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1921, ON 17 FEBRUARY 2017

SOLE MEMBER: MR. JUSTICE PETER CHARLETON, JUDGE OF THE
SUPREME COURT

HELD IN DUBLIN CASTLE
ON TUESDAY, 4TH JULY 2017 - DAY 1

(AMENDED)

1

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1 THE HEARING COMMENCED, AS FOLLOWS, ON TUESDAY, 4TH JULY
2 2017:

3
4 **MS. LEADER:** Yes, sir. The first witness to be called
5 this morning is Ms. Rhona Murphy. 10:05

6
7 MS. RHONA MURPHY, HAVING BEEN SWORN, WAS DIRECTLY
8 EXAMINED BY MS. LEADER AS FOLLOWS:

9
10 **MS. LEADER:** The materials which I will be referring 10:06
11 to, sir, are to be found in volume 1 from page 175
12 onwards, and that starts with a statement Ms. Murphy
13 made for the Tribunal. Also, volume 4 from page 1271
14 onwards, and that page is the beginning of the
15 interview she gave to the Tribunal's investigators, 10:06
16 sir.

17 1 Q. Ms. Murphy, the documents I will be referring to will
18 come up on the screen in front of you and there is also
19 a hard copy of the documents to your right-hand side.

20 A. Thank you. 10:06

21 2 Q. If you could begin, please, and tell the Tribunal about
22 your professional qualifications.

23 A. I qualified in 2000 from the Robert Gordon University
24 in Aberdeen where I had undertaken a BA in applied
25 social studies with a diploma in social work, and 10:06
26 graduated in May 2000.

27 3 Q. And from 2000 you have been employed, is that correct?

28 A. That's correct. I started my employment initially with
29 the then-North Eastern Health Board in Cavan, where I

1 remain employed currently, to such date.

2 4 Q. And just, if you could give a breakdown of the
3 positions you've held within the Health Board and
4 Tusla?

5 A. When I qualified initially I had covered a region of 10:07
6 County Cavan, covering all aspects of child and family
7 work. We then had moved into more specialised teams in
8 2004 where I had undertaken the post of intake social
9 worker and was on the Child Protection Team at that
10 point as a child protection social worker. I remained 10:07
11 in that role until February 2010, when I qualified as
12 social worker -- or, sorry, when I was appointed social
13 work team leader. Initially, I was social work team
14 leader for the duty intake team. Subsequent to that I
15 was team leader for the further assessment team and 10:07
16 then subsequent to that I, in 2014, became team leader
17 for the children in care team, where I remain today.

18 5 Q. And if we could now just focus on the period between
19 2004 and 2010. You've told the Tribunal you were an
20 intake social worker involved with the Child Protection 10:08
21 Team, is that correct?

22 A. That's correct, sir, yes.

23 6 Q. And if you could generally describe your duties during
24 that period of time and what those positions involved?

25 A. At that time as child protection social worker I had 10:08
26 responsibility for carrying out child protection
27 assessments on cases referred to the Child Protection
28 Team. We would receive referrals from the duty social
29 work team whereby, on receipt of a child protection

1 nature regarding physical, emotional, sexual and
2 ongoing neglect, the more serious child protection
3 cases were referred to our team for assessment. My
4 line manager at that point would then allocate certain
5 cases to myself and my colleagues for assessment and 10:08
6 investigation. The Child Protection Team would meet on
7 a weekly basis and at that point the cases would have
8 been reviewed and also cases would have been allocated
9 to the team. Part of the Child Protection Team was
10 also made up of the Child Sexual Abuse Assessment Team, 10:09
11 also known as the CSA team, and that was comprised of a
12 social work colleague and also a senior clinical
13 psychologist.

14 7 Q. And your team leaders at that time, who were they?

15 A. Mary Tiernan was team leader and also Mary O'Reilly was 10:09
16 my line manager at that point also.

17 8 Q. Now, as part of your work in the Child Protection Team,
18 if you would confirm to the Tribunal, please, that you
19 were dealing with a young girl which we are
20 referring -- who we are referring to as Ms. D, from in 10:09
21 or around 2005?

22 A. That's correct, sir. I was allocated Ms. D's case
23 circa September 2005 and that was following a receipt
24 of a referral from the Child and Adolescent Mental
25 Health Service, then known as Child Psychiatry, who 10:10
26 had, I suppose, expressed concerns regarding Ms. D's
27 presentation at that point in time. Her parents were
28 finding it difficult to cope with her behaviour. She
29 was presenting with what was deemed to be emotional

1 and, I suppose, emotional concerns. She was presenting
2 with self-harming behaviour, running away from home and
3 engaging in sexual activity, and her parents had
4 obviously expressed a lot of concern for her at that
5 point, and that was who we received the referral from, 10:10
6 was Child Psychiatry.

7 9 Q. And separately you've provided a statement to the
8 Tribunal setting out details of Ms. D's identity, isn't
9 that correct?

10 A. That's correct, Judge, yeah. 10:10

11 10 Q. And we're referring to her as Ms. D, you understand
12 that?

13 A. Correct, sir, yeah.

14 11 Q. Now, I think in the normal course was there was a file
15 open in relation to Ms. D? 10:10

16 A. When the social work department receives a referral,
17 the normal process is that the duty social worker would
18 check if the said person or family was already known to
19 the service. In cases such as this, the information is
20 placed on the already-open social work file. However, 10:11
21 in this case, Ms. D had not been previously known to
22 our service; therefore, a new file was created circa
23 September 2005.

24 12 Q. And was that file the file you worked from until you
25 stopped dealing with Ms. D some years later? 10:11

26 A. That's correct, yes.

27 13 Q. To your knowledge, was there any other file opened in
28 relation to Ms. D?

29 A. The only other file that would have been in existence

1 would have been the Child Sexual Abuse Assessment Team.
2 They would have created a file regarding Ms. D on
3 receipt of my referral to the said service.

4 14 Q. Okay. Now, if we could come forward, please, to the
5 6th of December 2006. I think you returned a call to 10:11
6 Ms. D's mother, who we are referring to as Mrs. D, is
7 that correct?

8 A. That's correct, sir.

9 15 Q. And you made a contemporaneous note of that telephone
10 call, the first page of which appears at page 178 of 10:12
11 the documents which are contain at volume 1, and it
12 should come up on the screen in front of you, it might
13 be easier. Now, during the course of that phone call
14 Mrs. D told you that her daughter, Ms. D, had made a
15 complaint against a man, is that correct? 10:12

16 A. That's correct, sir, yeah.

17 16 Q. And no details of the identification of that man were
18 given to you, at least it doesn't appear from it,
19 during the course of that phone call, is that correct?

20 A. That's correct. 10:12

21 17 Q. And, in summary, the complaint that her daughter made
22 in relation to that man was that, during the course of
23 a game in the house of that man, the man held Ms. D
24 over a sofa, is that correct?

25 A. That's correct. 10:13

26 18 Q. And everybody was fully clothed, is that correct?

27 A. That's correct.

28 19 Q. And I think the word 'humping' was used in order to
29 describe the motions made by that person, is that

1 correct?

2 A. That's correct, sir.

3 20 Q. And that essentially was an allegation that was
4 conveyed to you through Mrs. D during the course of a
5 telephone call, is that correct? 10:13

6 A. That's correct.

7 21 Q. And you made a note of that, and that note was put on
8 the file, the file of Ms. D, is that correct?

9 A. That's correct, sir.

10 22 Q. Now, it wasn't a recent complaint, is that correct? 10:13

11 A. That's correct. Mrs. D had outlined that her daughter
12 advised her that this alleged incident had occurred
13 when she was approximately six or seven years of age.

14 23 Q. And at that time Ms. D would have been approximately 14
15 years of age, is that correct? 10:13

16 A. That's correct.

17 24 Q. Now, following on that, I think the next document that
18 I'm going to refer to is at page 181 and it's a record
19 of a meeting which was held on Tuesday, 12th December
20 2016. Is that document in front of you? 10:14

21 A. Yeah.

22 25 Q. Right. Now, if we can just go through that document.
23 First of all, I think it may be slightly difficult to
24 read, but the document is headed "*Child Protection Team*
25 *new reference,*" is that correct? 10:14

26 A. That's correct.

27 26 Q. And it's a minute of a meeting which took place on the
28 12th December 2006, is that right?

29 A. That's correct.

1 27 Q. Okay. That meeting took place in Monaghan, is that
2 right?
3 A. That's correct.

4 28 Q. And present at the meeting was Ms. Mary O'Reilly, who
5 was your line manager, is that correct? 10:14
6 A. Ms. Mary Reilly at that point that would have been
7 acting social worker. Therefore, Mary Tiernan would
8 have been my team leader at that point in time.

9 29 Q. Your team leader. And Mary Tiernan is the second
10 person who is recorded as being present at that 10:15
11 meeting, is that right?
12 A. Correct.

13 30 Q. And then they wrote to Orla Curran, who is a social
14 worker, is that correct?
15 A. Correct. Orla was a social worker on the Child Sexual 10:15
16 Abuse Assessment Team at that time.

17 31 Q. And Cliona Deeney, a clinical psychologist, is that
18 correct?
19 A. Correct.

20 32 Q. Then we have Rhona Murphy, who is yourself? 10:15
21 A. Correct.

22 33 Q. And we have Eileen Argue, social worker, is that
23 correct?
24 A. Yes.

25 34 Q. Celine Sherry, child care leader, is that correct? 10:15
26 A. Correct.

27 35 Q. And Emer O'Neill, a senior clinical psychologist?
28 A. Correct. Emer was also a member of the child sexual
29 abuse team at that time.

1 36 Q. And Tracy McDonald could not attend the meeting and
2 sent apologies, is that correct?

3 A. Correct.

4 37 Q. Now, do you have any memory of that meeting?

5 A. I wouldn't recall the actual specific meeting, but from 10:15
6 reviewing the file and from the document in front of
7 me, I can confirm that I was in attendance, yes.

8 38 Q. Okay. And the issue arising which is recorded in the
9 meeting is: *"Ms. D has alleged she has been sexually*
10 *abused and made a statement in relation to same on the* 10:16
11 *5th December 2006"*?

12 A. Correct.

13 39 Q. And in relation to that, you had been informed during
14 the course of the phone call that Ms. D had told the
15 guards in relation to the allegation made, is that 10:16
16 correct?

17 A. I wasn't informed during the phone call that Ms. D had
18 made an -- or, apologies, had made a statement at that
19 point. I followed up that phone call with a home visit
20 to Ms. D's home. 10:16

21 40 Q. Yes.

22 A. At which point her father had advised that she had made
23 a statement of complaint to An Garda Síochána.

24 41 Q. And her father was also a member of An Garda Síochána,
25 is that correct? 10:16

26 A. Correct.

27 42 Q. And in relation to actions agreed, it's recorded that
28 *"Rhona Murphy,"* which is you, *"is to refer Ms. D to the*
29 *CSA team,"* which is the child sexual abuse team, is

1 that correct?

2 A. Correct.

3 43 Q. And a copy of the minutes were sent to you, is that
4 correct?

5 A. That's correct. 10:17

6 44 Q. And it was to be reviewed at the next meeting, is that
7 correct?

8 A. Correct.

9 45 Q. Now, the first copy of that document which the Tribunal
10 has received is unsigned at page 138, and then at page 10:17
11 139 there is a signed copy of that document from
12 Ms. Mary O'Reilly, is that correct?

13 A. Correct.

14 46 Q. Now, if you could just put that meeting in context, if
15 you can remember, what was the purpose of that meeting? 10:17
16 was it just to deal with Ms. D or did other matters
17 come up in the agenda, if you can remember?

18 A. As stated, I don't remember the actual specific meeting
19 on that day, but from my experience on the Child
20 Protection Team, the purpose of discussing Ms. D's case 10:17
21 at that meeting would have been the fact that we had
22 received an allegation of a child protection nature,
23 hence the case was referred into the Child Protection
24 Team for assessment. Ms. D had made an allegation of
25 an alleged sexual incident that had occurred, therefore 10:18
26 it was allocated to me at that point for assessment.

27 47 Q. So do you think it was a specially-convened meeting?

28 A. No, that would have been the weekly child protection
29 meeting that I referred to earlier, which looked at all

1 referrals having been received.

2 48 Q. Now, the next document that I wish to refer to is your
3 typed notes of a home visit to Ms. D's family home
4 which also seemed to have taken place on the 12th
5 December 2006. Do you think that happened before or 10:18
6 after the meeting, or can you remember?

7 A. I couldn't recall, I would need to refer to my 2006
8 diary in order to confirm which meeting took place
9 first.

10 49 Q. It's a little detail. There is a, it would appear, a 10:18
11 fairly long discussion in relation to the allegation
12 Ms. D made, but it wasn't repeated during the course,
13 it would appear from your notes, during the course of
14 that meeting, is that correct?

15 A. It wouldn't have been repeated, no, and I was cognisant 10:19
16 of the fact that, in my professional opinion, I would
17 have, I suppose, recommended that Ms. D would have been
18 referred to the Child Sexual Abuse Assessment Team.
19 Therefore, I was cognisant of the fact that Ms. D
20 should not be requested to go over her allegation time 10:19
21 and time again, so I kept the level of detail to quite
22 a minimum at that point --

23 50 Q. Okay.

24 A. -- in Ms. D's best interests.

25 51 Q. That is at page 183, I should have told you that, your 10:19
26 typed notes of that meeting. It should come up in
27 front of you on the screen shortly.

28 A. Okay, that is fine.

29 52 Q. Now, there's one item I want to draw your attention to

1 at the bottom of page 184, and during the course of
2 that meeting the person against whom the allegation was
3 made was identified to you, is that correct?

4 A. That's correct.

5 53 Q. And that person is named as, what you said is, you 10:20
6 explained that you needed information with regard to
7 the alleged perpetrator. "Ms." -- [sic] -- "*D advised*
8 *that it is Maurice McCabe, who is a colleague.*"

9 A. Sorry, it was actually Mr. D.

10 54 Q. Mr. D, I beg your pardon, Mr. D. Thank you, who was a 10:20
11 colleague of his?

12 A. That's correct.

13 55 Q. Now, that appears at the bottom of page 184. Now,
14 separately from that we have your handwritten notes of
15 that meeting, which appear from page 186 onwards. And 10:20
16 I think some further details in relation to Sergeant
17 Maurice McCabe appear at page 188, which you have
18 recorded. Are they in front -- yes?

19 A. They are now, yeah.

20 56 Q. And I think Sergeant McCabe's name appears there and 10:21
21 also his wife's name, is that correct?

22 A. That's correct.

23 57 Q. And his address, is that correct?

24 A. That's correct.

25 58 Q. And there are details of his children, which have been 10:21
26 redacted for the purposes of the Tribunal, set out
27 after his address, is that correct?

28 A. That's correct.

29 59 Q. And also the approximate ages of those children at that

1 time?

2 A. Correct.

3 60 Q. And they are recorded during the course of that home
4 visit?

5 A. That's correct. 10:21

6 61 Q. Now, have you any memory at this stage of who actually
7 gave you those details?

8 A. From -- I don't have specific memory of that specific
9 home visit on that date. However, from review of the
10 file in preparation for today, I would assume that it 10:21
11 was Mr. D, as it was Mr. D that had provided the
12 information around the alleged perpetrator at that
13 point, so I can assume -- I would only assume that he
14 had provided the family details also.

15 62 Q. Now, also during the course of that family meeting it 10:22
16 would appear from the typed notes at page 185 that you
17 enquired if Ms. D would be happy for the Child Sexual
18 Abuse Assessment Team to obtain a copy of her statement
19 to prevent her having to go through the details again,
20 and she said that would be, is that correct? 10:22

21 A. That's correct.

22 63 Q. And are you aware, was a copy of her statement provided
23 to the child sexual abuse treatment team?

24 A. I am aware from memory and from review of the file
25 also, I recall Noel Cunningham, who is also a member of 10:22
26 the Garda Síochána, contacting me, and he had advised
27 that he would provide a copy of the statement directly.
28 He also advised that he had provided Mr. D with a copy
29 of his daughter's statement and it was Mr. D who had

1 furnished the Child Sexual Abuse Assessment Team with
2 same at his attendance at one of the appointments.

3 64 Q. Now, the next document that I wish to refer you to is a
4 contact sheet which is at page 189 of the
5 documentation, which refers to a telephone call that 10:23
6 you had with inspector Noel Cunningham on the 14th
7 December 2016, which was two days later?

8 A. That's correct.

9 65 Q. Do you have any memory of that telephone call?

10 A. Not specifically the telephone call. Again, in 10:23
11 preparation for the Tribunal and on review of the file,
12 I would have some vague memory of having spoken to
13 Inspector Noel Cunningham, yeah.

14 66 Q. Okay. Now, I think Inspector Cunningham was
15 investigating the allegation that Ms. D had made, is 10:23
16 that correct?

17 A. That's correct.

18 67 Q. And he was putting a file together in relation to the
19 matter which was to go on to the Director of Public
20 Prosecutions in due course, is that correct? 10:24

21 A. Yeah.

22 68 Q. Now, I think there you record that Inspector Cunningham
23 advised that he viewed the Ms. D file and said it was a
24 comprehensive file, is that correct?

25 A. That's correct. It's my memory that it was actually 10:24
26 the Child Sexual Abuse Assessment Team's file that he
27 viewed. I have no recollection of Inspector Cunningham
28 reviewing the social work file.

29 69 Q. And in relation to that file, it would have been

1 created once the allegation was made, is that correct?
2 A. Once they received the referral from myself in relation
3 to Ms. D.
4 70 Q. And I think Inspector Cunningham discussed some of the
5 file with you and eventually said that Garda Valerie 10:24
6 Campion was becoming involved and would want to
7 interview Ms. D eventually, is that correct?
8 A. That's correct.
9 71 Q. And he also left his mobile telephone number with you,
10 is that correct? 10:25
11 A. That's correct.
12 72 Q. Now, you then again on the 14th of December, you sent
13 your handwritten notes to members of the Child
14 Protection Team, is that correct? That would appear
15 from page 191 of the documentation. 10:25
16 A. The Child Sexual Abuse Assessment Team?
17 73 Q. From Orla Curran?
18 A. Yes.
19 74 Q. And Emer O'Neill?
20 A. That's correct. 10:25
21 75 Q. So if you just confirm that you sent on your
22 contemporaneous notes which you had taken during the
23 course of your home visit with Ms. D and her parents,
24 to Orla Curran and Emer O'Neill, is that correct?
25 A. That's correct. And the purpose of that would have 10:25
26 been to help inform them as part of their CSA
27 assessment with Ms. D.
28 76 Q. Now, it would also appear from page 191, and perhaps
29 you may be able to assist the Tribunal here, that those

1 notes would appear to have been sent to Inspector Noel
2 Cunningham, as the message on it would appear to say
3 "FAO Noel Cunningham, Inspector". Can you help the
4 Tribunal in relation to that at all?

5 A. Unfortunately, I have no recollection of sending any 10:26
6 documentation myself to Inspector Noel Cunningham, and
7 I see from the fax number it appears to be Monaghan,
8 the Monaghan fax number.

9 77 Q. Yes.

10 A. Which would indicate that I had sent it directly to my 10:26
11 colleagues on the CSA team.

12 78 Q. Is there anything further you can assist the Tribunal
13 in relation to sending those documents to Inspector
14 Cunningham?

15 A. There is not, unfortunately. As I say, I no 10:26
16 recollection of sending any documents to Inspector Noel
17 Cunningham.

18 79 Q. I think further again on the 14/12 the contact sheets,
19 the typed version, were sent to Emer O'Neill and Orla
20 Curran. That would appear from page 197 onwards. It 10:27
21 will come up.

22 A. That's correct. And again, the purpose of this would
23 be to help inform their assessment and also to minimise
24 the amount of information that would have to be
25 repeated by Ms. D and her parents as part of the 10:27
26 process, again in the best interests of Ms. D.

27 80 Q. And I think from that point onwards it would appear
28 that Emer O'Neill and Orla Curran took over dealings
29 with Ms. D, is that correct?

1 A. That's correct.

2 81 Q. And did you have any more interactions with Ms. D at
3 that time?

4 A. No direct interactions, no.

5 82 Q. Have you had any direct interactions with Ms. D since 10:28
6 that time?

7 A. No. I had subsequently closed the case. Following the
8 CSA intervention, I subsequently closed the case circa
9 October 2007.

10 83 Q. We will deal with that, we will come on to that. I 10:28
11 wonder if you could look at page 207 of the
12 documentation, and it would appear from there that
13 there was a notification of suspected child abuse to
14 the Health Board received in or around the 2nd January
15 2007, and that notification came from the Gardaí. Do 10:28
16 you remember that?

17 A. Again, from reviewing the file -- in the course of my
18 professional career, I suppose, I would have received
19 many Garda notifications in relation to different
20 cases, but on review of the file, I do recall receiving 10:29
21 the specific Garda notification, and that would have
22 been on foot of Ms. D's statement of complaint to An
23 Garda Síochána.

24 84 Q. So I think you said your next dealing with the file
25 would be in or around April, is that correct? 10:29

26 A. I can't recall specifically. I would need to --

27 85 Q. Okay. Maybe if I could go to February first. I think
28 I may have skipped ahead. If I could turn to page 254,
29 you have minuted that you received a telephone call

1 from Inspector Noel Cunningham. Is that page open in
2 front of you now?

3 A. That's correct. In February 2007, is correct.

4 86 Q. Do you have any memory of that?

5 A. Again, specific conversations I wouldn't. Again, it 10:29
6 was on foot of reviewing the file.

7 87 Q. And then that records that you received a telephone
8 call from Inspector Cunningham. He advised that he
9 sent Ms. D's statements with Mr. D for him to bring
10 them to the child sexual abuse appointment. Does that 10:30
11 confirm or conform with your understanding of what
12 happened?

13 A. That's correct, yeah.

14 88 Q. And you said to Inspector Cunningham that you would
15 inform the Child Sexual Abuse Assessment Team of same, 10:30
16 is that correct?

17 A. That's correct, and I subsequently informed Orla
18 Curran, my social work colleague, on the said team.

19 89 Q. And you signed that after typing that up?

20 A. That's correct. 10:30

21 90 Q. And I think just after that, at page 255, it would
22 appear that Inspector Cunningham phoned you and you
23 phoned him back maybe, is that correct? You received a
24 telephone message?

25 A. That's correct. 10:30

26 91 Q. And that's in relation to him sending the statement, is
27 that correct?

28 A. That's correct.

29 92 Q. Now, if we could just come then to the 24th April 2007,

1 there's a document at page 257 of the materials. That
2 records a meeting. What is the heading on that
3 document? The photocopying, it doesn't come out too
4 clearly.

5 A. Again, that's a minute of a child protection meeting 10:31
6 that had taken place, and again we had weekly meetings,
7 and that's a minute of a meeting that took place in
8 Monaghan on the 21st April 2007.

9 93 Q. 24th or 21st?

10 A. 21st. 10:31

11 94 Q. 21st. Thank you. And present at that meeting again is
12 Mary O'Reilly, is that correct?

13 A. Correct.

14 95 Q. Tracy McDonald, social worker?

15 A. Yeah. 10:31

16 96 Q. Celine Sherry, childcare leader?

17 A. Correct.

18 97 Q. Emer O'Neill, senior clinical psychologist?

19 A. Correct.

20 98 Q. Orla Curran, social worker? 10:32

21 A. Yeah.

22 99 Q. Mary Tiernan, social work team leader?

23 A. Yeah.

24 100 Q. Eileen Argue, social worker?

25 A. Yeah. 10:32

26 101 Q. And Rhona Murphy, which is you?

27 A. Correct.

28 102 Q. And then Ms. Cliona Deeney, who is a clinical
29 psychologist, sent her apologies, is that correct?

1 A. That's correct.

2 103 Q. Now, the name and address which is set out in that
3 meeting is Maurice McCabe, is that correct?

4 A. That's correct.

5 104 Q. Now, can I take from that, that he was the subject 10:32
6 matter of that meeting?

7 A. As well as the other referrals that had been received,
8 yes.

9 105 Q. Maybe if we could put the meeting in context in
10 relation to -- what is the meeting about, generally? 10:32

11 A. Again, this is a minute of the weekly meeting that took
12 place regarding any child protection referrals having
13 been received into the Child Protection Team. It was a
14 referrals and allocations meeting and took place on a
15 weekly basis. 10:33

16 106 Q. And insofar as this seems to deal with Mr. McCabe, had
17 a file been created for him at that stage?

18 A. At that point no file had been created and this
19 information would have been on foot of Ms. D's
20 allegation. 10:33

21 107 Q. So where would this document have been put once it had
22 been created?

23 A. I can only assume it would have been put on Ms. D's
24 file. From memory, I don't think we had opened adult
25 files back in 2006, 2007. I wouldn't be clear on that, 10:33
26 but from memory I am not sure.

27 108 Q. And when you say you wouldn't have opened adult files,
28 if you could just explain and elaborate on that a
29 little bit more?

1 A. Practice had changed somewhat within the social work
2 department whereby, on receipt of allegations against
3 adults of concern, files would have been opened
4 primarily in relation to the said adult and
5 cross-referenced then with the alleged victim. I don't 10:33
6 think that practice would have been in place at this
7 point in time.

8 109 Q. So any adult of concern at that time would have been
9 kept with the person who was making the allegation, is
10 that correct? 10:34

11 A. That's correct.

12 110 Q. So far as filing systems were concerned?

13 A. That's correct.

14 111 Q. Just if I could then go down to the reasons for
15 referral. It would appear that it's recorded that 10:34
16 "*Ms. D informed the CSA team during recent appointment*
17 *that Mr. McCabe inappropriately touched her.*"
18 And then:
19 "*File returned from the DPP. No prosecution.*"
20 Is that correct? 10:34

21 A. That's correct.

22 112 Q. Do you think the reason this was dealt with in April
23 was because of the file being returned from the DPP, or
24 do you know?

25 A. I don't know. From reading the minute, I would imagine 10:34
26 it was on foot of Ms. D's information that she provided
27 to the CSA team.

28 113 Q. And that had been previously dealt with in December in
29 another meeting?

1 A. I had been provided that information, yes, during a
2 home visit to Ms. D.

3 114 Q. Had there been meetings between December and April?
4 A. There would have been, yeah.

5 115 Q. Now, in relation to the "Actions Agreed", it says: 10:35
6 "*Mary O'Reilly to contact Catherine Sweeney, principal*
7 *social worker in Meath, to ask her to nominate a member*
8 *of the team to deal with Mr. McCabe.*"
9 Is that correct?

10 A. That's correct. 10:35

11 116 Q. Now, what was the purpose of contacting Catherine
12 Sweeney so somebody could deal with Mr. McCabe, if you
13 could explain that, please?

14 A. Mr. McCabe had been the designated liaison person
15 within An Garda Síochána, therefore would have been in 10:35
16 attendance at the HSE-Garda liaison meetings at that
17 time, which was regular meetings, usually quarterly,
18 that took place between the social work department and
19 An Garda Síochána in different districts. The purpose
20 of that meeting was to track, I suppose, common cases 10:36
21 known to both social work and An Garda Síochána at that
22 point. It was deemed to be, I suppose, fair procedure
23 in order to afford Mr. McCabe an opportunity to meet
24 with our colleagues in Meath as opposed to having to
25 meet with members of the social work department that he 10:36
26 may have come across in his professional capacity as
27 designated liaison person with the HSE at that point.

28 117 Q. Okay. And you refer to 'fair procedure' there. If you
29 could just say the purpose of that in relation to the

1 allegation Ms. D made, if you could just explain that a
2 little please?

3 A. I suppose, in my own opinion, it was to avoid
4 Mr. McCabe having to meet with members of the Child
5 Protection Team as investigators of a child protection 10:36
6 concern when he would normally have met with members of
7 the social work department in his professional capacity
8 as a sergeant from An Garda Síochána and the liaison
9 person for the HSE.

10 118 Q. Okay. If we could go on to the second action which was 10:37
11 agreed, please: *"That the social worker to offer*
12 *Mr. McCabe a risk assessment and to inform him that the*
13 *HSE are aware of the allegations against him."*

14 A. That's correct.

15 119 Q. And I think that was the fair procedure, is that 10:37
16 correct?

17 A. That's correct.

18 120 Q. And finally, the Gardaí were to be contacted re the
19 current address for Mr. McCabe, is that correct?

20 A. That's correct. 10:37

21 **CHAIRMAN:** I'm sorry Ms. Leader, but how do you mean
22 *"offer Mr. McCabe a risk assessment"*? what would you
23 have been offering him?

24 A. It wouldn't have been myself directly but a member of
25 the team. 10:37

26 **CHAIRMAN:** Yeah.

27 A. If it had have been --

28 **CHAIRMAN:** The organisation?

29 A. Yes. Within the Cavan-Monaghan region, Clíona Deeney,

1 who is named as a person present at the child
2 protection meetings, she is a psychologist who would
3 have met with adults against whom allegations were
4 made, and, in her clinical capacity, she would have
5 carried out a forensic risk assessment on alleged 10:37
6 perpetrators.

7 **CHAIRMAN:** To find out what?

8 A. The level of risk that one may pose to a child.

9 **CHAIRMAN:** Which could be anything from zero to ten?

10 A. Low to high. It's usually low to high is usually the 10:38
11 outcome of a --

12 **CHAIRMAN:** Yes, all right.

13 A. -- clinical risk assessment.

14 **CHAIRMAN:** Thanks. I understand.

15 121 Q. **MS. LEADER:** And I think those tasks, Ms. O'Reilly, was 10:38
16 to start with assigning a suitable social worker in
17 Meath, is that correct?

18 A. That's correct.

19 122 Q. Did you have any actions to perform as a result of that
20 particular meeting? 10:38

21 A. No.

22 123 Q. Did you have any more dealings with the file until, I
23 will come to it now, October 2007?

