At the time of writing this, that was  
21           absolutely true, yes.

22           Q. I think the complaints that were made, as you tell us,  
23           actually, in the responses, came later.

24           SISTER EILEEN GLANCY: They did.

25           Q. Long after Smyllum had closed.

1 SISTER EILEEN GLANCY: Long after, yes.

2 LADY SMITH: Of course it may be difficult to make

3 a complaint if you don't know what the procedure is.

4 SISTER EILEEN GLANCY: True, yes.

5 LADY SMITH: And I see in the unwritten procedures you refer

6 to it, that you've been advised about, there doesn't

7 seem to be foresight of the possibility that the

8 complaint was about the sister who was in charge of the

9 particular family group.

10 SISTER EILEEN GLANCY: Correct, yes.

11 LADY SMITH: There is an assumption that there wouldn't be

12 any complaint about her; is that right?

13 SISTER EILEEN GLANCY: I simply don't know, my Lady.

14 LADY SMITH: Tell me, do you have modern complaints

15 procedures?

16 SISTER ELLEN FLYNN: Oh yes.

17 SISTER EILEEN GLANCY: Yes, absolutely.

18 LADY SMITH: And do you allow for the possibility that

19 a sister in charge of, for example, a place where care

20 is provided might be the person against whom a complaint

21 has been made?

22 SISTER EILEEN GLANCY: Yes, we have that in place.

23 LADY SMITH: Thank you.

24 MR MacAULAY: If we move on to the next page then, sister,

25 0611. I think, as we've just touched upon, there were

1           no allegations of abuse to the Daughters of Charity  
2           until about 1998.

3           SISTER EILEEN GLANCY: That's correct.

4           Q. And you provide some information about the background to  
5           that.

6           SISTER EILEEN GLANCY: Yes.

7           Q. What do you see the background of that to be?

8           SISTER EILEEN GLANCY: There was one particular case that  
9           came up and then there seemed to be a lot of allegations  
10          being forwarded to our solicitor from another solicitor,  
11          all at the same time. There was a batch -- I would call  
12          it a batch, of allegations made at that time, and they  
13          were dealt with by our solicitor.

14          Q. I think you provide details in relation to numbers and  
15          so on in part D of the report --

16          SISTER EILEEN GLANCY: We do, yes.

17          SISTER ELLEN FLYNN: In part D we do.

18          Q. Can I move on to page 0617 of this part of the report.  
19           If we move to paragraph 4.11, which is headed "Child  
20          migration", you confirm that your order was not involved  
21          in any form of child migration in any of its  
22          establishments.

23          SISTER EILEEN GLANCY: That's correct.

24          Q. But we have heard evidence that children from Smyllum,  
25          for example, were sent to other establishments and, in

1                   particular, we've heard evidence in connection with  
2                   St Vincent's in Newcastle.

3                   SISTER EILEEN GLANCY: Yes. There was one family, as you've  
4                   heard evidence, of course, and my understanding is that  
5                   an older sibling was based in Newcastle and asked for  
6                   her siblings to be nearer her and therefore that family  
7                   was sent from Smyllum to Newcastle.

8                   Q. Can I ask you, sister, because this is something I've  
9                   been asked to explore with you: looking at St Vincent's  
10                  in Newcastle, how did the Daughters of Charity fit into  
11                  the set-up at Newcastle? Can you help with that?

12                  SISTER EILEEN GLANCY: St Vincent's in Newcastle was under  
13                  the Catholic Care in the Hexham and Newcastle diocese  
14                  and we were asked to manage it and run it on  
15                  a day-to-day basis. So we did. We ran and managed  
16                  St Vincent's, as we did throughout other homes in the  
17                  country. It was under the auspices of Catholic Care  
18                  in the Hexham and Newcastle diocese.

19                  Q. So in that respect it was different to Smyllum --

20                  SISTER EILEEN GLANCY: It was.

21                  Q. -- which was your own establishment?

22                  SISTER EILEEN GLANCY: It was, yes.

23                  Q. But apart from the Newcastle episode, there were  
24                  children also sent from Smyllum to other establishments  
25                  within Scotland?

1 SISTER EILEEN GLANCY: Not to my knowledge.

2 Q. Well, we had evidence from Mr Carberry yesterday, for  
3 example, that he went from Smyllum at the age of 13 to  
4 St Ninian's in Falkland, which was run by the Christian  
5 Brothers.

6 SISTER EILEEN GLANCY: Right. I'm sorry, I don't have any  
7 knowledge of that whatsoever. I didn't know that.

8 Q. Can you understand why that would be? Why would a child  
9 of that age be sent from Smyllum to another  
10 establishment?

11 SISTER EILEEN GLANCY: I can't answer that question,  
12 Mr MacAulay. I wasn't aware of that at all.

13 Q. There is a section in this part of the response that  
14 looks at records. It begins at page 0619. Perhaps  
15 we can look at that.

16 We've touched upon records already and identified  
17 certain records that still exist.

18 SISTER EILEEN GLANCY: Yes.

19 Q. As you're aware, the sisters who have given evidence did  
20 speak about there being medical records kept in  
21 connection with the children.

22 SISTER EILEEN GLANCY: That's correct.

23 Q. And this was by, I think, Sister **FAM**, who was the  
24 sister in charge of that side of things.

25 SISTER EILEEN GLANCY: Yes.

1 Q. We also heard evidence yesterday from Sister [REDACTED] IAG ,  
2 who was then at Smyllum, that she herself kept  
3 records --

4 SISTER EILEEN GLANCY: Mm-hm.

5 Q. -- but none of these records seem to have survived.

6 SISTER EILEEN GLANCY: No.

7 Q. When we, I think, pressed Sister Maria about these  
8 matters, she wasn't able to assist the inquiry.

9 SISTER EILEEN GLANCY: She wasn't, no. We're at a complete  
10 loss, a complete loss, as to where these records went.  
11 We have searched high and low. They are definitely not  
12 in our possession and I just simply do not know what  
13 happened to these records.

14 Q. Medical records clearly are highly personal --

15 SISTER EILEEN GLANCY: Yes.

16 Q. -- and important records.

17 SISTER EILEEN GLANCY: Yes, they are.

18 Q. Are we to assume that they have been destroyed one way  
19 or another?

20 SISTER EILEEN GLANCY: I think they must have been because  
21 they're certainly nowhere in any of our establishments.  
22 We have done a lot of work to try and discover any  
23 records with regard to Smyllum and we simply do not have  
24 any more. So I presume they must have been destroyed.

25 Q. Would the responsibility for looking after these records

1 have rested with the sister who went there to close the  
2 establishment or where would the responsibility lie if  
3 not?

4 SISTER EILEEN GLANCY: I would have thought it would have  
5 been with the Local Superior, but Sister Maria has no  
6 memory of those records at all and she was the last  
7 sister -- the Local Superior. So we're very bamboozled  
8 about it. We simply do not know.

9 Q. Can I then move on to page 0624. There's a question  
10 there at (vii) to this effect:

11 "Did the establishment undertake any review or  
12 analysis of its records to establish what abuse or  
13 alleged abuse of children cared for at the establishment  
14 may have taken place?"

15 And what you say is:

16 "There was no knowledge of or allegations of abuse  
17 during the lifespan of the establishment and thus no  
18 review took place before it closed. However, when the  
19 organisation was informed of allegations between 1998  
20 and 2000, it assisted the solicitor working on its  
21 behalf in every way possible by providing all  
22 information requested by him."

23 And I think what you say then is:

24 "Records of all alleged abusers as well as records  
25 of all those alleging abuse were catalogued and filed

1           in the safeguarding office of the Daughters of Charity,  
2           which was established in 1996."

3           SISTER EILEEN GLANCY: That's correct.

4           Q. And there was an interview of sisters carried out as  
5           part of that process. So there was an analysis carried  
6           out in connection with, first of all, the allegations,  
7           and then the response of the sisters to the allegations?

8           SISTER EILEEN GLANCY: Yes.

9           Q. I think you tell us, towards the bottom of the page  
10          that:

11            "In more recent months ... further interviews took  
12          place involving the solicitor acting for the  
13          organisation and these were in connection with, again,  
14          sisters who were there at the time."

