

TRIBUNAL OF INQUIRY INTO PROTECTED DISCLOSURES MADE UNDER  
THE PROTECTED DISCLOSURES ACT 2014 AND CERTAIN OTHER  
MATTERS FOLLOWING RESOLUTIONS PASSED BY DÁIL ÉIREANN AND  
SEANAD ÉIREANN ON 16 FEBRUARY 2017

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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 THURSDAY, 27TH JULY 2017 - DAY 18

18

Gwen Malone Stenography  
Services certify the  
following to be a  
verbatim transcript of  
their stenographic notes  
in the above-named  
action.

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1 THE HEARING RESUMED, AS FOLLOWS, ON THURSDAY, 27TH JULY  
2 2017:

3  
4 **CHAIRMAN:** sorry I'm late and I'm equally sorry I'm  
5 wet, but there you go. 14:11

6 **MR. MCGUINNESS:** sir, the first witness this afternoon  
7 is Ms. Kay McLoughlin, who has already given evidence,  
8 and she is being recalled in relation to certain  
9 issues. She has produced a new statement for the  
10 Tribunal, which is to be found at Volume 11, page 3373. 14:12

11  
12 MS. KAY MCLOUGHLIN, HAVING BEEN PREVIOUSLY SWORN, WAS  
13 DIRECTLY EXAMINED BY MR. MCGUINNESS:

14  
15 1 Q. **MR. MCGUINNESS:** Ms. McLoughlin, you are already sworn 14:12  
16 in the proceedings before the Tribunal.

17 A. Yes.

18 2 Q. I think you volunteered a statement to the Tribunal  
19 dated 23rd July of 2017 to address some issues relating  
20 to evidence given by Ms. Clair Tobin on the days when 14:12  
21 she gave evidence before the Tribunal.

22 A. That's correct.

23 3 Q. And I take it you have read the evidence of Ms. Tobin?

24 A. I have.

25 4 Q. And you may recall that I had asked Ms. Tobin whether a 14:12  
26 number of documents were on the file when she received  
27 it?

28 A. Yes, I recall that.

29 5 Q. And I think in fairness to Ms. Tobin, she hadn't, I

1 think, when she received the file, itemised or made a  
2 list of what was on the file that she received, so I  
3 asked her a number of questions relating to a number of  
4 specific documents, which she said she did not see on  
5 the file and she said they weren't on the file. And I 14:13  
6 think you have some further evidence to give in  
7 relation to what was on the file when it was in your  
8 possession.

9 A. Yes.

10 6 Q. Could I ask you to look at document 1101. This is, I 14:13  
11 think, your, as it were, email report, your email to  
12 Mr. Lowry --

13 A. Yes.

14 7 Q. -- regarding matters. If we just scroll down the page  
15 a little bit. Just to put this in context, this was in 14:13  
16 2016, after you had sent the Barr letter to Sergeant  
17 McCabe?

18 A. That's correct.

19 8 Q. And this, I think, represented your review of events at  
20 that time? 14:14

21 A. That's correct.

22 9 Q. And I think this is one of the documents that Ms. Tobin  
23 said she hadn't seen on the file?

24 A. That's correct.

25 10 Q. But I just want to get your evidence on this, at this 14:14  
26 point. You, as I understand it, had the file in your  
27 possession from this period in February 2016 onwards?

28 A. That's correct.

29 11 Q. And I think you believe you had it until the letter was

1 ultimately sent in reply to Mr. McCabe's solicitors,  
2 that is Mr. Séan Costello, on the 20th June 2016?

3 A. Yes, that is my recollection, yes.

4 12 Q. And what's your evidence in relation to this document?  
5 was this on the file at that point in time? 14:14

6 A. I believe that this document was on the file. I cannot  
7 say that I remember putting it on the file, but I base  
8 my belief that it was on the file because I think when  
9 Lisa O'Loughlen said that she understood the information  
10 in the letter was based on the 2006 statement that 14:15  
11 Ms. D had made to the Gardaí, I think, I think she  
12 interpreted what I had said in this letter, in this  
13 email, or at least one of these copies, this is the  
14 28th, I think, of February and there was also possibly  
15 the 9th February version of this. 14:15

16 13 Q. Yes.

17 A. So one or other of these, I believe, or both, were on  
18 the file.

19 14 Q. Yes.

20 A. That is my recollection. 14:15

21 15 Q. Yes.

22 A. Yes.

23 16 Q. And just to clarify, you had never said in any email or  
24 other document that you had based the letter or the  
25 allegation in the letter on her statement of 2006? 14:16

26 A. What I said was that my reasoning for sending the  
27 letter was based on the fact that she had made a  
28 statement, I think.

29 17 Q. Okay. And we know obviously from your previous



1 evidence, you hadn't seen that statement at the time --

2 A. No.

3 18 Q. -- the letter was sent?

4 A. No, I hadn't seen it.

5 19 Q. All right. But just in terms of this getting onto the 14:16  
6 file, what was your practice at the time?

7 A. Yes. I wanted to add to that.

8 20 Q. Yes.