24 A. No.

25 124 Q. Now, if we could first of all come to page 259 of the 10:38
26 documentation, which is where you again feature, and
27 there's a case review form there, do you have that?

28 A. That's correct.

29 125 Q. You can see that?

1 A. Yes.

2 126 Q. If you can first of all explain the purpose of the case
3 review form, please?

4 A. These forms were primarily used when a case is being
5 prepared for closure, and in that instance the assigned 10:39
6 social worker would outline, basically, the completion
7 of his or her assessment and following which would then
8 leave for social work team leader's signature. I
9 suppose cases would have been discussed with the team
10 leader, you know, throughout. Therefore, it was just, 10:39
11 I suppose, a paper exercise to formally close a case to
12 a social worker.

13 127 Q. So you would review the whole file, is that correct?

14 A. Well, throughout the course of discussions with your
15 team leader, I suppose, the progress of the file would 10:39
16 be discussed from time to time with your line manager,
17 and these cases then were -- or, sorry, these forms
18 were used in preparation for case closure.

19 128 Q. Okay. If we can just go through the form. It explains
20 itself really. It says: 10:40
21 *"This form is to be completed after initial*
22 *investigation has been carried out and when a case is*
23 *proposed for closure an additional sheet is to be used*
24 *if necessary."*

25 Just in relation to what we were talking about there 10:40
26 and assigning a social worker to Sergeant McCabe, would
27 it be normal to close a case before all the actions had
28 been carried out, that had been agreed to be carried
29 out?

1 A. On an individual case, all actions would be completed
2 prior to case closure, on an individual case.

3 129 Q. On an individual case. But in this case the actions
4 which had been agreed in April 2007 hadn't been carried
5 out, is that correct? 10:40

6 A. I suppose Mr. McCabe would have been seen as a separate
7 case. I was closing Ms. D's case --

8 130 Q. Okay.

9 A. -- as a result of my assessment having been completed.

10 131 Q. If we can just go through the form. It sets out the 10:41
11 child's name, Ms. D, her address, and the reason for
12 referral was an allegation of inappropriate touching,
13 is that correct?

14 A. That's correct.

15 132 Q. And since referral it lists off a number of actions 10:41
16 that had been carried out: that liaised with family,
17 referred family to Family Therapy Department, liaised
18 with Child and Adolescent Psychiatry, referred Ms. D to
19 YAP, and I think that is an acronym for --

20 A. Youth Advocacy Programme. 10:41

21 133 Q. Youth Advocacy Programme, for support and guidance.
22 And then you referred Ms. D to the Child Sexual Abuse
23 Assessment Team, is that correct?

24 A. That's correct.

25 134 Q. That's essentially your summary of what had happened on 10:41
26 the file, is that correct?

27 A. That's correct.

28 135 Q. And then a question is asked in the form:
29 *"Has alleged abuse/neglect been confirmed/unconfirmed*

1 *or inconclusive?"*

2 And "*inconclusive*" is put down there, is that correct?

3 A. That's correct.

4 136 Q. And is that your handwriting?

5 A. That's correct. 10:42

6 137 Q. Yes. And then the social worker's recommendation,
7 there's one recommendation there, and that's case
8 closure.

9 A. Correct.

10 138 Q. Now, you're saying that that related to closing the 10:42
11 case against Ms. D, is that correct?

12 A. That's correct.

13 139 Q. And at that stage you signed off on it on the 10th
14 October 2007, is that correct?

15 A. That's correct. 10:42

16 140 Q. And can you tell me then what, physically, would have
17 been done with this case review form?

18 A. Following my having completion with the closure form, I
19 would have placed the said form on the front of the
20 social work file and left it for the attention of my 10:42
21 team leader, who was Mary Tiernan at that time. Mary
22 Tiernan subsequently signed off on the closure, which
23 means that she agreed with the case to be closed in
24 November 2007, following which the normal process is
25 that the team leader would furnish the file to the 10:43
26 administrative team, who would change the status of the
27 case on the record of all social work files within the
28 system, to close, and it would have been archived in
29 the closed filing cabinet.

1 141 Q. And in relation to Ms. Tiernan, she would have been
2 essentially approving of what you had recommended, is
3 that correct?
4 A. That's correct.

5 142 Q. If she had signed it? 10:43
6 A. That's correct.

7 143 Q. We can see her signature is on it, on the 27th November
8 2007?
9 A. Correct.

10 144 Q. Now, also on the 10th October it would appear you wrote 10:43
11 a letter to Mary O'Reilly, is that correct?
12 A. That's correct.

13 145 Q. And that's at page 258 of the materials. That letter
14 is written re Maurice McCabe, and his address is set
15 out on the top of the letter, isn't that correct? 10:44
16 A. That's correct.

17 146 Q. And you explained in the body of that letter that:
18 *"Dear Mary, I am writing to you regarding the*
19 *above-named. I have recently closed the case regarding*
20 *Ms. D, who has made an allegation of inappropriate* 10:44
21 *touching against Mr. McCabe."*
22 And then you go on to say:
23 *"I would like to draw your attention to the fact that*
24 *Mr. McCabe has not yet been met by the social work*
25 *department as per our procedures in cases of alleged* 10:44
26 *child sexual abuse. I would be grateful if this matter*
27 *could be dealt with as soon as possible."*
28
29 And you sign off on that letter, is that correct?

1 A. That's correct.

2 147 Q. And you also send a copy of that letter to Mary
3 Tiernan, social work team leader, is that correct?

4 A. That's correct.

5 148 Q. And that, I suppose, letter travels with the case 10:44
6 review form which Ms. Tiernan has to sign off on, is
7 that correct?

8 A. That's correct.

9 149 Q. Do you have a memory of writing that letter?

10 A. Again, it would be a vague recollection from 2007, but 10:45
11 I would have been, I suppose, reminded of it at the
12 point of reviewing the files in preparation for the
13 Tribunal.

14 150 Q. Okay. Just with regard to what you say, "*recently*
15 *closing the case*", it had been on that same day, is 10:45
16 that correct?

17 A. Correct.

18 151 Q. Yes. Is there any significance in saying "*recently*
19 *closing the case*"?

20 A. I would assume from my experience that I may have 10:45
21 intended on formally closing the case with the
22 completion of the case closure form, but it was just
23 today that -- I suppose the case, in my head, in terms
24 of my entire case load in my head, was probably closed,
25 but it was just doing the formal completion of forms in 10:45
26 order to formally close that case.

27 152 Q. Okay.

28 A. I'm assuming that is why I used the word "*recent*".

29 153 Q. Do you have any idea of why you did it in October as

1 opposed to any other time? Can you have any memory of
2 that?

3 A. I don't have any specific memory. It may correlate
4 with the outcome of the Child Sexual Abuse Assessment
5 Team's assessment, or again, there may be a gap in time 10:46
6 on that. Formal case closures would have been around,
7 I suppose, caseload and busy schedules at that time.
8 It was a case that wouldn't have been the highest of
9 properties, I suppose, with other child protection
10 cases ongoing, but certainly the Child Sexual Abuse 10:46
11 Assessment Team's involvement would certainly have had
12 an impact on the timing of my case closure. I wouldn't
13 have closed the case until their assessment was
14 completed.

15 154 Q. And would closing a file with an unfinished task in it 10:46
16 be a usual thing? Can you comment on that in any way?

17 A. I suppose from my professional responsibility, I was
18 solely responsible for Ms. D's case, albeit Mr. McCabe
19 was, I suppose, linked to the case, but it wasn't part
20 of my assessment per se. Therefore, my professional 10:47
21 responsibility had been completed at the time of
22 closure of Ms. D's case.

23 155 Q. Did you discuss the matter with anybody at that time?

24 A. Other than my line manager, Mary Tiernan, I wouldn't
25 imagine so, no. 10:47

26 156 Q. Can you remember the contents of any discussions you
27 may have had with Ms. Tiernan at that time?

28 A. Again, it would have been around that professional
29 supervision of the progress of the case and the outcome

1 of the CSA's team involvement as well, it would have
2 been kind of explaining that the case, in my opinion,
3 was right for closure, and that she had agreed when she
4 signed off on the form.

5 157 Q. Do you have any specific memory of any specific 10:47
6 conversations you may have had with Ms. Tiernan?

7 A. I wouldn't have, no, not a specific memory of the
8 conversation.

9 158 Q. Now, if I can then -- there's one final document where
10 there is a reference to you on it, and that appears at 10:48
11 page 1293, which is at Volume 4 of the materials. It
12 should turn up in front of you. You will see that it
13 is a Cavan-Monaghan Social Work Department case review
14 form.

15 A. Correct. 10:48

16 159 Q. And, first of all, is that your handwriting on the
17 form?

18 A. It's not, no.

19 160 Q. And in relation to the handwriting on it, do you
20 recognise that handwriting? 10:48

21 A. I couldn't say for sure who wrote that, no.

22 161 Q. It refers to, under the heading "*Children's Name*", it
23 says "*Maurice McCabe*", is that correct?

24 A. That's correct.

25 162 Q. And the address is put in as "*unknown*" at that time, is 10:48
26 that correct?

27 A. That's correct.

28 163 Q. And then it says -- the form would appear to be
29 undated, is that correct?

1 A. That's correct. I can't see the bottom of the form,
2 sorry. There's usually a date at the bottom of those
3 forms. But no, that's correct, it's undated.

4 164 Q. It's undated. It would appear then that the reason for
5 referral, it says "*CSA re retrospective allegations of* 10:49
6 *inappropriate sexual contact*", is that correct?

7 A. That's correct.

8 165 Q. And "*Activity Services Provided: Garda Notification*
9 *corrected in May 2014 due to misinformation from Rian.*"
10 Is that correct? 10:49

11 A. That's correct.

12 166 Q. And then there is a section which is blank: "*Has*
13 *alleged abuse/neglect been confirmed/unconfirmed*
14 *inconclusive*", and that's not filled in, is that
15 correct? 10:49

16 A. That's correct.

17 167 Q. And then it says: "*Please give reasons query regarding*
18 *files for his children*", is that right?

19 A. That's right.

20 168 Q. And then the social worker's recommendation, it says: 10:49
21 "*1. Awaiting allocation.*
22 *2. Case discussion to include Rhona and Keara.*"
23 And that's you, is that correct?

24 A. That's correct.

25 169 Q. Now, did you have any case discussion with Keara? 10:50

26 A. No.

27 170 Q. And Keara, we think, is Keara McGlone, is that correct?

28 A. Keara McGlone, that's correct, principal social worker.

29 171 Q. And she's one of your current colleagues?

1 A. That's correct.

2 172 Q. And then number 3:
3 "Contact Garda or DPP division 2007 clarification."
4 Is that correct?

5 A. That's correct. 10:50

6 173 Q. And that isn't signed?

7 A. That's correct.

8 174 Q. Now, in view of your contact with Inspector Cunningham
9 back in 2007, did you have any contact later on with
10 any of the guards or, in particular, Inspector 10:50
11 Cunningham --

12 A. No.

13 175 Q. -- in relation to Ms. D?

14 A. Not in relation to Ms. D's case, no.

15 176 Q. And are you saying that from memory or are you 10:50
16 satisfied yourself that that is the position?

17 A. I am confident that since I closed Ms. D's case I had
18 no contact or directions regarding the case whatsoever.

19 177 Q. And it would appear that this is -- this document was
20 created after May 2014, so did you have any contact 10:51
21 with anybody with regard to Ms. D's case after May
22 2014 --

23 A. No.

24 178 Q. -- up to the time the Tribunal was established?

25 A. No. 10:51

26 179 Q. And are you happy that that is correct?

27 A. I am hundred percent confident.

28 **CHAIRMAN:** Ms. Leader, would you mind helping me on one
29 thing. At the very top right-hand side it says "020813

1 MPT". Was that contemporaneously put on this document,
2 or do we know anything about that?
3 **MS. LEADER:** We don't know, but maybe this witness
4 might be able to help us with regard to what that
5 stands for. 10:51

6 A. From memory, sir, the 020813, it would -- I don't
7 know -- from my experience within the social work
8 department, that is the way we would number files as
9 they come in through the system, so I would assume that
10 is a file number. I don't know if that is Mr. McCabe's 10:52
11 file number. I'm not clear. MTP stands for Measuring
12 the Pressure, which was a national database that has
13 been devised around, I suppose, case weight loading,
14 cases that are awaiting allocation and kind of
15 categorising the level of risk and categorising 10:52
16 prioritisation for allocation. So the MTP would refer
17 to Measuring the Pressure.

18 **CHAIRMAN:** Does it not mean the 2nd of August 2013, the
19 top thing? I mean, that's what, I suppose, I'd jump to
20 the conclusion it might be. 10:52

21 A. And again, I'm going on my own experience of the way
22 files are recorded within the numbering system within
23 Cavan-Monaghan area, I can only assume it is possibly a
24 file number as opposed to a date. I'm not sure if
25 Mr. McCabe's file number is 020813, I can't explain 10:53
26 that.

27 180 Q. **MS. LEADER:** In relation to Measuring the Pressure,
28 when did that system come into place?
29 A. From memory, I would say around 2012/2013.

1 181 Q. Okay. And also on the very top left-hand corner of
2 that case review form, the word "adult" appears, is
3 that correct?

4 A. That's correct.

5 182 Q. Had you seen that before the Tribunal investigators had 10:53
6 brought it to your attention?

7 A. No, that was the first time I had seen it during my
8 interview with the investigators.

9 183 Q. Now, you referred earlier on to you having knowledge of
10 Sergeant McCabe through your work. Could you explain 10:53
11 some more to the Tribunal about that, please?

12 A. The Child Protection Team would have been involved in
13 Garda liaison meetings within each district, within
14 County Cavan, County Monaghan. I myself had attended a
15 number of Garda liaison meetings with the Bailieboro 10:54
16 district, and I'm aware that Sergeant Maurice McCabe
17 was the designated Garda liaison person for the HSE for
18 a period of time. From memory, I think I may have
19 attended at least one Garda liaison meeting with
20 Sergeant McCabe in Bailieboro Garda Station. That's a 10:54
21 number of years ago. The purpose of these meetings, I
22 suppose, was to track the progress of, I suppose, a
23 criminal case and a child protection case, because
24 obviously there's two separate investigations ongoing.
25 When we would Garda notify a case to An Garda Síochána 10:54
26 for investigation, that's separate to our own child
27 protection assessment.

28 184 Q. So you knew Sergeant McCabe. Did you at any time
29 discuss Ms. D's file with him?

1 A. No. Again from memory, it's a long time ago, but from
2 memory I would say that my professional, I suppose,
3 meetings with Sergeant Maurice McCabe would have been
4 prior to Ms. D's referral having been received.

5 185 Q. Now, at page 266, the Tribunal has attempted to 10:55
6 summarise documentation it received at a second stage
7 of the discovery procedure from Tusla, and it would
8 appear that at that time the letter isn't actually
9 contained, because it refers to something different,
10 but it would appear that there is an unsigned letter 10:55
11 from Orla Curran to Sergeant McCabe dated the 29th
12 September 2009, requesting a meeting between Orla
13 Curran, Sergeant McCabe and Rhona Murphy at Bailieboro
14 Garda Station on the 13/10/2005. Have you any memory
15 of that? 10:55

16 A. I don't. That's the first time I have seen this
17 document.

18 186 Q. Would it be unusual for you to have met Sergeant McCabe
19 in the course of child protection duties?

20 A. No, as I say, Sergeant McCabe, as I explained earlier, 10:56
21 was the designated Garda liaison person for the HSE.
22 Throughout the course of my professional career I
23 couldn't say for sure during which period of time he
24 was, but I certainly had met Sergeant McCabe in
25 Bailieboro Garda Station in a professional capacity 10:56
26 through the course of the Garda liaison meetings.

27 187 Q. Now, just in very general terms, did you speak with
28 anybody, and, if so, could you tell the Tribunal who
29 you spoke with, in relation to the allegations made by

1 Ms. D against Sergeant McCabe?

2 A. In the course of my professional career, I would have
3 spoken to my direct line managers at that point, which
4 would have been Mary O'Reilly and Mary Tiernan, and
5 with my colleagues also who were on the Child Sexual 10:57
6 Abuse Assessment Team at that point, would have been
7 Orla Curran, social worker, and Emer O'Neill, clinical
8 psychologist. That would have been the only
9 individuals that I would have discussed Ms. D's case
10 with. 10:57

11 188 Q. Did you discuss Ms. D's case with, and in particular
12 the allegations made against Sergeant McCabe, with my
13 member of An Garda Síochána?

14 A. No, other than the contact that Inspector Noel
15 Cunningham would have instigated with myself. Aside 10:57
16 from that, no.

17 189 Q. This is a question that you answered to the
18 investigators, but do you know any other members of An
19 Garda Síochána?

20 A. I would have dealings with members of An Garda Síochána 10:57
21 throughout my professional career. As I say, I
22 qualified in 2000 so I have met a lot of members of An
23 Garda Síochána throughout the years, again in the
24 course of my work. My now deceased father-in-law was a
25 member of An Garda Síochána, as is my brother-in-law, 10:58
26 and I grew up with a couple of friends at home who are
27 members of An Garda Síochána at present as well, but
28 they're not serving in the Monaghan-Cavan district.

29 190 Q. Did you at any time discuss Ms. D or Sergeant McCabe --

1 A. No.

2 191 Q. -- with those people?

3 A. No.

4 192 Q. I think you said you know Ms. D's father in a
5 professional capacity? 10:58

6 A. Again in a professional capacity, yeah. I would have
7 been involved in, I suppose, common cases with Mr. D
8 also in the course of my work as a child protection
9 social worker.

10 193 Q. And did you at any time discuss Sergeant McCabe or 10:58
11 Ms. D's case with him?

12 A. No. Other than Mr. D in his role as a father of Ms. D
13 and whilst in his house during the course of my
14 assessment.

15 194 Q. That was in December -- 10:58

16 A. That's correct.

17 195 Q. -- 2006?

18 A. That's correct.

19 196 Q. Now, if you would just confirm that nothing was done
20 with the file after you had closed it, is that the 10:59
21 case?

22 A. Ms. D's file?

23 197 Q. Ms. D's file.

24 A. As far as I'm aware, that's correct.

25 198 Q. And did it lay dormant until 2013? 10:59

26 A. The file was essentially formally closed, therefore,
27 yes, there would have been no reason -- there was no
28 other concerns had been received, therefore the case
29 was closed.

1 199 Q. And in relation to the outstanding task that hadn't
2 been taken, to your knowledge was anything done in
3 relation to that?
4 A. I wasn't aware as I had closed Ms. D's case and I had
5 no role within Mr. McCabe's case. 10:59
6 200 Q. Thank you very much. If you would answer any questions
7 anybody else has.
8 A. Thank you.
9
10 **MS. MURPHY WAS CROSS-EXAMINED BY MR. MCDOWELL** 10:59
11 **AS FOLLOWS:**
12
13 201 Q. **MR. MCDOWELL:** Good morning, Ms. Murphy. Michael
14 McDowell is my name and I'm one of the barristers
15 representing Sergeant McCabe at this Tribunal. 11:00
16 A. Good morning.
17 202 Q. Can I, at the outset, bring you back to your statement
18 of evidence on this matter. You've given evidence here
19 today that you were allocated Ms. D's case in September
20 2005? 11:00
21 A. That's correct.
22 203 Q. I don't want to go into her private affairs at all, I
23 want to make that very clear, but can we clarify that
24 this was in the context of different matters relating
25 to her? 11:00
26 A. The original referral that the social work department
27 received was in relation to Ms. D's presentation at
28 that time. She was engaged with --
29 204 Q. Sorry, I'm trying to be fair to Ms. D and not go into

1 the detail.

2 **CHAIRMAN:** No.

3 205 Q. **MR. MCDOWELL:** Can you just answer the question I'm
4 putting to you? This was in relation to different
5 issues in respect of Ms. D, is that right? 11:01

6 A. Yes, it was concerns around her presentation.

7 206 Q. Yes. And they entailed, again to be very fair, and I
8 just want you to be very fair in answering that
9 question, they included sexual behaviour with another
10 person, nothing to do with Sergeant McCabe, is that 11:01
11 right?

12 A. She would have engaged in sexual activity in the
13 community, yes.

14 207 Q. And were you aware that that was the subject of a garda
15 investigation at that time? 11:01

16 A. Not at the time, I wasn't aware, no.

17 208 Q. Did you become aware of it subsequently, that that
18 matter was the subject of an arrest and a file being
19 prepared?

20 A. I wasn't, no. 11:01

21 209 Q. To be absolutely clear about it, when you say that in
22 2005 this young woman's file was referred to you, this
23 was in relation to matters which did not involve
24 Sergeant McCabe, isn't that right?

25 A. That's correct. 11:02

26 210 Q. Am I correct in saying the first you heard of an
27 allegation being made in respect of Sergeant McCabe was
28 in December 2006?

29 A. That's correct.

1 211 Q. And can I just bring you to page 176 of your statement,
2 you said:
3 *"In May 2006, during a home visit, Mrs. D" -- and that*
4 *is Ms. D's mother -- "advised that things improved*
5 *greatly and she appeared to be back to herself."* 11:02
6 Is that right?
7 A. That's correct.
8 212 Q. *"She had attended her session with the child and*
9 *Adolescent Psychiatry on the 11th May 2006."*
10 A. That's correct. 11:02
11 213 Q. And Ms. D herself advised you on that occasion that she
12 was happy to have been discharged from the service, is
13 that right?
14 A. That's correct.
15 214 Q. And again, at that point, no complaint of any kind had 11:03
16 been made in respect of Sergeant McCabe, isn't that
17 right?
18 A. That's correct.
19 215 Q. Now, you've given evidence here that you believed that
20 Sergeant McCabe was the nominated liaison officer with 11:03
21 the HSE and Tusla, is that right?
22 A. That's correct.
23 216 Q. I don't want to make much of this, but we were
24 furnished yesterday by the Tribunal with a statement
25 made by -- or proposed evidence by Chief Superintendent 11:03
26 Christopher Mangan who says he was asked by the
27 Tribunal: *"who appoints individual garda members of*
28 *this team?*
29 *The district officer does it."*

1 He was asked: *"Who made such appointments in*
2 *2006/2007?"*

3 And the answer was:

4 *"The appointment of liaison officers were appointed by*
5 *the bald instructions by the superintendent at* 11:04
6 *Bailieboro and Superintendent Mary Lernihan, retired,*
7 *and then Superintendent Michael Clancy, now Chief*
8 *Superintendent."*

9 He was then asked by the Tribunal:

10 *"Does the HSE/Tusla have any input into what gardaí are* 11:04
11 *appointed on this team?*

12 *HSE/Tusla do not have any input into the appoint of*
13 *gardaí to liaison terms."*

14 Then he was asked to confirm that Sergeant McCabe
15 served on a HSE/Garda liaison team. And he says: 11:04

16 *"According to records held at Bailieboro,*
17 *Sergeant McCabe was not appointed as a liaison officer*
18 *with HSE/Tusla. Since 2008, Sergeants Walsh, Byrne and*
19 *Hayes have held that position in respect of Bailieboro*
20 *District."* 11:05

21
22 The reason I am putting this to you is that
23 Sergeant McCabe, when he heard he was -- the suggestion
24 that he was liaison officer, disputes that. He says he
25 was not -- on individual occasions in respect of 11:05
26 individual complaints he attended at meetings, but he
27 was not a liaison officer.

28 A. I suppose, from memory, I had attended Garda liaison
29 meetings, at which point Sergeant McCabe was in

1 attendance at that point in time.

2 217 Q. I mean, it is obviously a question of recollection, but
3 his recollection is that he was not appointed to be a
4 liaison officer with the Health Board, and that if he
5 did meet Health Board people it was on a casual basis 11:05
6 in respect of individual cases that he was handling?

7 A. I had attended formal Garda liaison meetings whereby
8 Sergeant McCabe was in attendance. I'm not clear on
9 the formal role and responsibility that is designated
10 within An Garda Síochána. 11:05

11 218 Q. Now, could I ask you about the decision which you made
12 in this matter in October 2007 to close the file. Did
13 I understand your evidence to be that you made that
14 decision having regard to the CSA team's assessment?

15 A. I had received a letter from my colleagues on the CSA 11:06
16 team outlining that they had discharged Ms. D from
17 their service, and I had no further role with regard to
18 Ms. D; therefore, the case was formally closed to the
19 social work department in October 2007.

20 219 Q. I just want to be clear about this. Did I understand 11:06
21 your evidence to be that you made the decision to
22 recommend closure to Ms. O'Reilly, is that right?

23 A. Ms. Tiernan.

24 220 Q. Ms. Tiernan?

25 A. At that time was my team leader, yeah. 11:06

26 221 Q. Based on the assessment of the CSA team?

27 A. It was on foot of Ms. D having been discharged from the
28 said service and my social work assessment had been
29 completed, therefore I closed the case.

1 222 Q. Yes. Did you form any judgement yourself on the
2 situation or were you simply saying if they're no
3 longer interested, I'm closing the file, is that what
4 you are saying was the situation?

5 A. I suppose, with respect, it's not that they're no 11:07
6 longer interested. They had met with Ms. D as part of
7 their assessment process and therapeutic intervention.
8 They felt that there was nothing more they could offer
9 Ms. D. She had stated herself that everything had
10 settled down, she had no further issues and she no 11:07
11 longer wanted the intervention of the CSA team. I
12 myself had understood that Ms. D no longer required
13 social work intervention, there was nothing further
14 that we could offer from a child protection
15 perspective, and her case was formally closed. 11:07

16 223 Q. So when you wrote the word "*inconclusive*" on the form,
17 that's at page 259, that was your assessment of the
18 situation; you were closing the file even though, in
19 your view, the original complaint lay in the category
20 of inconclusive? 11:08

21 A. On the case review forms there is one of three options:
22 confirmed, unconfirmed or inconclusive. The reason I
23 that had noted Ms. D's case to be inconclusive is that
24 we did not have any admission from an alleged
25 perpetrator. Ms. D had not undergone a credibility 11:08
26 assessment with the child sexual abuse assessment team.
27 The reason being is they did not deem it fair to carry
28 out a credibility assessment as they were basing their
29 interventions on the Garda statement that Ms. D had

1 made to An Garda Síochána earlier. Therefore, my
2 outcome of my assessment was therefore inconclusive.

3 224 Q. I see. So again, I'm not in any sense attempting to be
4 critical of you, but are we to take it that the child
5 sexual abuse team had looked at the original Garda 11:09
6 statement with the consent of the DPP and had not asked
7 any further questions with Ms. D in relation to this?

8 A. I suppose I wasn't involved in that particular
9 assessment. I wasn't present for any of the --

10 225 Q. Was that your understanding? I know you weren't there, 11:09
11 obviously, but was it your understanding that they had
12 relied solely on the statement that had been sent to
13 the Director of Public Prosecutions?

14 A. They had a copy of Ms. D's statement of complaint to An
15 Garda Síochána and they had met with Ms. D and her 11:09
16 parents on a number of occasions also.

17 226 Q. I see. I just want to be clear about this. Your
18 understanding was that they had never actually gone
19 into the issue and assessed it for themselves, isn't
20 that right? 11:10

21 A. They did not carry out a Credibility Assessment. I
22 outlined the reasons why.

23 227 Q. Yes.

24 A. Again, I don't know what -- the specific questions that
25 they had put to Ms. D in the course of their 11:10
26 involvement with her directly.

27 228 Q. I'm only asking about your understanding, because
28 obviously they can speak for themselves, but your
29 understanding was that they had never carried out an

1 assessment at any point, isn't that right?

2 A. They did not complete a Credibility Assessment, no,
3 because they had a copy of the Garda statement. It
4 would be unfair to put young people through going over
5 their allegations time and time again, which is why, in 11:10
6 the best interests of Ms. D, the Garda statement was
7 obtained.

8 229 Q. So just to be clear about this, when you closed the
9 file, your understanding was that there had never been
10 an assessment of credibility in respect of the original 11:10
11 complaint, is that right?

12 A. I was aware that there was no Credibility Assessment
13 undertaken and the CSA team had explained the reasons
14 why, that's right.

15 230 Q. And does it follow from that when -- you signed that 11:11
16 document on page 259 on the 10th October 2007, is that
17 right?

18 A. That's correct.

19 231 Q. And that required to be approved, before it would take
20 effect, by your team leader, is that right? 11:11
21 A. That's correct.

22 232 Q. That's Mary Tiernan, is that right?
23 A. That's correct.

24 233 Q. And she gave that approval on the 27th of November
25 2007? 11:11
26 A. In writing, she gave approval. I would assume, based
27 on my professional experience to date, is that at the
28 point of my recommending case closure, I would have
29 discussed it verbally with my line manager at that

1 point, at which point she would have agreed that the
2 case was to be closed, hence the completion of the
3 closure form.

4 234 Q. So both she and you at that point had come to the
5 conclusion, probably around the time that you wrote the 11:12
6 letter of the 10th October to Mary O'Reilly, that the
7 matter would be closed, is that right?

8 A. That's correct.

9 235 Q. And in that letter you point out to Ms. O'Reilly, who
10 was the acting Principal Social Worker at Rosky in 11:12
11 Monaghan, you say:

12

13 *"I would like to draw your attention to the fact that*
14 *Mr. McCabe has not yet been met by the social work*
15 *department as per our procedures of alleged child 11:12*
16 *sexual abuse."*

17 A. That's correct.

18 236 Q. I just want -- were you suggesting to Ms. O'Reilly that
19 he should be met?

20 A. As per procedure, any alleged perpetrator should be met 11:13
21 as part of the child protection investigation and
22 assessment.

23 237 Q. With a view to what? To put to him a complaint the
24 credibility of which had not been assessed?

25 A. To advise, firstly, that an allegation had been made 11:13
26 against him as fair procedure, and also, we, as child
27 protection and social workers, had an obligation to
28 assess the level of risk that one may pose if one has
29 had an allegation of any form of abuse made against him

1 or her.