15           SISTER EILEEN GLANCY: Yes.

16           Q. It has to be said a number of sisters who could have  
17          assisted have died.

18           SISTER EILEEN GLANCY: They have, sadly, yes.

19           Q. In particular Mother Superiors.

20           SISTER EILEEN GLANCY: Yes, and that is a bit of  
21          a frustration on our part.

22           Q. But if you go on to the next page, at 0625, what's said  
23          towards the top is this:

24            "Given the age of the allegations and the paucity of  
25          evidence available, the order felt it inappropriate to

1 reach any conclusion on the allegations."

2           There are two points I want to raise with you  
3           in that connection. First of all, the reference to age.  
4           Should age matter, really, when you're looking at  
5           allegations?

6 SISTER EILEEN GLANCY: No. No. If the person's still  
7           alive, age doesn't matter because if that person is  
8           still suffering, then that person is still suffering.  
9           I think on the advice of the solicitors we then had,  
10           there was a time bar with regard to any action that was  
11           taken, but with regard to the person, him or herself,  
12           no, there is no age.

13 Q. So we read this then within the context of the fact that  
14           the advice was that since these allegations were  
15           historical --

16 SISTER EILEEN GLANCY: Yes.

17 Q. -- then they were likely to be time barred and on that  
18           basis it was inappropriate to reach any conclusion on  
19           the allegations?

20 SISTER EILEEN GLANCY: Yes.

21 Q. If we leave the rest of it aside, how valid is that as  
22           an approach? If I can just test you on that.

23 Notwithstanding the age, by which I mean a time bar  
24           situation, would it not still have been appropriate for  
25           the congregation to reach a conclusion on the

1                   allegations that were being made?

2                   SISTER EILEEN GLANCY: Yes.

3                   SISTER ELLEN FLYNN: And I would agree with that,

4                   Mr MacAulay, yes.

5                   SISTER EILEEN GLANCY: Absolutely.

6                   SISTER ELLEN FLYNN: From a leadership point of view, the

7                   failure to engage with it, I think, is a failure.

8                   SISTER EILEEN GLANCY: Yes.

9                   Q. As Sister Eileen has said, from the individual person

10                  who says he or she has been abused --

11                  SISTER EILEEN GLANCY: There is no age. Age is irrelevant.

12                  Q. The other aspect I wanted to raise with you in

13                  connection with that statement is the relevance to the

14                  paucity of evidence. As we shall see when we look at

15                  the number of allegations, there was on any view

16                  a significant number of allegations, well over

17                  a hundred; is that right, sister?

18                  SISTER EILEEN GLANCY: Yes, there were.

19                  Q. And indeed up to about 100 civil litigations.

20                  SISTER EILEEN GLANCY: Yes.

21                  Q. So when you talk about the paucity of evidence, can

22                  I just understand what you have in mind there?

23                  SISTER ELLEN FLYNN: It's not our mind, unfortunately, but

24                  I think I'm making an assumption here to say that the

25                  advice of the solicitors to the community was simply

1 accept it without questions asked. I think what really  
2 was meant -- I hate saying this, but I think what was  
3 meant was that there wasn't any evidence to suggest one  
4 way or the other in individual cases whether what was  
5 being alleged was true or not.

6 Q. In 1998, when the allegations were being made, do I take  
7 it that sisters who were no longer with us could have  
8 been approached and tested to see whether or not there  
9 was any truth in the allegations?

10 SISTER ELLEN FLYNN: Some.

11 Q. Do you know if that happened?

12 SISTER ELLEN FLYNN: I have no idea. I don't know if that  
13 happened. From speaking to the Provincial at the time,  
14 she made it very clear to me that she simply followed  
15 the advice -- I think it just wasn't pursued because of  
16 the time bar. There was a test case and the test case  
17 was not found, or however you say that legally, and that  
18 was that.

19 Q. There was a test case, which was dismissed because of  
20 the time bar point.

21 SISTER EILEEN GLANCY: Yes.

22 LADY SMITH: So you have the impression that you were  
23 getting advice that you had a strong position on the law  
24 to stop these actions getting to the stage where the  
25 evidence was going to be examined in detail?

1 SISTER ELLEN FLYNN: (Nods). Mm-hm.

2 LADY SMITH: I think, correct me if I'm wrong, you're giving  
3 me the impression that the attitude at the time was: it  
4 looks as if these litigations will go away, so we don't  
5 need to think about what it is that all these people are  
6 saying happened to them, and no effort was made to take  
7 the holistic view of how often in the summonses people  
8 were saying the same thing again and again happened to  
9 them.

10 SISTER ELLEN FLYNN: Yes.

11 LADY SMITH: It just wasn't considered at the time because  
12 it might all go away?

13 SISTER ELLEN FLYNN: Yes.

14 LADY SMITH: Thank you.

15 MR MacAULAY: I think, sister -- and this is probably in  
16 your territory -- you now tell us that there has been  
17 put in place a safeguarding policy.

18 SISTER EILEEN GLANCY: Yes, absolutely.

19 Q. Can you just help me with that and tell me how that  
20 operates?

21 SISTER EILEEN GLANCY: It's a safeguarding policy that was  
22 drawn up several years ago now, and it's reviewed  
23 annually -- in fact, we reviewed it just very recently.  
24 It's in every single Daughters of Charity house and read  
25 by every single member of the community, as well as all

members of staff. There's also staff training in places where we do have staff and vulnerable people and they do have very regular safeguarding training.

4 MR MacAULAY: My Lady, I think we thought we might sit a bit  
5 later before the break. This might give the  
6 stenographers a break --

7 LADY SMITH: We have to have a break at some point and if  
8 this is a logical pause in your plan, Mr MacAulay, we'll  
9 do that. We'll break for 10 minutes or so and then  
10 resume.

11 (11.42 am)

12 (A short break)

13 (11.57 am)

14 MR MacAULAY: Sister Eileen, I have taken you through part C  
15 for Smyllum and I think as we already established,  
16 part C for Bellevue essentially mirrors part C for  
17 Smyllum.

18 SISTER EILEEN GLANCY: It does for what we know of Bellevue,  
19 yes.

20 Q. I now then want to turn to part D of the response.  
21 I don't know whether you yourself are the person to  
22 direct these questions to initially or --

23 SISTER EILEEN GLANCY: It could be either of us, if that's  
24 okay, yes.

25 Q. Can I then put that on the screen. It begins at

1 DSV.001.001.4732.

2 We see the front page of part D on the screen. We  
3 then turn to the next page, page 4733. What you're  
4 being asked there is:

5 "The questions in part D should be answered in  
6 respect of abuse or alleged abuse relating to the time  
7 frame 1930 to 17 December 2014 only."

8 Do you see that?

9 SISTER EILEEN GLANCY: Yes. We do, thank you.

10 Q. The first question you are asked about is:

11 "What was the nature of abuse and/or alleged abuse  
12 of children cared for at the establishment, for example,  
13 sexual abuse, physical abuse and emotional abuse?"

14 Do you see that?

15 SISTER EILEEN GLANCY: I do.

16 Q. And you go on to say:

17 "The majority of alleged abuse claims for Smyllum  
18 have been recorded as physical and emotional, although  
19 there are 12 allegations of sexual abuse."

20 SISTER EILEEN GLANCY: Correct.

21 Q. This information is based on the allegations received by  
22 you way back in 1998 to 2000?

23 SISTER EILEEN GLANCY: That's correct.

24 SISTER ELLEN FLYNN: That's correct.

25 Q. In particular, it's not related to evidence that we've

1                   heard in the course of this inquiry?

2                   SISTER EILEEN GLANCY: No.

3                   Q. Then if we turn on to the next page, page 4734, we read  
4                   at the top:

5                         "121 allegations of abuse were made between the  
6                         years 1998 and 2002 after the closure of the  
7                         establishment and only then did the organisation become  
8                         aware of those accusations."

9                         Is that correct?

10                  SISTER EILEEN GLANCY: That's correct.

11                  Q. When you mention the 121 there, in the third paragraph  
12                         there's reference to 122; is that a mistake?

13                  SISTER EILEEN GLANCY: I'm sorry, that is an error.

14                  Q. Which one is correct?

15                  SISTER EILEEN GLANCY: Without looking into it, I'm really  
16                         sorry, I couldn't tell.