9 A. When a file was in my possession, documents created by  
10 me would be put into the file, possibly at the front 14:16  
11 and possibly not in their correct order in terms of the  
12 file sequencing, and I think Ms. Tobin talks about  
13 filing not being filed properly on the file, but I  
14 believe that when the file is in my possession, any  
15 documents I create, I would have left them in the front 14:16  
16 of the file for being filed off properly at a later  
17 date.

18 21 Q. Well, can I just ask you about that then? You if had  
19 these -- you'd obviously sent these emails from early  
20 February and they were repeated to Mr. Lowry, 14:17  
21 obviously, as we have heard, but was it your practice  
22 to print them out and put them in the file?

23 A. Yes.

24 22 Q. Or would they be on your email account and possibly for  
25 printing later and for inclusion in the file? 14:17

26 A. Well, I would say that there was some difficulties with  
27 my emails, and, for that reason, at times my sent  
28 wouldn't save, so I would send them back to myself.  
29 But I think they were working at this stage, and I

1 would have a copy and I would have printed, printed it  
2 for file.

3 23 Q. Yes.

4 A. Because I was -- you know, when it wasn't working  
5 properly, I ensured that I sent documents back to 14:17  
6 myself.

7 24 Q. Yes.

8 A. So as I could print them at a later date. I don't  
9 think that was an issue here, but my practice was to  
10 make sure that I had copies for printing for files. 14:17

11 25 Q. Yes. Now, obviously in this context and looking at  
12 this email, you had reviewed the file, isn't that  
13 correct?

14 A. That's correct.

15 26 Q. And that's included in the first sentence. You say: 14:18  
16  
17 *"I have reviewed the statements made to the Gardaí by*  
18 *Ms. D and the file."*

19 A. Yes.

20 27 Q. And you refer in the bullet-points, obviously, to the 14:18  
21 three different versions --

22 A. Yes.

23 28 Q. -- of the Garda notifications, and were they on the  
24 file when you did this review?

25 A. Yes. 14:18

26 29 Q. And did they remain on the file while it was in your  
27 possession?

28 A. I believe they did. I did not remove them.

29 30 Q. Okay.

1 A. I believe they were on the file. At no time did I  
2 remove them and I don't believe that anyone else would  
3 have removed them --

4 31 Q. Yes.  
5 A. -- and possibly could have. 14:18

6 32 Q. Yes. Now, also in the bullet-points there's reference  
7 made to obviously Ms. Brophy's letter --

8 A. Yes.

9 33 Q. -- trying to correct the matter?  
10 A. Yes. 14:18

11 34 Q. And the letter from the director of Rian. And was  
12 there an email thread from Ms. Armitage to --

13 A. Yes.

14 35 Q. -- Ms. Argue?  
15 A. Argue. 14:19

16 36 Q. And from Ms. Argue to Mr. Lowry?  
17 A. That's correct.

18 37 Q. Were they on the file, to your knowledge?  
19 A. Yes, I believe they were at that time.

20 38 Q. And certainly -- are you certain that all of these 14:19  
21 documents now that we've referred to in these questions  
22 were all on the file?

23 A. Yes, all the documents I relayed [sic] to there were on  
24 the file.

25 39 Q. Now, there has been some minor, one might say major 14:19  
26 issue as to whether this file was allocated and whether  
27 it was, as it were, self-allocated to you from 2015 on,  
28 but there's no doubt it was in your possession --

29 A. That's correct.

1 40 Q. -- in this period?  
2 A. Yes.  
3 41 Q. And what is your recollection as to when it came into  
4 your possession first from 2015 onwards?  
5 A. Well, it came into my possession from when we reviewed 14:19  
6 the file in 2015, in May, it came into my possession at  
7 that time. It may have gone back on file at some point  
8 between June or possibly July 2015 until possibly  
9 October/November 2015, but I can't -- I can't be  
10 certain -- 14:20  
11 42 Q. All right.  
12 A. -- at that time.  
13 43 Q. But certainly --  
14 A. And I think that I would certainly have had the file  
15 then in my possession from when I wrote to Mr. McCabe. 14:20  
16 44 Q. Okay. So from some time in December onwards, then?  
17 A. Yes.  
18 45 Q. And is it your evidence then that from that time you  
19 did not put the file back --  
20 A. Yes. 14:20  
21 46 Q. -- in the unallocated section or anywhere else and that  
22 it was in your custody and locked in a cabinet in your  
23 office?  
24 A. Yes, I believe that.  
25 47 Q. Okay. And would that be normal practice, to lock a 14:20  
26 file such as this in a cabinet in your office?  
27 A. Well, yes. I mean, any -- you know, when I'm not  
28 there, it would be locked away. If I was working on  
29 it, it would be taken out, or when I'm not there it

1           would be locked away.

2   48   Q.    You've stated in your further statement that:

3

4           *"At no time did I remove any documentation from the*

5           *Maurice McCabe file."* 14:21

6

7           You did not ask anyone to remove documentation on your

8           behalf, is that correct?

9           A.    That's correct.

10   49   Q.    At any stage, for any purpose? 14:21

11           A.    No, no, it wouldn't be correct to either remove it or

12           ask anyone else to do it.