2 238 Q. I want to understand those two things. Firstly, you
3 felt that he was entitled to be made aware that your
4 team had opened the file on the matter and that a CSA
5 team had looked at it, is that right? 11:13

6 A. We hadn't opened a file on it, but any allegation --

7 239 Q. On the matter. You had a file on the matter, not on
8 him.

9 A. We had received information in relation to him.

10 240 Q. Yes. And the implicit suggestion is that somehow he 11:14
11 was to be informed of this at a meeting?

12 A. Any alleged perpetrator that we receive information on,
13 we would, as a matter of course, arrange to meet with
14 them and put the information to them with a view to
15 carrying out a child protection assessment. 11:14

16 241 Q. So what you are saying, I just want to be clear about
17 this, is, that after this event in respect of a
18 complaint whose credibility had not been examined, you
19 thought that Ms. O'Reilly and her team should carry out
20 a risk assessment in respect of Sergeant McCabe, is 11:14
21 that what you are saying?

22 A. What I am saying is that Mr. McCabe should have been
23 met. Again as outlined earlier, it was agreed that we
24 would be referred to the Meath services as per our
25 child protection guidelines, in that we would always 11:14
26 endeavour to carry out a child protection assessment
27 regarding any adult that we received information of
28 concern about.

29 242 Q. You were pointing out to Ms. O'Reilly that you were

1 closing the file without that procedure having been
2 adopted?

3 A. I was highlighting that I was closing Ms. D's file, who
4 I was the social worker, and I was highlighting that,
5 as far as I was aware, at that point Mr. McCabe had not 11:15
6 been met, but again it had been agreed that he would be
7 referred to me.

8 243 Q. But the underlying concern you had, am I right in
9 saying that, when you wrote that letter, is that he
10 should be met with a view to evaluating whether he 11:15
11 posed a risk to children?

12 A. That's correct. When we receive information regarding
13 any adult of concern, we would always endeavour to
14 carry out an assessment.

15 244 Q. You understand that no such meeting had already taken 11:15
16 place. That was already a breach, was it not, of the
17 procedures, that nobody bothered to approach him in
18 relation to the matter, from the HSE, in any shape or
19 form?

20 A. Which is why I outlined it in my letter. 11:16

21 245 Q. And you were saying it should now be -- it should now
22 be done, is that what you were saying?

23 A. I can't comment on 2017. It was my letter to my line
24 manager back at the time in 2007.

25 246 Q. Could I ask you to look at page 257. And this was the 11:16
26 meeting in April 2007, some six months prior to you
27 closing the file. There were actions agreed there,
28 isn't that right?

29 A. That's correct.

1 247 Q. And the first of them is:
2
3 "Mary O'Reilly to contact Catherine Sweeney, Principal
4 Social worker in -- "
5 I can't read that. 11:17
6 A. Meath.
7 248 Q. Meath?
8 A. Yeah.
9 249 Q. Was that done?
10 A. I can't say. It was Mary O'Reilly who was to undertake 11:17
11 that task.
12 250 Q. But you were closing the file?
13 A. I was closing Ms. D's file.
14 251 Q. Ms. D's file.
15 A. I had no involvement in Mr. McCabe's file. 11:17
16 252 Q. I see. Was there a file in respect of Sergeant McCabe?
17 A. As I outlined earlier, I don't think a file had been
18 opened on Mr. McCabe at that point in time.
19 253 Q. So which file -- so this meeting of the 24th April, did
20 that relate to Sergeant McCabe or did it relate to 11:17
21 Ms. D?
22 A. I would need to see the top of the form that we're
23 referring to.
24 254 Q. Perhaps you could be shown it.
25 A. It's name and address is Maurice McCabe. 11:18
26 255 Q. Of what group is that a meeting?
27 A. Sorry?
28 256 Q. Of what group is that a meeting? Date of meeting?
29 A. That would have been a minute pertinent to Mr. McCabe

1 at the weekly Child Protection Team meeting that took
2 place in Monaghan.

3 257 Q. If there was no file on Sergeant McCabe at the time, on
4 what file would that minute have been entered?

5 A. I can't answer for definite whether it was filed on 11:18
6 Ms. D's file or whether it was kept separate with a
7 view to sending to Meath. I can't answer directly or
8 for sure.

9 258 Q. The second bullet point is "*Social worker to offer*
10 *Mr. McCabe a risk assessment and to inform*" -- I am 11:18
11 having difficulty here.

12 A. "*That the HSE are aware of the allegations against*
13 *him.*"

14 259 Q. Yes. And thirdly is "*Contact the Gardaí.*" what does
15 that read there? 11:19

16 A. "*Re current address of Mr. McCabe.*"

17 260 Q. Were any of those steps taken?

18 A. I can't answer that.

19 261 Q. Do you know the answer to any of that?

20 A. I don't. 11:19

21 262 Q. Do you believe that any of those steps were taken?

22 A. I can't answer that. I had no role in that.

23 263 Q. Put it this way: have you any reason to believe that
24 any of those steps were taken?

25 A. I can't answer. It was Ms. Mary O'Reilly who was to 11:19
26 contact Catherine Sweeney, her colleague in Meath. I
27 can't speak on behalf --

28 **CHAIRMAN:** If I could just intervene. We seem to have
29 had as full disclosure as we possibly could have in

1 relation to this and there doesn't seem to be any
2 indication that any of that happened. And I presume,
3 Mr. McDowell, your case is that none of it did happen?
4 **MR. MCDOWELL:** I'm assuming it didn't happen.
5 **CHAIRMAN:** And your client's case is that he was never 11:20
6 met?
7 **MR. MCDOWELL:** Yes.
8 264 Q. Just in connection with that, are you aware at all of
9 any people in Meath ever being involved with
10 Sergeant McCabe or even preparing to be involved with 11:20
11 Sergeant McCabe?
12 A. I'm not aware, no.
13 265 Q. Could I just ask you to look at what appears on page
14 189 of this volume? Did you prepare that document?
15 A. I did. 11:21
16 266 Q. Is that an account of a meeting, a phone call rather,
17 on the 14th December?
18 A. That's correct.
19 267 Q. And that was after your visit to Ms. D's house, is that
20 right? 11:21
21 A. That's correct.
22 268 Q. As far as you know, and subject to the fact that there
23 are significant redactions there, is that an account of
24 what Inspector Cunningham said to you?
25 A. That's correct. 11:21
26 269 Q. You will note from that, that in the first paragraph
27 you recorded him as expressing doubts over the
28 credibility of Ms. D, is that right?
29 A. Inspector Noel Cunningham --

1 270 Q. Yes.

2 A. -- expressing doubts, that's correct.

3 271 Q. On the basis that she was, to use this phrase,
4 *"spinning different stories"*?

5 A. That's correct. 11:22

6 **MR. MCDOWELL:** Thank you.

7 **CHAIRMAN:** Mr. McDowell, you are finished?

8 **MR. MCDOWELL:** Finished now, yeah.

9 **CHAIRMAN:** Thank you.

10 **MR. CUSH:** I have no questions. 11:22

11 **CHAIRMAN:** You have no questions. Is there anybody
12 else who has questions?

13

14 **MR. DIGNAM:** Chairman, I just have a few questions for
15 Ms. Murphy just to clarify -- 11:22

16

17 **MS. RHONA MURPHY WAS THEN CROSS-EXAMINED BY MR. DIGNAM.**

18 272 Q. **MR. DIGNAM:** Ms. Murphy, my name is Conor Dignam. I
19 appear on behalf of An Garda Síochána. I really just
20 have three areas I want to clarify with you, you have 11:22
21 given answers in respect of some of them. Firstly,
22 Mr. McDowell asked you about Sergeant McCabe's -- or
23 your belief that Sergeant McCabe was a liaison person
24 on behalf of An Garda Síochána, and he put evidence to
25 you from Chief Superintendent Mangan, which you may 11:22
26 only have seen last night or may not have seen at all?

27 A. I haven't seen it.

28 273 Q. Mr. McDowell correctly says at point 5 of that
29 Superintendent Mangan says:

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"According to the records at Bailieboro, Sergeant McCabe was not appointed as the liaison officer within the HSE/Tusla."

11:23

And he goes on at paragraph 6 to say that he may have attended conferences for cases that he was involved with or investigating or he may have attended conferences if the appointed liaison officer who was not in a position to attend. And when you were answering Mr. McDowell you said that you were at one meeting where Sergeant McCabe was in your view the liaison person; is that possible? Is it possible that he was simply filling in for somebody else on that occasion?

11:23

11:23

- A. It's obviously possible, I suppose my memory of the garda -- I would like to clarify, conferences I suppose would be somewhat different to the Garda liaison meetings. We have child protection conferences on a regular basis whereby members of An Garda Síochána are invited to attend if there is any involvement with the family in question at that time. I suppose I'm assuming Sergeant McCabe would have attended many a case conference regarding child protection matters. The Garda liaison meetings is somewhat of a different forum. And it is my memory that Sergeant McCabe was the designated liaison person for the HSE and I do recall attending at least one, maybe two, but at least one Garda liaison meeting in the Bailieboro district

11:24

11:24

1 where Sergeant McCabe was present.

2 274 Q. Just to be clear, Ms. Murphy, the garda evidence will
3 be in accordance with what Mr. McDowell has said, I
4 think from the implication Mr. McDowell's questions
5 what Sergeant McCabe will also say, that he wasn't 11:24
6 formally the liaison person on behalf of Garda
7 Síochána?

8 A. As I say, I'm going on memory. And I'm not clear of
9 the formal appointing of responsibility within An Garda
10 Síochána. 11:24

11 275 Q. Earlier in your evidence, Ms. Murphy, you said that you
12 received many garda notifications in different cases,
13 can I take it from that when you received the one on
14 the 2nd January 2007 that it wasn't unusual for you to
15 receive a Garda Notification? 11:25

16 A. No. In cases of child protection whereby a young
17 person or a child would have made a statement of
18 complaint, An Garda Síochána would send notifications
19 to us. Again I would like to highlight, it's not
20 always in cases where there is a statement of complaint 11:25
21 having been made. In instances whereby An Garda
22 Síochána would have reason for concern regarding child
23 protection they would send a Garda Notification. For
24 example, in cases of domestic violence we receive
25 notification, for example. Likewise, we would also 11:25
26 forward garda notifications from the social work
27 department to An Garda Síochána if there is an instance
28 whereby we would have concerns of any criminal
29 behaviour or any offences having been taken place.

1 276 Q. If I could ask you to turn to page 257, this is the
2 minute of the meeting Mr. McDowell is asking about,
3 21st April. In the section titled "*Reasons for*
4 *Referral*" it's noted that the file is returned from the
5 DPP, no prosecution. Without stating the obvious, 11:26
6 Ms. Murphy, can I take it, can the Tribunal take it
7 from that, that the HSE knew by 21st April 2007 that
8 the DPP had directed no prosecution?

9 A. That's correct.

10 **MR. DIGNAM:** Thank you. 11:26

11

12 **MS. MURPHY WAS THEN QUESTIONED BY THE CHAIRMAN**

13 277 Q. **CHAIRMAN:** Ms. Murphy, I wonder could I just ask you a
14 few questions.

15 A. Certainly. 11:26

16 278 Q. **CHAIRMAN:** I just note on the form that three possible
17 outcomes in relation to a referral of child sexual
18 abuse, alleged, are "confirmed", "unconfirmed" and
19 "inconclusive". Is that there designation "not
20 credible" or anything like that? 11:26

21 A. At that point in time that's what we -- that was the
22 three outcomes that we could have. I suppose
23 "confirmed" would have been in cases whereby an alleged
24 perpetrator may have had made an admission or if there
25 was some physical evidence; "unconfirmed" would have 11:27
26 been where there was no physical evidence, maybe a
27 complaint withdrawn; and "inconclusive" whereby an
28 alleged perpetrator may not have been met or that the
29 outcome of the Credibility Assessment was unclear. I

1 suppose that was the three categories. I am aware that
2 the categorisation has changed since the new section 3
3 policy came in 2014, whereby it is now "founded" or
4 "unfounded". That's the options, that's the outcome
5 since section 3 policy came about. 11:27

6 279 Q. **CHAIRMAN:** I am going back many years but, in the 1980s
7 I certainly did some cases for whatever the equivalent
8 of the HSE was then in relation to child sexual abuse
9 and parents and getting children out of danger where
10 usually the father was the perpetrator, but just 11:27
11 speaking from memory at that time what social workers
12 did was what they called an assessment of credibility,
13 based on such matters as appropriate effect, level of
14 detail, am I wrong in remembering that?

15 A. Did you say the 80s or the 90s? 11:28

16 280 Q. **CHAIRMAN:** I am talking about the 80s I believe, yes.

17 A. I wouldn't have been qualified in the 80s.

18 281 Q. **CHAIRMAN:** well then, let's talk about the 90s. If it
19 happened in the 80s was there a reason to change it for
20 the 90s, I don't know. 11:28

21 A. I don't know either.

22 282 Q. **CHAIRMAN:** All right. well then the question really is
23 this: There has been a practice in the past of social
24 workers, where there are allegations of child sexual
25 abuse, and after all they are easy to make, doing what 11:28
26 is called a Credibility Assessment before making a very
27 major step, such as for instance attempting to go to
28 the District Court to get an order to take a child or
29 children away from their parents.

1 A. Yeah.

2 283 Q. **CHAIRMAN:** I take it that that is still done.

3 A. Mm-hmm. And when I was on the Child Protection Team we

4 had that specialist team and that was the Child Sexual

5 Abuse Assessment Team. And I suppose we felt that we 11:28

6 were fortunate in the meeting to have the specialist

7 team who carried out all the credibility assessments

8 regarding any concerns of a sexual nature.

9 284 Q. **CHAIRMAN:** Yes. But that was never done in relation to

10 Ms. D? 11:29

11 A. No. And the reason being, is because they were working

12 off the garda statement of complaint.

13 285 Q. **CHAIRMAN:** Yes, I appreciate that and that was my next

14 question. What was the special status of someone who

15 had made an allegation and made a statement to the 11:29

16 Gardaí? Because the Gardaí don't carry out a

17 Credibility Assessment. What they do is they

18 investigate any details which might, for instance,

19 provide support or they would also perhaps interview

20 the alleged perpetrator as well. But just on the basis 11:29

21 of the statement, you make a statement to the Gardaí

22 why would that absolve the social work team from

23 carrying out a Credibility Assessment?

24 A. It is my understanding that the CSA team did not carry

25 out the Credibility Assessment because they felt that 11:29

26 by putting a young person over the finer detail of the

27 allegation would be detrimental to that young person.

28 And from my experience of dealing with the CSA team

29 they would say that it can sometimes, I suppose, put

1 the evidence in jeopardy if the account could change.
2 Or -- That's my understanding of the reason that that
3 process was introduced.

4 286 Q. **CHAIRMAN:** And when did that start, do you know?
5 A. From memory, I can't recall exactly when the Child 11:30
6 Sexual Abuse Assessment Team was devised.

7 287 Q. **CHAIRMAN:** And how would you feel about that? I mean,
8 if major steps were taken and simply because a person
9 had made a statement to the police that would mean that
10 there was never any assessment from a social work 11:30
11 perspective as to whether the allegations were credible
12 or perhaps lacked credibility, in other words, high to
13 low?

14 A. I suppose on a case-by-case basis it is the amount of
15 information that a young person would provide when they 11:30
16 come in to undergo the assessment process. It is my
17 understanding that Ms. D in this instance didn't want
18 to engage in a deep way in terms of the credibility.
19 That it was more a therapeutic intervention that they
20 deemed appropriate at that time with Ms. D. 11:31

21 288 Q. **CHAIRMAN:** And there was a therapeutic intervention
22 because there are notes in relation to that as I
23 understand it.

24 A. That's correct.

25 289 Q. **CHAIRMAN:** And you noted the point at which she ceased 11:31
26 therapeutic intervention, which I understand was April
27 2007.

28 A. That's correct.

29 290 Q. **CHAIRMAN:** All right. The second thing I wanted to ask

1 you about based on your evidence - for which, thank you
2 - you said that you didn't think it was the practice at
3 the time to send what is called now a Barr letter,
4 apparently arising from a case in 1998 decided by
5 Mr. Justice Barr in the High Court. I was wondering 11:31
6 did I hear you correctly. Because you were in fact
7 writing as late as October 2007 to the team leader to
8 say, look, effectively the Barr procedure, which is
9 meet the person, get the person's side of events --
10 A. That's correct. 11:31
11 291 Q. **CHAIRMAN:** -- and see is that person a risk to
12 children.
13 A. Mm-hmm.
14 292 Q. **CHAIRMAN:** So it seems to have been around back then in
15 2006/2007. 11:32
16 A. Yes. We would have based our procedures on the Barr
17 judgment around that time with meeting with adults,
18 with whom an allegation had been made against.
19 293 Q. **CHAIRMAN:** So you would not seem to be correct in
20 saying that that procedure didn't exist at that time? 11:32
21 A. Sorry, that must have been an error on my part, I don't
22 recall stating that.
23 294 Q. **CHAIRMAN:** You did. You said: "*I didn't think that*
24 *that was the practice at the time.*"
25 A. Sorry, I don't recall, I must have made a mistake 11:32
26 there. We would have had procedure in place for
27 dealing with adults at that time. Based on the Barr
28 judgment.
29 295 Q. **CHAIRMAN:** If it be the case --

1 A. I think I actually referenced that in my letter to
2 Ms. O'Reilly, highlighting that Mr. McCabe hadn't
3 been --

4 **CHAIRMAN:** Yes, I know. That's why I asked you about
5 it, yeah. 11:32

6 A. Sorry, there must have been an error there.

7 296 Q. **CHAIRMAN:** So, the Barr letter procedure did exist?

8 A. Yes.

9 297 Q. **CHAIRMAN:** And you know that in fact a Barr letter was
10 sent to Sergeant McCabe in, as late as I think December 11:32
11 2015.

12 A. From preparing for today I am aware of that, yes.

13 298 Q. **CHAIRMAN:** Yes. It literally came out of the blue nine
14 years after perhaps it should have been sent.

15 A. Again from talking to colleagues, yes. But I had no 11:33
16 involvement in that.

17 299 Q. **CHAIRMAN:** And that was at a time when a more serious
18 allegation apparently, which came about by mistake, had
19 been discovered to be an error but nonetheless that
20 much more serious allegation was the allegation in the 11:33
21 Barr letter.

22 A. Again through my colleagues I'm aware of that, yeah.

23 300 Q. **CHAIRMAN:** Yes. So do you know of any reason why Meath 11:33
24 never became involved from the two points of view that
25 you said: Number one, as a matter of fairness tell
26 this person that somebody is saying about him he is a
27 child sex abuser, which is a very serious matter; and
28 number two, does he have, as they say, access to
29 children and what is his risk level, low to high? Do

1 you know any reason why that wasn't done back in 2006,
2 2007?

3 A. I can't answer that, I don't know.

4 301 Q. **CHAIRMAN:** Was it a question of chaotic systems?
5 Because I mean if it were the case that someone was a 11:34
6 risk to children surely your duty, leaving aside
7 section 3 of the Childcare Act now for a minute, your
8 duty would have been follow it through. I don't mean
9 you, I mean the organisation.

10 A. It would have been the organisation's duty to 11:34
11 follow-through, yeah.

12 **CHAIRMAN:** Thank you. Thanks.

13 A. Thank you.

14

15 **THE WITNESS THEN WITHDREW** 11:34

16

17 **MS. LEADER:** Yes. The next witness, sir, is Mary
18 O'Reilly. Her statement was circulated this morning
19 and it's at page 2876 of the materials and I will also
20 be referring to documents at volume 1 the page 181, 11:35
21 page 257 and 258.

22

23 **MS. MARY O'REILLY, HAVING BEEN SWORN, WAS DIRECTLY**
24 **EXAMINED AS FOLLOWS BY MS. LEADER:**

25 302 Q. **MS. LEADER:** Hello, Ms. O'Reilly. If you would outline 11:35
26 to the Tribunal your professional qualifications
27 please?

28 A. In 1980 I qualified as a social worker. I gained my,
29 what was then called, PQSW, which was a post-grad

1 qualification in social worker from University of
2 Ulster at Jordanstown. My employment history: I have
3 worked in Northern Ireland from 1980 to '85; I then
4 took employment with the Midland Health Board from '85
5 to 1990 as a generic social worker; in 1990 to '95 I 11:36
6 was a social worker with the Child Sexual Abuse and
7 Treatment Team, which had been established in
8 Laois/Offaly at that time; in 1995 I returned to
9 Cavan/Monaghan as a team leader, I worked as the team
10 leader with the child protection team in Cavan Monaghan 11:36
11 until 2004 and I took up the post as Acting Principal
12 Social worker in 2004 for Cavan/Monaghan and I left
13 there in 2009 to take up my current role.

14 303 Q. If you could explain to the Tribunal, please, your
15 responsibilities and role as Acting Principal Social 11:37
16 Worker in Cavan Monaghan?

17 A. I had overall responsibility for the social work
18 service in Cavan/Monaghan. That included specifically
19 areas; children in care, fostering, child protection,
20 and then we had what we called the long-term child 11:37
21 protection team, which involved children who had --
22 whose files were open long-term. I also had
23 responsibility for the management of all staff, the
24 overall responsibility for HR, for budget management,
25 for cost containment plans, for operation plans, 11:37
26 etcetera. All of the usual management stuff.

27 304 Q. Okay. And how many staff would have been reporting to
28 you approximately?

29 A. Approximately at that time there were probably between

1 30 and 35.

2 305 Q. Do you have any idea of the amount of live cases that
3 would have been on the system at any one time?

4 A. I can't recall. But -- I'm sorry, I would be
5 speculating if I were to answer that. I can't recall. 11:38

6 306 Q. That's okay. I think one of the people that was
7 reporting to you was the last witness, Ms. Rhona
8 Murphy, is that correct?

9 A. Ms. Rhona Murphy worked on the Child Protection Team
10 and she reported through her team leader, Mary Tiernan, 11:38
11 to me.

12 307 Q. And to you?

13 A. And to me, yeah. It went up through the team leader to
14 me.

15 308 Q. Okay. Now if we could turn to the allegations made by 11:38
16 Ms. D in relation to Sergeant McCabe. I think you
17 outlined in your statement that you became aware in
18 January 2007 that the social work department had
19 received Garda Notification in respect of the matter,
20 is that correct? 11:39

21 A. That is correct. But just for the record, sir, I
22 received, I made my statement based on a review of the
23 clinical files, but I later received documents from
24 Tusla that sort of has a note of a meeting I attended
25 in December 2006. And I was at that meeting, so I am 11:39
26 sorry I --

27 309 Q. Were you aware that Ms. D was attending at the service
28 or can you say that?

29 A. Prior to that, no. I honestly -- I can't -- I

1 wouldn't. I may have been aware but I can't recall
2 being aware.

3 310 Q. I suppose for the sake of completeness, Ms. O'Reilly,
4 the person we're referring to as Ms. D, you know who
5 she is and can confirm to the Tribunal separately her 11:39
6 information and details, is that correct?

7 A. That's correct, yeah.

8 311 Q. For this morning's purposes, for the Tribunal's
9 purposes we're referring to her as Ms. D.

10 A. Ms. D, yeah. 11:40

11 312 Q. Now if we could turn to that document on page 181 of
12 the materials which refers to a Child Protection Team
13 new reference. And it's a meeting of the 12th December
14 2006.

15 A. It comes up on this, does it? Yeah. 11:40

16 313 Q. Yes. It should.

17 A. Yeah, I see it. Yeah. I see. 8/12, yeah, I see the
18 attendees.

19 314 Q. Do you have any specific memory of that meeting?

20 A. I have absolutely no memory, no. 11:40

21 315 Q. And when was that document first brought to your
22 attention?

23 A. That document came to my attention in a bundle of
24 documents that I gained access to around the 22nd June.

25 316 Q. What was your reaction to seeing that? Did it refresh 11:41
26 your memory in any way or anything of that nature?

27 A. No, actually it didn't. Sometimes that can prompt the
28 memory, but it didn't. It didn't.

29 317 Q. Now the meeting was held in Monaghan, is that correct?

1 A. Yeah, yeah, yeah, yeah.

2 318 Q. And you chaired the meeting?

3 A. I would have chaired it, yeah.

4 319 Q. Now can you remember at that time, in December 2006,
5 how many such meetings would have been held? 11:41

6 A. We held, initially in 2006 we had them weekly. And
7 these were, for want of a better word, to simplify it,
8 an intake meeting, which looked at referrals coming in
9 to the service and agreed actions on each referral. So
10 there would have been one meeting a week initially and 11:41
11 then I think they went down to once, twice a month,
12 maybe. Once a fortnight, twice a month.

13 320 Q. Okay. When you say it was a referral meeting --

14 A. Yeah.

15 321 Q. -- what type of referrals did those meetings deal with? 11:42

16 A. These were referrals that came into the service that
17 had allegations of child protection -- of a child
18 protection concern.

19 322 Q. And can you remember, at that time how many such
20 referrals would have been coming into the service? 11:42

21 A. At that time we would have had quite a few referrals
22 in. It was busy because we would have been dealing
23 with some residual cases from Kilmore diocese. There
24 had been some cases that had come to light. So yes, it
25 was quite busy. 11:42

26 323 Q. Do you know how many separate referrals would have been
27 discussed at any meeting? Or, have you an average
28 figure for that?

29 A. Probably, probably we could have five to ten referrals.

1 Between five and ten. Because if we had lower than
2 five we wouldn't have proceeded with the meeting. So
3 it could be ten, it could be nine, eight, that kind of
4 number.

5 324 Q. So am I correct in saying that you had to have at least 11:43
6 five referrals?

7 A. Well, that was kind of -- if there were only three
8 referrals in, to bring people together to discuss them
9 was not considered to be a good use of resources.

10 325 Q. So present at the meeting, if you can confirm that 11:43
11 there's yourself?

12 A. Yeah.

13 326 Q. Mary Tiernan, is that correct?

14 A. Mm-hmm.

15 327 Q. Orla Curran? 11:43

16 A. Yeah.

17 328 Q. Cliona Deeney, Rhona Murphy, Eileen Argue, Celine
18 Sherry and Emer O'Reilly, is that correct?

19 A. That's what it says, yes, that's correct.

20 329 Q. And one person couldn't attend at the meeting, is that 11:43
21 correct?

22 A. Yes, apologies were received.

23 330 Q. So the issue arising at that time in the meeting was
24 Ms. D *"has alleged she has been sexually abused and*
25 *made a statement in relation to same on the 5th* 11:44
26 *December 2006"*, is that correct?

27 A. Yeah. That's what it says, yeah.

28 331 Q. Then the actions agreed were that Rhona Murphy, the
29 last witness, was to refer Ms. D to the CSA team, is

1 that right?

2 A. That's right, yes.

3 332 Q. And a copy of the minutes to Rhona Murphy, is that
4 correct?

5 A. That's correct. 11:44

6 333 Q. And review at the next meeting?

7 A. Yeah.

8 334 Q. Yeah?

9 A. That would be normal, normal practice.

10 335 Q. Okay. Then your name appears as a person who signs the 11:44
11 minutes and the signed copy of those minutes appears at
12 page 182, is that correct?

13 A. Okay, yeah.

14 336 Q. Now, can I take it from that is that no further action
15 was required from you at that meeting, is that correct? 11:44

16 A. No, no, I wouldn't have had any further involvement.

17 337 Q. No. Now you refer to the Garda Notification that was
18 received by your service in January 2007, do you have a
19 specific memory of receiving that?

20 A. Absolutely not, no. No memory of that at all. 11:45

21 338 Q. Okay. That Garda Notification appears at page 207. It
22 will appear in front of you there.

23 A. Okay.

24 339 Q. And it doesn't name anybody as a person against whom
25 allegations had been made, is that correct? 11:45

26 A. That is correct, yeah.

27 340 Q. Yeah. Now at that time what was your standard
28 operating procedures when a referral of this nature was
29 received by the HSE?

1 A. When we received the referral it went to the intake
2 social worker, who opened the file on the basis of that
3 and it was referred to the Child Sexual Abuse
4 Assessment and Treatment Team for follow up.

5 341 Q. Okay. Anything else? 11:46

6 A. No. The file was opened and the file would have been
7 opened in the name of the child, who was the victim or
8 the alleged victim. And the assessments would begin,
9 they would start their assessments which would involve
10 accessing information from other services about the 11:46
11 child, making contact with the relevant agencies and
12 the CSA team would -- normally they saw parents and
13 then they saw the young person and then they would
14 complete a report and it would be sent back then to
15 children's social worker or the child's social worker, 11:46
16 the report would come back and then it would be
17 discussed between the team leader and the social
18 worker, and in this case myself probably, and a
19 decision would be made as to what steps would follow on
20 from there. 11:47

21 342 Q. Okay. Did you ever meet with Ms. D?

22 A. No, I have never -- I never met Ms. D, no.

23 343 Q. Did you ever meet with her parents?

24 A. No. Not in -- I may have met her father in the course
25 of my work, but I don't have a clear memory of so 11:47
26 doing. But not with regard to this, no.

27 344 Q. Did you ever either at that time or later on discuss
28 Ms. D's case with anybody outside of the --

29 A. Outside of the normal, no, no. I would have had no --

1 I'd have absolutely no reason to do so. Unless with
2 regard to the later piece, with Meath.

3 345 Q. Okay. So in December you had decided that she be
4 referred to the team dealing with child sexual
5 assessment team, is that correct? 11:48

6 A. Yeah.

7 346 Q. And thereafter your next documented dealing with this
8 matter would appear to be in April of 2007, is that
9 correct?

10 A. Okay, yes. 11:48

11 347 Q. Now if we could just bring that up, and that's at page
12 257 of the documentation.

13 A. Mm-hmm.

14 348 Q. You will see that there's a "*Date of Meeting*" there on
15 the 24th April 2007 at 2:15pm. Do you have any memory 11:48
16 of that meeting?