17                  Q. In any event that's the extent of it?

18                  SISTER EILEEN GLANCY: Yes.

19                  Q. And what you have sought to do there is set that in the  
20                         context of the number of children who had been looked  
21                         after by the order from 1930.

22                  SISTER EILEEN GLANCY: Yes.

23                  Q. Is that figure correct, the 4,748?

24                  SISTER EILEEN GLANCY: Well, to my knowledge, yes. Yes.

25                  Q. What you do say in the second paragraph is:

1                   "An allegation was brought to the attention of the  
2                   Sister Servant of Smyllum ..."

3                   And that was Sister [REDACTED] HCC who's now deceased.

4                   I think; is that correct?

5 SISTER EILEEN GLANCY: That's correct.

6 Q. "... that shall be described in greater depth below.

7                   The allegation was discussed with at least one sister  
8                   contemporaneously. However, the Sister Servant did not  
9                   report the allegation to the police, the order's  
10                  Provincial Council or Provincial. The organisation  
11                  became aware of this allegation of abuse following the  
12                  conclusion of phase 1 of the inquiry and the conviction  
13                  of the alleged perpetrator for separate offences."

14                  We didn't look at this in part C, and I think you've  
15                  amended part C to reflect this, but this is dealing with  
16                  the Brian Dailey incident; is that correct?

17 SISTER EILEEN GLANCY: That's correct.

18 SISTER ELLEN FLYNN: That's correct.

19 Q. The evidence that's been presented to the inquiry is  
20                  this was known at the time or at least it was known that  
21                  allegations were being made at the time.

22 SISTER EILEEN GLANCY: Yes.

23 Q. And there was no report to the police, for example?

24 SISTER EILEEN GLANCY: Correct.

25 Q. And I think you look at that later.

1           But then if we look at (iii), have you broken down  
2           the people against whom the complaints have been made?

3 SISTER EILEEN GLANCY: Yes.

4 Q. Again, that's based upon the material sent to you  
5           between 1998 and the year 2000?

6 SISTER EILEEN GLANCY: That's correct. That's correct.

7 Q. So do we see, for example, that there were 37 complaints  
8           made against the Daughters of Charity themselves?

9 SISTER EILEEN GLANCY: Yes.

10 Q. We see the number 23 against lay staff and four  
11           complaints have been made against a number of different  
12           priests.

13 SISTER EILEEN GLANCY: Yes.

14 Q. If we then turn to -- perhaps I should ask you this:  
15           in relation to the allegations of sexual abuse that you  
16           have mentioned, are you able to break that down for me  
17           in connection with against whom these allegations have  
18           been made? By that, I mean are we looking at priests or  
19           sisters or lay staff?

20 SISTER EILEEN GLANCY: Not without the papers in front of  
21           me, I'm afraid. I haven't got it clearly in my head,  
22           but it is obviously in part D as it goes down.

23 Q. Can we then move on to page 4735. You say at (v):  
24           "Although there was no formal investigation into the  
25           allegations, surviving sisters named by claimants were

1                   interviewed and statements signed. All deny the  
2                   allegations."

3                   SISTER EILEEN GLANCY: Correct.

4                   Q. Is that the investigation that was made at the time?

5                   SISTER EILEEN GLANCY: At the time, yes.

6                   Q. "The perpetrator of the recently reported allegation was  
7                   not a member or an employee of the order."

8                   Again, that's a reference to Mr Dailey, isn't it?

9                   SISTER EILEEN GLANCY: Yes.

10                  We've lost the screen again, sorry.

11                  (Pause)

12                  Q. I think we now have the screen to hand -- well, we  
13                  don't.

14                  But when we note that 37 complaints were made  
15                  against the Daughters of Charity, do we mean by that  
16                  against 37 individual Daughters of Charity?

17                  SISTER EILEEN GLANCY: Yes.

18                  Q. I think we do have the screen back. Just to be clear,  
19                  again, on page 4736, there's a question at (viii):

20                  "To what extent was abuse and/or alleged abuse of  
21                  children cared for at the establishment carried out by  
22                  visitors and/or volunteers to the establishment?"

23                  And you say:

24                  "Two allegations have been made against a Scout  
25                  leader."

1                   Is that a reference to Mr Dailey?

2                   SISTER EILEEN GLANCY: We think so. In one of the  
3                   allegations the name Brian was used, but no surname.  
4                   And I think the other allegation just said "the Scout  
5                   leader". So we presume -- there's a question mark as to  
6                   whether he was a Scout leader or not.

7                   Q. In any event, four allegations against priests, you have  
8                   mentioned that.

9                   SISTER EILEEN GLANCY: Yes.

10                  Q. Then if we turn to page 4737, and you've touched upon  
11                  this already, at (iv) I think you mention there the  
12                  background to people coming forward to make allegations,  
13                  and in particular that there were a series of newspaper  
14                  articles in 1997 about homes run by religious orders,  
15                  including Smyllum. Is that right?

16                  SISTER EILEEN GLANCY: That's correct.

17                  Q. Towards the bottom there, do you say:

18                         "Of the 99 civil claims raised, one civil case was  
19                  taken forward to a preliminary proof."

20                         And that was case was found to be time barred. So  
21                  do I take from that that although there might have been  
22                  121 or 122 complaints, there were in fact 99 civil  
23                  claims?

24                  SISTER EILEEN GLANCY: Yes.

25                  Q. So there were some complaints then that did not result

1           in civil claims?

2         SISTER EILEEN GLANCY: Yes, correct.

3         Q. If we then look at page 4741 and the heading at 5.7.

4           Here, the question is asked:

5           "What is known about the impact of abuse on those  
6           children cared for at the establishment who were abused  
7           or alleged to have been abused?"

8           And what you have noted is:

9           "From written statements, several claimants speak of  
10          the deep impact it has had on their personal and family  
11          life; difficulties in maintaining relationships, lack of  
12          emotional connection with others.

13           "The organisation is very conscious of the lifelong  
14          impact that abuse has on any child or person of any age,  
15          and the effect abuse can have on the victims' well-being  
16          on every level."

17           We have heard evidence in the course of the inquiry,  
18          some of it quite emotional, from applicants who were at  
19          Smyllum about the impact that Smyllum had on them.

20         SISTER EILEEN GLANCY: Indeed.

21         Q. Sister Ellen, perhaps I can put that to you: what do you  
22          make of that?

23         SISTER ELLEN FLYNN: The core of our being is about being  
24          there for vulnerable people in distress, and I think the  
25          core of our being has been wrenched by some of the

1            testimonies from the applicants that we've heard and  
2            experienced, just even through the transcripts, clearly  
3            not visible to us.

4            But we accompany people who suffer the long-lasting  
5            effects of things that have happened to them early on or  
6            during their lives. So we know, we feel the impact.  
7            And any child that has been abused whilst in our care --  
8            we would feel a very, very deep sense of regret --  
9            I'm sorry -- for the long-lasting effect on that person.

10          Q. The reason I've focused on this is that some sisters  
11         have come forward and suggested, or at least said, that  
12         you can't discount the impact of life before care.

13          SISTER ELLEN FLYNN: Yes, that's true.

14          Q. I think I put this to them: that if life in care was  
15         a happy experience then why would these applicants point  
16         to life in care as being the cause of the suffering that  
17         they had in their lives?

18          SISTER ELLEN FLYNN: Mr MacAulay, I don't know, because  
19         there are -- you know, some people would say that the  
20         impact -- they carried the impact with them of what had  
21         happened to them, they arrived in care and that -- you  
22         know, the lack of healing of that carries them into  
23         another impact that we may have been part of.

24            I think what I feel about this overall is that  
25         there's so much that I can't concede because I don't

1 know, but I have seen the distress and I want everyone  
2 to have their truth.

3 But at the same time, this hits absolutely at the  
4 core of what we represent. To think that this could  
5 have happened to children in our care, you know,  
6 whatever the kind of proof of the truth, balance of the  
7 truth is, I have no idea. I'm listening to our sisters  
8 and I'm listening to the people who have come forward  
9 and there are so many contradictions and mismatches,  
10 it's been completely bewildering ...