13   50   Q.    Okay. Now, you've also stated that it is your *"belief*

14           *that administrators, Pamela Armitage and Denise*

15           *Duignan, would know that the Maurice McCabe file was in* 14:21

16           *my office and would know how to access it."*

17           A.    That's correct.

18   51   Q.    Well, why do you make that statement of belief?

19           A.    Well, it is part of tracking out where files are, so it

20           would be recorded if I took the file that -- on the 14:21

21           file index which we mentioned earlier, that a file

22           would be traced out to whoever currently had it.

23   52   Q.    Well, are you suggesting that any of the file indexes,

24           in fact, show that it was in your possession or

25           allocated in whatever way that might be described? 14:22

26           A.    You see, the file index shows where it currently is, so

27           if that changes and it goes back on file, then it will

28           be changed to reflect that.

29   53   Q.    But have you seen a file index which shows it being in

1 your possession or with you?

2 A. No, I haven't.

3 54 Q. Okay.

4 A. But it's the practice of the administrators to record  
5 who has the file. 14:22

6 55 Q. Yes. Now, you've mentioned Ms. Armitage and  
7 Ms. Duignan there. Have you any reason to believe that  
8 either of those removed anything or may have removed  
9 anything from the file?

10 A. No. I have no reason to believe. I don't believe that 14:22  
11 they would have. Their role is purely administration.  
12 You know, they carry out their work on the instructions  
13 of social workers and social work managers. They  
14 wouldn't -- mostly, they put documents into files.  
15 They never take them out. 14:23

16 56 Q. I think you've said in your statement that you went on  
17 leave on the 24th June --

18 A. That's correct.

19 57 Q. -- 2016 for two weeks?

20 A. Yes. 14:23

21 58 Q. And that you weren't, therefore, present when Ms. Tobin  
22 met Mr. Cunningham --

23 A. That's correct.

24 59 Q. -- when the file was actually handed over, is that  
25 correct? 14:23

26 A. Yes.

27 60 Q. You believe that occurred on the 28th June?

28 A. Well, I'm led to believe that it did from both Clair  
29 Tobin's evidence and from Michael Cunningham, I think,

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yes.  
61 Q. And have you seen that in Mr. Cunningham's statement?  
A. Yes.  
62 Q. He also states that he was directed by you to take the Maurice McCabe file to the meeting and give it to SART for review. Is that correct?

14:23

A. I don't recall, but I'm not -- I don't -- I'm not denying that that occurred. I don't recall. It's quite possible. Yes. I don't have any reason to doubt that.

14:24

63 Q. However, he says that this meeting -- and I should perhaps specify that he liaised with Lisa O'Loughlin. He says:

*"A meeting was arranged from Cavan social work offices for the purpose of reviewing files that may meet the criteria for transfer to SART. He said that Lisa advised that Clair Tobin would also be present. This meeting took place on the 28th June 2016. I brought proximately 15 cases to this meeting which I had reviewed myself and felt were appropriate for transfer to SART. On the day prior to this meeting, I was directed by Kay McLoughlin, PSW, to take the Maurice McCabe file to the meeting and give it to SART for review."*

14:24

14:24

14:24

Now, first of all, he places it a day prior to the meeting, which would be the 27th June.

A. Yes.

1 64 Q. Now, are you satisfied as to whether you were or were  
2 not --

3 A. I'm satisfied I wasn't there on that day, and I  
4 wouldn't have given that instruction on that day, but  
5 it is quite possible I gave it the previous week. 14:25

6 65 Q. Okay. Was that as a result of any discussion with  
7 Mr. Lowry as to whether the file should go to SART?

8 A. Mr. Lowry was on leave for much of June in 2016, so, at  
9 that point, I don't think that conversation could have  
10 taken place. My memory is that Mr. Lowry wanted that 14:25  
11 case included with the cases that should go to SART,  
12 but I can't remember at what time or when he said that  
13 to me. All I know is that he contacted me, I think, on  
14 the 20th July asking had it gone and I had to check at  
15 that point to make sure it had gone. 14:25

16 66 Q. Well, can I ask you this: Mr. Cunningham doesn't  
17 recall being given the Ms. D file by you. Now, he  
18 doesn't make a reference to the Maurice McCabe file,  
19 but let's assume he's talking about the Maurice McCabe  
20 file? 14:26

21 A. Mm-hmm.

22 67 Q. Did you give any file directly to Mr. Cunningham?

23 A. I can't recall. It's likely I gave him the Maurice  
24 McCabe file. I can't say that the Ms. D file was with  
25 the file at that stage. It's quite possible that it 14:26  
26 wasn't, but I can't recall. It's quite possible that  
27 administrators would have sought that file for review  
28 by the SART team.

29 68 Q. Well, I think you have probably seen Ms. Tobin's



1 evidence. She certainly said that the Ms. D file was  
2 there and was reviewed by her and she made notes from  
3 it on that occasion --

4 A. Yes.

5 69 Q. -- as I understand it? 14:26

6 A. Yes.

7 70 Q. So it seems to have been with it or --

8 A. Yes, it certainly was supplied on that date.

9 71 Q. Okay. But you've mentioned in your statement, or  
10 you've said in your statement that your recollection is 14:27  
11 that the Maurice McCabe file was in your custody?