17 A. No. I don't. I don't have a memory of the meeting.
18 No.

19 349 Q. From looking at the document, could you maybe put the
20 meeting in context for the Tribunal? 11:48

21 A. Can you move it up a little bit, please?

22 350 Q. Sorry.

23 A. Just for the "*Actions*" part, thank you. Thank you very
24 much. Okay. My understanding -- yes, my understanding
25 from reviewing files and just looking at this is that 11:49
26 at that stage the Child Sexual Abuse and Treatment Team
27 had finished their work with Ms. D. Because from
28 reviewing their file, and I am going from my memory of
29 the file, she attended for possibly two, maybe three

1 appointments and then disengaged, didn't wish to
2 continue to attend. So they possibly had finished
3 their work with her and the DPP had come back with a
4 recommendation for no prosecution. So we would have
5 then been discussing the next steps and I am reading 11:49
6 from this that it was agreed that I would contact a
7 principal social worker in Meath to ask them if they
8 would meet with Sergeant McCabe and inform him of the
9 complaint that we had received and ask the social
10 worker meeting him to ask him if he would consent to 11:50
11 undergo a risk assessment. And just to clarify, I was
12 doing that because Sergeant McCabe were known -- he was
13 known to the team leader and he was known to the social
14 worker involved. Whether or not he was a liaison
15 sergeant, but he certainly was the Sergeant in Charge 11:50
16 of Bailieboro Garda Station, so he would have been the
17 'go to' person if any child protection or welfare
18 concerns had arisen in Bailieboro. Traditionally the
19 Sergeant in Charge in the station was the designated
20 liaison person. 11:50

21 351 Q. Okay. Just in relation to that, did you know
22 Sergeant McCabe at that time?

23 A. I met him perhaps once, maybe twice. I possibly did
24 meet him. In the course of work, it was with regard to
25 other work and it was prior to this now, it would have 11:51
26 been earlier when he took up his duties in Bailieboro.

27 352 Q. Did you know him as 'go to' person in relation to child
28 protection matters?

29 A. Well, he was Sergeant in Charge in the garda station.

1 That was the practice at the time, that if there were
2 issues -- and normal practice was, the Sergeant in
3 Charge was the designated liaison person. So that's my
4 memory of that, of how we worked at that time.

5 353 Q. If we go back to that minute, Ms. O'Reilly -- 11:51
6 A. Yeah.

7 354 Q. -- you will see that the person who seems to be the
8 subject matter of that meeting is Maurice McCabe, you
9 see that?

10 A. It would appear to be, yeah. Yes, I see the name 11:51
11 there. Yeah.

12 355 Q. So would that be any reason for you to remember it in
13 particular considering he was known to you on a
14 professional basis at that time?

15 A. I have tried and no, I'm sorry, I have genuinely tried. 11:52
16 Normally when I see stuff like this memories come back
17 but in this case it hasn't, it hasn't happened.

18 356 Q. Okay. Now at that time, that's 2007 --
19 A. Yeah.

20 357 Q. -- I understand from your statement that the 11:52
21 Cavan/Monaghan Child Protection Department had a
22 guideline on the Management of Child Sexual Abuse
23 Allegations, is that correct?

24 A. That's correct. We were working -- it was a draft, it
25 was our own local draft guideline that we were working 11:52
26 on at the time. And it was in keeping with what was
27 known as the Barr judgment. But our interpretation at
28 that time of Barr was: we applied it when it applied
29 to third parties. If we were moving on to talk to

1 third parties then we had to be sure that we met the
2 person concerned. In this case, I presume because
3 Sergeant McCabe was known to people, he was someone we
4 did business with, we were anxious that he would be
5 aware that the complaint had been received and that he 11:53
6 was made aware of that.

7 358 Q. And I think your guidelines, was at that time -- was
8 there any national policy or guidance available to you
9 in your work?

10 A. No, there was absolutely no national. The only 11:53
11 guideline, national guidelines we worked to was 1999
12 Children's First and they were specifically around
13 children and how we worked with children. The other
14 thing just to note, that this was particularly complex,
15 because this was somebody that most of the people 11:54
16 involved knew. We knew him. So, the guidelines we
17 were working under at the time weren't robust enough I
18 think to deal with this situation; where it's a
19 colleague or a member of staff.

20 359 Q. Yes. Well, I think that's what I was trying to bring 11:54
21 out, Ms. O'Reilly; that in circumstances where you know
22 somebody --

23 A. Yeah.

24 360 Q. -- you might have some memory of the file.

25 A. Mm-hmm. And I don't. It's really bad, but I don't. 11:54

26 361 Q. And you refer to it as being particularly complex
27 because of that --

28 A. Because.

29 362 Q. -- so it might a stand out matter.

1 A. Yeah, and I don't -- I'm sorry, but I don't remember.
2 I have tried.

3 363 Q. Okay. Now in your statement you have set out some of
4 your guidelines on the management and child sexual
5 abuse allegations. 11:55

6 A. Yeah.

7 364 Q. But I think -- and that appears at page 2877 of the
8 documents. And outlined in that is:

9

10 *"In cases where allegations of child sexual abuse have* 11:55
11 *been assessed as credible and further child protection*
12 *steps were deemed necessary."*

13

14 Is the correct?

15 A. That's correct, yeah. 11:55

16 365 Q. So those guidelines only kicked in when an assessment
17 had been made in relation to the allegation?

18 A. Yeah. When we had high level of concern for other
19 children then it was very important that those
20 guidelines would have kicked in. 11:55

21 366 Q. You've mentioned there that they kick in when there's a
22 high level of concern for other children.

23 A. Yeah.

24 367 Q. So the Credibility Assessment, if you could explain to
25 me where that ties in with the high level assessment? 11:55

26 A. In 2007 -- just to point out, credibility assessments
27 had been around from the 80s. They were sort of
28 developed as a way of supporting children who were
29 being making very difficult allegations. And sadly

1 prior to the 80s, I think about '86 or so they were
2 produced as a model of practice. Prior to that
3 unfortunately children weren't really listened to, as
4 we know from all of the reports. And also children,
5 child victims giving evidence in court had a very 11:56
6 difficult time. And that I think was the case until
7 the Law Reform Commission, I think it was 1989 they
8 came up with a report around child victims and how they
9 should be treated by the courts. So credibility
10 assessments arose in that culture and they were used 11:56
11 particularly around children, young children, to
12 support what they were saying and to help social
13 workers make a determination around what the child was
14 saying and how that impacted on the safety of other
15 children. The practice in 2007 with regard to 11:57
16 credibility assessments was that for teenagers,
17 adolescents, we didn't tend to use that model of
18 assessment with adolescents. And certainly it wasn't
19 advised -- and this was based on national and
20 international practice, it wasn't advised to put a 11:57
21 young person through a Credibility Assessment who had
22 made a statement of complaint as well.

23
24 So this particular case, my understanding from
25 reviewing the file is that the team, the assessment and 11:57
26 treatment team, they went for a screening interviews
27 and a review of treatment needs with regard to -- and
28 very often what you did, particularly with adolescents
29 at that time, they made what we call tentative

1 disclosures. So it was quite usual that they would put
2 something out there, and then in your work you would be
3 working in the hope that maybe if they had more
4 difficult stuff that that would come. And that was the
5 approach and that would have been the thinking around 11:58
6 then, particularly with regard to teenagers.

7 368 Q. Has that changed since?

8 A. I don't know, I have been seven years, so I don't what
9 happens now.

10 369 Q. Had it changed before you left the service or at the 11:58
11 time you left the service?

12 A. Not really, no. No. We still, it was still very much
13 on children, younger children. It was difficult to
14 credibility assessments on adolescents.

15 370 Q. So in relation to Ms. D's allegation, what can you say 11:58
16 about a Credibility Assessment in relation to that?

17 A. I think the team made a decision not to undergo a
18 Credibility Assessment of Ms. D because it was in
19 keeping with practice at that time. In that, they had
20 her statement, they went through her statement with 11:59

21 her. They would have done that in a kind of
22 therapeutic way in the hope that if she had some more
23 information she wished to say that that would be an
24 opportunity for her to say it. My understanding from
25 the file is that she -- the other part of course, we 11:59
26 were a childcare service and we were concerned for her
27 welfare as well. So I think they did psychometric
28 tests around her mental health and her wellbeing and
29 where she was at, and then they would have gone through

1 the statement with her. And then there would have been
2 follow up appointments offered, but I think she
3 declined and I don't think her -- her parents were
4 happy enough that she decided not to come, to come
5 back. 12:00

6 371 Q. So no --

7 A. So at the end of the day, no, what is -- I think what
8 people refer to now as credibility assessments I don't
9 think that actually was done.

10 372 Q. Okay. Now in your statement you go on to explain 12:00
11 that -- and this is with reference to your own
12 guidelines and the management of child sexual abuse
13 allegations.

14 A. Yeah.

15 373 Q. That in cases where allegations of child sexual abuse 12:00
16 had been assessed as credible --

17 A. Yeah.

18 374 Q. -- and further child protection steps were deemed
19 necessary a certain procedure would have to be
20 followed? 12:00

21 A. They would have to go into place, yeah.

22 375 Q. Okay.

23 A. Yeah.

24 376 Q. If you could just outline to the Tribunal what
25 procedure would follow if an assessment, if an 12:00
26 allegation was deemed as credible?

27 A. The person against whom the allegation was made was
28 invited to a meeting. And that would be the intake
29 social worker, would write out, invite them to come in

1 to discuss a matter of serious concern. And they were
2 given -- at the meeting they were given a written
3 summary of what the concerns were, they were afforded
4 the opportunity to respond at the meeting, and they
5 were told that other relevant parties would be notified 12:01
6 of the concern and they could be partners, their
7 employers, whoever. And a file then was created and
8 then we would create a file on any child where concerns
9 existed, pertaining to their contact with the alleged
10 perpetrator. 12:01

11 377 Q. But in this case that procedure didn't have to be
12 followed --

13 A. No.

14 378 Q. -- am I correct in saying that?

15 A. No, it wasn't followed because, my memory is -- and I 12:01
16 reviewed the statement of the team leader last night,
17 and she is saying that we did discuss whether or not
18 this reached a threshold for us as, that is the child
19 protection team, to actually activate a full child
20 protection assessment. And I think we did agree that 12:02
21 that wasn't the step to take at this time. At that
22 time.

23 379 Q. Maybe in furtherance of your own guidelines it would
24 have been, because there was no Credibility Assessment.

25 A. Basically, the DPP had recommended no prosecution, 12:02
26 there was no Credibility Assessment, the girl had
27 disengaged from our services, and the incident she
28 referred to was retrospective. It had happened six or
29 seven years prior to that. There were no other

1 concerns identified by any party. We got no further
2 notifications, so we wouldn't have necessarily
3 proceeded.

4 380 Q. Okay. So do I take it from that, that the matter was
5 at an end as far as the HSE were concerned? 12:02

6 A. That was, but the outstanding piece which I saw when I
7 was reviewing the files, I have to reference that
8 letter about contacting Meath, and I have a vague
9 memory of contacting Meath, and Meath said no, they
10 would not be involved in this unless they asked for 12:03
11 further assessments and they said no, they wouldn't be
12 involved. Now the team, again from reviewing the other
13 statements it appears that I did have conversations
14 with the team leader about Meath and Meath's role.

15 381 Q. Okay. Well, maybe if I can take it step-by-step and 12:03
16 first of all go to the meeting of the 24th April 2007,
17 that minute that you were just looking at.

18 A. Yeah.

19 382 Q. Maybe if you could explain to me why if the allegation 12:03
20 hadn't been assessed as credible, and therefore as I
21 understand it that was the end of the matter in your
22 policy at that time, why you then decided to make
23 contact with Mr. McCabe?

24 A. The reason was because Sergeant McCabe was known to all
25 of the team. So it was in terms of people meeting with 12:04
26 Sergeant McCabe and being aware that this -- that we
27 were aware, and it was because we knew him that we
28 wanted him informed that we had received a complaint.
29 Now, I am going from my file reviews and other

1 statements and memory on that one.

2 383 Q. Was it more of a courtesy than following a particular
3 procedure?

4 A. It was. It was, yeah, yeah.

5 384 Q. Do you have an actual memory of that? 12:04

6 A. No, I don't. But from reviewing the statement, the
7 team leader's statement I do remember we discussing it.
8 From -- it came back in that sense.

9 385 Q. That may be your memory of the matter, but if I can
10 just go through the actions agreed. 12:05

11 A. Okay.

12 386 Q. First of all, you were to contact Catherine Sweeney who
13 was a social worker in Meath. So she was an
14 experienced professional person, is that correct?

15 A. That's correct. She was my colleague in Meath. 12:05

16 387 Q. Yeah. And to ask her to nominate a member of the team
17 to deal with Mr. McCabe --

18 A. Yes.

19 388 Q. -- is that correct?

20 A. That is correct. 12:05

21 389 Q. So why, if you are saying now that you were contacting
22 Sergeant McCabe as a matter of courtesy, why would it
23 be necessary to contact somebody in Meath to do that
24 who is a professional person, a social worker? I don't
25 know if you are able to assist the Tribunal in that 12:05
26 regard.

27 A. I can't. I'm sorry. I can't. Because I don't have
28 clear enough recall. And I would be speculating if I
29 were going to come up with an answer there.

1 390 Q. And the next action set out is that a social worker was
2 to offer Mr. McCabe a risk assessment --

3 A. Yeah.

4 391 Q. -- and to inform him that the HSE are aware of the
5 allegation against him. 12:06

6 A. Yeah, yeah.

7 392 Q. So, you understand if a risk assessment is to be given
8 to Sergeant McCabe it isn't entirely consistent with
9 you telling him as a matter of courtesy that you were
10 aware of an allegation made against him? 12:06

11 A. I suppose just to clarify what we meant in 2007 by risk
12 assessment, that was something that was offered to
13 people, to all people we met under this procedure. It
14 was entirely voluntary. Sometimes people took it up
15 because they were happy to take it up, but it was a 12:06
16 service we had and it was a service we would be
17 offering. It was not suggesting in any way that there
18 was a concern with regard to the person it was being
19 offered to. It was a service available and some people
20 used it and some people didn't. 12:07

21 **CHAIRMAN:** Sorry, could I intervene just there?

22 **MS. LEADER:** Yes.

23 **CHAIRMAN:** It's kind of hard to imagine that as a
24 service, if you ring somebody up and say 'we'd like to
25 assess you as to whether you are at risk of sexually 12:07
26 abusing children'.

27 A. No.

28 **CHAIRMAN:** I mean, it's not exactly the most cheerful
29 phone call one would get.

1 A. No. We usually did it, it was usually discussed in a
2 meeting with the person and we would say 'Look, you
3 know, I understand your position, but there is a
4 service available if you would like to avail of it' and
5 it is a service available through the psychology 12:07
6 department. People did use it. It was taken up by
7 people at times.

8 **CHAIRMAN:** But there are obviously -- there are lots of
9 different contexts.

10 A. There are lots of different contexts. 12:08

11 **CHAIRMAN:** Including, for instance, the risk of losing
12 your children.

13 A. Well, of course the ultimate piece of that would be,
14 yeah. But I mean we had people who are now adults who
15 perhaps had engaged in peer-on-peer abuse, where this 12:08
16 had come back up again and they would avail and avail
17 of the risk assessment in terms of -- it was a service.

18 393 Q. **MS. LEADER:** And also the final action that was agreed
19 was "*Contact the Gardaí re current address of*
20 *Mr. McCabe*", have you any memory of doing that? 12:08

21 A. I've no memory of that, no. I have no memory of that,
22 no, at all at all.

23 394 Q. But it might be -- you knew where to find him, isn't
24 that right?

25 A. Probably, yeah. 12:08

26 395 Q. It was easy.

27 A. Yeah. People would have known where to find him.

28 396 Q. Yes. Now if I can just turn to the -- in relation to
29 that minute, it refers to Mr. McCabe, do you know was a

1 file opened for Mr. McCabe at that stage?
2 A. No, no. No, there was no file open.
3 397 Q. Have you checked that?
4 A. I have checked that, yes. I have checked that.
5 398 Q. On the system? 12:09
6 A. Yeah, on the system, yeah.
7 399 Q. Okay. So that meeting, the minutes of that meeting,
8 were where they placed? On what file were they placed?
9 A. They would probably have been placed on Ms. D's file.
10 400 Q. Ms. D's file? 12:09
11 A. Yeah. Because that was the only file that was open.
12 401 Q. Okay. And what about the minutes that we referred to
13 earlier on in the morning?
14 A. Yeah. They would have been on Ms. D's, yeah.
15 402 Q. Okay. And was there any other file that they were put 12:09
16 on, do you think?
17 A. No. As far as I am aware, to the best of my knowledge,
18 there was two files, one was Ms. D's social work file,
19 the other is Ms. D's CSA team's file, those were the
20 two. 12:10
21 403 Q. So if we could turn to the letter of the 10th October,
22 which is at page 258 of the materials. Is that in
23 front of you?
24 A. I see it, yes. I see it.
25 404 Q. So Rhona Murphy is writing to you on the 10th October 12:10
26 2007, you see that? And she is telling you that she
27 has closed Ms. D's file who made an allegation against
28 Sergeant McCabe. And then she draws your attention to
29 the fact that *"Mr. McCabe has not been met by the*

1 *social work department as per the procedures in cases*
2 *of alleged sexual abuse".* You see that?

3 A. Yeah.

4 405 Q. So can you explain to the Tribunal what procedures she
5 is referring to there? 12:10

6 A. The ones she was referring to were the draft procedures
7 that they were working on at the time, within our own
8 department.

9 406 Q. And those draft procedures you explained to us earlier
10 on -- 12:11

11 A. Yes.

12 407 Q. -- kicked in if something --

13 A. If we were moving into child protection assessment,
14 full child protection assessment.

15 408 Q. And she asks that the matter be dealt with as soon as 12:11
16 possible. Did you do anything on foot of that letter?

17 A. I have, I have to say, no memory whatsoever of
18 receiving that letter, nor can I find it in any of
19 my -- my copy in any of the documents. Because my
20 normal practice would be I would write something on the 12:11
21 letter and return it for the file. Because in my role
22 I wouldn't hold on to any kind of clinical paperwork.
23 And I have no memory. I have no memory of receiving
24 this letter. None.

25 409 Q. But it would seem curious that she's referring to 12:11
26 talking, meeting Sergeant McCabe in the context of
27 procedures when your evidence would seem to suggest
28 that the procedures didn't apply to him because the
29 allegation hadn't been assessed as credible?

1 A. I can't, I can't comment on that. I have no memory. I
2 can't remember this letter. I'm sorry, but I just
3 can't.

4 410 Q. There's nothing in the documentation made available to
5 the Tribunal that you contacted Ms. Murphy in order 12:12
6 either to --

7 A. Discuss.

8 411 Q. -- clarify what she was talking about or move the
9 matter along and speak to Sergeant McCabe.

10 A. No, there isn't, and normally I mean I would have had 12:12
11 at least a conversation or, as I say, my normal
12 practice was I would write an instruction, sign it and
13 date it and send it back. But I have no memory of this
14 letter, nor can I find the copy that I received. So I
15 can't comment on it. I'm sorry. 12:12

16 412 Q. And I think you may have referred earlier on this
17 morning to the statement of Ms. Tiernan who -- which
18 appears starting at page 2598 of the materials. Are
19 you familiar with that statement?

20 A. I saw it last night. 12:13

21 413 Q. Yes.

22 A. Yeah. I saw it last night, so --

23 414 Q. Okay. She refers to you in that statement, isn't that
24 correct?

25 A. She does. 12:13

26 415 Q. And if can he could just turn to page 2600 of the
27 materials at paragraph 28 of Ms. Tiernan's statement.
28 She says that she recalls after the meeting of the 24th
29 April 2007 that she discussed with you on one or two

1 occasions the outcome of her request to her colleague
2 in Meath. So that would seem to suggest to me that you
3 actually spoke to somebody in Meath in relation to the
4 matter. Can you help the Tribunal in any way?

5 A. I'm sorry, I can't remember. I really can't. I've no 12:14
6 memory of it. I saw it last night in this, so it does
7 suggest that I did follow up with Meath and that Meath
8 were not -- they were not happy to become involved.

9 416 Q. Do you know who was working in Meath at the time? Do
10 you know any of your colleagues in Meath that you would 12:14
11 have --

12 A. Yeah, Catherine McGlone was the principal -- or
13 Catherine Sweeney was the principal and there was
14 another principal there, Catherine McGlone.

15 **CHAIRMAN:** I may have taken you up wrong but I 12:14
16 understood you recalling talking to Meath --

17 A. Vaguely.

18 **CHAIRMAN:** -- earlier on your in your evidence.

19 A. Yeah, vaguely. But when I look at this I don't
20 remember discussing it with Mary Tiernan. So I have a 12:14
21 vague memory of the meeting but I don't remember with
22 whom and I don't remember these discussions.

23 417 Q. **MS. LEADER:** And then Ms. Tiernan says that she was
24 informed by you that on approaching the principal
25 social worker in Meath it had not been agreed to follow 12:15
26 up as requested. She can't remember when that
27 discussion took place but she believes it would have
28 been during 2007.

29 A. Yeah.

1 418 Q. *"My recollection is that in discussing with*
2 *Ms. O'Reilly any further follow up she might have been*
3 *contemplating my focus would have remained on*
4 *maintaining the position that it would not be*
5 *appropriate to follow up by any social worker from our* 12:15
6 *department and confirming that she would have been*
7 *aware that no file had been created in relation to*
8 *Mr. McCabe or his family."*

9
10 Do you have any memory of that? 12:15

11 A. No. I'm sorry, I don't recall.

12 419 Q. Then she says:

13
14 *"Given the specific content of the allegation made by*
15 *Ms. D to her parents and the garda investigators* 12:16
16 *initially repeated to Ms. Emer O'Neill and Ms. Orla*
17 *Curran, I believe we both considered it was unlikely*
18 *that considered analysis of the case would be likely to*
19 *conclude that the threshold had been reached to support*
20 *substantial further involvement after informing* 12:16
21 *Mr. McCabe of the report."*

22
23 So do you have any memory of that?

24 A. No, I'm sorry, I don't.

25 420 Q. I don't know if you are able to assist the Tribunal in 12:16
26 relation to the word "threshold" there, what threshold
27 would had to have been reached do you know?

28 A. No. I don't know. I actually don't know what she was
29 referring to.

1 421 Q. Then she also refers to informing Mr. McCabe of the
2 report?
3 A. Yeah.
4 422 Q. Did you do that?
5 A. No. I did not do that, no. 12:16
6 423 Q. And nobody in Meath was going to do it?
7 A. I vaguely remember making contact with Meath and when I
8 am reading this it appears that I did and that they
9 refused to do it. But I don't have a memory of these
10 discussions: It's unusual. 12:17
11 424 Q. Then she says:
12
13 *"I would have also been aware that Ms. D and her*
14 *parents were very clear that she did not wish to engage*
15 *further with the CSA team at that time as noted in the* 12:17
16 *records kept by Ms. Curran and Ms. O'Neill."*
17
18 Were you aware of that?
19 A. Yes. From reviewing the earlier files, the clinical
20 files I am aware of that, yeah. 12:17
21 425 Q. *"However, I did not discuss the case formally in*
22 *supervision with Ms. O'Reilly and I do not believe I*
23 *raised it with her informally after this."*
24
25 Do you think that's -- do you have any -- 12:17
26 A. I have no record of this being discussed in supervision
27 with Mary.
28 426 Q. So essentially in relation to the Ms. D allegation made
29 against Sergeant McCabe, you left the file incompletd

1 from one view of the records insofar as you were to
2 contact somebody and make sure Sergeant McCabe was
3 contacted?

4 A. That would appear to be the case, yeah.

5 427 Q. And do you have any explanation as to why that 12:18
6 happened?

7 A. My role was changing at that time, and I was moving
8 much more into sort of financial management and budget
9 issues were starting to emerge. So it possibly fell
10 off the radar, it just wasn't -- and if Meath weren't 12:18
11 prepared to follow up, there were very few other areas
12 one could go to. There wasn't really -- I know at the
13 time Meath had, they had a CSA team up and running and
14 they were part of our Health Board. The two units in
15 Dublin, they were refusing to take cases from outside 12:19
16 of the area, so it possibly just didn't happen, that's
17 the reality.

18 428 Q. You were the person accountable for that section --

19 A. I was.

20 429 Q. -- of the HSE at that time? 12:19

21 A. Yeah.

22 430 Q. So, would this kind of situation have been usual at
23 that time; that tasks on files were left unattended to?

24 A. I was the person accountable because of who
25 Sergeant McCabe was, because the other people involved 12:19
26 knew him so they were not comfortable in dealing with
27 it.

28 431 Q. Yes.

29 A. Tasks of this kind, it's not unusual that they might

1 not have been completed. That wouldn't have been
2 unusual. My understanding is that, I don't think
3 Mr. McCabe has been met even yet with regard to it. So
4 that wouldn't be unusual.

5 432 Q. And it's not something that caused you concern at that 12:20
6 time, is that correct?

7 A. At that time, my concern is the letter and that
8 normally, I would normally have responded quite
9 strongly to a letter like that, that would be the
10 normal. 12:20

11 433 Q. Is it fair to say from all of that, that you were happy
12 that there was no risk to children at that time?

13 A. At that time that was the decision we made, yes.

14 434 Q. Do you think you made a decision to that effect?

15 A. Well, Mary Tiernan and myself, the team leader and 12:20
16 myself, made a decision, from what she is saying in
17 this there would be a discussion around it.

18 435 Q. And I suppose it is fair to say that anybody else who
19 looked at the file, that a file that was closed in
20 those circumstances would draw the same conclusion that 12:20
21 there was no risk to children at that time?

22 A. That may well be, yeah. I think, yeah, that's quite
23 possible, yeah.

24 436 Q. And were you happy that that is the conclusion anybody
25 might draw from the file at that time? 12:21

26 A. I can't speculate on what someone else is going to
27 conclude from a file. I wouldn't be prepared to do
28 that.

29 437 Q. Just a few more questions I want to ask you in

1 conclusion. Did you discuss Sergeant McCabe and the
2 allegations by Ms. D against him with anybody outside
3 of the HSE?

4 A. No, no. No, no.

5 438 Q. Are you sure? 12:21

6 A. I'm sure. I would have -- yeah, I wouldn't have had
7 any reason to. No.

8 439 Q. And you think you may have discussed them with somebody
9 in Meath, is that correct?

10 A. Yeah, but it would have been -- it would have been a 12:21
11 preliminary phone call around a complex case and if
12 they had affirmed that they would assist us then we
13 would get into forwarding on paper and documentation.
14 But we didn't, I wouldn't -- it would be very much
15 around how we managed complex cases. 12:22

16 440 Q. Have you discussed the matter with any members of your
17 family or any of your friends or anybody of your social
18 acquaintances?

19 A. Not really. No, no. No.

20 441 Q. Are you happy that that's correct? 12:22

21 A. I am, yeah. I am happy, yeah, yeah.

22 442 Q. And in relation to any members of An Garda Síochána, do
23 you know any members of An Garda Síochána or have you
24 any personal connections with members of An Garda
25 Síochána? 12:22

26 A. I have no personal connection, but I do know a lot of
27 Gardaí and I would have known down through my work,
28 down through the years and I still would have to work
29 very closely with the Gardaí in my current role.

1 443 Q. And your current role is?
2 A. I am a principal social worker in primary care with
3 older people and vulnerable adults. So, it would be
4 part of my role.
5 444 Q. Have you discussed the allegations made by Ms. D in 12:23
6 relation to Sergeant McCabe with any of those Gardaí
7 that you may come across?
8 A. No, no, absolutely no. No, no.
9 445 Q. Thank you very much. If you would answer any questions
10 anybody else might have for you. 12:23
11 A. Okay.
12
13 **MR. McDOWELL:** I have no questions, Chairman.
14
15 **MS. O'REILLY WAS CROSS-EXAMINED BY MR. DIGNAM:** 12:23
16 446 Q. **MR. DIGNAM:** Chairman, I just have one question. You
17 mentioned there in response to Ms. Leader's question
18 had you discussed this with any members of your family
19 or social acquaintances and your answer was "*No, not*
20 *really*", could you expand on that please? 12:23
21 A. Sorry, I should have said no. No, sorry.
22 447 Q. Thank you.
23
24 **MR. CUSH:** I have no questions.
25 **CHAIRMAN:** Thank you. 12:23
26 **MS. LEADER:** Thank you.
27 A. Thank you Chairman.
28
29 **THE WITNESS THEN WITHDREW**

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MR. MCGUINNESS: Sir, the next witness is Ms. Laura Brophy, and I see it's almost 12:25, I had understood you were going to rise for lunch break at 12:30, is that correct?

12:24

CHAIRMAN: We will rise for a lunch break now and we will come back at half past one. Thanks.

THE HEARING THEN ADJOURNED FOR LUNCH

1 **THE HEARING CONTINUED AFTER LUNCH AS FOLLOWS:**

2

3 **MR. MCGUINNESS:** Good afternoon, sir. The first
4 witness in the afternoon is Ms. Laura Brophy, and for
5 the benefit of my friends, her evidence and the 13:30
6 document relating to her are found principally in
7 volume 3, pages 896 to 1015.

8

9 **MS. LAURA BROPHY, HAVING BEEN SWORN, WAS DIRECTLY**
10 **EXAMINED BY MR. MCGUINNESS** 13:30

11

12 448 Q. **MS. MCGUINNESS:** Ms. Brophy, I wonder could you just
13 tell the tribunal about your background and
14 qualifications first?