11 LADY SMITH: Can I just pick up on something that you very  
12 clearly explained, that your mission is to support  
13 people who come into contact with you, having had  
14 difficulties of all sorts.

15 SISTER ELLEN FLYNN: Yes.

16 LADY SMITH: Your current approach, no doubt, is to work at  
17 understanding what those difficulties are and what the  
18 particular individual needs by way of whatever support  
19 you can give them.

20 SISTER ELLEN FLYNN: Yes.

21 LADY SMITH: If we look back at the evidence here, and  
22 I think it's accepted by your order, one of the things  
23 that was happening at Smyllum is that those responsible  
24 for the care of children didn't know about the  
25 circumstances in which the children were coming to them.

1 SISTER ELLEN FLYNN: That's right.

2 LADY SMITH: An example I keep going back to, because it's  
3 a simple, straightforward one, is we've heard from two  
4 applicants who went into Smyllum after having found  
5 their mothers dead: one of them, the mother having  
6 committed suicide, the other having been subjected to an  
7 illness that had confined her to bed and suddenly she  
8 was dead in bed one day.

9 When you take children with these background  
10 difficulties and having witnessed violence and  
11 deprivation at home, if nothing is done to address the  
12 particular repair that the child needs, then perhaps  
13 it's not so surprising that life just seems to get worse  
14 and worse for them, irrespective of individual  
15 experiences. The lack of that is going to put the child  
16 at an emotional disadvantage, isn't it?

17 SISTER ELLEN FLYNN: Yes.

18 SISTER EILEEN GLANCY: Absolutely.

19 LADY SMITH: Mr MacAulay.

20 MR MACAULAY: The next section of this response at  
21 paragraph 5.8, page 4743, lists the persons against whom  
22 allegations of abuse have been made; is that correct?

23 SISTER EILEEN GLANCY: Yes.

24 Q. This is a lengthy section setting out in relation to  
25 each individual what information you hold in connection

1                   with each individual.

2                   SISTER EILEEN GLANCY: That's correct, Mr MacAulay, yes.

3                   Q. So if I take you, for example, to page 4848 -- that's  
4                   where we are now -- this follows the same format for  
5                   each individual. The name of the person that's been  
6                   blanked out here is Sister [REDACTED] BAE [REDACTED]. We've heard  
7                   evidence in the course of the inquiry of  
8                   a Sister [REDACTED] BAE [REDACTED], who was at Smyllum in the 1950s.  
9                   Can we see that, under reference (iii), the suggestion  
10                  is that this sister worked at Smyllum between 1951 and  
11                  1957. Is this the Sister [REDACTED] BAE [REDACTED] do you think,  
12                  that's been referred to in the evidence?

13                  SISTER EILEEN GLANCY: We think it probably is. We think  
14                  it is, yes.

15                  Q. Was there another sister --

16                  SISTER EILEEN GLANCY: There was no other Sister [REDACTED] BAE [REDACTED]  
17                  there, no.

18                  Q. If we look towards the bottom of the page, can we see  
19                  her role was that of house mother?

20                  SISTER EILEEN GLANCY: Yes.

21                  Q. At that time in the 1950s, as the house mother, was she  
22                  house mother for all the boys other than those in  
23                  nursery?

24                  SISTER EILEEN GLANCY: She certainly was responsible for  
25                  a group of boys; whether it was all the boys, I would

1           need to look back.

2       Q.   But in any event, if we turn to the next page, 4849, can  
3           we see that this sister died on 7 October 1985?

4       SISTER EILEEN GLANCY:   Correct, yes.

5       Q.   If I take you to page 4782, again this follows the same  
6           format as before.   Here the alleged abuser, the name has  
7           been blanked out, but I can tell you it's related to  
8           a Sister [REDACTED] AGI [REDACTED].

9       SISTER EILEEN GLANCY:   Right, yes.

10      Q.   And again, the inquiry has some interest in  
11           Sister [REDACTED] AGI [REDACTED].

12      SISTER EILEEN GLANCY:   Yes.

13      Q.   You tell us in the next Roman numeral that  
14           Sister [REDACTED] AGI [REDACTED] worked at Smyllum between 1958 and  
15           1965; is that correct?

16      SISTER EILEEN GLANCY:   Yes, correct.

17      Q.   Again, her role was that of house mother?

18      SISTER EILEEN GLANCY:   It was.

19      Q.   If we turn over to page 4783, the third bullet point, do  
20           we see there that Sister [REDACTED] AGI [REDACTED] died on  
21           [REDACTED] 2014?

22      SISTER EILEEN GLANCY:   She did.

23      Q.   Was she therefore someone who would have been able to  
24           have been seen when any allegations were being made in  
25           1998-2002?

1 SISTER EILEEN GLANCY: She would have been.

2 Q. Do you know if she was?

3 SISTER EILEEN GLANCY: I don't know. I don't know.

4 Q. If she was seen, is it likely that a statement would  
5 have been taken from her?

6 SISTER EILEEN GLANCY: Oh definitely, yes.

7 Q. If I take you to another page, this is page 4870.

8 Again, we follow the same format as before. Here at  
9 (ii), the person that is named, the name is blanked out,  
10 is [REDACTED] BAC [REDACTED]. Can we read that towards the  
11 bottom, we see:

12 "There are no written employment records for  
13 [REDACTED] BAC [REDACTED], but from surviving sisters it is known  
14 that he was a [REDACTED]. He  
15 also ran a brass band for the older children and  
16 organised football matches for the older boys."

17 Do you see that?

18 SISTER EILEEN GLANCY: Yes. That's correct.

19 Q. I had thought to see if there was a date of death for  
20 him, if we turn to page 4871, but I don't think that  
21 information has been noted.

22 SISTER EILEEN GLANCY: No, it hasn't been noted. I do know  
23 he is deceased, but I haven't got his date of death.

24 Q. Can I then look briefly at the part D response for  
25 Bellevue. That's at DSV.001.001.0675. Then, if we turn

1           to page 0676, again it follows the same sort of format  
2           as for Smyllum. Under the heading "Extent", 5.2 do you  
3           record:

4           "[There have been] 26 allegations of abuse made  
5           between 1998 and 2000."

6           SISTER EILEEN GLANCY: Yes.

7           Q. And that was after the closure of the establishment,  
8           which closed, I think, in 1961?

9           SISTER EILEEN GLANCY: 1961, yes.

10          Q. If we turn over to the next page, 0677, do we read at  
11           (iii) that when asked:

12           "Against how many staff have complaints been made  
13           in relation to alleged abuse of children cared for  
14           at the establishment?"

15           For the Daughters of Charity there are 18 sisters  
16           that have been identified; is that right?

17          SISTER EILEEN GLANCY: Yes, correct.

18          Q. And five lay staff?

19          SISTER EILEEN GLANCY: Correct.

20          Q. I think you tell us on page 0678 that there was one  
21           allegation of sexual abuse on a coach trip made.

22          SISTER EILEEN GLANCY: Yes. I do see that, Mr MacAulay.

23          Q. Perhaps finally for Bellevue, if we turn to page 0679,  
24           do you set out something similar to what you have set  
25           out before in relation to the newspaper background?

1 SISTER EILEEN GLANCY: Yes.

2 Q. But do you also tell us that there were 18 civil claims  
3 in respect of Bellevue?

4 SISTER EILEEN GLANCY: Yes.

5 Q. So between Bellevue and Smyllum, there were over 100  
6 civil claims?

7 SISTER EILEEN GLANCY: There were.

8 Q. I am reminded that the discrepancy between the 121 and  
9 the 122 might be because the addition of Mr Dailey has  
10 bumped the number up by one.

11 SISTER EILEEN GLANCY: Ah, thank you, yes.

12 Q. In relation to Mr Dailey, can I go back to the Smyllum  
13 part D response and go to page 4856. Here I think you  
14 address the issue in connection with Mr Dailey and what  
15 you say at (ii) is:

16 "At the date of this response's initial submission  
17 this was as much of the identity of the alleged  
18 perpetrator that was mentioned in the allegations and no  
19 further information was available beyond the fact that  
20 he was a Scout leader."