12 A. Yes.

13 72 Q. Until the letter to Mr. McCabe's solicitor was sent  
14 20/6/'16?

15 A. Yes. 14:27

16 73 Q. So are you implying or saying directly that the file  
17 was somewhere else as and from the 20/6?

18 A. Well, I can say, you know, that I am confident that it  
19 was with me up until the 20th, but at what point it was  
20 given over to an administrator or to Michael, I can't 14:27  
21 recall, but certainly it came into their possession by  
22 the 28th, but I can't recall.

23 74 Q. Okay. But did you -- did you know that this meeting  
24 was to take place and is that the reason why you gave a  
25 direction or may have given a direction to 14:27  
26 Mr. Cunningham?

27 A. My memory is not that good in terms of knowing about  
28 that meeting or when it was to take place, but I do  
29 know that there was a plan to transfer the files to the

1 SART team. It's quite likely I didn't know the date of  
2 the meeting or when that was to occur, but I did know  
3 that the plan was to refer the SART -- the files, the  
4 retrospective files to the SART team.

5 75 Q. Okay. Well, presumably the leave you went on for a 14:28  
6 fortnight, was that your annual leave, or part of it?

7 A. Yes.

8 76 Q. On the 24th June?

9 A. Yes.

10 77 Q. You must have known you were going on leave, obviously? 14:28  
11 A. Yes.

12 78 Q. And if there was a discussion or a direction emanating  
13 from Mr. Lowry or any discussion from you with  
14 Mr. Lowry, you, presumably, must have been anxious to  
15 ensure that the file was transferred? 14:28

16 A. It's possible. I just don't have a good memory. But I  
17 accept that I instructed Michael at some point to  
18 include that file. I know it wasn't on the 27th June,  
19 because I wasn't there, but at some point.

20 79 Q. Yes. Well, could I ask you to look at page 1111. This 14:28  
21 is the email exchange with Mr. Lowry of the 20th July.

22 A. Mm-hmm.

23 80 Q. 2016. If we go to the bottom of the page there. He  
24 sends you this email --

25 A. Yeah. 14:29

26 81 Q. -- that day, asking has the case been passed to the  
27 retrospective team, and then your reply is up at the  
28 top. If we just look at the top of that page.

29 A. Yeah.

1 82 Q. You reply to him after 3:30 in the afternoon, saying:  
2  
3 *"Yes, Gerry. I'm advised by Michael that it has."*  
4 A. Yes. So I believe I -- my recollection is that I  
5 checked with Michael that day before I responded to the 14:29  
6 email.  
7 83 Q. All right. In any event, is it your evidence that you  
8 removed nothing from the file or didn't --  
9 A. Yes.  
10 84 Q. -- try to sanitise the file in any respect? 14:30  
11 A. Yes, yes.  
12 85 Q. And have you any knowledge of anyone else removing  
13 documents from the file or that it happened at all?  
14 A. No, I have no knowledge of that happening. It would be  
15 very unusual for such a thing to have happened and it 14:30  
16 would go against -- it would go against our practice to  
17 remove anything from a file.  
18 86 Q. Yes. But obviously there could be instances where, not  
19 that something has been removed but the file is  
20 incomplete because documents haven't been placed on it? 14:30  
21 A. Yes, yes, I accept that, yes.  
22 87 Q. And, for example, we know that the original amended  
23 Garda notification issued by the Monaghan office --  
24 A. Yes, on the 20th June wasn't on the file.  
25 88 Q. -- wasn't on the file? 14:30  
26 A. Yes.  
27 89 Q. So that is one example of how a document --  
28 A. That's correct, and I accept that.  
29 90 Q. -- doesn't get on the file?

1 A. That's correct.

2 91 Q. You have no knowledge of that, presumably?

3 A. Yeah, that wasn't on the file and I accept that.

4 92 Q. Was there any procedure or practice about checking at  
5 all, or ever, whether a file had everything on it that 14:31  
6 should be on it?

7 A. Em...

8 93 Q. I mean, you never picked up the file to determine  
9 specifically is everything on the file that should be  
10 on the file, if you understand the question? 14:31

11 A. I suppose I do, but I -- no, I didn't check the file  
12 before it went to SART --

13 94 Q. Yes.

14 A. -- if that's what you are asking me.

15 95 Q. Yes. And we've seen obviously the inside of the file 14:31  
16 cover. There is no index to show what has been put on  
17 the file, when or by whom or in what pocket of the file  
18 it is, isn't that correct?

19 A. Yes.

20 96 Q. Okay. I think you've seen the evidence that the file 14:31  
21 was apparently returned to Cavan for archiving in or  
22 around September?

23 A. Yes, I understand that.

24 97 Q. Have you any knowledge of that?

25 A. No. 14:32

26 98 Q. Okay. If a file is so returned, it having been closed,  
27 perhaps at that stage or later --

28 A. Yes.

29 99 Q. -- where would it go or what would you expect to happen

1 with it?