15 A. Of course. So I am a counselling psychologist. I did 13:31
16 an undergraduate Bachelor of Arts in psychology and
17 psychoanalysis which I finished in 2003. I
18 subsequently went on to do a Masters in counselling
19 psychology in Trinity College, which I completed in
20 2007. And then I began working with the HSE as a 13:32
21 sessional counsellor therapist in 2007, 2008. It was
22 January 2008 I think.

23 449 Q. I think you became a chartered psychologist?

24 A. That's right, sorry, I also -- I am a member of the
25 Psychology Society of Ireland. So I have been a member 13:32
26 since I was doing my undergraduate, but I became a
27 chartered member in approximately 2012.

28 450 Q. And have you been working with the Health Service
29 Executive essentially since 2008?

1 A. That's correct.

2 451 Q. And are still so employed?

3 A. Exactly.

4 452 Q. And I think you commenced the sessional counselling in
5 the Primary Care Counselling Pilot GP Project -- 13:32

6 A. That's right.

7 453 Q. -- first?

8 A. Yes.

9 454 Q. And then you began your contract with Rian National
10 Counselling Service? 13:32

11 A. Yes, in July 2012 as a permanent member of staff.

12 455 Q. And just so I am clear, the HSE runs the National
13 Counselling Service?

14 A. That's right.

15 456 Q. And Rian counselling service is part of that? 13:33

16 A. That's right.

17 457 Q. And does it deal with a specific geographic area
18 involving a number of counties?

19 A. It does indeed, yes.

20 458 Q. And I think you have been based in the Cavan/Monaghan
21 area -- 13:33

22 A. Yes.

23 459 Q. -- in terms of your practice, isn't that right?

24 A. That's correct.

25 460 Q. I think you are primarily based at Town Hall Street in
26 Cavan? 13:33

27 A. That's right, that is my base.

28 461 Q. And we have seen a number of other addresses for the
29 Rian Counselling Service, including a place called Brew

1 Hill in Navan.

2 A. In Navan.

3 462 Q. Is there a headquarters for the service?

4 A. Yes, that would be the main base in the northeast,
5 would be Navan, the Navan office. 13:33

6 463 Q. And can I ask you, what does your work for Rian
7 counselling service involve?

8 A. So I work with adults who have been referred in and
9 they generally meet the criteria of having experienced
10 some form of childhood abuse. So that could be 13:34
11 anything from physical abuse, sexual abuse, neglect or
12 psychological abuse.

13 464 Q. And how many referrals get to you?

14 A. I couldn't tell you exact numbers now and how many
15 referrals there are per unit. 13:34

16 465 Q. But methods?

17 A. Oh, sorry, how do they get -- right, they can be
18 self-referred. So, people can call in the service and
19 refer themselves in, or their GPs might give them a
20 referral or adult mental health may refer them in or a 13:34
21 family member.

22 466 Q. Yes. Okay. And how many clients would you see per
23 week?

24 A. I would do generally a maximum of 16 hours, 16 client
25 contact hours per week. 13:34

26 467 Q. And what is involved in that, in a general way?

27 A. In a general way I would have appointments. So I would
28 see initial assessments, they are usually a little bit
29 longer, they are an hour-and-a-half. So that is to

1 assess clients', I suppose, suitability for the service
2 or our suitability for them to meet their needs. When
3 the client is given an ongoing counselling place they
4 would attend me regularly, usually on a weekly or
5 bi-weekly basis for an hour a week or per session. And 13:35
6 I suppose the client contracts can vary in length from
7 maybe a couple of sessions up to maybe four or five,
8 six sessions, right up to maybe 30 or 40 sessions
9 average.

10 468 Q. Right. And how is that determined? Is that determined 13:35
11 by you or by the client or --

12 A. It would be determined collaboratively between myself
13 and client, so depending on the client's needs.

14 469 Q. Can you just perhaps explain the system of supervision 13:35
15 for your work?

16 A. Right. I would have several types of supervision, so
17 both in line with HSE guidelines and also with my own
18 professional ethics, the PSI. So I have, my direct
19 line manager would be my main supervisor, so that would
20 be Fiona Ward and has been since I was permanently 13:36
21 employed by Rian. So I would meet with her once a
22 month approximately to discuss case management, any
23 kind of clinical issues. She would be aware of all my
24 clients currently ongoing and waiting. I would also
25 meet with a personal supervisor, that is an external 13:36
26 supervisor. So, an independent person that is approved
27 by the HSE to meet with me, typically bi-weekly, again
28 for an hour. And that would be more process related,
29 more mentoring, I suppose to discuss cases without

1 identifying clients, and to monitor I suppose my own
2 practice.

3 470 Q. Yes.

4 A. And then I would have peer supervision. So, I would
5 meet with colleagues within the HSE, within Rian 13:36
6 Counselling Service. We are divided into groups
7 because there is a number of us. So I would meet with
8 them approximately every six weeks and we would meet to
9 discuss in more general terms I suppose clinical issues
10 that arise in the course of our work, and I suppose -- 13:37

11 471 Q. Yes. And just to go back to the first type of
12 supervision with your line manager, that is Ms. Fiona
13 Ward?

14 A. That is Ms. Fiona Ward.

15 472 Q. She was the line manager at the time we are concerned 13:37
16 with first in 2013 and also in 2014?

17 A. Yes, that's correct.

18 473 Q. And can I ask you, where was she based physically as it
19 were?

20 A. Well, Fiona would generally be based -- she is based in 13:37
21 a number of locations, but Navan would be the main
22 base --

23 474 Q. Yes.

24 A. -- to the best of my knowledge at that time.

25 475 Q. And in terms of the supervision involved there, could 13:37
26 you describe that in more detail? would she have
27 access to all of your files, your case notes, etcetera?

28 A. She could at any time audit my files or case notes.
29 However, I would generally bring -- you know, she

1 would -- when I met her for supervision, it would be in
2 Navan or be in my Cavan office and we would go through
3 issues that were -- So I would tell her about ongoing
4 clients. She would be aware of list of clients that I
5 had at that time. So any clients I would introduce 13:38
6 them, what the basic presenting issues were, how I was
7 getting on... Any child protection issues would always
8 be brought to Fiona, she would be aware of those. So I
9 would be telling her about the clients.

10 476 Q. Would she know the identity of your client list? 13:38
11 A. She would.

12 477 Q. And is she the only supervisor who would know that?
13 A. Yes.

14 478 Q. And does anyone else have or had at that time any
15 access to or knowledge of your client list? 13:38
16 A. Well, I suppose the administrative staff within the
17 service would be aware of all clients referred into the
18 service. So there would be a log of that.

19 479 Q. And the 16 hours of counselling per week, is that
20 regarded as the optimum number of client hours? 13:38
21 A. Ideally, given the type of work that we do. So, it's
22 recommended that you would see between 16 and 20, but
23 ideally it would be approximately 16 hours a week. The
24 average.

25 480 Q. Now, when a referral comes in to you, is there a paper 13:39
26 file created in the office --
27 A. There is.

28 481 Q. -- in Cavan?
29 A. Yes.

1 482 Q. In the Town Hall?
2 A. Mm-hmm. Now just to clarify that, if our
3 administrative support isn't available in Cavan, as
4 they work part-time, a call can sometimes be redirected
5 into the Navan Head Office and so the administrative 13:39
6 staff there would begin to open the file and then that
7 would be brought to Cavan or sent to us.
8 483 Q. Now. We have seen reference in a document that we will
9 come to, to a Mr. Brian Ryle?
10 A. Right, exactly. That is a case in point. 13:39
11 484 Q. And he is based in Navan, is that correct?
12 A. Mm-hmm, yes.
13 485 Q. So if he was the contact point for Ms. D in this case,
14 would it follow that she had been, as it were,
15 transferred onto the Navan office? 13:40
16 A. Possibly, yes. In that case I can only assume that
17 that was the situation.
18 486 Q. And was that the point of referral in this case for
19 Ms. D?
20 A. Yes, that is my belief. 13:40
21 487 Q. Now, obviously you know the identity of Ms. D, you
22 consulted with her and counselled her and you
23 understand that for the purpose of the tribunal at
24 present we are not identifying Ms. D.
25 A. Yes. 13:40
26 488 Q. And can I take it that Ms. Ward, your supervisor, would
27 have known of her identity at the time?
28 A. Yes, that's correct.
29 489 Q. Now, how would a client and how did Ms. D in fact get

1 referred to the service, to your knowledge?

2 A. To my knowledge, Ms. D was a self-referral, which means
3 that she contacted the service directly herself and
4 would have requested to engage with the service.

5 490 Q. All right. And to the best of your recollection, were 13:40
6 you the direct point of contact or not?

7 A. No. Initially that, as you mentioned there, Mr. Brian
8 Ryle would have taken possibly the phone call and taken
9 the initial name and address and opened what we call
10 the blue form referred to in my statement. And at that 13:41
11 point the form would have been sent on to our Cavan
12 office whereupon our administrative support would have
13 opened an official file and arranged for an
14 appointment, an assessment appointment with Ms. D.

15 491 Q. Yes. Now, could I refer you to a document at page 933 13:41
16 of the book of documents, and I hope it's coming on
17 screen there.

18 A. Yes. That is our -- yes.

19 492 Q. Could you just identify this document for us?

20 A. That is the logbook that we keep in the Cavan office 13:41
21 where we take -- So, Pauline will input any new
22 referrals that come into our office into the
23 Cavan/Monaghan region. And so, she's taken a note of
24 the client's name, the date of referral, the type of
25 referral. And then subsequent to that it's a working 13:42
26 document, if you like. So, as soon as they are offered
27 an initial assessment, the initial assessment date is
28 put in there and then whether the person attended or
29 not and whether they proceeded to be put on a waiting

1 list or else if they are suitable to the discharged.

2 493 Q. And was this completed by you or is that by another
3 member of staff?

4 A. No, that would be generally completed by Pauline
5 Johnson. 13:42

6 494 Q. Pauline Johnson?

7 A. That's right. The administrative support in Cavan.

8 495 Q. Does it relate to an appointment or appointments with
9 you?

10 A. It does. So, as you can see there, sorry, the "IA" 13:42
11 date is short-term -- sorry, it's for initial
12 assessment date. So Wednesday the 24th of July 2013 at
13 9:45. And I have ticked it there and signed it --
14 well, I don't know actually if I signed it or if
15 Pauline put my name there, but it would say -- that 13:43
16 means that the client met with me at that time.

17 496 Q. Yes. But is there another date on the left-hand side
18 of that?

19 A. Yes, that is the referral date. So that would have
20 been the date that the client would have referred into 13:43
21 the service, so the date they made the phone call and
22 were accepted as a new referral.

23 497 Q. Okay. Now, could you just explain then, obviously
24 assuming an appointment is kept and the client attends,
25 did you open the file then in the matter? 13:43

26 A. No, the file is opened by the administrative support
27 staff. So the general templates that I would need to
28 complete an assessment are put in. So the initial
29 assessment form, the confidentiality and counselling

1 policy, information for clients, that kind of thing,
2 that will all put in -- and client note-paper, headed
3 note-paper would be put in. And then I would be given
4 the file when the assessment has been arranged to
5 proceed with the assessment. 13:44

6 498 Q. Okay. So, you don't obviously, therefore, take the
7 initial appointment when the referral is made?

8 A. No.

9 499 Q. And you don't then enter it onto the system, as it
10 were? 13:44

11 A. No.

12 500 Q. Can I ask you to look at document 934?

13 A. Mm-hmm.

14 501 Q. Could I just ask you to explain what that document is?

15 A. So that is, again that is used by the admin support, 13:44
16 and it is the file checklist. So once a file is
17 opened, so Pauline would put this in - I am assuming
18 Pauline put this in - to the start of the file and so
19 as you can see at the top the referral, so she will put
20 in -- the client is allocated a case number. So, she 13:44
21 was referred in 2013 and her case number is 3000. And
22 then Pauline will enter in whether she logged it on the
23 database. So we have an internal database, so the
24 client information is input by the administrative staff
25 into that. 13:45

26 502 Q. Could I just ask you particularly about that? I see
27 that seems to be dated "*Logged on database 18/7/13*"?

28 A. Oh, that's right. I am sorry.

29 503 Q. And then, there are initials there, it would appear, in

1 brackets "(SS)"?

2 A. Yeah. Sorry, that means it would have been Shirley
3 Smith, who is the administrative support in Navan, that
4 logged it on the database initially.

5 504 Q. And when you are talking about a database, are you 13:45
6 talking about an electronic database?

7 A. Yes.

8 505 Q. And what is put on the database at that point?

9 A. I suppose, from what I know, the clients -- we don't
10 have access to the database, I suppose, as a counsellor 13:45
11 therapist, it's important to point that out. So, to my
12 knowledge the client's name is put in, the date of
13 birth, there's coded systems for whether the client is
14 self-referred or referred by an agency.

15 506 Q. Yes. 13:45

16 A. The client will have been asked are they -- you know,
17 they will be told the remit of the service, that it is
18 for adult survivors of childhood abuse and they will be
19 asked if they meet that criteria. That will also be
20 put in, in code. And as far as I know it's again a 13:46
21 working -- as the client progresses through the
22 service. So, whether they attend for assessment that
23 is entered in, whether they attended, the date they
24 attended, the date they finished.

25 507 Q. Does it record all the significant steps and the dates 13:46
26 of them?

27 A. That is my belief, yes.

28 508 Q. But does it record the content, for example, of
29 counselling sessions?

1 A. No.

2 509 Q. You don't upload your notes to the database?

3 A. No.

4 510 Q. Or any reports?

5 A. No, no, no, not to the database, no. 13:46

6 511 Q. Now, it's got a tick there in the second box, "*blue*
7 *form updated*", is that a standard blank form that is
8 used?

9 A. Yes. Again by admin staff generally. So it's an
10 intake form. So, when an admin support staff gets a 13:46
11 phone call or a referral in usually they would fill out
12 this blue form first. So, they would take the date of
13 referral, a code -- they would take the name and
14 address of the client, their region, and ask them a few
15 kind of very basic general questions to see if they are 13:47
16 suitable for referral.

17 512 Q. Yes. Now, at the bottom there is a box marked
18 "*discharge*" in the left-hand column and three boxes
19 ticked there, one is "*blue form updated*" and one is
20 "*database updated*" and the other is "*CORE updated*"? 13:47

21 A. Yes.

22 513 Q. And then there is a handwritten date on the far
23 right-hand column, 25/5/14?

24 A. Yes.

25 514 Q. Now, can you say whose initial that is? 13:47

26 A. I can't actually make out whose initial that is. I can
27 only --

28 515 Q. I think, as we will hear later, Ms. D was discharged
29 from the service --

1 A. She was, yes.

2 516 Q. -- in circumstances where she had moved away from the
3 area and went to a different area.

4 A. That's right, she was transferred to a different
5 service. 13:48

6 517 Q. Not identifying -- in the southeast of the country.

7 A. Yeah.

8 518 Q. But in terms of what is required to be updated, in what
9 way does the blue form require to be updated on a
10 discharge of a client? 13:48

11 A. Again the date will be entered; so how many sessions
12 the client attended; how many sessions the client
13 didn't attend or cancelled or didn't arrive to; if they
14 were transferred to a different service; the type of --
15 sorry, the type of discharge, so whether they just 13:48
16 stopped coming or whether it was planned or arranged.
17 Those kind of details.

18 519 Q. Yes.

19 A. And I suppose ultimately, the date that they were
20 closed from the system. 13:48

21 520 Q. Okay. And in what way would the database need to be
22 updated as far as you understand it?

23 A. It's the information that goes in the blue form, that
24 is replicated on the system as far as I know.

25 521 Q. And nothing further in the way of content -- 13:48

26 A. No.

27 522 Q. -- from counselling?

28 A. No.

29 523 Q. And the CORE update, that is an acronym for an

1 evaluation of the outcome?

2 A. *"Clinical Outcomes Routine Evaluation"*, yeah. That is
3 a self-assessment measure that we would use with all
4 clients that come into the service, ideally. Some
5 don't people don't want to do it, but in this case it 13:49
6 was completed. It doesn't include any identifying
7 information on the clients.

8 524 Q. Is it an anonymised --

9 A. Exactly.

10 525 Q. -- multiple choice type evaluation? 13:49

11 A. Yes, exactly. So there would be a Therapy Assessment
12 Form, where I put in some basic data that's coded, and
13 then I would, at the initial assessment, provide the
14 client with a questionnaire which they can or can
15 choose not to complete. And it's 34 questions that 13:49
16 basically gives what I call a snapshot of their overall
17 well-being, how they would rate it at the time of
18 assessment. We would tend to do that then, if the
19 person goes on to counselling we would do it again and
20 then when the client file is closed there is an End of 13:49
21 Therapy Assessment Form and we just put in again coded
22 data.

23 526 Q. All right. But this file checklist, does that precede
24 the creation then of a paper file?

25 A. It's part of the paper file. 13:50

26 527 Q. Part of the paper file?

27 A. Yes.

28 528 Q. All right. So the next document that we have then on
29 page 935, has the appearance, perhaps, of part of a

1 file. Is it the front of a file?

2 A. That is actually the front of the -- Is it the front of
3 the blue form? Yes, that is the front of the blue
4 form.

5 529 Q. That is the blue form? 13:50

6 A. Yes, it's the cover.

7 530 Q. And it's got the file reference number on it?

8 A. That's right.

9 531 Q. And it's got the details of contact there --

10 A. Mm-hmm. 13:50

11 532 Q. -- on the front.

12 A. Yes.

13 533 Q. The next page of that then, 936, that is also part of
14 the file, as I understand it?

15 A. That is page 2 of the blue form. So the blue form is 13:50
16 like a little booklet, yes.

17 534 Q. Yes.

18 A. So this is part of that.

19 535 Q. Perhaps if I just go back to 934 for a moment, because
20 I have one further question about it. It doesn't 13:51
21 appear to include a tick box for either notifying
22 social workers or child protection services or
23 notifying the gardaí on that checklist?

24 A. Mm-hmm.

25 536 Q. Have forms ever been provided for that? 13:51

26 A. The assessment form, the initial assessment form which
27 we will probably come to in a bit, has that included on
28 it.

29 537 Q. Yes. All right.

1 A. And the blue form also has a space written for any
2 reports written.

3 538 Q. Yes. So turning back to page 936, it seems to be a
4 requirement to sign and date the form whenever
5 information is updated? 13:51

6 A. Yes.

7 539 Q. Is that only file information or database information
8 or is it required to catch anything that happens in
9 counselling with you?

10 A. It's generally kind of, when the file is given -- when 13:52
11 it's open it is signed by the administrative person who
12 opened it.

13 540 Q. Yes,
14 A. And any, I suppose any additional information that is
15 input into that blue form at any stage is usually dated 13:52
16 by the person who inputs the information, whether that
17 is the administrative staff or the counsellor
18 therapists.

19 541 Q. Yes. The first entry there is, that is Mr. -- is that
20 Ryle? 13:52

21 A. Brian Ryle, that's right, yeah.

22 542 Q. And CT, what does that stand for?
23 A. Counsellor therapist.

24 543 Q. And that would appear then to relate to his referral of
25 the matter on -- 13:52

26 A. Right.

27 544 Q. -- from Ms. D, is that correct?
28 A. Yes.

29 545 Q. The second entry, that is Ms. Johnson, Ms. Pauline

1 Johnson from admin?

2 A. That's right.

3 546 Q. And that is dated the 12/8, is that correct?

4 A. That's right.

5 547 Q. And can you say what she would have been updating 13:53
6 there?

7 A. I can't say for certain what she would have been
8 updating. My understanding is that the referral was
9 taken by phone in the Navan office and that because
10 it's relating to a Cavan/Monaghan area it would have 13:53
11 been sent -- basic details would have been given and it
12 would have been up to the administrative support in
13 Cavan, that is Pauline Johnson, to take the file on
14 from there and I suppose open the chart. So that must
15 have been maybe when she input some of that data, 13:53
16 perhaps.

17 548 Q. Could it be related to the completion of your
18 retrospective disclosure report, do you think, or not?

19 A. I don't -- sorry, can you repeat the question?

20 549 Q. Could it be related to the disclosure report that you 13:53
21 ultimately completed in respect of Ms. D?

22 A. No. well, I don't think so, I mean I can see the
23 dates, the 12/8, and my report went in before that, I
24 would have been finished with the assessments. But
25 Pauline wouldn't necessarily have been aware that I was 13:54
26 sending in any retrospective -- I wouldn't discuss kind
27 of clinical issues with her.

28 550 Q. Yes?

29 A. So I would hand back -- once I have completed the

1 initial assessment with the client, I don't know for
2 sure if I am going to be seeing them for ongoing
3 counselling so it goes back to the administrative staff
4 who update the data. So, the dates of assessment, any
5 other kind of referral details that are necessary, and 13:54
6 input -- sorry, put it into the filing cabinet then
7 until allocation.

8 551 Q. Yes. But you have this file presumably for the conduct
9 of the first initial assessment?

10 A. That's correct. 13:54

11 552 Q. And we will come to that in due course. The third
12 entry then is "*Laura Brophy, Counsellor Therapist,*
13 *12/6/14*"

14 A. I think that is 12/5.

15 553 Q. 12/5. Can you say from that what that relates to? 13:54

16 A. So, what that relates to is -- sorry, once Ms. D was
17 assessed and the file went into awaiting allocation --
18 **CHAIRMAN:** Sorry, I am going to stop you, I don't want
19 to be accused of falsely imprisoning someone, there is
20 a lady having difficulty getting out of the room. 13:55
21 would someone help her with the door please? I have
22 been watching that for the last five minutes,
23 Mr. McGuinness. I have been listening a well.

24 554 Q. **MR. MCGUINNESS:** Your entry there relates to the 12/5?
25 A. Yes. Yes, so I can just take you through that. So, I 13:55
26 am aware that we sent out a letter to Ms. D in early
27 May, I can't think of the date off the top of my
28 head --

29 555 Q. Yes.

1 A. -- offering her a place, an ongoing counselling place.

2 556 Q. Yes.

3 A. And we would have received communication back that she

4 wasn't in a position to take the place in Cavan. So

5 she was discharged and referred on to another service. 13:55

6 So I would have updated the blue form with some of

7 those dates and that information, and handed it back to

8 Pauline so that is why my signature is there, I would

9 have input stuff.

10 557 Q. And then Ms. Johnson's signature there, does that 13:56

11 represent the closure of the file as far as Rian and

12 Cavan?

13 A. I think so, yes, that is my understanding.

14 558 Q. Turning on to the next page, at 937, were these entries

15 completed by you or were they details taken by 13:56

16 Ms. Johnson?

17 A. I am not entirely sure whether they were taken by Brian

18 Ryle or whether they were taken by Pauline Johnson, but

19 it would have been generally -- this area would be

20 filled in, this area of the form would be filled in by 13:56

21 admin support.

22 559 Q. Okay. There's obviously her GP details are at the

23 bottom of the page?

24 A. That's right.

25 560 Q. Over the page, it goes into some important matters 13:56

26 about the referral details --

27 A. Yes.

28 561 Q. -- and details of contact. Is this a page that you

29 would have completed or did complete?

1 A. Section 5, where it says "*Self-referred*" is usually
2 completed by admin staff.

3 562 Q. Yes?

4 A. And then when it comes to - sorry, just a bit further
5 down that page - the "*Nature of Abuse*", so you see 13:57
6 these codes "*DI*", "*COP*", "*E06*", I have completed those
7 because I would be completing them on the basis of the
8 assessment.

9 563 Q. Yes. And obviously, this must obviously have come from
10 information provided by Ms. D? 13:57

11 A. Yes.

12 564 Q. And just in terms of categorisation, is this done for
13 statistical purposes more than anything?

14 A. Yes, it's a way of, I suppose, evaluating or getting a
15 summary I suppose of the types of clients, their types 13:57
16 of abuse, yeah, for statistical purposes I think.

17 565 Q. So opposite the nature of the abuse on the left-hand
18 side, you have put in "*D*" there?

19 A. Yes.

20 566 Q. I think you have provided information codes to the 13:58
21 investigators?

22 A. I did, yes. So, that indicates sexual abuse.

23 567 Q. That indicates sexual. And then "*E06*" --

24 A. That indicates --

25 568 Q. -- implies that it's from someone known -- 13:58

26 A. That's right.

27 569 Q. -- is that correct?

28 A. That's right.

29 570 Q. And then underneath that there is capital "*I*" and "*OS*"?

1 A. Yeah. Well, the "I" means that it's somebody outside
2 the family, so it's not interfamilial.

3 571 Q. Extrafamilial?

4 A. Exactly.

5 572 Q. And sorry, is that "05"? 13:58

6 A. I think that was actually a repeat. Yeah, that was --
7 yeah, I am not sure, that might have been a repetition.

8 573 Q. But the reason identified by the client for seeking
9 counselling is a separate entry there underneath that,
10 which reads "*Reason identified by client for seeking* 13:58
11 *counselling at this time - refer to NCS categories*"?

12 A. Yes.

13 574 Q. And you have put in there twice under different
14 headings "COP", and I think that is every day coping
15 difficulties? 13:59

16 A. That's right.

17 575 Q. And "RP" stands for relationship problems, is that
18 correct?

19 A. That's correct.

20 576 Q. So were these the reasons then identified by Ms. D for 13:59
21 her attendance at counselling?

22 A. Yes, mm-hmm. They are a summary of them, I suppose.

23 577 Q. A summary of them, yes.

24 A. Yeah.

25 578 Q. And what is the reason there they are recorded there a 13:59
26 second time? There is a separate box underneath the
27 first box.

28 A. Em, I am not entirely sure. I think it's again to do
29 with the database in terms of filling in, capturing it

1 from two different angles, possibly.

2 579 Q. In any event, you have signed that then on the 24th?

3 A. I have.

4 580 Q. And was that the first date that you met Ms. D?

5 A. That's right. 13:59

6 581 Q. And then you have signed off on the closure of it at
7 the bottom there "9/5/14" and is that your handwriting
8 there "*client moved away*"?

9 A. Yes, that is mine, yes.

10 **CHAIRMAN:** Just help me on that, Mr. McGuinness, would 14:00
11 you please? where is that?

12 **MR. MCGUINNESS:** It is at the very bottom of page 938.

13 **CHAIRMAN:** Oh I see.

14 582 Q. **MR. MCGUINNESS:** That seems to be repeated as to
15 whether there has been a reallocation of the file on 14:00
16 the top of the next page, 939?

17 A. That's right.

18 583 Q. "*Client has moved location*". And that indicates what
19 stage the case management of it is at --

20 A. Yes. 14:00

21 584 Q. -- in the next box, is that correct?

22 A. Yes.

23 585 Q. And the section then we are looking at on the second
24 half of page 939, that is completed when the case is
25 closed? 14:00

26 A. Yes.

27 586 Q. When the file is closed?

28 A. That's right.

29 587 Q. And it's a record of the totality of what occurred?

1 A. That's right.

2 588 Q. So there were two appointments offered, two
3 appointments attended, the case length is somewhere as
4 short-term up to six sessions, and for client reports
5 it's on the right-hand side, "*one client report*"? 14:01

6 A. Yes.

7 589 Q. "SW"?

8 A. Social work.

9 590 Q. Social work?

10 A. That is what that stands for. 14:01

11 591 Q. So that is the form then that you would have completed
12 that we will come to in due course?

13 A. Yes.

14 592 Q. And just to be clear about it, you don't have any
15 direct reporting to members of An Garda Síochána in 14:01
16 respect of anything?

17 A. No.

18 593 Q. No. And there is no provision for it in the form?

19 A. No.

20 594 Q. And you don't have standard notification forms 14:01
21 yourselves for doing that?

22 A. No, not any more.

23 595 Q. On page 940, I think that is where you note the contact
24 with her in May 2014 for allocation for ongoing
25 counselling? 14:02

26 A. Right.

27 596 Q. But she made it clear she wasn't able to attend at that
28 point?

29 A. Yes, that's right.

1 597 Q. We will come to the transfer of the file in due course,
2 because I think you did ensure that the file, certainly
3 partially, was transferred down to another part of the
4 country --

5 A. That's right.

14:02

6 598 Q. -- and then the full file was subsequently sent as
7 well?

8 A. That's right.

9 599 Q. But can I just ask you to describe in general your
10 working method in terms of a counselling session and
11 making records of that and then entering them into any
12 database or any file?

14:02

13 A. Okay. In this instance we are looking at initial
14 assessment, which goes by a different format to a
15 counselling session. So, should I just describe
16 initial assessment?

14:03

17 600 Q. Yes, please do.

18 A. Okay. So when a client is offered an initial
19 assessment they are sent out a letter generally by
20 administrative support to attend at a certain date and
21 time and the counsellor's name is put on that. When
22 the client arrives, I will bring them into the room.
23 The initial assessment is longer and lasts -- it can
24 last an hour-and-a-half, sometimes two sessions. And
25 it's really just to get a sense of, an overall sense of
26 the client's presenting issues, a bit of family
27 background, a bit of history, that kind of thing, and
28 there is a specific form that I would fill out in the
29 presence of the client in order to do that and get that

14:03

14:03

1 information. But my initial steps would be to inform
2 the client a little bit about the service.

3 601 Q. Yes.

4 A. I would usually have two sheets, the Information for
5 Clients on the National Counselling Service. 14:04

6 602 Q. Yes.

7 A. And also our Confidentiality in Counselling Policy,
8 which I go through with the client --

9 603 Q. Yes.

10 A. -- and ask her to sign or him to sign -- 14:04

11 604 Q. Yes.

12 A. -- in my presence, and then I will sign it.

13 605 Q. And the information sheet, is that prescribed for in
14 the guidelines essentially?

15 A. Yes. 14:04

16 606 Q. Designed by Rian?

17 A. Yes, yes. And that is specifically, I suppose, because
18 of the nature of our service it's usually one of the
19 first things that we will do, is to try and inform the
20 client so that they can make then informed decisions 14:04
21 about what they tell us and don't tell us.