21 You then go on to say that further information has  
22 identified Mr Dailey.

23 SISTER EILEEN GLANCY: Correct.

24 Q. The notion of him being a Scout leader then, was that  
25 historical information?

1 SISTER EILEEN GLANCY: It was, yes. Yes.

2 Q. And if we then go to (iii), you tell us at the first --  
3 that:

4 "The first complainant was resident in Smyllum  
5 between 1962 and 1968. He had not supplied specific  
6 dates of abuse."

7 SISTER EILEEN GLANCY: Mm-hm.

8 Q. Now, is that a different complainant to the complainers  
9 that we heard about in evidence?

10 SISTER EILEEN GLANCY: It is, it is.

11 Q. So are we looking at three individuals --

12 SISTER EILEEN GLANCY: Yes.

13 Q. -- insofar as Mr Dailey is concerned?

14 SISTER EILEEN GLANCY: Yes, yes. The first one, he just  
15 gave the name Brian, so we're presuming it is the same  
16 person.

17 Q. You tell us this person did not give you specific  
18 details of the abuse that had been involved --

19 SISTER EILEEN GLANCY: No.

20 Q. -- but he's pointing to a particular period of time,  
21 1962 to 1968, and do you know if Mr Dailey was a visitor  
22 at Smyllum over that period?

23 SISTER EILEEN GLANCY: We think he could have been.

24 Q. Has this complainant provided any other information  
25 other than the name Brian? For example, whether he took

1 anything forward or not at the time?

2 SISTER EILEEN GLANCY: Not as far as we know he didn't, no.

3 Q. Then looking at the more recent ...

4 "The recently disclosed allegation indicates that  
5 during the time a witness worked at Smyllum in 1975 to  
6 1982, she was advised by the Sister Servant of the  
7 receipt of an allegation that Brian Dailey had abused  
8 two brothers, whilst on a holiday with the brothers as  
9 part of a larger group from Smyllum as a volunteer. The  
10 two brothers have been potentially identified from the  
11 admissions registers as having been resident at Smyllum  
12 between 1969 and 1■979, placing the alleged abuse at  
13 some point between 1975 and 1979."

14 Do you see that?

15 SISTER EILEEN GLANCY: I do, yes.

16 Q. We've at least heard in evidence that when this came to  
17 light, because the two children would not withdraw the  
18 allegations, that in fact they weren't allowed back to  
19 Smyllum. Are you aware of that evidence?

20 SISTER EILEEN GLANCY: I am aware of that evidence,  
21 Mr MacAulay, but it was myself who took the phone call  
22 from this person when she initially told us about it.  
23 After Brian Dailey had been imprisoned, she phoned me.

24 Q. Who is she, sorry?

25 SISTER EILEEN GLANCY: The person you had evidence from

1                    yesterday. She telephoned me to say that she'd seen  
2                    this and she'd kind of remembered that this had  
3                    happened. What she told me on the telephone that night,  
4                    and which I wrote down, was that the Sister Servant at  
5                    that time, Sister [REDACTED] HCC [REDACTED], had gone to the sister  
6                    and said that the grandmother -- the boys had gone home  
7                    for the weekend, the grandmother had phoned back to  
8                    Smyllum to say that the boys had said that Brian Dailey  
9                    had done something to them and that they would not be  
10                  returning to Smyllum, and that Sister [REDACTED] HCC [REDACTED] went  
11                  over to the house and told the sister that this was the  
12                  case and that, after that, she never saw Brian Dailey in  
13                  Smyllum ever again. That was what she told me on the  
14                  phone that night.

15                 Q. But you're aware that she has given evidence on oath  
16                 which is different to that.

17                 SISTER EILEEN GLANCY: I am aware, which is slightly  
18                 different to what she told me on the telephone, yes.

19                 Q. However that may be, it is the case, I think, that  
20                 Mr Dailey appears to have had unsupervised access to  
21                 young children.

22                 SISTER EILEEN GLANCY: It does, yes.

23                 Q. And I think, as the witness acknowledged when she gave  
24                 evidence yesterday, the sad fact is that there was no  
25                 report made to the police.

1 SISTER EILEEN GLANCY: As far as we know, nothing was done,  
2 yes. We have no evidence whatsoever that anything was  
3 done about it.

4 Q. Should the matter have been reported by the superior to  
5 the police?

6 SISTER ELLEN FLYNN: Yes.

7 SISTER EILEEN GLANCY: Absolutely.

8 SISTER ELLEN FLYNN: Maybe just to add to that, Mr MacAulay,  
9 as soon as Sister Eileen got that call, we reported it  
10 to the police.

11 SISTER EILEEN GLANCY: We did.

12 SISTER ELLEN FLYNN: I know it's historic now, but we  
13 followed our own procedure at that point.

14 Q. When was that, can you tell me?

15 SISTER EILEEN GLANCY: That was in late June, I think  
16 it was, of this year (sic). We reported it to our  
17 solicitors and we also reported it to the police --  
18 June 2017.

19 SISTER ELLEN FLYNN: Yes. As soon as we became aware.

20 SISTER EILEEN GLANCY: Yes.

21 Q. Just to be clear, that is the essential addition  
22 you have made to the response --

23 SISTER EILEEN GLANCY: It is, it is.

24 Q. -- to the requests?

25 SISTER EILEEN GLANCY: It is.

1 Q. Can I just go back again to some of the documents we've  
2 touched upon. We've looked, for example, at the  
3 admissions registers. I don't propose to be looking at  
4 them, but we've gone through the sort of material they  
5 covered.

6 SISTER EILEEN GLANCY: Yes.

7 Q. The visitors' books, again, because of the difficulty in  
8 redacting, we can't really make public what the contents  
9 of these documents are.

10 SISTER EILEEN GLANCY: Yes.

11 Q. As you yourself said, we do see regular references to  
12 comments by either children's officers or -- I think  
13 childcare officers.

14 SISTER EILEEN GLANCY: Yes.

15 Q. I'm not suggesting they follow a particular inevitable  
16 format, but do these references effectively say:  
17 "Children appeared happy and receiving every care."  
18 Or words to that effect?

19 SISTER EILEEN GLANCY: Mm-hm.

20 Q. Is that your understanding?

21 SISTER EILEEN GLANCY: That's my understanding of what was  
22 written.

23 Q. Have you come across any entry in the visitors' book  
24 that somehow criticises --

25 SISTER EILEEN GLANCY: No.

1 Q. -- Smyllum?

2 SISTER EILEEN GLANCY: No.

3 Q. I don't know to what extent you've been keeping an eye  
4 on the numbers of applicants who have come forward who  
5 have given oral evidence or whose evidence has been read  
6 into the transcript. There's, I think, almost 50 that  
7 fall into that category. I can tell you there are other  
8 applicants who have come forward and have been seen by  
9 the inquiry, so we've seen over 60 applicants who are  
10 making allegations of abuse.

11 I think I can also say to you that the crossover  
12 between those who have come forward to the inquiry to  
13 make these allegations and those who were civil  
14 litigants is very small. That perhaps gives you an idea  
15 of the background.

16 SISTER EILEEN GLANCY: Yes.

17 Q. I just want to dwell for a moment or two with you  
18 in relation to some of the practices that those  
19 applicants have given evidence to the inquiry.

20 Bed-wetting. Let's just look at that. Although it  
21 may be said there are some variations in the evidence,  
22 there is a consistent trend, it could be argued, and  
23 that is that there were practices that were designed to  
24 humiliate and punish children. I think it can also be  
25 said that those witnesses who came forward to give

1 evidence in support of Smyllum with the pseudonyms Rondo  
2 and Patrick did also speak about seeing some evidence  
3 of, for example, sheets over children's heads, and  
4 indeed I think one of the other witnesses, sister  
5 witnesses, talked about witnessing a child being  
6 humiliated by a lay member.

7 Can I ask you, Sister Ellen, as the Provincial, what  
8 do you make of all that evidence?

9 SISTER ELLEN FLYNN: I find the conflicts in all the reading  
10 that I've done difficult to interpret. What I would say  
11 is that if children were humiliated because they wet  
12 their bed, that would be completely against our values  
13 and we would consider it wrong and we would consider it  
14 a form of abuse.

15 With regard to numbers against numbers and, you  
16 know, I don't know how to talk about probability in this  
17 case, I have no idea, because of the people that have  
18 come forward, obviously those that -- the accusations  
19 far outweigh anything else.