2 A. The administrators would record on the system that the  
3 case is closed and they would file it off in the closed  
4 filing section in the office.

5 **MR. MCGUINNESS:** Okay. Thank you, Ms. McLoughlin. 14:32  
6 Perhaps you would answer any questions anyone else may  
7 have.

8 A. Okay.

9

10 **MS. MCGUINNESS WAS CROSS-EXAMINED BY MR. MCGARRY:** 14:32

11

12 100 Q. **MR. MCGARRY:** Ms. McLoughlin, I just have one question  
13 for you. Can you explain how it is that the evidence  
14 given by the people who came here from SART was to the  
15 effect that there was documentation which didn't appear 14:32  
16 to be on the file?

17 A. I can't.

18 **MR. MCGARRY:** Thanks.

19 **MR. DONAL MCGUINNESS:** Chairman, just one question.

20

14:33

21 **MS. MCGUINNESS WAS CROSS-EXAMINED BY MR. DONAL**

22 **MCGUINNESS:**

23

24 101 Q. **MR. DONAL MCGUINNESS:** Ms. McLoughlin, am I correct  
25 that your evidence is that for the entire time that you 14:33  
26 had the McCabe file, you weren't actually in the  
27 possession of the Ms. D file?

28 A. Yes.

29 **MR. DONAL MCGUINNESS:** Thank you.

1           **MR. MCGUINNESS:** Thank you, Ms. McLoughlin. Nothing  
2 further.

3           A. Okay. Thank you.

4  
5           **THE WITNESS THEN WITHDREW.**

14:33

6  
7           **MR. MCGUINNESS:** The next witness, sir, is Ms. Linda  
8 Dewhirst. volume 5, page 1389.

9  
10           **MS. LINDA DEWHIRST, HAVING BEEN SWORN, WAS DIRECTLY**  
11 **EXAMINED BY MR. MCGUINNESS:**

14:33

12  
13   102   Q.   **MR. MCGUINNESS:** Ms. Dewhirst, thank you for coming  
14 today. I think you commenced working in the Health  
15 Service in April 2000, and, from your recollection, you  
16 started working in the Social work Department in 2001? 14:34

17           A. That's correct.

18   103   Q.   And was that in Monaghan?

19           A. It was, yes.

20   104   Q.   And I think you've worked in Monaghan, is that right,  
21 ever since? 14:34

22           A. Yes.

23   105   Q.   And I think you've always been based in the office in  
24 Rooskey, is that correct?

25           A. That's correct.

14:34

26   106   Q.   And I think you've always worked in an administration  
27 role?

28           A. I have, yes.

29   107   Q.   And I think you are familiar with the intake procedure

1 in relation to files, is that correct?

2 A. Yes, that would be completed by the social workers,  
3 yes.

4 108 Q. And you know that intake forms are correct based upon  
5 referrals, they're entered in a book, a file is opened? 14:35

6 A. Yes.

7 109 Q. And can be then allocated, depending on whether  
8 immediate action is required, or it can remain  
9 unallocated for a period, is that correct?

10 A. That's correct, yes. 14:35

11 110 Q. Now, does part of your duty include dealing with Garda  
12 notifications?

13 A. It does, yes.

14 111 Q. And does that cover both the Cavan and Monaghan --

15 A. Yes, Cavan and Monaghan. 14:35

16 112 Q. -- districts? Could you just explain how that works in  
17 a very practical way, step-by-step?

18 A. Well, all Garda notifications are processed through the  
19 Monaghan office.

20 113 Q. Perhaps you would lean in towards the microphone a 14:35  
21 little bit. Thank you, Ms. Dewhirst.

22 A. All notifications are processed through the Monaghan  
23 office for both counties. All notifications are  
24 received in to me and I would forward them on to the  
25 relevant duty social worker either in the Monaghan 14:35  
26 office or in the Cavan office. I would keep an Excel  
27 database of all notifications received and notified by  
28 Tusla.

29 114 Q. Okay. Can I just ask you to just distinguish, first of

1 all, are you talking about Garda notification to Tusla  
2 or Tusla notifications to Garda, or both?

3 A. Both.

4 115 Q. And are they managed and recorded separately?

5 A. They are, yes. 14:36

6 116 Q. By you?

7 A. Yes, they are.

8 117 Q. And nobody else does that?

9 A. No.

10 118 Q. Okay. So if a notification -- do you receive draft 14:36  
11 notifications from Tusla?

12 A. I receive a completed Garda notification to be  
13 notified.

14 119 Q. To the Gardaí?

15 A. Yes. 14:36

16 120 Q. Okay. And presumably you can receive that from a  
17 number of sources in the Cavan-Monaghan area, is that  
18 right?

19 A. Usually the social worker, yes.

20 121 Q. Pardon? 14:36

21 A. Usually the social worker.

22 122 Q. Usually the social worker. Okay. When you get that  
23 draft, what do you do?

24 A. I save the attachment to my computer.

25 123 Q. Yes. 14:37

26 A. I would update it with the correct data processing and  
27 I would insert the correct district for the  
28 notification to be notified to, and I would check it  
29 for presentation and print it off.