22 Specifically in relation to, if they are making a
23 disclosure about abuse, that they are aware of the
24 limits of our confidentiality. Also, if they have, you
25 know, if they were to reveal that they were intending 14:04
26 on harming themselves what the limits of our
27 confidentiality are in that respect. If they are
28 informed us about an ongoing crime or another --
29 something related to a child at risk, again our

1 confidentiality is limited. So it's to make sure that
2 they understand those policies.

3 607 Q. Yes. Now, can you tell the tribunal, when you --

4 **CHAIRMAN:** Sorry, Mr. McGuinness, just before you move
5 on, on that, if you wouldn't mind I just wanted to ask, 14:05
6 and because I am really not up to date on this: what
7 are the limits of your confidentiality when someone
8 comes in and says I was sexually abused by, let us say,
9 A or B?

10 A. All right. So, if somebody comes in to our service and 14:05
11 it isn't outlined by another service, so let's say
12 their GP has referred them in but doesn't know the
13 identity of the alleged abuser, if a client discloses
14 to us that they have been abused and they identify
15 their abuser - and that is, you know, insofar as the 14:05
16 person could be identified by social services or an
17 Garda - we have a duty of care as a service to report
18 that information into Tusla now, formerly the HSE, so
19 that I suppose an assessment of risk and potential risk
20 in the community can be done. 14:06

21 **CHAIRMAN:** And in the light of that is there anything
22 you can keep confidential?

23 A. Well, I suppose if the person isn't identified, then I
24 can't do anything with it. So if somebody comes in and
25 says I was abused but they don't specify who abused 14:06
26 them, they can talk about the abuse, they don't have to
27 identify the person, then I can't report it into Tusla
28 because I don't have sufficient information for them to
29 do an assessment.

1 **CHAIRMAN:** But once someone comes in and makes an
2 allegation 'I was abused by Mr. Z' --
3 A. Yes.
4 **CHAIRMAN:** -- then you have to take it further --
5 A. Yeah. 14:06
6 **CHAIRMAN:** -- and a report has to go to the Gardaí
7 ultimately through whatever channel?
8 A. Yeah. well, for us it's to Tusla. Yes, absolutely.
9 **CHAIRMAN:** And then Tusla have the duty to take it from
10 there. 14:06
11 A. Yes.
12 **CHAIRMAN:** Okay. So it's not really confidential
13 counselling as such?
14 A. Insofar as, yeah, they are limits to it, yeah, in terms
15 of the child protection policy. 14:06
16 **CHAIRMAN:** Yeah. Thanks for filling me in, thank you.
17 608 Q. **MR. MCGUINNESS:** I think you were shown copies of the
18 appointments diary for the Cavan office for July and
19 August, and you consulted your own personal diary.
20 A. Yes. 14:07
21 609 Q. I think, can you confirm that you had two meetings with
22 Ms. D following her first appointment, is that right?
23 A. Including her first appointment.
24 610 Q. Including her first appointment?
25 A. That's right. 14:07
26 611 Q. And you have been provided with a document at 949,
27 could you just help us identify what that is?
28 A. So that's -- from what I can see, I can't see the whole
29 page, but it is a printout of the information that was

1 input onto the database and printed off. It's very
2 similar to the blue form that I was talking about
3 earlier. So that is how it's recorded when it's input
4 on to the system.

5 612 Q. Yes. And is that input after your initial appointment? 14:08
6 A. It may -- it will be updated.

7 613 Q. Yes.
8 A. But I -- em, I am pretty sure that that is opened
9 beforehand, because when the referral is taken it may
10 be put in before I meet the person, just the initial 14:08
11 information.

12 614 Q. Yes. It only perhaps appears to relate to the initial
13 information because there doesn't appear to be anything
14 on two of the three pages?
15 A. So that may have been what was filled in, in order to 14:08
16 send it to Cavan.

17 615 Q. Yes.
18 A. It would have to be checked with Cavan.

19 616 Q. And page 952 then relates to the Confidentiality in
20 Counselling document that that the Judge was asking you 14:08
21 about. Could we perhaps just look at that?
22 A. Mm-hmm.

23 617 Q. It's headed: *"HSE National Counselling Service*
24 *Northeast, Dublin North and North City -*
25 *Confidentiality in Counselling."* 14:09
26 A. That's right.

27 618 Q. Now, at the time obviously that this -- you were seeing
28 Ms. D, I think were you clear about your own
29 obligations in relation to reporting?

1 A. Yes.

2 619 Q. Okay. And just so there is no misunderstanding, what
3 did you understand your obligations to be at that point
4 in time?

5 A. So, my obligation, I suppose, under the Children First 14:09
6 Guidelines and through our own policy, was that if a
7 client disclosed abuse and the alleged perpetrator of
8 the abuse was identified that I had an obligation, had
9 it not already been reported, to report it into social
10 services at the time, Tusla or HSE. 14:09

11 620 Q. Yes. The document doesn't refer to an Act that had
12 previously been -- recently passed, the 2012 Act.

13 A. Mm-hmm.

14 621 Q. Presumably you had been aware of the one --

15 A. One before. 14:10

16 622 Q. -- provisions in that?

17 A. Yes.

18 **CHAIRMAN:** Do you have a name for that Act,
19 Mr. McGuinness? Is it the Childcare Act?

20 **MR. MCGUINNESS:** It's the Childcare Act. I will get 14:10
21 it.

22 623 Q. But you understood your obligation under the Childcare
23 Act itself and under the more recent Act?

24 A. Yes.

25 624 Q. And I just notice, there is no mention of the Gardaí in 14:10
26 this in relation to the use of confidential
27 information. When you explained this to Ms. D did you
28 explain that it could be referred on to the Gardaí?

29 A. I would have explained that that would have been up to

1 the social services at the time, depending on how they
2 assessed it, I suppose.

3 625 Q. But do you recall in fact discussing that issue or not?
4 A. I can't recall.

5 626 Q. Is it something that you would normally do? 14:11
6 A. I would usually say that it's possible that the social
7 worker would contact the Gardaí if there was a concern
8 but how they do that and when they do it, under what
9 circumstances I don't think I would get into.

10 627 Q. Yes. And may I take it just to be the case that you 14:11
11 are never consulted at any time about whether they do
12 that?
13 A. No.

14 628 Q. And you have no input into that?
15 A. No. 14:11

16 629 Q. If it is proposed or if it happens?
17 A. No.

18 630 Q. That appears to have been signed then by you and Ms. D
19 on the 24th of July, is that correct?
20 A. Yes. 14:11

21 631 Q. And the next document, is that a document that you gave
22 to her on that date, the information?
23 A. Yes, that is what I would give --

24 632 Q. The clients?
25 A. Yes, I was talking about two pages; the Confidentiality 14:12
26 in Counselling is one and the Information for Clients
27 is the other. So those two would be given together
28 generally.

29 633 Q. Yes. The next document then is the Assessment of

1 Counselling, and you completed that I think on, we will
2 see, on two different dates?

3 A. Yes.

4 634 Q. So when did you commence filling in some or any part of
5 that? 14:12

6 A. Well, we would have commenced that with the client at
7 her initial assessment, I think it's on the 24th, the
8 first one.

9 635 Q. Yes. And the first page deals with different matters
10 that are not particularly relevant there? 14:12

11 A. Yes, mm-hmm.

12 636 Q. If we go to what is page 957. And there is a heading
13 there at the last third of the page, I don't know if
14 it's visible there, there is a heading "*Childhood*
15 *Abuse*" which is in sort of grey -- 14:13

16 A. Yes, I see that.

17 637 Q. -- and then "*Nature and Context of Abuse*", and you have
18 ticked the box marked "*sexual*"?

19 A. That's right.

20 638 Q. And then you have included in handwriting an account -- 14:13

21 A. Mm-hmm.

22 639 Q. -- and presumably that is what was given to us by
23 Ms. D, is that correct?

24 A. Yes.

25 640 Q. Just to be clear, because we know it changed in a 14:13
26 different way, but could you read through what you have
27 recorded there?

28 A. I can. So, under the "*Context of Abuse and Duration*" I
29 have put in bullet-points, the first of which says:

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"Abuser was colleague of her father."

The second bullet-point:

14:13

"Happened once when at his house with parents around Christmastime."

Third bullet-point:

14:13

"was playing hide and seek with this man and his daughters."

Fourth bullet-point:

14:14

"Client was six or seven. Abuse involved molesting and "dry humping me"."

which is a quote. And then the fifth bullet-point says:

14:14

"Didn't come back to client until she was 12 or 13 years of age."

641 Q. That continues I think over the page, is that correct?

A. Mm-hmm.

14:14

642 Q. On line 58?

A. Yeah, that is right.

"Remembers getting really uncomfortable in primary

1 *school.*"

2

3 And then the next bullet-point:

4

5 *"This man was a garda in Bailieboro but has since moved* 14:14
6 *"forced out" when the allegations came out."*

7 643 Q. Now, that is followed by a name?

8 A. Mm-hmm.

9 644 Q. And was that a name given to you on that first date?

10 A. No. No. 14:14

11 645 Q. So that entry thereafter, which reads *"Maurice McCabe*
12 *lives in Cavan. Occupation: Garda"* and there is
13 reference to his daughters, was that entered by you on
14 the second date?

15 A. That would have been the second date, the second time 14:15
16 we met. That was the purpose of the second meeting.

17 646 Q. The purpose of the second meeting; to identify --

18 A. To identify.

19 647 Q. -- the person.

20 A. Yes. 14:15

21 648 Q. And there is a paragraph there relating to the impact
22 of the abuse, and that is in your handwriting I take
23 it?

24 A. Yes, that is my handwriting.

25 649 Q. Just to read through that. 14:15

26 A. Yeah. Again this, as far as I remember, was filled in
27 before I had the identifying information. So I would
28 have continued on with the rest of the assessment. So
29 under the heading *"Impact of Abuse (past and present)"*

1 the first bullet-point says:

2

3 *"Felt nobody would believe her because he was a garda -*
4 *felt relieved that she was believed.*

5 *- DPP returned file due to lack of evidence."*

14:15

6

7 Third bullet-point:

8

9 *"Felt very angry - wanted to know why he did what he*
10 *did."*

14:16

11 650 Q. And you think, you are confident that was filled in on
12 the first occasion?

13 A. I believe so.

14 651 Q. And after the assessment had been completed by you, is
15 this kept by you in your file in the office?

14:16

16 A. Until I had completed the assessment, and the decision
17 was made whether the client would be discharged or
18 allocated and then it would be returned to the
19 administrative support and they would keep it in a
20 locked cabinet until allocation.

14:16

21 652 Q. But in terms of the notes recorded there, would you
22 have sent that back to administration pending your
23 second appointment with Ms. D?

24 A. Oh no, if I was seeing her and I intended to see her
25 for another appointment I would have retained the file
26 in my own locked filing cabinet.

14:16

27 653 Q. Now, I understand from the file that you have a note of
28 a number of phone calls that you made in the period
29 between the first and second appointment, is that

1 correct?

2 A. That's correct.

3 654 Q. And can you just help the Tribunal as to why you made
4 those phone calls and who you made them to. Perhaps if
5 you look, you made handwritten notes of them at page 14:17
6 963.

7 A. Okay. So the first phone call was in between the first
8 and second assessment meetings with Ms. D.

9 655 Q. Yes.

10 A. And will I read them out? 14:17

11 656 Q. Yes, please.

12 A. So dated 26/7/13:

13

14 *"I phoned Child Protection Service re enquiring about*
15 *reporting issue - no duty social worker available so* 14:17
16 *gave my number for them to phone back."*

17

18 The second phone call refers to another attempt.

19 657 Q. Yes. Can I just ask you, did you speak to anyone in
20 particular on that first occasion? 14:18

21 A. It would have been administrative support who answered
22 the phone, I believe.

23 658 Q. Okay. And you didn't receive a call back?

24 A. Not to my recollection.

25 659 Q. Okay. And you phoned again on 30th? 14:18

26 A. That's right.

27 660 Q. Had you spoken to your supervisor in the interim?

28 A. I believe I had spoken with Fiona Ward, because I
29 suppose there was a concern about there being an

1 allegation, the client hadn't disclosed the identity
2 and what I had volunteered to do between our first
3 meeting with Ms. D and the second meeting with Ms. D
4 was to try and find out what would happen.

5 661 Q. Yes. Had you sought guidance from Ms. Ward on that 14:18
6 point as well?

7 A. I think so. There is a note in the supervision log
8 that we certainly discussed it and I made her aware of
9 my concerns.

10 662 Q. Okay. You tried to ring back the social work section 14:18
11 anyway again on -- is that the 30th of July?

12 A. That is when I made contact with social workers, so I
13 was talking to a social worker at that point. And I
14 had an opportunity to explain the case hypothetically,
15 and by that I mean without any identifying of Ms. D, 14:19
16 obviously I didn't at that time have any other
17 identifying information, to see what would happen about
18 the type of allegation that had been reported or
19 disclosed, sorry.

20 663 Q. Yes. And you were told nothing could be guaranteed, is 14:19
21 that right?

22 A. Yes.

23 664 Q. And was this a particular enquiry that you were making
24 to satisfy your own lack of knowledge, if I could put
25 it that way, as to what might happen, what will happen 14:19
26 or what was likely to happen, or was it to satisfy
27 Ms. D's interest in what might happen?

28 A. So, to the best of my recollection it was a specific
29 query that Ms. D had in relation to what would happen,

1 and I couldn't give definitive -- couldn't give a
2 definitive answer to that, so I said I would find out
3 what I could.

4 665 Q. Yes.
5 A. I suppose, to assist with making an informed 14:20
6 disclosure.

7 666 Q. Yes. But can I ask you this question: According to
8 your recollection was she concerned to know whether it
9 would be reported to the social welfare or on to the
10 guards or on to the man in particular? 14:20

11 A. She was concerned, I think, that the person she was
12 alleging the abuse against would be informed of her
13 identity, I think that was one of the issues.

14 667 Q. Okay. Well, you phoned back again on a date there, I
15 am not quite sure what the date is? 14:20

16 A. 8/8.

17 668 Q. And why did you make that phone call?
18 A. Okay. So, once I met with Ms. D again, and I got the
19 information, the identifying information, I was aware
20 that there had been some -- she had said that there had 14:21
21 been some reporting or some involvement with the Gardaí
22 back in, I think, 2006/2007. And so, to her knowledge
23 she kind of thought that the case was closed. I
24 suppose my concern as a counsellor therapist at the
25 time was not so much about a criminal case but about 14:21
26 child protection, so I wanted to know had the social
27 work team been involved at the time and she wasn't
28 sure. So, I had said well, look, what I can do before
29 sending -- if a report has already gone in, if they

1 have already dealt with it, then there is probably no
2 need for me to duplicate that but I will need to check
3 so that was the purpose of that phone call.

4 669 Q. Yes, yes. But, you certainly appear to be clear in
5 your recollection that she had told you about the prior 14:21
6 investigation and that the case had been closed?

7 A. Yes.

8 670 Q. And you phoned a fourth time, is that correct?

9 A. That's right.

10 671 Q. And was that before or after you furnished or completed 14:22
11 a report?

12 A. That was before I completed a report, I think. Let me
13 just -- I just want to go over that. Sorry, so the
14 preceding phone call was actually to try and make this
15 phone call now that I now refer to now on the 9th. So 14:22
16 that's when I spoke I think directly with a social
17 worker, and I have named her here as Briega Tinnelly.
18 And so, based on the information I had I was wondering
19 did I need to send in a report or had that report
20 already been essentially dealt with or, you know, would 14:22
21 I be duplicating it, and the response was there was no
22 prior information to the best of her --

23 672 Q. There wasn't any?

24 A. There wasn't any prior information on the alleged or
25 pertaining to Ms. D. 14:22

26 673 Q. Could you just read out what you have recorded there?

27 A. Yes. So 9/8/2013:

28

29 *"I phoned social work today and spoke with duty social*

1 *worker Briega Tinnelly who I informed about alleged and*
2 *concerns about the report having been passed to social*
3 *workers ten years ago. Ms. Tinnelly took contact*
4 *details of client and alleged and I agreed to follow*
5 *this with a report."*

14:23

6
7 And that is my signature.

8 674 Q. Just in context, had sergeant McCabe been identified to
9 you --

10 A. At that point, I believe so, because I would had to
11 give --

14:23

12 675 Q. Prior to this phone call?

13 A. Prior to that phone call, yeah.

14 676 Q. And you had had your second appointment with Ms. D?

15 A. I believe so, I think that was on the 8th.

14:23

16 677 Q. And just can you help me on this: Are there any notes
17 of your second appointment with Ms. D?

18 A. No.

19 678 Q. And how long did that last for?

20 A. I can't recall how long it lasted for. It was in
21 addition, it was kind of a supplement to the first
22 initial assessment with the specific goal of deciding
23 whether or not she was going to disclose and to get the
24 information and to kind of proceed with that aspect of
25 things.

14:24

26 679 Q. Yes. Would it be unusual not to have a note of that
27 or --

28 A. Not -- I don't think so at the time.

29 680 Q. Yes. And how long would that appointment have taken at

1 that point in time, was that on the 7th of August?

2 A. I think that is the date recorded, yes.

3 681 Q. So how long do you think you might have spent with her
4 on that date?

5 A. I couldn't be sure. I don't think it was as long as 14:24
6 the first because the initial assessment takes quite a
7 long time to fill in, up to an hour and a half, but I
8 suppose the purpose of the meeting was much more
9 specific so it may have been shorter.

10 682 Q. Yes. I think we will probably come to it in a while 14:25
11 but did you give a full account of what Ms. D had
12 alleged to you to Ms. Tinnelly over the phone?

13 A. That is my understanding, yes.

14 683 Q. And I think you wrote her name at the top --

15 A. At the top of the assessment form. 14:25

16 684 Q. -- at the top of the assessment form?

17 A. That's right.

18 685 Q. If one goes back to page 954, at the top right-hand
19 page, you have written her name there?

20 A. That's right. 14:25

21 686 Q. And then you completed the rest of the form. And when
22 we talk about completing the rest of the form, in
23 particular in relation to this issue on page 958 the
24 identification of Sergeant McCabe there, and the issue
25 that you perhaps were concerned with in relation to 14:26
26 possible risk of children was a reference to his -- has
27 two daughters at the time aged approximately three and
28 five years?

29 A. That's correct, and also we weren't -- I wasn't sure at

1 the time whether he was a serving member of An Garda
2 Síochána, so anybody in the public domain like that
3 would be --

4 687 Q. Now, did you yourself conclude anything in relation to
5 Sergeant McCabe at that point, he having been 14:26
6 identified as a guard, had you heard of him yourself?

7 A. No.

8 688 Q. Ms. Ward, who is your supervisor, refers to him in her
9 notes as a whistleblower?

10 A. Mm-hmm. 14:26

11 689 Q. Did you know that Sergeant McCabe was regarded as a
12 whistleblower at that point in time?

13 A. I hadn't his identifying information so I was just
14 aware that the client referred to this Garda as
15 whistleblower. It wouldn't have struck a chord 14:27
16 necessarily with me at the time.

17 690 Q. That is what I was going to ask you, as far as the
18 origin of it in Ms. Ward's notes of your supervision
19 are concerned, were you retelling to her what Ms. D had
20 said to you about Garda McCabe? 14:27

21 A. Yeah, that is my understanding. If it was in Fiona's
22 notes then I would have -- presumably it would have
23 been part of the information I relayed to her about
24 my -- you know, reporting the issue of the client.

25 **CHAIRMAN:** In other words, Mr. McGuinness is asking 14:27
26 you, did the whistleblower phrase come from you or --

27 A. Oh, sorry, it would have been -- I think, my
28 understanding is that it came from the client and that
29 I would have passed that on to Fiona. So yes, it came

1 from me.

2 **CHAIRMAN:** But as regards following the media or
3 anything that was going on, it just meant nothing to
4 you?

5 A. No. I don't think there was anything in the media at 14:27
6 that time, but no, it certainly wouldn't have meant
7 anything to me but I had no name either, so it's
8 just --

9 **CHAIRMAN:** Yeah. Or by the second time it came up, it
10 didn't ring a bell? 14:28

11 A. No.

12 691 Q. **MR. MCGUINNESS:** You obviously had the conversation
13 with Ms. Tinnelly over the phone, and the entry of the
14 phone call that we have looked at there, just to go
15 back to it on page 963. would you mind just reading 14:28
16 that out again?

17 A. You're looking for the phone call with Briege Tinnelly,
18 it is down at the end of that page.

19 692 Q. Yes. *"I phoned SW today..."*

20 A. Yes. On 9/8/2013: 14:28

21
22 *"I phoned social work today and spoke with duty social*
23 *worker Breda Tinnelly who I informed about alleged and*
24 *concerns about the report having been passed to social*
25 *workers ten years ago. Ms. Tinnelly took contact 14:29*
26 *details of client and alleged and I agreed to follow*
27 *this with report."*

28
29 And my signature.

1 693 Q. Just, I wanted to ask you about a passage in your
2 statement to the investigators where you say
3 as follows:
4

5 *"My recollection of my conversation with Ms. Tinnelly 14:29*
6 *on 9/8 was that if the report about the same alleged*
7 *incident involving Ms. D and Maurice McCabe had already*
8 *been made to Child Protection Services then there would*
9 *be no need for me to submit a report to them about the*
10 *matter."* 14:29

11 A. That's right, that is my understanding.

12 694 Q. So can the Tribunal take it that if you had been
13 satisfied that the matter had already been referred and
14 considered by social work that you wouldn't have seen a
15 need to refer it? 14:30

16 A. That's correct.

17 695 Q. You go on to say at the bottom of page 14 of your
18 statement:
19

20 *"From what I recall, while speaking to Ms. Tinnelly she 14:30*
21 *checked to see if they had a record relating to Ms. D*
22 *and Mr. McCabe and it was my understanding they did*
23 *not."*

24 A. That's correct.

25 696 Q. *"I then agreed to submit a retrospective report in this 14:30*
26 *matter because it was necessary."*

27 A. Mm-hmm.

28 697 Q. I am just wondering, what you have recorded about the
29 phone call doesn't seem to record Ms. Tinnelly telling

1 you that they had no record relating to Ms. D and
2 Mr. McCabe. Do you recall her saying that
3 definitively?

4 A. Well, I know that was the purpose of my phone call so
5 that is what I was looking for. But I can't recall the 14:30
6 exact words or the conversation.

7 698 Q. In your description of the statement it seems to convey
8 that perhaps Ms. Tinnelly went off to check something
9 during the course of your phone call?

10 A. Mm-hmm. 14:31

11 699 Q. And is it your recollection that she did that?

12 A. My understanding was that what she did, she checked
13 in whatever capacity was -- you know, in whatever way
14 they would do that, to see if they had a record of
15 either. 14:31

16 700 Q. So would it follow then that, obviously if what you are
17 saying on page 15 of your statement is correct, having
18 been told that there wasn't a record relating to Ms. D
19 and Mr. McCabe, as it's described there --

20 A. Mm-hmm. 14:31

21 701 Q. -- that that was the reason then also why you submitted
22 the report?

23 A. Yes, yes.

24 702 Q. Now, what was your practice then about compiling such a
25 report at that time for submission? 14:32

26 A. Well, I suppose I am -- reflecting back now it's very
27 different I suppose.

28 703 Q. Yes.

29 A. Practices have changed as a result of the error that

1 was made. So my understanding is that I would have --
2 we have a retrospective report template that we send in
3 so the social work services, Child and Family Services.
4 And I would have completed it, typed it up and printed
5 it out, printed out three copies; one for the file, one 14:32
6 for the director, Fiona Ward, and one to be sent to
7 Tusla.

8 704 Q. Yes.
9 A. That was the procedure.

10 705 Q. Yes. And would your supervisor see a copy of each 14:32
11 report that you will be --
12 A. They would be sent a copy, she would be given a copy,
13 but afterwards.

14 706 Q. So I am not saying this is a good practice or a bad
15 practice but it wasn't happening at the time that the 14:33
16 supervisor would see a report before it went in?
17 A. No.

18 707 Q. And just in terms of interacting with the client in
19 respect of whom the report was being submitted, it
20 wasn't the practice at the time either to furnish that 14:33
21 to the client?
22 A. No.

23 708 Q. To see whether they were happy with it in its final
24 form or otherwise?
25 A. No, it wasn't my practice at the time. 14:33

26 709 Q. So certainly what you were doing then at the time was
27 in accordance with the usual practice?
28 A. My own usual practice. I can't speak for other
29 counsellor therapists.

1 710 Q. Now, in terms of the compilation of the reform -- of
2 the form itself, you are sending it to the Duty Team
3 Leader, Social Work Department, HSE Community and Child
4 and Family Service, Drumalee Cross, Cavan?
5 A. That's right. 14:34
6 711 Q. And that is to be found at page 964. So that is a few
7 miles north of Cavan town, I think, is it?
8 A. It's just in the town, yeah.
9 712 Q. Just in the town, practically in the town, is it? And
10 you presumably knew precisely where you had to submit 14:34
11 such a report?
12 A. Yes.
13 713 Q. And you previously submitted reports there?
14 A. Yes.
15 714 Q. And to other counties? 14:34
16 A. That is right.
17 715 Q. And I think you had previously submitted a report in
18 relation to a Ms. Y?
19 A. That's correct.
20 716 Q. And would that Ms. Y report also have been submitted 14:34
21 to?
22 A. Cavan, Drumalee Cross, yes, same service
23 717 Q. But also to Fiona Ward, your supervisor?
24 A. That's correct, she would have been copied on it.
25 718 Q. Copied on it. And it would have been copied to file as 14:34
26 well?
27 A. Yes.
28 719 Q. And they are all paper copies we are talking about?
29 A. That's right.

1 720 Q. But could you just explain how you would go about
2 actually compiling the report, for instance, now, in
3 relation to Ms. D?
4 A. Right.
5 721 Q. That you had obviously set about doing after your phone 14:35
6 call with Ms. Tinnelly?
7 A. Mm-hmm. And I suppose this has been an issue I have
8 tried to think a lot about --
9 722 Q. Yes.
10 A. -- in trying to understand how the error occurred. And 14:35
11 I can't say definitively exactly how I input the data.
12 There was a template or a few templates it would seem,
13 on my desktop, my PC at the office, so I would have
14 opened one and presumably written in the information
15 relevant to the client I was making the report about. 14:35
16 723 Q. Yes. Now, you say, when you say you would have written
17 it in --
18 A. Sorry, typed.
19 724 Q. -- typed it in?
20 A. Typed it in, yes. 14:35
21 725 Q. And when you say there are a few different templates,
22 are they different blank templates or are they
23 templates --
24 A. I can't be sure.
25 726 Q. Are they templates that have been created for you or 14:36
26 did you use your own template in terms of --
27 A. This was the NCS template. It's a Microsoft word
28 document, so it can be added to and -- you know.
29 727 Q. Yes. And what practice or did you have a usual

1 practice in relation to filling in a form, saving it
2 and then printing it out?

3 A. Again, that is something I have been trying to
4 recollect and I am not crystal clear on it, so --

5 728 Q. Yes. 14:36

6 A. I am aware that I had done a number of reports at the
7 time and some of them were retained on the PC. So I
8 suppose it's -- I would have typed them up, printed
9 them out and in some cases I would have saved it, in
10 other cases I would not have saved it, I might have 14:36
11 deleted it.

12 729 Q. Yes. Just looking at it, at page 964, it's headed
13 obviously "*Private and Confidential. Re:*
14 *Retrospective Disclosure of Abuse - duty worker*",
15 describes the type of disclosure "*Description of* 14:37
16 *Abuse*". And it's been redacted, obviously?

17 A. Right.

18 730 Q. That relates to a Ms. Y, is that correct?

19 A. That's correct.

20 731 Q. And it reads as follows: 14:37

21
22 "*Ms. Y informed me that she suffered sexual abuse in*
23 *childhood. The abuse involved digital penetration,*
24 *both vaginal and anal. The alleged also was threatened*
25 *Ms. Y's father if she said anything.*" 14:37

26 A. That's correct.

27 732 Q. Now, I am asking you to be careful because Ms. Y isn't
28 going to be identified, she has got nothing to do with
29 the issues here at all, but her surname is there?

1 A. That's right.

2 733 Q. And it's not Ms. D's surname?

3 A. No.

4 734 Q. And I am not going to ask you about anything connected
5 with its length, what it means, how many letters are in 14:38
6 it, etcetera, etcetera, but does that represent what
7 Ms. Y in fact told you?

8 A. Yes.

9 735 Q. Ms. Y was a client of yours?

10 A. Yes, and ongoing at this time as well. 14:38

11 736 Q. And as I understand it, from a statement from
12 Ms. Johnson, she commenced and was referred in May of
13 2013, is that correct?

14 A. That's right.

15 737 Q. And do you know when you had last seen her prior to 14:38
16 this date?

17 A. I couldn't be accurate, I know it's in -- it's recorded
18 in my diary and possibly also in the office diary.

19 738 Q. Yes. You have said in your statement I think it was
20 the 5th of June of 2013. Presumably you got that date 14:38
21 from consulting records that you have, is that correct?

22 A. Mm-hmm, yes. I thought you were referring to the fact
23 that I was seeing her weekly as an ongoing client from
24 that date as well, so she would also be in my diary for
25 sessions. That is what I meant, sorry. 14:39

26 739 Q. Certainly in terms of when she informed you about what
27 you had recorded here, that was in a session?

28 A. That was the initial assessment.

29 740 Q. On the initial assessment?

1 A. which would have been back in May.

2 741 Q. On the 5th of June, was it?

3 A. It was submitted, it was last modified, the report, on
4 the 5th of June but I initially got the information, as
5 far as I know, on the 5th of May, when she was 14:39
6 originally seen for assessment.

7 742 Q. Yes. And obviously it's important to ask these
8 questions. Ms. D said nothing of this sort to you?

9 A. Absolutely not.

10 743 Q. She never said that at any stage? 14:39

11 A. No, never.

12 744 Q. Nor was there ever alleged by her, particularly against
13 sergeant McCabe?