20 My dilemma, Mr MacAulay, with all of this -- I don't  
21 know if you want me to go on or not, but my dilemma with  
22 all of this is that we have clearly been remiss in terms  
23 of professional training and all the things that you've  
24 already gone through today. Remiss in governance.

25 Many, many things.

1           We can say, yes, absolutely we were completely  
2 wrong, especially by today's standards. Since I wasn't  
3 working there then I have no idea about what the  
4 expectations were.

5           But the one thing that we have been really good at  
6 always is our own formation in our values. We spend  
7 10 years forming sisters. We have four vows: the usual  
8 ones of poverty, chastity, and obedience; the whole  
9 reason for that existence is our fourth vow, which is of  
10 service to the poor. There is a hugely long tradition  
11 of formation around how to behave with dignity and  
12 respect with children. It's ingrained, it's absolutely  
13 ingrained, not just with children, but with anybody  
14 who's vulnerable in all of our work.

15           There would have been a monthly review of that.  
16 These sisters were young; you have pointed that out.  
17 There would have been a monthly review of that by the  
18 Sister Servant every single month. So I find it really  
19 difficult to think that there was something systemic  
20 like that going on. I can't speak for the actions of  
21 individuals and I'm quite prepared to say that there's  
22 a possibility that many of these punishments and  
23 harshnesses occurred in some instances.

24           But I find it very difficult to -- you know, this is  
25 a vow we're talking about, as well, a vow of service to

1           the poor and it is the same as the oath we made this  
2           morning: it's binding.

3           I don't think there's any way that the opposite to  
4           that could have been systemic given the visitations  
5           I spoke of earlier, the visits of the Councillors. So  
6           I'm finding it very hard to interpret the evidence that  
7           we've heard, both from our sisters and from applicants,  
8           because it goes around in circles.

9           Sorry, I'm really talking about all of it now, not  
10          just the bed-wetting. I'm sorry if I've kind of gone on  
11          and taken it somewhere else.

12          Because for me it's all the one thing. It's  
13          a very -- how something so appalling could have gone  
14          unnoticed even though our governance and our records and  
15          all of that were weak, in practice it has been the one  
16          thing that we've always been respected for.

17          SISTER EILEEN GLANCY: Yes.

18          Q. Well, of course, if there was, on the evidence, but one  
19          rogue sister -- but that is not the evidence.

20          SISTER ELLEN FLYNN: I know. That's why I'm in such  
21          a dilemma.

22          SISTER EILEEN GLANCY: Yes.

23          Q. Although I think we've had the evidence about  
24          Sister [REDACTED] BAE in particular and her particular  
25          practice, according to the evidence, the use of the

1           clicker, for example, was something that was known to  
2           others. But you have anticipated the other points.

3           Force-feeding, for example; would you accept that  
4           would be abuse?

5           SISTER ELLEN FLYNN: Absolutely.

6           Q. The beatings we heard about, using a variety of  
7           implements.

8           SISTER ELLEN FLYNN: Even worse.

9           Q. Including a cross.

10          SISTER ELLEN FLYNN: Shocking.

11          Q. That would constitute abuse?

12          SISTER ELLEN FLYNN: Yes.

13          Q. Even practices in connection with washing where children  
14           might have been queueing up and put into cold baths and  
15           so on?

16          SISTER ELLEN FLYNN: Yes.

17          Q. The other message I think that has come across from  
18           applicants is that there was an atmosphere of fear and  
19           intimidation at Smyllum.

20          SISTER ELLEN FLYNN: How do you marry that against the fact  
21           that all the sisters that are surviving who were ever  
22           placed there said they were very happy? Every one. And  
23           the ones that -- some of the others that are not sisters  
24           any longer and so on. We've got photographs of children  
25           looking happy and smiling. We've got holidays, we've

1           got -- you know, it's so difficult.

2   LADY SMITH: Well, the children would be told to smile for

3           the camera, wouldn't they?

4   SISTER ELLEN FLYNN: Do they look like that?

5   LADY SMITH: You don't have a photographic record of what

6           was happening every day, day in, day out.

7   SISTER ELLEN FLYNN: I accept that, but they look so

8           natural, Lady Smith.

9   LADY SMITH: Sister, the other thing, of course -- and I'm

10          sure you have many calls on your time, you weren't here

11          to see and hear these witnesses.

12   SISTER ELLEN FLYNN: I know.

13   LADY SMITH: The vast majority of whom gave evidence without

14          screens.

15   SISTER ELLEN FLYNN: Yes.

16   LADY SMITH: It might have made a difference to your

17          reaction as opposed to reading the transcripts.

18   SISTER ELLEN FLYNN: I agree, I'd have got more upset, but

19          I'm already upset; you've seen that. My heart is with

20          those people and I can say that without any hesitation.

21          We want to respond in a way that's helpful.

22   LADY SMITH: You've been asked about bed-wetting.

23          I wondered whether you had made any investigations for

24          yourself about what sort of thinking there might have

25          been at the times that we've been hearing evidence

1 about.

2 For example, one belief was alluded to by one of the  
3 sisters that to get rid of the smell of urine you had to  
4 put a child in cold water --

5 SISTER ELLEN FLYNN: Yes, we heard that.

6 LADY SMITH: -- or whether, for psychological purposes, the  
7 way to shake a child out of bed-wetting would be to keep  
8 humiliating them. Have you looked into whether there  
9 was any thinking of that sort at the time?

10 SISTER ELLEN FLYNN: No, we haven't.

11 LADY SMITH: Mr MacAulay.

12 Q. So I just want to understand, sister, then, what are you  
13 saying to these applicants, or indeed those who, for  
14 whatever reason, have decided not to come forward at  
15 all, who say that they did suffer and still suffer  
16 because of what happened to them at Smyllum in  
17 particular?

18 SISTER ELLEN FLYNN: What I'm saying is that people who  
19 experienced abuse in our care -- we are deeply, deeply  
20 sorry and distressed by what we've heard. When we  
21 started this inquiry, we knew what was in part D and  
22 a lot of what you're talking about was actually in  
23 part D. Since then, in the evidence, hugely different  
24 things have been said -- some really horrifying,  
25 shocking things have been said. That's what we've been

1 learning in these weeks, that there's so much more being  
2 said and so many more people have come forward, as  
3 you've rightly said, Mr MacAulay.

4 All of this is totally alien to us. It's totally  
5 against everything that we stand -- we've been torn  
6 apart by this. Now, I'm not defending us by saying that  
7 and I'm finding it hard to understand it. Obviously,  
8 I want to stand by these people, the people that have  
9 come forward. These were our children and we were  
10 supposed to be taking care of them. But on the other  
11 hand, I want to stand by our sisters, who also say this  
12 was such a happy place. We are open, Mr MacAulay. At  
13 this point we are open and we have to rely on  
14 Lady Smith's judgment eventually, but we will respond in  
15 whatever way we can to try to put right what wrongs are  
16 found.

17 Q. If her Ladyship decides that there were wrongs and abuse  
18 at Smyllum, then what would you propose to do in that  
19 event?

20 SISTER ELLEN FLYNN: What we would want to do is what we  
21 didn't do before. As we said before, in the 1990s, late  
22 1990s, we would want to engage with it in whatever way  
23 that was deemed suitable for individuals or groups  
24 or ...

25 Q. What do you think that would involve?

1 SISTER ELLEN FLYNN: Well, some of the witnesses said --  
2 were obviously feeling that we might be a bit cynical  
3 that this was all about money. So let me get rid of  
4 that. We know that this is about more than that. But  
5 clearly, there could be claims. Okay? For me that's  
6 the least of it. What's really important is the people.  
7 I would be trying to seek advice from anywhere that  
8 could give advice about how to engage in a better way  
9 than that with people to effect some kind of healing, if  
10 we can. If we can. But some of it is so horrific,  
11 I wonder if we can.

12 Also, of course, I am aware that in me somewhere  
13 there's an element of: is all this really all of it, you  
14 know, the most outlandish of it that's been printed all  
15 over the newspapers -- is it all true? And I can't --  
16 I have no wish to judge that, it's not my job. The fact  
17 is that people are distressed and they're distressed  
18 because they were with us.