1 124 Q. Okay.

2 A. For the principal social worker to sign off.

3 125 Q. For the principal social worker?

4 A. Yes.

5 126 Q. And at the time we're talking about in 2013 and 2014, 14:37  
6 who would that have been?

7 A. Mr. Seamus Deeney.

8 127 Q. And is he based in the Monaghan office?

9 A. Yes.

10 128 Q. Okay. But just going back a step there. I think you 14:37  
11 produced for the Tribunal, subsequent to the making of  
12 your statement, an instruction -- an instruction sheet  
13 relating to Garda notifications, is that correct?

14 A. The process?

15 129 Q. The process. 14:37

16 A. Yes.

17 130 Q. Perhaps we will just look at that first. It's in  
18 volume 9 at page 2472. And this is something that you  
19 referred to in the course of your statement to the  
20 investigators which was subsequently produced -- 14:38

21 A. Okay.

22 131 Q. -- isn't that correct? Now, first of all, can I ask  
23 you, do you know when this was created?

24 A. I don't know.

25 132 Q. Do you know who created this? 14:38

26 A. I don't.

27 133 Q. Okay. Is this the procedure which you, in fact, abided  
28 by or followed?

29 A. It is. It was given to me in 2011, approximately.

1 134 Q. 2011?  
2 A. When I took over the role of Garda notifications.  
3 135 Q. So could you just talk us through then. The first  
4 heading is "*Sending out notifications*" and that's:  
5  
6 "*Fill up Garda notification form.*" 14:38  
7 A. Yes, that is usually completed by the social worker in  
8 Cavan or Monaghan.  
9 136 Q. Okay. So that would come to you completed?  
10 A. Yes. 14:38  
11 137 Q. And in a state ready to be issued?  
12 A. It may not have the date on it.  
13 138 Q. Yes.  
14 A. And it may not have the district.  
15 139 Q. Yes. 14:38  
16 A. And it won't --  
17 140 Q. Are they both matters that you would normally put in?  
18 A. Yes.  
19 141 Q. Then it says: "*Copies to superintendent in charge,*  
20 "*check station.*" 14:39  
21 A. That is the district.  
22 142 Q. That is the district, is it?  
23 A. Yes.  
24 143 Q. And how many districts -- are there different districts  
25 for each of the counties? 14:39  
26 A. There is three for Monaghan -- or two for Monaghan,  
27 sorry, and there was three for Cavan, there's now two.  
28 144 Q. Okay.  
29 A. Bailieboro and Cavan town.

1 145 Q. Bailieboro and Cavan town. And who decides what copy  
2 notification should be sent to which Garda district?  
3 A. It depends on where the incident, the alleged incident  
4 occurred.  
5 146 Q. Okay. But whose responsibility is it then to put in 14:39  
6 the address?  
7 A. I would put in the address of the district to be  
8 notified to.  
9 147 Q. Okay. And would you do that based upon the information  
10 in the draft notification? 14:39  
11 A. Yes.  
12 148 Q. Okay. And do you consult anyone before you do that?  
13 A. No. I have a list of areas that come under each  
14 district.  
15 149 Q. Pardon? 14:39  
16 A. I have a list of areas that come under each district.  
17 150 Q. Okay. We'll come to it in due course, but in relation  
18 to the notification in question, without mentioning the  
19 address, did you put in Bailieboro Garda Station based  
20 upon where you thought it ought to go to? 14:40  
21 A. Yes.  
22 151 Q. Okay. In any event, you're meant to send a copy to the  
23 superintendent in charge, and in that regard, is it  
24 your responsibility to send it out?  
25 A. It is, yes, once it's signed off. 14:40  
26 152 Q. Okay. And then do you send out -- do you deal with it  
27 in the other number of ways there; one to the social  
28 worker, one to the notification file, sent Cavan and  
29 Monaghan, one to a liaison file?

1 A. Yes.

2 153 Q. And then you added to the list -- is that the list  
3 maintained by you on the Garda notifications' drive?

4 A. Yes, on my PC, yes.

5 154 Q. On your PC. And then *"Add to list of notification by* 14:40  
6 *district"*. Is that a subdivision of where it goes?

7 A. Yes.

8 155 Q. That you save on the shared drive?

9 A. Yes, I also save that information, yes.

10 156 Q. Okay. Then if we go down the page, this is how you are 14:41  
11 meant to deal with where you receive a notification  
12 from the Gardaí. Just in the middle of the page, if we  
13 go up a little bit. If we go back towards the top.  
14 That's the next alternative, if you receive a  
15 notification from the Gardaí, is that right? 14:41

16 A. Yes, that's correct, yes.

17 157 Q. And the next one down, it's headed: *"Acknowledgments*  
18 *from Gardaí"*?

19 A. Yes.

20 158 Q. Is that if you receive an acknowledgment back -- 14:41

21 A. Yes.

22 159 Q. -- from a notification you have sent out?

23 A. That Tusla have notified, yes.

24 160 Q. That Tusla have notified, okay. And then the next  
25 category deals with a Garda notification but cases from 14:41  
26 another area. Is that outside the Cavan-Monaghan area?