14 A. Absolutely not.

15 745 Q. I know that when the matter was brought to your 14:40
16 attention as an error you accepted responsibility for
17 that?

18 A. Yes.

19 746 Q. And you obviously still do?

20 A. Of course, yeah. 14:40

21 747 Q. You have never attempted to shirk from that --

22 A. No.

23 748 Q. -- or to conceal it?

24 A. No.

25 749 Q. And we will come to the circumstances in due course. 14:40

26 **CHAIRMAN:** I am just wondering, Mr. McGuinness, just
27 before you move on, and I am sorry because of the
28 redactions I am just a wee bit confused, perhaps I
29 shouldn't be, but if I just go through the form,

1 please, again, again on page 964.

2 **MR. MCGUINNESS:** Yes.

3 **CHAIRMAN:** "*Client's name*", was the name put in there
4 Ms. D or M Y?

5 A. Ms. D. 14:40

6 **CHAIRMAN:** Right. And the address was the correct
7 address of Ms. D?

8 A. Yes.

9 **CHAIRMAN:** Yes. And the date of birth was the correct
10 address of Ms. D, as was the telephone? 14:40

11 A. That's right.

12 **CHAIRMAN:** If there was a telephone, I don't know. But
13 then when you come down to "*Description of Abuse*" it
14 says, instead of Ms. D it says, and obviously the name
15 is given: 14:40

16
17 "*Ms. Y informed me that she suffered sexual abuse in*
18 *childhood. The abuse involved digital penetration,*
19 *both vaginal and anal. The alleged was also threatened*
20 *Ms. Y's surname father if she said anything.*" 14:41

21
22 So there are two inconsistent names on it?

23 A. That's right, yes.

24 **CHAIRMAN:** Okay. All right. I understand that now,
25 all right, thank you. 14:41

26 750 Q. **MR. MCGUINNESS:** In fairness, just going on to page
27 965, if you look at the next page, can you confirm that
28 under the heading "*Context in which alleged abuse took*
29 *place*", that all relates to Ms. D?

1 A. That's correct.

2 751 Q. And that represents information put in by you relating
3 to Ms. D, obtained from Ms. D?

4 A. Yes.

5 752 Q. Including effectively everything else on the page? 14:41

6 A. Yes, that's right.

7 **CHAIRMAN:** And that has Ms. D's name as opposed to
8 Ms. Y's name?

9 A. Yes.

10 **CHAIRMAN:** Okay. 14:41

11 753 Q. **MR. MCGUINNESS:** So it would appear that you must have
12 had, obviously, your initial assessment information as
13 recorded by you in front of you while you were typing
14 this on to your computer?

15 A. That is my belief, yes. 14:42

16 754 Q. And insofar as you have a template or entered
17 information relating to Ms. Y on a template, you did do
18 that in relation to Ms. Y, entering Ms. Y's
19 information?

20 A. I had already done that, yes, in relation to her 14:42
21 retrospective report.

22 755 Q. And in terms of how it turns up, then, in the report,
23 obviously that is the issue you have been considering
24 for a long time since it happened.

25 A. Yeah. 14:42

26 756 Q. But it must have appeared in a template that was open
27 at the time, is that --

28 A. I can't be definitive about it unfortunately. I have
29 been trying to think since I discovered the error.

1 757 Q. Can you yourself offer any other possible explanation
2 or probable?
3 A. I suppose something I have been considering and I -- I
4 thought I had a reasonable explanation as to how it
5 might have happened and then I suppose it's -- you 14:43
6 know, it's just not clear.
7 758 Q. Yes. I take it when you are doing these reports you
8 are doing them in the privacy of your own office?
9 A. In my own office, yes.
10 759 Q. No one present telling you what to put in? 14:43
11 A. No.
12 760 Q. You consulted nobody about what you had put in?
13 A. No.
14 761 Q. And whatever is input is entirely your responsibility?
15 A. Completely. 14:43
16 762 Q. Let alone any other member of the service or people
17 outside the service such as Gardaí?
18 A. No.
19 763 Q. But that's then dated the "9/8" and signed by you?
20 A. Yes. 14:43
21 764 Q. And just before we pass from that, going back there, we
22 have attempted to obtain a number of better copies of
23 the date-stamp at the bottom of page 964 but we have --
24 I believe that shows it was received on the 12th of
25 August in the Cavan district? 14:44
26 A. Are you referring to the social work correspondence?
27 765 Q. Yes.
28 A. Okay, I am still --
29 766 Q. The stamp at the bottom of page 964?

1 A. Oh, I see, sorry. Yeah.

2 767 Q. But it's got another stamp at the top, "*Rian*
3 *Counselling Service, 1st July 2014*". We will come to
4 it in due course, you sought the return of this report?

5 A. That's right. 14:44

6 768 Q. And did you put that date stamp on it or was that done
7 by administration?

8 A. Sorry, I just am not clear as to which stamp you are
9 talking about.

10 769 Q. It's at the top -- 14:44

11 A. I can't see it.

12 770 Q. The top of page 964.

13 A. 1st of July 2014.

14 771 Q. Do you see the date-stamp?

15 A. I do, I see the date. 14:45

16 772 Q. Yes. And obviously, you had sought the return of this?

17 A. That's right. I didn't receive a return of it, though.
18 So I am not sure what that date refers to.

19 773 Q. Okay. Well, that is what I am wondering. Did you
20 personally get it back? Are they your initials on that 14:45
21 date stamp?

22 A. No.

23 774 Q. Or can you identify those?

24 A. No, sorry, I can't actually see.

25 775 Q. Do you see where the squiggle is on the -- 14:45
26 A. I do. Unfortunately, I can't identify it.

27 776 Q. All right. So, in terms of the dissemination of that,
28 one copy leaves the office?

29 A. That's right.

1 777 Q. In physically printed form?
2 A. That's correct.
3 778 Q. And goes to the office in Cavan?
4 A. Child and Family Services, that's right.
5 779 Q. And just to be clear, did you know precisely who was 14:46
6 the duty team leader at that point in time to whom you
7 were directing this?
8 A. I don't recall if I knew who it was. It's changed
9 quite a bit over the years, I am not sure if I knew at
10 the time who exactly was duty team leader. 14:46
11 780 Q. In any event, I think contemporaneously at the time you
12 wrote to Ms. D's doctor informing him of the fact that
13 she was on a waiting list for an ongoing counselling
14 place and then you wrote to her as well --
15 A. That's correct. 14:46
16 781 Q. -- to similar effect. And I think, did you receive an
17 acknowledgement from the services in Cavan for the
18 retrospective form that you had submitted?
19 A. I believe so and I think it's exhibited in the
20 statement. 14:47
21 782 Q. Could I ask you to look at page 968. Now, that is
22 addressed to you at Brew Hill but would come on in
23 internal post?
24 A. That's right, yes.
25 783 Q. And it seems to be a pro forma acknowledgement signed 14:47
26 by Denise Duignan on behalf of Keara McGlone, the
27 social work team leader?
28 A. Yes.
29 784 Q. And can I ask you this: The other copies of the

1 report, Ms. Ward had one and then the administration
2 file had one?

3 A. Mm-hmm. And just to be clear, when this person was
4 referred on to another service, initially that would
5 have been to May 2014, just before I discovered the 14:48
6 error, a copy of the client's initial assessment and
7 the report form was sent to that service as well.

8 785 Q. Yes. Well, we will come to that in due course.

9 A. Okay.

10 786 Q. But where would the file be kept in the office at that 14:48
11 point in time between your sending out the
12 retrospective form and before anything else happens in
13 2014?

14 A. That would have been kept in the filing cabinet in the
15 administrator's office. 14:48

16 787 Q. Okay. Can I ask you this question: Did anyone phone
17 you to speak to you about the report before Ms. D
18 phoned you?

19 A. No.

20 788 Q. No contact at all? 14:48

21 A. No.

22 789 Q. And can I ask you this on a general level of principle:
23 The social work service that you send a report to about
24 abuse, are they free to phone you to consult about the
25 client with you? 14:49

26 A. My information is on it, so they can certainly contact
27 me and --

28 790 Q. Can I ask you this: would you have had any difficulty
29 speaking to the social services about a client in

1 respect of whom you had sent a report?

2 A. No, not insofar as the information pertaining to the
3 report, and only it.

4 791 Q. You would be in a position to clarify anything on the
5 report if need be -- 14:49

6 A. Oh, yes. Yeah, sure.

7 792 Q. Now, I think the next event of significance was that
8 you were at one stage able to offer Ms. D a counselling
9 place, in fact?

10 A. Mm-hmm. 14:49

11 793 Q. And you wrote to her on the 1st of May 2014 with a
12 letter confirming that. I think that led to contact --

13 A. That a place had become available and we were hoping to
14 offer an appointment, I believe that was for the 13th
15 of May. So that would have been an ongoing appointment 14:50
16 for counselling.

17 794 Q. Yes. You closed the case then and it was sent by you
18 to the other counselling service in another part of the
19 country, and is it your belief that you sent the file
20 including your paper copy of this erroneous 14:50
21 retrospective form?

22 A. No. It's my understanding that I copied the initial
23 assessment. In fact, I typed up the initial assessment
24 because I felt it would be clearer for the counsellor
25 therapist that would be working with the client, and 14:50
26 then a copy of the retrospective report. I didn't
27 actually copy the entire file. I didn't realise that
28 they wanted all of the documentation, including
29 correspondence and things like that. So that was at a

1 later date.

2 795 Q. Yes. Could I ask you to look at page 971? You say,
3 just to put it in context, you say in your statement at
4 the bottom of page 19:
5
6 *"The client transferred to the National Counselling
7 Service for ongoing counselling and a copy of her
8 client file was subsequently sent to them by Rian."*
9

10 For the purpose of sending the initial assessment form, 14:51
11 handwritten complete with Ms. D you typed it and
12 explained some of the shorthand --

13 A. Yes.

14 796 Q. -- to assist their understanding of the assessment
15 form? 14:51

16 A. Yes. That's right.

17 797 Q. That's what we are looking at here, the copy?

18 A. Yes, that's the typed copy. And, as you said there,
19 it's not an exact copy in terms of I would have
20 elaborated, explained certain shorthand I would have 14:51
21 used.

22 798 Q. Okay. We can see the details of it on page 971. There
23 is some redactions, 972, but at the bottom of page 973,
24 you put down here under heading *"Context of Abuse and
25 Duration"*, and that relates to the account Ms. D 14:52
26 actually gave to you?

27 A. That's correct.

28 799 Q. That you have recorded in your own handwritten notes?

29 A. Yes.

1 800 Q. And it doesn't contain the incorrect Ms. Y allegation.
2 A. No.

3 801 Q. And I suppose it's coincidence obviously that Ms. D
4 comes to contact you in and around this time?
5 A. The next day. 14:52

6 802 Q. This is the day before she contacts you?
7 A. I was due to meet her for an ongoing -- I had offered
8 an appointment, I suppose, for May 13th and the
9 discovery, I was contacted by Ms. D on the 14th of May.

10 803 Q. Yes. But you filled this out having opened the file 14:53
11 again?
12 A. Right. Yes, I think so.

13 804 Q. And obviously nobody had contacted you in relation to
14 any matter concerning the report that you had sent in
15 in August? 14:53
16 A. No.

17 805 Q. You were actually, you had reason to open the file for
18 two reasons; on the 1st of May when you wrote the
19 letter to her and then on this date when you were
20 transferring the file and you were redoing your 14:53
21 handwritten notes and you obviously didn't miss the
22 error that had been included in the retrospective
23 form --
24 A. I didn't notice it.

25 806 Q. -- in August? 14:53
26 A. I didn't note it.

27 807 Q. But can you confirm, was that copy of the form on your
28 file at that point in time?
29 A. I am -- I think it would have been on the file at that

1 time.

2 **CHAIRMAN:** Maybe, could I be helped as to the date of
3 this? I am sorry there is just so many dates, I am
4 just not sure.

5 **MR. MCGUINNESS:** Yes. 14:54

6 **CHAIRMAN:** It seems to be the next day you met Ms. D
7 for the second time? Or, was it?

8 808 Q. **MR. MCGUINNESS:** No, no. This, as I understand it, and
9 I hope I understand the witness correctly, this is the
10 copy typed assessment form that you have sent down to 14:54
11 the National Counselling Service in the southeast to
12 assist them in their initial assessment of Ms. D?

13 A. That's right. that's correct.

14 809 Q. And it's dated, is it, the 24th of July?

15 A. That is a handwritten date there. 14:54

16 810 Q. If you look at 966.

17 A. Oh sorry, I see it, yes. That would have been -- yeah,
18 I retained the original date I met her for our first
19 assessment.

20 **CHAIRMAN:** So, it's 24th of July 2013? 14:55

21 A. Right.

22 **MR. MCGUINNESS:** well --

23 A. But that is not necessarily the date, that wasn't the
24 date I typed it. Yes.

25 811 Q. Exactly. And are you in a position to help us? I 14:55
26 think you maybe have referred to when you typed it, you
27 typed this in May 2014?

28 A. Correct, but it would have been before there was any
29 discovery of an error.

1 812 Q. Yes, yes. And your recollection is that you did type
2 this the day before Ms. D phoned you, is that correct?
3 A. I don't recall putting that specific date on when I
4 typed this.

5 813 Q. I am sorry, I beg your pardon. I thought you told us 14:55
6 some minutes ago you had done this the day before Ms. D
7 contacted you in May, am I wrong about that?
8 A. Yes, sorry, there was a misunderstanding, I am terribly
9 sorry, no.

10 814 Q. All right. You had been due to meet Ms. D the day 14:55
11 before?
12 A. That's right. But that appointment was cancelled. Her
13 file, as far as I know, I think the date of closure was
14 even before that. So, I would have typed this upon
15 discovering that she was transferring and then typed it 14:56
16 up, I can't specify what day I typed it up but it was
17 before --

18 815 Q. Can we perhaps narrow the period? It was certainly
19 between the time when you found out that she couldn't
20 take up the counselling -- 14:56
21 A. Yes.

22 816 Q. -- and the day when she phoned you to discuss there had
23 been an error --
24 A. Yes, it was between that time.

25 817 Q. So it's a fairly narrow period in May that you typed 14:56
26 this?
27 A. Yes.

28 **CHAIRMAN:** I am sorry, this may be a silly question but
29 why does the date of the 24th of July actually appear

1 on it? I know you sent it to the southeast on that
2 day, but why -- May, June, July --

3 A. I didn't actually --

4 **CHAIRMAN:** -- why wait a couple of months?

5 A. Sorry, I didn't actually send it to them on 24th of 14:56
6 July. That date is actually the date I first met Ms. D
7 for assessment. So I was retaining -- because I was
8 typing up my initial assessment that was originally
9 dated on the 24/7/2013, I kept that date.

10 **CHAIRMAN:** Yes. I am sorry, I am lost. It's my fault 14:57
11 but I am wondering why are we talking about May then,
12 2013?

13 **MR. MCGUINNESS:** well, Judge, I hope I can clarify the
14 matter with three easy questions.

15 818 Q. The initial assessment that you did with Ms. D was in 14:57
16 July 2013?

17 A. That's correct.

18 819 Q. You were transferring her case in May 2014 --

19 A. Mm-hmm.

20 820 Q. -- away from your service to the other service? 14:57

21 A. That's correct.

22 821 Q. You were hoping to make their task easier by typing
23 your handwritten assessment that had been on your
24 original assessment form?

25 A. Exactly. 14:57

26 822 Q. You, therefore, typed out a new assessment form for
27 that purpose and you sent it off with the partial file
28 down the country?

29 A. Mm-hmm, but I didn't change the date.

1 823 Q. You didn't change the date because you wanted to
2 represent that as the date that you had in fact
3 originally sent it?
4 A. Exactly.
5 824 Q. It's otherwise undated. And it contains Ms. D's 14:58
6 complaint relating to Sergeant McCabe as part of the
7 background obviously?
8 A. It does.
9 825 Q. And it doesn't contain Ms. Y's --
10 A. No. 14:58
11 826 Q. -- allegation which had nothing to do with Ms. D?
12 A. That's correct.
13 827 Q. I am drawing attention to it just in terms of the
14 time-line --
15 A. Yes. 14:58
16 828 Q. -- but also in the context of an opportunity that you
17 might have had to pick up on the error before anything
18 else had occurred. But in any event, you got that
19 opportunity by Ms. D phoning you, isn't that correct?
20 A. That's correct. 14:58
21 829 Q. And you got the phone message relayed to you by
22 Ms. Pauline Johnson I think on 14th of May?
23 A. That's correct.
24 **CHAIRMAN:** And 14th of May, 2014?
25 **MR. MCGUINNESS:** 2014. 14:58
26 830 Q. Perhaps we will just look at that 977, page 977. And
27 can you see that --
28 A. I can.
29 831 Q. -- on the screen?

1 A. Yes.

2 832 Q. And it's dated there and it relates to Ms. D and there
3 is a detail of the call recorded there:
4
5 *"Ms. D rang regarding a report we were to submit to 14:59*
6 *HSE. She said that this was urgent and she was*
7 *wondering if you could phone her on..."*
8
9 And then there is a number given there.

10 A. That's right. 14:59

11 833 Q. And I think you phoned her back?

12 A. Mm-hmm.

13 834 Q. There is no time that that message came in, but you
14 have recorded the time on your own note of the phone
15 call with Ms. D, isn't that correct? 14:59

16 A. That's correct.

17 835 Q. And if we can turn to page 978.

18 A. It says 10:40.

19 836 Q. 10:40 in the morning. Could you just read that out to
20 assist us? 14:59

21 A. Sure. So it is:
22
23 *"Client notes.*
24 *Dated 14/5/2014, 10:40am*
25 *Client contacted me to inform me that there was an 14:59*
26 *error on the retrospective report I had submitted to*
27 *social services in Cavan. I saw the error and agreed*
28 *to contact social services to resolve the error."*
29

1 And that is signed by me.

2 837 Q. And you have recorded there as seeing the error, do I
3 take it that you were able to look at the form
4 immediately?

5 A. Yes. 15:00

6 838 Q. And you saw the information recorded relating to Ms. Y?

7 A. Mm-hmm.

8 839 Q. And you knew something had gone wrong?

9 A. When she pointed it out on the phone. Yeah, I had
10 taken out the file I think for the phone call, perhaps. 15:00

11 840 Q. Yes. That is what I was going to ask you. Did you
12 take it out while you were on the phone to her?

13 A. Em, I can't recall whether I took it out beforehand or
14 during our phone conversation. I imagine I would have
15 had it to hand, because it's specific about a report 15:00
16 that she wanted to discuss.

17 841 Q. Yes. Well, you recall I think sitting in your office
18 in Cavan and Ms. D, she seemed I think to be emotional
19 and angry and upset --

20 A. Yes. 15:01

21 842 Q. -- is that accurate?

22 A. That is my recollection, absolutely, yes.

23 843 Q. And did she say to you well, in quotations 'you said I
24 was raped ' or words to that effect?

25 A. Words to that effect. 15:01

26 844 Q. And I think you described in your statement your
27 reaction as one of disbelief?

28 A. Yeah.

29 845 Q. And you told her that I know you weren't and she said

1 she wasn't. And she was able to tell you, I think,
2 that there was a report in Bailieboro Garda Station and
3 the report documented that she had been raped or words
4 to that effect?

5 A. That is my recollection, yes. 15:01

6 846 Q. Then you say in your statement:

7

8 *"I remember then checking the retrospective report on*
9 *Ms. D's client file with Ms. D on the phone."*

10 15:01

11 And you saw the error?

12 A. Yes. That was my first discovery of the error, so I
13 remember it.

14 847 Q. And I think you were able to -- well, what did you do
15 or what did you tell Ms. D you were going to do at that 15:02
16 point in time?

17 A. Well, I immediately saw the issue, you know, that there
18 was an error. Initially I didn't believe that -- I
19 thought it was a mistake. So when I saw the error in
20 black and white I immediately I think apologised, would 15:02
21 have been the first thing I would have done, and said I
22 am going to try and resolve this. So that would have
23 been my response.

24 848 Q. Yes. And how did you reassure her that you were going
25 to do that? 15:02

26 A. Well, that I would contact social services. Because
27 that's who I had sent the report to originally. So I
28 suppose that I would -- you know.

29 849 Q. Yes. You say in your statement and I can well

1 understand it, you remember feeling a wave of panic at
2 the time?

3 A. Yes.

4 850 Q. Obviously nothing like that had happened before?

5 A. No. 15:02

6 851 Q. And you describe knowing immediately where the error
7 had come from?

8 A. Mm-hmm, yes, that's correct.

9 852 Q. And you say in your statement:
10
11 *"I knew it had come from another client's, Ms. Y's,
12 file."*
13
14 That you dealt with previously.

15 A. Yes. 15:03

16 853 Q. What did you then do at that point in time?

17 A. Well, as I said, I tried to reassure Ms. D on the phone
18 that I would do my best to resolve the issue. I
19 acknowledged the mistake. I knew immediately that it
20 was a complete mistake on my behalf. So I suppose the 15:03
21 first thing I would have done was to try and contact --
22 I made contact with several people that day. So my
23 line manager, Fiona Ward, social services, in attempts
24 to try and resolve it.

25 854 Q. But are you clear in your recollection that she was 15:03
26 telling you she had received the information because
27 this report had been received about her in Bailieboro
28 and that her father had told her that?

29 A. That's not a hundred percent clear. It was my

1 understanding from the phone call and my recollection
2 was that she had some, I don't know whether it was
3 direct access to the file but she had come into that
4 knowledge and she passed that knowledge on to me.

5 855 Q. Now, Ms. D was interviewed by the investigators and she 15:04
6 seemed not to be able to recall very clearly the phone
7 calls. Are you clear in your own mind that did you
8 speak to her, in fact a number of times on that day?
9 A. That's my recollection, was that it was Ms. D I was
10 speaking to. 15:04

11 856 Q. And the number recorded on Ms. Johnson's contact sheet
12 was her number, I think?
13 A. That's correct, I believe.

14 857 Q. And were you able to phone her on that number? Do you
15 remember who initiated the phone call at 10:40? 15:04
16 A. It isn't clear in my notes so I can't confirm
17 definitively whether I contacted her and she contacted
18 me back or -- but it's my understanding that that's her
19 number and that we would have contacted her before on
20 that number. 15:05

21 858 Q. Did you receive another phone call from her on the same
22 day at 2p.m.?
23 A. That's correct.

24 859 Q. And you have a note of that here as well. Perhaps
25 would you help us through the note at 2p.m. on page 15:05
26 978?
27 A. So again:
28
29 *"Client notes*

1 2 p.m.
2 *Ms. D client contacted me a second time to inform me*
3 *that she was concerned about the error and wanted to*
4 *clarify that all three incorrect sentences would be*
5 *amended and she also enquired if there had been another* 15:05
6 *client who made an allegation about the same person who*
7 *allegedly abused client. I assured client that all*
8 *erroneous information would be retracted and that the*
9 *information incorrectly placed on her report had*
10 *nothing to do with her case in any way. I also* 15:05
11 *informed her I would send her a copy of this amended*
12 *report."*

13
14 And then I signed it.

15 860 Q. Okay. And she obviously had some detailed knowledge of 15:05
16 what was in the report by reference to the three
17 sentences?

18 A. Okay, yeah. Yes.

19 861 Q. And that is something she told you --

20 A. Mm-hmm. 15:06

21 862 Q. -- rather than you telling her what the error was,
22 isn't that right?

23 A. She didn't quote it directly, but she did -- she was
24 interested to know was there another allegation from
25 somebody else about the same person. 15:06

26 863 Q. And you are happy to clarify what was recorded related
27 to neither her nor Sergeant McCabe in any way?

28 A. Exactly, not in any way.

29 864 Q. I think, had you been in contact then with your line

1 manager, Fiona Ward, to report the incident and another
2 person in the service, Anne Masterson, who directed you
3 to complete an incident report?

4 A. That's correct.

5 865 Q. Had you started compiling that already yourself? 15:06

6 A. Yes, on the 14th I was instructed to make, start making
7 out an incident report.

8 866 Q. And could I ask you just to look at that on page 979?
9 Perhaps just if you wouldn't mind, would you read that
10 into the transcript of the tribunal? 15:07

11 A. Sure. Yes. No problem. Yeah. Just tell me when to
12 stop.

13

14 *"Incident report dated 14/5/2014.*

15 *I am writing to inform you that it has come to my* 15:07
16 *attention that a report I made to the social work*
17 *service in Cavan on 9th August 2013 contained an*
18 *administrative error.*

19

20 *I was contacted today by a former client, whom I shall* 15:07
21 *refer to as Ms. D in this document to maintain*
22 *confidentiality.*

23

24 *On page 1 of the original Retrospective Disclosure*
25 *Abuse Report I sent on behalf of Ms. D under the title* 15:07
26 *"Description of Abuse" the subsequent three sentences*
27 *contain incorrect information. The information*
28 *erroneously placed in this report pertains to a*
29 *different client of mine, whom I shall refer to as*

1 Ms. Y to maintain confidentiality.

2
3 whilst the rest of the document refers accurately to
4 Ms. D and her alleged perpetrator, in this one section
5 where I was to describe the nature of abuse suffered by 15:08
6 Ms. D I had mistakenly described the alleged abuse
7 suffered by Ms. Y.

8
9 These three erroneously placed sentences refer to Ms. Y
10 by her second name and do not refer to any other 15:08
11 identifying information relating to Ms. Y, nor do they
12 identify her alleged perpetrator.

13
14 When I spoke to Ms. D upon realising my error I
15 apologised and informed her that I would contact the 15:08
16 social work service in Cavan to inform them of this
17 error. I also informed Ms. D that I would immediately
18 correct this error on the report and put in the correct
19 information and give this to the social work service in
20 Cavan. 15:08

21
22 I then contacted the social work service in Cavan to
23 inform them of the error on the original report and to
24 inform them that I would amend the error and furnish
25 them with the corrected report as soon as possible. 15:08
26

27 Following this phone call I contacted my director of
28 service, Fiona Ward, to inform her of this incident, my
29 follow-up to this point and to seek further

1 *instruction.*

2
3 *It was then agreed that I would write a letter to the*
4 *social work service in Cavan to accompany the amended*
5 *report. In this letter I was to inform them of the* 15:09
6 *specific error, apologise and request that they retract*
7 *and disregard any copies of this original report and*
8 *that they use instead the amended report enclosed. I*
9 *was also advised to enquire whether the social work*
10 *service in Cavan would contact the Gardaí who had been* 15:09
11 *furnished with copies of the original report to retract*
12 *it or if I should do this.*

13
14 *It was also suggested that I write to Ms. D to*
15 *apologise formally and to update her on steps taken to* 15:09
16 *resolve the error and to give her a copy of the amended*
17 *report for her information.*

18
19 *I then received another phone call from Ms. D to*
20 *clarify the mistake in the report, as she wondered if* 15:09
21 *the erroneous allegation in the report was from another*
22 *client but intended for the alleged same perpetrator.*
23 *I informed Ms. D that the error was entirely my own and*
24 *from a completely different report unrelated to hers.*
25 *Ms. D then asked me if I would contact the* 15:10
26 *superintendent in the Garda station that had a copy of*
27 *the report to inform them of the error. I informed*
28 *Ms. D that as I did not give a copy of the report to*
29 *Gardaí that I would contact social work service in*

1 Cavan to check whether or not they had already
2 contacted the superintendent and if not, that I would
3 do so. I also informed Ms. D that I would send her a
4 copy of the amended report for her own record and
5 apologised again for my error. I also told Ms. D that 15:10
6 she was welcome to contact me if she had any other
7 queries relating to this incident.

8
9 As Ms. D was transferred to another NCS service and I
10 had recently copied part of Ms. D's file to this 15:10
11 service, including a copy of the report, I contacted
12 them to inform them of the error and tell them I would
13 send the amended report. They agreed to shred the
14 erroneous report and await the amended version with the
15 rest of the file. 15:10

16
17 I then amended the error on Ms. D's report and wrote
18 the letter to the social work service in Cavan as
19 suggested. I hand-delivered the letter and the
20 accompanying amended report to social work service in 15:11
21 Cavan, care of Ms. Eileen Argue, team leader. As
22 Ms. Argue was not present when I delivered the letter I
23 did not get this opportunity to enquire about their
24 communication with Gardaí regarding the original
25 report. 15:11

26
27 When I returned to my office I received another call
28 from Fiona Ward to update her on the situation. I
29 informed Ms. Ward that I received a phone call from

1 Ms. D and also informed her that I delivered the
2 amended report and letter as agreed to the social work
3 service in Cavan. I agreed to contact Ms. Argue to
4 request that they send us back the original report to
5 be destroyed and to get an update on their contact with 15:11
6 gardaí so that I could contact the correct person in
7 the gardaí dealing with the report to request that they
8 also send back their copy of the original report to be
9 destroyed. I tried to contact Ms. Argue by phone in
10 her office in Monaghan but did not get to speak with 15:11
11 her. However, I left my number for her to contact me.
12 I am currently in the process of drafting up a letter
13 of apology to Ms. D. However, I want to ensure I have
14 all relevant information to update her before sending
15 this letter. To the best of my knowledge, this is an 15:12
16 accurate and up-to-date account of the incident and
17 actions taken so far."

18 And then it's signed with my name and address.

19 867 Q. Can I just ask you perhaps a couple of portions of
20 that, on the first page on line 79, the second-last 15:12
21 paragraph at the bottom, and you see you say there:
22 "I was also advised to inquire whether the social work
23 services in Cavan would contact the gardaí."

24 A. Sorry, it's 979?

25 868 Q. 979, second-last paragraph. That paragraph: 15:12
26 "I was also advised to inquire whether the social work
27 service in Cavan would contact the gardaí who had been
28 furnished with copies of the original report to retract
29 it or if I should do this."