19 SISTER EILEEN GLANCY: Yes.

20 SISTER ELLEN FLYNN: That's my bottom line.

21 Q. Can I just leave that aside and look at two other  
22 issues. The first relates to deaths and burials.  
23 Because again there has been some publicity in  
24 connection with that.

25 We've explored the death of Samuel Carr as part of

1                   the case study. It does appear he did die when he was  
2                   resident at Smyllum.

3                   SISTER EILEEN GLANCY: Yes.

4                   Q. We've led expert evidence in that connection. We've  
5                   also heard of the death of a girl by the name of  
6                   Patricia Meenan some time later in 1969.

7                   SISTER ELLEN FLYNN: She was the last one, I think.

8                   Q. And I think before that there was also the death of  
9                   Francis McColl.

10                  SISTER EILEEN GLANCY: That's correct, yes.

11                  Q. Samuel Carr, it would appear, prior to his death, had  
12                  been playing with a rat or rats.

13                  SISTER EILEEN GLANCY: Yes.

14                  Q. There may very well be a link, depending on how the  
15                  evidence is construed, between that and his death. Do  
16                  you know what the response by the order was to that  
17                  fact? Because it seems to have been common knowledge  
18                  that there was a rat involved.

19                  SISTER ELLEN FLYNN: Yes.

20                  SISTER EILEEN GLANCY: Yes.

21                  Q. I think you've been asked recently about this, haven't  
22                  you?

23                  SISTER EILEEN GLANCY: Yes.

24                  Q. And was there any response?

25                  SISTER ELLEN FLYNN: We just don't know, Mr MacAulay.

1           I can't answer the question.

2       Q. If it is the case that someone like Samuel Carr, and  
3           possibly others, were playing with rats, how do you  
4           think that would leave the question of supervision of  
5           such children?

6       SISTER ELLEN FLYNN: Well, I know what I think now, but  
7           I can't speak for then. I just don't know what the --  
8           certainly we would not approve of children playing with  
9           rats or being in a situation where a small child --  
10           where that could happen. As you know, we don't do  
11           childcare any more, but as the years went on, that  
12           certainly would not have been the case.

13      Q. But even looking back to the 1960s, do you think it  
14           shows a lack of supervision for children to be playing  
15           with rats?

16      SISTER ELLEN FLYNN: Yes. I think that all of the  
17           structures that we're coming up with show that there was  
18           a systems problem and a supervision/governance problem  
19           around much of this. The lack of records is all part of  
20           that.

21      Q. And if we look at Francis McColl, again, he seems to  
22           have died as a result of some form of golfing accident,  
23           although there appears to be some difference in the  
24           evidence as to how that came about. But again, looking  
25           at it from a supervision perspective, does that tend to

1 suggest it must have been a poorly supervised episode?

2 SISTER ELLEN FLYNN: I think there was a lack of internal  
3 systems and governance. There was throughout, across  
4 the board, and that's part of the same thing.

5 Q. What about the young girl who ran away and was killed?  
6 That was in 1969. What do you make of that as to how  
7 she was able to do that in circumstances, it would  
8 appear from the evidence, that she was upset because of  
9 the fact that her mother, I think, had not appeared?

10 SISTER ELLEN FLYNN: Yes. The same.

11 SISTER EILEEN GLANCY: Very, very sad.

12 SISTER ELLEN FLYNN: It's the same thing over and over  
13 again.

14 Q. Okay. The other piece of evidence I want to put to you  
15 for your comments is evidence that was given by a lady  
16 who chose the pseudonym Sister Louise, who is of course  
17 a sister.

18 SISTER EILEEN GLANCY: Yes.

19 Q. She had, first of all, been in Bellevue and moved to  
20 Smyllum in March of 1961 and was there from 1964. She  
21 was critical of her treatment there.

22 SISTER EILEEN GLANCY: Yes.

23 Q. But notwithstanding that, she went into a religious  
24 order and became a nun in a different order from your  
25 order. She gave evidence about being at a conference at

1 Mill Hill in London in the late 1990s -- and I'll just  
2 put the transcript of that piece of evidence on the  
3 screen for your comments. It's TRN.001.002.**0625**.

4 While we're waiting for the transcript to come up,  
5 have you read this evidence?

6 SISTER ELLEN FLYNN: I have. That section you're going to  
7 is written on my heart, I think. I'll let you come to  
8 it.

9 Q. Let's wait until we get to it.

10 SISTER ELLEN FLYNN: Yes.

11 Q. I think we're on the right page. It is **0625** for this  
12 transcript. At line 11 she's asked about the conference  
13 in the late 1990s. That's at your headquarters,  
14 of course, in Mill Hill?

15 SISTER ELLEN FLYNN: Yes.

16 MR MacAULAY: And:

17 "Question: You were invited there to this workshop?

18 "Answer: Yes, we were doing the refugee work in  
19 London and groups were asking us to go and speak and the  
20 sisters or the Daughters of Charity asked us to go and  
21 do a day conference for them in Mill Hill, which we did  
22 -- our team. At lunchtime one of the sisters came up  
23 and she said, you are an old Smyllum girl, some of the  
24 sisters have recognised you, and I said, that is right,  
25 and she says, could I have a private conversation with

1 you, and I said sure.

2 "We went into the garden and she said to me, some  
3 women are falsely accusing us of abuse in Smyllum and  
4 I want to talk to you as a sister religious and be  
5 a credible witness to the fact that that didn't happen.  
6 And I said to her, sister, you need to pay attention to  
7 what those women are saying, I said, and it happened to  
8 me too. She -- I am not suggesting there was bribery or  
9 anything, but she walked away and left me there, saying  
10 over her shoulder, all our sisters were trained in  
11 childcare. I know they weren't at that time and nobody  
12 ever after that got back to me to say, how do you feel  
13 about that, or, how did that impact your life."

14 She goes on to say she didn't know the name of the  
15 sister that had spoken to her. What's your observations  
16 on that?

17 SISTER ELLEN FLYNN: I have tried to investigate this,  
18 Mr MacAulay, because clearly the period of time, I'd  
19 have access to the person who was the leader at the  
20 time. She has said it wasn't her and she has no idea  
21 who would have done that because there's a very limited  
22 number of people who would have known about the claims  
23 at that point. I'd have to interview, like, about 20  
24 people or something, I think, to kind of really get to  
25 the bottom of it, and since Sister Louise' evidence

1 I haven't had time to do all that.

2           But my view on it is that -- I suppose my first --  
3 I have to be honest, my first reaction is that if  
4 somebody said something like that to me about, I think  
5 you should -- "It happened to me", I would be concerned  
6 about them first and I'd be wanting to say to them,  
7 "Come and tell me. What can we do? Tell me about it".  
8 It didn't happen. That's my first response.

9           That somebody would actually approach somebody like  
10 that for that reason I find very difficult as well. Do  
11 you know what I mean? It's like ... And I suppose,  
12 "Can you stand up for us?" There's so much nuance that  
13 we don't have as well. I don't know. But what I want  
14 to say to Sister Louise is: Sister Louise, can we talk  
15 about this?

16 Q. If a sister approached Sister Louise, as Sister Louise  
17 says she did, to talk about abuse and Sister Louise  
18 supporting the Daughters of Charity, would that tend to  
19 suggest that this would have happened after the  
20 allegations of abuse had been made?

21 SISTER ELLEN FLYNN: Oh yes, I think so. Well, that was --  
22 I immediately jumped to that conclusion. I didn't even  
23 think about it.

24 Q. So the late 1990s?

25 SISTER ELLEN FLYNN: Yes, she says somewhere when it was,

1            doesn't she?

2        LADY SMITH: She said late 90s was her recollection. It's.

3        SISTER ELLEN FLYNN: It figures that it is the same time  
4            period.

5        LADY SMITH: It is the same time period as the allegations  
6            were beginning to become known about in the order.