27 A. It is, yes. If it's been sent perhaps in error to our  
28 area.

29 161 Q. Okay. In terms of the records, they're electronically

1 saved by you, is that correct?

2 A. Yes, the attachment is saved to my PC. I receive them  
3 by email.

4 162 Q. Yes. So, for Cavan and Monaghan, let's assume you get  
5 all appropriate notifications sent to you, what do you 14:42  
6 with it then on that day that you receive it?

7 A. Okay. Firstly, I save it to the PC.

8 163 Q. You save it to the PC?

9 A. Yes.

10 164 Q. To which file? 14:42

11 A. Sorry?

12 165 Q. To which file initially would you save it?

13 A. To the Garda notifications folder.

14 166 Q. Yes.

15 A. And within that folder it'll be notifications notified 14:42  
16 to An Garda Síochána for a particular year.

17 167 Q. Okay. And then what do you do? Do you print that out?

18 A. Yes, I update it with the correct date of processing.  
19 I insert the district. I check it for presentation. I  
20 print it off, and I will leave it with the principal 14:43  
21 social worker to sign off and approve.

22 168 Q. Okay. Do you leave it in an in-tray for him or on his  
23 desk?

24 A. Usually I will hand it to him. If he's not there I  
25 will leave it in his pigeonhole. 14:43

26 169 Q. Okay. Mr. Deeney, did he work in the same building?

27 A. He did, yes.

28 170 Q. And just in terms of dealing with the paper copies of  
29 it then.

1 A. Once Seamus has signed off the notification, there and  
2 then I will make, depending if it's Cavan or Monaghan,  
3 if it is Cavan I will make three other copies. The  
4 original signed copy goes to the Garda station in  
5 Bailieboro. 14:43

6 171 Q. Yes.

7 A. One copy goes to the Cavan notifications folder held in  
8 the Monaghan office.

9 172 Q. Yes.

10 A. The other copy will be stamped "*file copy*" and the 14:44  
11 other third copy will be written on it "*Garda liaison*  
12 *folder*". The first copy, which is in the Cavan Garda  
13 notifications folder, I will also put a stamp at the  
14 bottom "*copied to file*", and that let's me and anyone  
15 else reviewing that folder, that another copy has went 14:44  
16 to the file.

17 173 Q. Okay.

18 A. The copy for the file in Cavan will be posted to the  
19 Cavan office.

20 174 Q. Yes. And just in terms of the posting, is it sent by 14:44  
21 ordinary post or registered post?

22 A. Ordinary post.

23 175 Q. And is it marked for the attention of anyone in  
24 particular?

25 A. Sometimes, it could go back, if it's allocated to that 14:44  
26 social worker, possibly if it was unallocated. In this  
27 case, I may have sent it to -- for the attention of the  
28 team leader or the administration team.

29 176 Q. Yes. Now, I think you have seen the notifications that

1           were sent originally to you?

2           A.    Yes.

3 177 Q.    And one of them was directed or had nominated  
4           Ms. McAulay and then another one nominated Ms. Argue as  
5           the team leader. Have you a recollection of sending       14:45  
6           the copies and each of them back to those named  
7           individuals in Cavan?

8           A.    I don't recall, I'm afraid.

9 178 Q.    Okay. You print off the copies, one is marked "*file*  
10           *copy*", another is copied to file, one goes to the       14:45  
11           Garda --

12           A.    Liaison --

13 179 Q.    Sent by you?

14           A.    -- folder.

15 180 Q.    And one goes to Garda liaison notifications?       14:45

16           A.    Yes.

17 181 Q.    Is it any part of your function to review the  
18           information in it or to verify what the social worker  
19           has put in the draft notification?

20           A.    Do you mean the content of the notification?       14:46

21 182 Q.    Yes.

22           A.    No, no.

23 183 Q.    Do you, in fact, review it for sense or typos?

24           A.    For grammar and presentation.

25 184 Q.    Do you? All right. I don't know whether you recall       14:46  
26           getting an email from Laura Connolly on the 30th April  
27           enclosing a notification, but I think you were shown  
28           that by the investigators, and perhaps we will look at  
29           that at page 1406. That's your email address, and it

1           seems to have been sent on the 30/4?

2           A.    That's correct, yes.

3 185 Q.    After 12:30.  On the next page then is the actual  
4           draft.  Obviously, that's blank in terms of where it's  
5           to go.  There's no date on it.  And it's your duty to   14:47  
6           fill in those two matters, is it?

7           A.    Yes.

8 186 Q.    Okay.  And then the content is there.  And then on the  
9           next page again we see that the designated social  
10          worker is Ms. Argue, and it's blank for the designated   14:47  
11          officer?

12          A.    Yes.  That's where Seamus Deeney would sign off.

13 187 Q.    Now, there is a version of that signed by Mr. Deeney at  
14          page 1409, and perhaps we will just go on to that, it's  
15          the next page.  Just at the top, just stopping at the   14:47  
16          top there, that's filled in "*Superintendent in charge,*  
17          *Bailieboro Garda Station, Bailieboro*", and there's a  
18          date of the 2nd May.  So would that indicate that you  
19          processed it on that date and put in those matters?