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You have been careful in your account and in your statement to us to emphasise that what you had done was, and the only destination that you had sent your report was the social work service?

15:13

A. That's correct.

869 Q. But was it your understanding that they had sent that on in the form in which you had sent to the gardaí?

A. I was only informed that the gardaí had a copy or some version of it --

15:13

870 Q. Yes.

A. -- when Ms. D contacted me on the 14th. I had no understanding of that beforehand.

871 Q. Okay. It's just that you do describe it in the incident report in a number of places as the original -- copies of the original report. And may I take it that when you used that phrase, you were referring to your --

15:13

A. I am referring to the one that I sent Tusla in the first place -- or, sorry, HSE at the time.

15:13

872 Q. But it seems to proceed on the basis that the gardaí had been given an original copy of that written report?

A. Mm-hmm. That is my understanding.

873 Q. Do you know whether that is so or not?

A. That was my understanding.

15:14

874 Q. Certainly, you do envisage giving them a copy of the -- an amended report, and you, in fact, did that?

A. That's correct.

875 Q. Directly to the gardaí?

1 A. That's correct.

2 876 Q. And I am not criticising you for it in the
3 circumstances, but that is not the normal procedure in
4 relation to notification, isn't that right?

5 A. That's correct. 15:14

6 877 Q. And I take it certainly at the time you were writing
7 this, you knew that there was a separate Garda
8 notification procedure agreed between social work
9 services and the gardaí as to what would be in the
10 standard form notification? 15:14

11 A. I wasn't clear as to what information they would pass
12 on, but I knew that there was contact between them.

13 878 Q. On the next page, page 980, in the second paragraph,
14 you say: "*As Ms. X was transferred to another NCS
15 Service and I have recently copied files of Ms. X's 15:15
16 file to this service, including a copy of the report.
17 I contacted them to inform them of the error and tell
18 them that I would be sending the amended report.*"
19 Is that actually correct now in the light of what you
20 have done with retyping your initial assessment which 15:15
21 contained the correct allegation? Is it correct for
22 you to record there that you had, in fact, sent the NCS
23 a copy of the original erroneous report?

24 A. I believe that that is what I did, that, while sending
25 the initial assessment, that the only two documents I 15:15
26 would have sent them would have been the initial
27 assessment, and on the initial assessment it would say
28 there was a report -- this was a report made or not and
29 I would have added a report so that they knew that that

1 issue had been already addressed.

2 879 Q. All right. what I haven't seen is a letter addressed
3 either by you or Ms. Johnson to the counselling service
4 in the southeast --

5 A. That's correct. 15:16

6 880 Q. -- saying, herewith, initial assessment retyped or --
7 and, herewith, retrospective abuse report form?

8 A. I don't know that there was such a letter because I
9 haven't any copy of that letter on my file.

10 881 Q. I suppose, more importantly, did you send a copy of the 15:16
11 original erroneous report down to waterford as well?

12 A. That is my understanding, because when I rang them to
13 tell them that -- you know, when we contacted them to
14 tell them there was an erroneous report, they seemed to
15 respond that they would delete it. 15:16

16 882 Q. Okay. And we have statements from Dr. O'Neill and
17 Ms. Waters who say that neither of them personally
18 received a copy of the original retrospective abuse
19 report form?

20 A. Right, mm-hmm. 15:17

21 883 Q. Would you expect them to have received it if it was
22 sent or received?

23 A. I would have thought so. I mean, it was very soon
24 after that we rang and, we were dealing with
25 administration in the service we were referring to, so 15:17
26 I don't know if it's possible that they might have
27 destroyed the report as requested.

28 884 Q. Okay.

29 A. whether it had even been handed to a counsellor at that

1 point.

2 885 Q. In any event, your request, as you recall it, was to
3 ask them to shred it if they had it?

4 A. Absolutely.

5 886 Q. And not to return it, which was the alternative 15:17
6 request --

7 A. That was the alternative, yeah --

8 887 Q. -- to the gardaí and the social worker?

9 A. Yes.

10 888 Q. In any event, on this day, you were taking immediate 15:17
11 remedial action --

12 A. Yes.

13 889 Q. -- to try and deal with the error?

14 A. Yes.

15 890 Q. And you had apologised to Ms. D and given her 15:18
16 reassurance that it would be corrected, and you set
17 about correcting it?

18 A. Yes.

19 891 Q. And you set about doing draft letters both to Ms. Argue
20 and completing an incident report form for your team 15:18
21 leader, isn't that right?

22 A. That's correct.

23 892 Q. And you also amended the report that you had previously
24 sent in. Can we just look at that, perhaps, if we go
25 to 981. I think on page 981, at the bottom, that 15:18
26 records a conversation that you had with Anne
27 Masterson, and you had obviously also a potential
28 concern about whether there had been a data protection
29 issue?

1 A. Absolutely, yes.

2 893 Q. And would you need to write an account of it. And then
3 you submitted the report to Ms. Ward in relation to the
4 incident?

5 A. That's correct. 15:19

6 894 Q. And that was done, was it, without hesitation and
7 immediately?

8 A. Absolutely, yes.

9 895 Q. The report itself then that you amended, could you look
10 at that on page 982. I think that takes out, 15:19
11 obviously, the mistaken included allegation?

12 A. Yes.

13 896 Q. And it's correct in all other respects?

14 A. Yes.

15 897 Q. And was that a draft at that point in time or was that 15:19
16 approved by Ms. Ward? Did you have to go through that
17 process or not?

18 A. I don't recall actually if --

19 898 Q. Did you send that off then to Ms. Argue, who was the
20 team leader in Drumalee? 15:20

21 A. Yes. Well, I hand-delivered the social work report
22 because they are actually just up the road, so I was
23 able to do that.

24 899 Q. They are up in Drumalee, and it was easy to do that?

25 A. Yes. 15:20

26 900 Q. And did you enclose that new report with that letter?

27 A. Yes, that is my understanding.

28 901 Q. Did you attempt to see whether social work were
29 following that up with the gardaí?

1 A. I believe so, I believe I attempted to contact them
2 because I wanted to find out -- still hadn't the
3 information as to what gardaí or the superintendent had
4 received a copy of the report, so I was still trying to
5 make contact to confirm what had happened so that I 15:21
6 could take action if needed.

7 902 Q. Do you recall having any conversation with Ms. Argue
8 after the 14th when the letter had been hand-delivered?

9 A. I am just trying to remember. There was -- I actually
10 can't recall. There is a few on that date and then on 15:21
11 the 16th, I think.

12 903 Q. Okay. Certainly, I think you received another phone
13 call from Ms. D on the 16th, is that correct?

14 A. That's correct.

15 904 Q. Perhaps you would look again at page 978, and at the 15:21
16 bottom of the page there is a phone call recorded
17 there.

18 A. Yes, I can see that there. Do you want me to read it?

19 905 Q. Yes.

20 A. So "*Client: Ms. D. 16/5/2014. Client contacted me to 15:22*
21 *inform me that the superintendent in Bailieboro had not*
22 *yet been informed of the error and requested I contact*
23 *him.*" It's signed there, and then I revert to official
24 correspondence by letter.

25 906 Q. And the correspondence you are referring to there, is 15:22
26 that to the gardaí?

27 A. It is.

28 907 Q. Because you have an e-mail to Ms. Ward on the 14th,
29 which is a number of pages on, at page 986?

1 A. Mm-hmm.

2 908 Q. which, *inter alia*, records that, in relation to your
3 account, "*But I hope this is sufficient as I have not*
4 *yet been able to follow up with social work in relation*
5 *to the gardaí.*" 15:23

6 A. Yes.

7 909 Q. So my question is --

8 A. I think I was trying to make contact and I couldn't.

9 910 Q. Yes. And were you uncertain or did you know that no
10 contact had been made with the gardaí at that point in 15:23
11 time?

12 A. I didn't know. That is what I was trying to establish.

13 911 Q. Yes. And was it, in fact, Ms. D who contacted you to
14 tell you that?

15 A. Yes. 15:23

16 912 Q. On the 16th?

17 A. Yes, that is my recollection.

18 **CHAIRMAN:** When you say 'contact', Mr. McGuinness, you
19 mean corrective contact to correct the erroneous
20 report? 15:23

21 913 Q. **MR. MCGUINNESS:** well, is it correct that she was
22 phoning you to inform you that the Superintendent in
23 Bailieboro --

24 A. Still didn't know.

25 914 Q. -- hadn't been informed of the error and she was 15:23
26 anxious for you to contact him?

27 A. Yes, that's right.

28 915 Q. I think, in fairness, you had some contact with
29 Ms. Argue, which you have recorded as having happened,

1 I think, sometime on the 15th of May?

2 A. Okay, sorry.

3 916 Q. Perhaps you would look at page 987. It's an e-mail
4 from you to Ms. Ward.

5 A. Right, okay. 15:24

6 917 Q. Just in case that refreshes your memory.

7 A. Yes, okay. I just am aware I didn't note it in
8 handwriting, my conversation with Eileen Argue, but --

9 918 Q. Yes. You don't appear to have any notes of any
10 conversation with her or anyone else in the social work 15:24
11 department, or vice versa?

12 A. That's right.

13 919 Q. Perhaps you would just read this for the benefit of the
14 transcript.

15 A. Yes, okay. So at the top it says: "From Laura K. 15:24
16 Brophy, NEHB, to Fiona Ward, NEHB.
17 Date: 15/5/2014."
18 And the time is two minutes past three.
19 "Subject: Incident Report.
20 Hi Fiona, 15:25
21 I just want to update you of my contact with Eileen
22 Argue, team leader in the Cavan Social Work Service. I
23 had some difficulty in getting hold of Ms. Argue so it
24 was just minutes ago I was able to speak with her
25 directly. Ms. Argue informed me that she contacted the 15:25
26 chief superintendent in charge of this investigation
27 and he informed her that the alleged has not been
28 contacted in relation to this case as they were just
29 beginning to look into the report from social services

1 yesterday. Ms. Argue informed him of the error on the
2 report and has told him that she will issue him with a
3 new amended report and a copy of my letter to social
4 work explaining the administrative error. I requested
5 that we get the original report with the errors on it 15:25
6 back to be destroyed and she said that they were going
7 to do that on their end but could not guarantee that
8 the chief superintendent will return it but she will
9 request this. Ms. Argue informed me that he mentioned
10 something about keeping the original along with the 15:25
11 updated report. If you have any questions about this,
12 I am on the mobile after 4:30 today.

13 Regards,

14 Laura Brophy."

15 920 Q. So you obviously were able to speak to her a few 15:26
16 minutes before 3:00 on that day. Can you recollect who
17 she identified as the chief superintendent?

18 A. It's my recollection that there wasn't a name
19 identified because there was some confusion about that.

20 921 Q. But the way you phrased it there, did you think from 15:26
21 what she was saying that there was a chief
22 superintendent in charge of the investigation?

23 A. That is certainly the way I -- I suppose it's important
24 just to note, I wouldn't, and probably still don't,
25 have much awareness of the kind of structure, internal 15:26
26 structure of the gardaí, so that was my understanding
27 of what she said to me, she referred to a chief
28 superintendent or --

29 922 Q. Okay. But he seems to have told you that "*The alleged*

1 *hadn't been contacted...*"

2 I take it you understood that was Sergeant McCabe?

3 A. Yes, I think, at that time I would, yes.

4 923 Q. "*... as they were just beginning to look into the*
5 *report from social services yesterday.*" 15:27

6 Did that -- did you understand that they were looking
7 into the erroneous report?

8 A. No, that they had just received a report, full stop.
9 My understanding was that Social work, I know they had
10 a lot of cases, that that may have been when they began 15:27
11 to act on it.

12 924 Q. Okay. You record there: "*Ms. Argue has informed him*
13 *of the error of the report and has told him she will*
14 *issue him with a new amended report and a copy of my*
15 *letter to social work explaining the administrative* 15:27
16 *error.*"

17 Were you anxious for her to do that as soon as
18 possible?

19 A. Absolutely.

20 925 Q. Did you discuss any timescale with her on the phone or 15:27
21 not?

22 A. Not to my recollection.

23 926 Q. You requested that you get the original copy with the
24 errors on it back to be destroyed and she said they
25 were doing that on their end. She could not guarantee 15:27
26 that the chief superintendent will return them but she
27 will request this.

28 Again, that seems to be posited on the belief that your
29 report had gone to the gardaí?

1 A. That seemed to be my understanding at that time, that
2 it was my report. It was certainly the error that I
3 made on the report that was given to them.

4 927 Q. And she certainly appears to have had some discussion 15:28
5 about the report, the error, getting the original back
6 and being given an indication that they might want to
7 hang on to both?

8 A. That's right, yeah.

9 928 Q. You had a further update from Ms. Ward then on the 15:28
10 16th. Perhaps if we look at page 988. There is
11 another e-mail from you on the 16th at 15:46.

12 A. Shall I read that?

13 929 Q. Yes, please.

14 A. So again from Laura K. Brophy to Fiona Ward on 15:28
15 16/5/2014 at 15:46, and the subject again is "Re the
16 *Incident Report:*
17 *Hi Fiona,*
18 *Just a quick update. I tried Eileen Argue again but*
19 *unfortunately she is out of the office today so I sent*
20 *her an e-mail to update her. I received a call back 15:29*
21 *from the superintendent and he informed me that he had*
22 *not been told about the error so I explained the issue*
23 *to him. He told me that the matter has now been given*
24 *over to the Commissioner and a separate team to*
25 *investigate the case outside the region. However, I 15:29*
26 *agreed to send him copy of the amended report by*
27 *registered post today and he will contact those with a*
28 *current copy of the erroneous report to inform them. I*
29 *have sent the amended report and he will have it by*

1 *Monday morning and will copy it to the relevant*
2 *parties.*

3 *Regards,*
4 *Laura Brophy."*

5 930 Q. Now, that relates to a call you had with the 15:29
6 Superintendent. Can you confirm that that was
7 Superintendent Leo McGinn in Bailieboro?

8 A. Yes, that is who I spoke to eventually, but I had tried
9 to contact, I don't know when exactly, whether it was
10 the 15th or the 14th that I tried to contact Bailieboro 15:29
11 Garda Station, but this was on the basis of a call-back
12 I received, and that is who I was told to speak to.

13 931 Q. Yes. Now, I am not criticising you for this, but you
14 had a call from Ms. D on the 16th and there isn't a
15 time on it, but from what we can infer -- could we 15:30
16 agree that you must have called the superintendent
17 after her phone call?

18 A. He called me back, as far as I remember.

19 932 Q. So you must have left a message for him to ring you?

20 A. Mm-hmm. 15:30

21 933 Q. After she had phoned you?

22 A. Not necessarily, because she had mentioned before
23 that -- I am just trying to think, sorry, just to
24 clarify that. Yes, it could have been the same day.
25 Unfortunately, I don't have a time-line as to when I 15:30
26 contacted him.

27 934 Q. Again, it's not a criticism, but just in terms of the
28 sequencing, it would appear that she was anxious for
29 the superintendent to be informed of this error?

1 A. That's correct.

2 935 Q. That the error wouldn't go on?

3 A. Yes.

4 936 Q. There is no doubt about that in your mind?

5 A. No, I am quite confident of that. 15:30

6 937 Q. In any event, in this e-mail that we are looking at
7 here on page 988, he didn't identify who the
8 commissioner was, as such. Did you know anything about
9 regional commissioners or assistant commissioners or --

10 A. No, but I was confused about who was the superintendent 15:31
11 because I thought the person I was dealing with was the
12 superintendent and would have known about the report.

13 938 Q. Yes. In any event, you were -- you record there you
14 agreed to send him a copy of the amended report?

15 A. Mm-hmm. 15:31

16 939 Q. And presumably you hadn't done that before in any
17 circumstance?

18 A. No.

19 940 Q. And did he ask for it or bring you, I don't say this
20 pejoratively, pushing on the matter? 15:31

21 A. I can only recall that I was extremely anxious to get
22 the corrected information out and the incorrect
23 information dismissed, so I would have been happy to
24 have the correct information as soon as possible to
25 him -- 15:32

26 941 Q. Yes. You wanted to make sure he got it, one way or the
27 other?

28 A. Yes, yes.

29 942 Q. And could I ask you then, you did write a letter to

1 that effect, and perhaps we could look at that on page
2 989.

3 A. Mm-hmm.

4 943 Q. And that is a letter dated the 16th of May. I think
5 you did send that by registered post to ensure he 15:32
6 would -- it would get there?

7 A. That's right.

8 944 Q. And get proof of it. And could you just read that into
9 the record, in fact.

10 A. Sure. So I can just see the date, May 16, 2014: 15:32
11 *"Re retrospective report made by counsellor therapist,*
12 *Laura Brophy, on behalf of Ms. D, dated 9/8/2013.*
13 *Dear Superintendent McGinn,*
14 *Following our telephone conversation today I am writing*
15 *to confirm that a report I made to the social work 15:32*
16 *service in Cavan on 9 August 2013 contained an*
17 *administrative error which I wish to address. On page*
18 *1 of the original report I sent on behalf of Ms. D*
19 *under the title 'Description of Abuse' the sentence*
20 *which begins with 'Ms. D informed me' and ends with 15:33*
21 *'she said anything' was incorrect information and*
22 *should be disregarded. I have amended the report to*
23 *include the correct information as given to me by Ms. D*
24 *and I have enclosed the correct report with this*
25 *letter. I would like to take this opportunity to 15:33*
26 *apologise for this error and any confusion or*
27 *inconvenience caused. I would ask that the original*
28 *report containing the error and any copies made or*
29 *distributed be retracted and replaced with the correct*

1 *version of the report enclosed. If you have any*
2 *further queries in relation to this matter, please*
3 *don't hesitate to contact me.*

4 *Yours sincerely, Laura Brophy."*

5 And I have cc'ed that to the Director of Services,
6 Fiona Ward.

15:33

7 945 Q. Yes. Obviously, from the point of view of correcting
8 the error brought to your attention by Ms. D and not
9 anybody else, and I am not criticising anybody else,
10 you achieved that objective there in correcting that?

15:34

11 A. I believe I had, yes.

12 946 Q. And obviously the new report doesn't refer to Ms. Y?

13 A. No.

14 947 Q. And if your original report, which referred to Ms. Y,
15 wasn't sent to the guards, her identity didn't go
16 anywhere outside the service?

15:34

17 A. No.

18 948 Q. But again, and this isn't a criticism because it
19 appears that the social work service appeared to
20 believe at this point in time, perhaps for a variety of
21 reasons, that your original report had gone, and are
22 you satisfied that your original report didn't go to
23 the gardaí, or do you know?

15:34

24 A. I didn't send my original report to the gardaí. I only
25 sent it to the parties I have mentioned.

15:34

26 949 Q. Okay.

27 **CHAIRMAN:** Mr. McGuinness, the original report, is it
28 the one that does not refer to Ms. Y or is it the one
29 that does refer to Ms. Y?

1 **MR. MCGUINNESS:** The original report is the one that
2 refers to Ms. Y, has the erroneous information.

3 **CHAIRMAN:** Okay, I understand. So it wasn't sent to
4 the gardaí but it was sent to head office, who, in due
5 course, referred it on as far as this witness 15:35
6 understands?

7 **MR. MCGUINNESS:** As far as this witness understands.

8 **CHAIRMAN:** Yeah, all right. Thanks.

9 950 Q. **MR. MCGUINNESS:** I think you did send that by
10 registered post. You also sent a letter out on the 15:35
11 same day to Ms. D.

12 A. That's correct.

13 951 Q. Page 991, if you want to just look at that briefly.
14 And is that an accurate record of everything that you
15 did in relation to it, that you were communicating to 15:35
16 Ms. D?

17 A. Yes, to the best of my knowledge.

18 952 Q. I think you had -- you had sought Ms. Ward's approval
19 for the content of the letter --

20 A. Yes. 15:36

21 953 Q. -- in all the circumstances?

22 A. Yes.

23 954 Q. In relation to the recovery of the original reports, I
24 think you have probably already confirmed that you
25 didn't get back an original erroneous report from the 15:36
26 service you sent it to --

27 A. No.

28 955 Q. -- yourself?

29 A. Not myself. It's my understanding that Fiona Ward

1 received a copy -- or received the original report.

2 956 Q. And insofar An Garda Síochána are concerned, did you
3 receive back anything, either directly or indirectly,
4 from them?

5 A. No. 15:36

6 957 Q. And insofar as Cavan services are concerned, did they
7 return that to you directly or indirectly?

8 A. I am not sure --

9 958 Q. Did they return the copy that you had sent to them,
10 back to you, directly or indirectly? 15:37

11 A. I imagine, because it went to Fiona Ward, it didn't go
12 to me, that it was indirectly.

13 959 Q. And do you think that is the one which we have seen
14 date-stamped the 1st of July?

15 A. I believe so. 15:37

16 960 Q. That is your belief, that that is what that document is
17 and where it originates from with the Cavan stamp on
18 it?

19 **CHAIRMAN:** And is there -- you've got a page for that?
20 You have referred to it, I am sure, previously? 15:37

21 **MR. MCGUINNESS:** Yes, I have.

22 **CHAIRMAN:** Is the point of the date-stamp,
23 Mr. McGuinness, that that is the date-stamp in relation
24 to getting it back?

25 **MR. MCGUINNESS:** well, it's both, it's got the Cavan 15:37
26 stamp and the Rian stamp.

27 **CHAIRMAN:** Yes, no, I know, but the second or the later
28 date is the date of it being returned as erroneous; in
29 other words, supposedly taken out of the system?

1 **MR. MCGUINNESS:** Yes.

2 **CHAIRMAN:** I see.

3 961 Q. **MR. MCGUINNESS:** Now, as of the 20th of May 2014, you
4 still seem to have a concern that you hadn't heard back
5 from Ms. Argue about the chief superintendent? 15:38

6 A. Mm-hmm.

7 962 Q. And were you expecting to hear back from her as a
8 result of your phone call with her on the 15th?

9 A. I believe so.

10 963 Q. And can I just ask you to look at your e-mail to 15:38
11 Ms. Ward about that at page 996.

12 A. Shall I read it?

13 964 Q. Yes.

14 A. Again from Laura K. Brophy in NEHB to Fiona Ward, NEHB,
15 and cc'ed to Anne Masterson. The subject is actually 15:38
16 on foot of another e-mail, annual leave. It is dated
17 the 20th of May 2014 at 12:35:
18 *"Hi Fiona,*
19 *I am just e-mailing you to let you know that I am still*
20 *waiting to hear back from Eileen Argue about the chief* 15:39
21 *super in Bailieboro. I could always ring*
22 *Superintendent Leo McGinn to ask but I would just be*
23 *worried it isn't the same person as he knew nothing of*
24 *it when I was in touch with him on Friday last. Let me*
25 *know how you would like to proceed.* 15:39
26 *Regards, Laura Brophy."*

27 965 Q. And I think you had made a note in your diary to ring
28 Ms. Argue to get the name of the chief superintendent
29 in Monaghan?

1 A. That's correct, yes.

2 966 Q. And you hadn't heard back from her. And was that in
3 the context of trying to get the original report back?

4 A. I am not entirely clear because I know that Fiona was
5 also going to be handling -- I think she also was 15:39
6 sending letters, so it could have been in that capacity
7 as well.

8 967 Q. But the -- was that not the only concern you could have
9 had left, in the sense that you had notified the
10 superintendent of the error, you had sent him a copy of 15:40
11 the amended report, you hadn't achieved what you had
12 wanted in terms of getting back what you believed to be
13 the original report, and you were chasing the chief
14 superintendent's name at that --

15 A. To clarify who was who. 15:40

16 968 Q. Yes. And did you succeed in doing that?

17 A. I think there is another reference to a conversation or
18 correspondence with Eileen Argue.

19 969 Q. Yes. You have an e-mail for later on the 20th on which
20 you had heard back from social services in Cavan? 15:40

21 A. Okay.

22 970 Q. Who had confirmed that the chief superintendent was
23 Chief Superintendent Sheridan?

24 A. That's correct.

25 971 Q. So did you speak to Chief Superintendent Sheridan at 15:40
26 that stage?

27 A. No, I don't believe so. I can't actually see the
28 e-mail.

29 972 Q. Sorry, it's at page 998.

1 A. Yes. No, my understanding is, from this e-mail, that I
2 got the information from social services, that I wasn't
3 in direct contact with Chief Superintendent James
4 Sheridan.

5 973 Q. But you now have the identity of the chief 15:41
6 superintendent?

7 A. That's right.

8 974 Q. Were you going to, as it were, pursue it in relation to
9 the report?

10 A. No, I think I was passing that to Fiona. I think Fiona 15:41
11 had asked me to find that out or clarify that.

12 975 Q. So it was for her benefit --

13 A. I believe so.

14 976 Q. She was going to correspond with the chief
15 superintendent? 15:41

16 A. That is my belief, because there was correspondence
17 subsequent to that between -- I think she had written
18 to him.

19 977 Q. You appear to have been involved, though, in some
20 follow-up in July, on the 21st of July 2014, when 15:42
21 Ms. Ward was trying to get the details from you of who
22 in the Cavan services was dealing with the amended
23 report?

24 A. That's right.

25 978 Q. And could I ask you to look at that. 15:42

26 A. Yes.

27 979 Q. It's at page 1000. And that is from Ms. Ward, and she
28 says:
29 "Hi Laura,

1 *Can you e-mail me the contact -- the e-mail and contact*
2 *details, names, addresses and telephone numbers of*
3 *the... who are dealing with Ms. D's retrospective*
4 *report. The chief inspector's office contacts seeking*
5 *an up-to-date on what we followed -- on what follow-up* 15:42
6 *the HSE has done, and I agree to pass on the SW*
7 *details."*
8 So did you know what that was in relation to?
9 A. No.
10 980 Q. Well, Ms. Ward seemed to have been phoned and received 15:43
11 an e-mail from Inspector O'Connell previous to that.
12 Did you see that?
13 A. I saw that in the discovery, yeah.
14 981 Q. Did that come to you as a trail, though, with the --
15 A. With the names? 15:43
16 982 Q. -- with the request to you from Fiona?
17 A. I don't know. It could have, yeah, I presume so, if
18 this is the original -- a copy of the printout, rather.
19 983 Q. Okay. It seems to be the gardaí inquiring, or seeking
20 to inquire, what the HSE have done in relation to the 15:43
21 report. Had you any knowledge of any step they'd
22 take --
23 A. No.
24 984 Q. In any event, you replied -- perhaps you were away --
25 you replied on the 28th? 15:44
26 A. Yes, I see it's a week later.
27 985 Q. And you informed Fiona of the details of the contact
28 with Ms. Argue?
29 A. That's right.

1 986 Q. And I take it that you understood she was responsible
2 for dealing with the matter?

3 A. From that point, yes.

4 987 Q. Just in terms of the allegation or the background that
5 Ms. D had given you originally in 2013, had you 15:44
6 discussed that or disclosed that to anyone?

7 A. No, except for Fiona Ward, my supervisor.

8 988 Q. Presumably nobody else had access to the information
9 either as originally recorded or as slightly
10 misrecorded containing Ms. Y's -- 15:45

11 A. No, not that I know of.

12 989 Q. I think that when you were preparing for your evidence
13 today, last week you got a bit of a shock in terms of,
14 you were going through your retrospective forms that
15 you had completed in relation to another -- a number of 15:45
16 other clients?

17 A. That's right, yes.

18 990 Q. And I think, very properly, you brought that concern to
19 the attention of your solicitors?

20 A. Yes. 15:45

21 991 Q. And the Tribunal immediately?

22 A. Yes.

23 992 Q. And I think you attended for an interview very late on
24 Friday evening last --

25 A. I did. 15:45

26 993 Q. -- to clarify matters?

27 A. That's right.

28 994 Q. And I think the error related to the number of forms
29 that you would have completed between Ms. Y and Ms. D,

1 and you had originally thought Ms. D's form was the one
2 that had immediately succeeded Ms. Y, or vice versa?
3 A. That was my belief, yes.
4 995 Q. Ms. Y's had been the last one before dealing with
5 Ms. D? 15:46
6 A. That's right.
7 996 Q. But I think in the course of that preparation I think
8 you discovered that you had, in fact, completed a
9 number of others in the period between finalising Ms. Y
10 on the 5th of June and completing the erroneous one 15:46
11 relating to Ms. D --
12 A. That's correct.
13 997 Q. -- in August, isn't that correct?
14 A. That's right.
15 998 Q. And I think, how many were there? 15:46
16 A. Three --
17 999 Q. Three.
18 A. -- reports.
19 1000 Q. And I don't want to know anything about the identities
20 of the parties, but is the error -- is the Ms. Y error 15:46
21 included in any of those?
22 A. No.
23 1001 Q. And is there any other circumstance that causes you
24 concern, other than the fact that you thought they had
25 been closer in completion time together? 15:47
26 A. No, not that I am aware of.
27 **MR. MCGUINNESS:** Thank you, Ms. Brophy. Perhaps you
28 would answer some other questions.
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END OF DIRECT EXAMINATION BY MR. MCGUINNESS.

MR. MCDOWELL: I thought we were finishing at half past three.

CHAIRMAN: Yes, but I thought it would be better to try and finish this now. If it's more convenient for you to -- 15:47

MR. MCDOWELL: I will be some time.

CHAIRMAN: Yes, you think you would be some time. An hour anyway? 15:47

MR. MCDOWELL: Yes.

CHAIRMAN: All right. well, we will come back in the morning. And just, I am sorry, I have other duties, what I want to do is start at half past nine and go straight through, perhaps with a break for half an hour, until a quarter past two, and then I am sure this witness will be finished tomorrow anyway. And then the other thing is that, on Thursday, I can't start until 2 o'clock, again for the same reason, but there it is. Thanks. 15:48

THE TRIBUNAL WAS THEN ADJOURNED TO WEDNESDAY, 5TH OF JULY 2017 AT 9:30 A.M.

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