7        SISTER ELLEN FLYNN: Yes.

8        Q. Just to be clear, are you suggesting this is invention  
9            or what is your position?

10      SISTER ELLEN FLYNN: Oh no, not at all. Not at all. I'm  
11            trying to imagine how -- you know what I was trying to  
12            say with nuances is our sister that did this, I was kind  
13            of trying to imagine the context, what the nuances were  
14            around it. That's the bit that's sort of hard to  
15            understand because if it wasn't the Provincial -- and  
16            the Provincial has no knowledge of the incident, which  
17            she has assured me --

18      Q. Is this something you're still investigating?

19      SISTER ELLEN FLYNN: Well, I'm very happy to investigate it  
20            and I would like to know and I would like to follow up  
21            on it.

22      Q. If you do come to a view on it --

23      SISTER ELLEN FLYNN: We'll come back to you, yes, thank you.

24      Q. There's one question I've been asked to clarify with  
25            you -- and this is probably for Sister Eileen -- on

1                   behalf of your solicitors. That's in connection with  
2                   the relationship between Smyllum and St Mary's, the  
3                   church and the cemetery. First of all, it is the case,  
4                   isn't it, that the cemetery at St Mary's is not within  
5                   the grounds of Smyllum?

6                   SISTER EILEEN GLANCY: Oh absolutely not, no. No.

7                   Q. Who in your view controlled the cemetery when Smyllum  
8                   was in operation?

9                   SISTER EILEEN GLANCY: It belongs to St Mary's Parish.

10                  Q. And the parish, the church, controlled the cemetery?

11                  SISTER EILEEN GLANCY: Absolutely, yes.

12                  Q. Is there anything else you would wish to say as a final  
13                   comment then to the applicants and survivors who have  
14                   come forward and indeed who have not come forward?

15                  SISTER ELLEN FLYNN: I think that I have said a lot that  
16                   I would have said at this point already, so I won't --  
17                   I don't want to hold up things by saying it again.

18                   I think for those who are in distress, for those who  
19                   we have hurt in any way, our deepest and most sincere  
20                   apologies. If we can do something about it, let us  
21                   know. I'm not sure if we're allowed to before you have  
22                   come to your conclusions, but I'll take guidance on  
23                   that.

24                  LADY SMITH: It's very much a decision for you, as I see it.  
25                   Can I ask you both this -- and Sister Ellen,

1           you have expressly allowed for the possibility that what  
2           has been spoken to in evidence by the many applicants  
3           we've heard from is correct. You also know, I think,  
4           both of you, as at 2018, a lot more about how one should  
5           set about running a care home of any type and be able to  
6           apply that to the care of children.

7           SISTER EILEEN GLANCY: Yes.

8           SISTER ELLEN FLYNN: Yes.

9           LADY SMITH: If you were asked for what you see as the  
10           absolute essentials of the approach to that provision  
11           nowadays, what would be your immediate reaction of  
12           what's required?

13           SISTER ELLEN FLYNN: I go back over a lot of things that  
14           we've said, my Lady, about the knowing of children, the  
15           information when they come in, the engagement in the  
16           relationship, the spiritual and emotional well-being of  
17           the child -- and I mean "spiritual" in its broadest  
18           sense.

19           LADY SMITH: Yes.

20           SISTER ELLEN FLYNN: As well as the material needs that a  
21           child has when they don't have a provider. I think the  
22           policies and procedures that we now know about today all  
23           need to be in place -- the keeping of records, all of  
24           the things we've spoken of would be very much of  
25           a piece, in my mind, of best practice. And not only in

1           childcare, but in the care of any vulnerable people,  
2           which we do, and I have to say this, so well today.

3           I have huge regret that -- I mean, some of it may  
4           have been to do with the times, I don't know, I'm not  
5           a historian. We have read your expert witnesses as  
6           well. I don't wish to make any excuses, but I do want  
7           to reach out both to our sisters, who are really hurting  
8           over this, and more so to the applicants that have come  
9           forward and anyone that hasn't.

10          I'm praying that because -- I don't want to raise  
11         this particularly, but at one point during the cemetery  
12         era we had a really good relationship with INCAS. There  
13         was a lot of positive things went on with the erection  
14         of the stone and so on. We have engaged somebody  
15         further to investigate all of that. We want to work  
16         with them ultimately.

17          LADY SMITH: When you say you have engaged somebody to work  
18         with them, is that in relation to identifying how many  
19         children are buried with no marking?

20          SISTER ELLEN FLYNN: Yes. We have approached somebody, we  
21         haven't had a reply yet -- I would have to say that we  
22         approached many people in Scotland and we couldn't find  
23         anybody, but it's probably not surprising. We've now  
24         gone south of the border. I don't want to name anyone  
25         because they haven't engaged yet.

1           LADY SMITH: No.

2           SISTER ELLEN FLYNN: But we would like to find out -- and  
3           we would like to do this in partnership with INCAS --  
4           the names of the children who are buried and whether  
5           they indeed want us to put up a stone with all the names  
6           on, because at the time when we put the other memorial  
7           up, we have got correspondence that says they didn't  
8           want us to do that, in case somebody was left out,  
9           I think, at the time.

10          LADY SMITH: I can see that.

11                           Sister Eileen, is there anything you would add?

12          SISTER EILEEN GLANCY: I would just echo everything  
13                           Sister Ellen has said. Looking back with hindsight, the  
14                           governance, the accountability, and ultimately the  
15                           record-keeping, of course -- because, as we've said  
16                           before, that goes with a child throughout their life and  
17                           plays a big part in their future life. But at the end  
18                           of the day, the relationship between the sister or staff  
19                           and the child and knowing what the child was coming with  
20                           or without. Ultimately, the relationship and  
21                           governance, accountability, I see, go hand in hand.

22          LADY SMITH: And just taking that a little bit further, if  
23                           you're talking about relationships, fostering the right  
24                           relationships, the right caring relationships,  
25                           am I right in thinking you're talking about something

1           that can't be legislated for?

2         SISTER EILEEN GLANCY:  Absolutely, absolutely.

3         SISTER ELLEN FLYNN:  That's our sadness, Lady Smith, because  
4           all these years, whatever we have said about systems and  
5           governance and all of that, we know we're a bit weak on  
6           that, but the other side of it is where we sit.  That's  
7           what's in our constitutions and that's our huge sadness.

8         SISTER EILEEN GLANCY:  Absolutely.

9         SISTER ELLEN FLYNN:  I still use the word "if" about some  
10          things because I need to stand by our sisters as well,  
11          but I'm not going back on anything I've said.

12        SISTER EILEEN GLANCY:  No.

13        LADY SMITH:  Thank you very much.

14           Mr MacAulay, is there anything further from you?

15        MR MacAULAY:  I don't think so.  I think I've put the  
16          questions that have been submitted to me to be put to  
17          you.  I don't know if there are to be any additional  
18          questions.

19        LADY SMITH:  Could I check whether there are any outstanding  
20          applications for questions?  No.

21           Sister Ellen, Sister Eileen, thank you very much for  
22          coming along this morning and doing what you have done  
23          to try and help us understand what your position is now  
24          and what you are seeking to achieve in the work of the  
25          order going forward from today.  That's very helpful to

1                   me.

2                   SISTER ELLEN FLYNN: My Lady, if I may say a thank you to  
3                   you as well -- and I think particularly the solicitors  
4                   who visited our sisters to take their statements, and  
5                   most particularly the support workers. Everybody has  
6                   been really respectful and good to us and we appreciate  
7                   it very much.

8                   Also Mr MacAulay and the support -- the technology,  
9                   everybody has been so helpful, particularly the day that  
10                  we came with the sisters to visit Roseberry House. So  
11                  thank you for the way you have dealt with us. We join  
12                  with you, without making any assumptions here, in the  
13                  important work you're doing and we will continue to pray  
14                  for its outcome.

15                  LADY SMITH: Thank you very much. I appreciate all that  
16                  you have just said. Thank you.

17                  I'll now rise --

18                  MR MacAULAY: I think, my Lady, we are adjourning for the  
19                  day as well.

20                  LADY SMITH: Yes, you did say earlier that this is the last  
21                  of the evidence.

22                  MR MacAULAY: It is good timing, as it turns out.

23                  LADY SMITH: Thank you very much.

24                  (1.03 pm)

25                  (The inquiry adjourned until a date to be determined)

1                   I N D E X  
23                   SISTER EILEEN GLANCY (sworn) .....1  
45                   SISTER ELLEN FLYNN (sworn) .....1  
67                   Questions from Mr MacAULAY .....1  
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