20          A.    That's correct, yes.                                   14:48

21 188 Q.    And it's then stamped at the top there, on the  
22          left-hand side of the oval stamp is "*file copy*".  Can  
23          you say was that put on it by you?

24          A.    Yes, that would have been, yes.

25 189 Q.    And then it's stamped "*Child and Family Agency*".  Is   14:48  
26          that "*Social Work Department, Cavan*"?

27          A.    Yes.

28 190 Q.    Okay.  And could we turn to the second page of that,  
29          1410.  That's signed by Mr. Deeney then on the same



1 date?

2 A. Yes, that's correct.

3 191 Q. And it's "*PSW Seamus Deeney*". PSW, is that principal  
4 social worker?

5 A. Correct, yes. 14:48

6 192 Q. And he didn't raise any queries with you in relation to  
7 it or did you --

8 A. Not to my recollection.

9 193 Q. Not to your recollection, all right. Could we look at  
10 page 1413. That's an email enclosing an amended Garda 14:49  
11 notification. Do you recall receiving that?

12 A. I don't, no.

13 194 Q. Okay. And that included, I think, some handwriting at  
14 the bottom there, is that correct? Perhaps it's on the  
15 next page. If we just go to the top of the page there. 14:49  
16 That's again dated 2nd May, and if we look at the  
17 second page. Do you recollect seeing that at all?

18 A. Only for the purpose of this Tribunal.

19 195 Q. All right.

20 **CHAIRMAN:** And the difference between them, 14:50  
21 Mr. McGuinness, is? I appreciate I am looking at those  
22 pages, 1409 - just for the purpose of the transcript -  
23 1414. The difference? They are both dated 2nd May  
24 2014, isn't that right?

25 **MR. MCGUINNESS:** Yes. One is just the unsigned 14:50  
26 version.

27 A. If --

28 196 Q. And was that the file copy that was printed out, or  
29 not?

1 A. Can I see page 1 of that again, please?

2 197 Q. Page 1.

3 A. Okay. So this is the amended Garda notification.

4 However, I received it on the 7th May, so I corrected

5 it to that date of processing, which was the 7th May, 14:51

6 not the 2nd May. I also did another amendment to this.

7 This is -- what you are saying is what was forwarded to

8 me by email --

9 198 Q. Yes.

10 A. -- on the 7th June. However, when I opened up this 14:51

11 attachment, the 2nd May was the incorrect date.

12 199 Q. Yes.

13 A. So I changed that date to the 7th June. I also added

14 one additional line at the top of that notification, in

15 bold and in red, stating this is an amended 14:51

16 notification to the previous notification on the 2nd

17 May.

18 200 Q. Yes. Well, perhaps could I ask you to look at page

19 1416. I am wondering is your recollection of the date

20 right, because this is dated 10th June? 14:52

21 A. Yes. I received -- apologies, I received the email on

22 the 7th June.

23 201 Q. You received this on the 7th?

24 A. Yes, and I processed it on the 10th June.

25 202 Q. Yes. 14:52

26 A. And I changed it to the correct date.

27 203 Q. Yes.

28 A. Which was that date.

29 204 Q. Yes. And this heading in bold, if we just go down to

1 the middle of the page:  
2  
3 *"Amended notification previously notified on the 2nd*  
4 *May" --*

5 A. Yes. 14:52

6 205 Q. -- "2014". That was included by you?

7 A. Yes, while the email itself, the content of the email  
8 stated this is an amended notification, the attachment,  
9 which is this, did not reflect that it was an amended  
10 notification. 14:52

11 206 Q. Yes.

12 A. So I just added in that additional line.

13 **CHAIRMAN:** Where is that? I beg your pardon.

14 **MR. MCGUINNESS:** It's in the middle of the page, Judge.

15 **CHAIRMAN:** Yes, it says that. I see that. 14:52

16 **MR. MCGUINNESS:** *"Amended"*.

17 **CHAIRMAN:** Mr. McGuinness, I suppose it's somewhat  
18 puzzling unless you have, I suppose, perused the file.  
19 It seems that 1409 is the 2nd May, which is the  
20 original one, and it says *"This abuse involved digital* 14:53  
21 *penetration both vaginal and anal"*, and it also  
22 includes a threat. Then the one that is dated 2nd May,  
23 1414, which I think this witness, Ms. Dewhirst,  
24 received by email on the 7th June, which is somewhat  
25 later, it just says *"sexual abuse in childhood"* and 14:53  
26 then it gives a description of *"fully clothed an*  
27 *incident involved inappropriate conduct"*, and then she  
28 changed it, am I correct in thinking, that exact one,  
29 by putting in the words *"amended notification"*

1                    *previously notified on the 2nd May 2014"*, just so as no  
2                    one could make a mistake?

3                    **MR. MCGUINNESS:** Yes.

4                    **CHAIRMAN:** And the actual description is the same, it  
5                    is the incident on the couch, visiting the home, hide                    14:54  
6                    and seek, and that is what is alleged in that.

7                    **MR. MCGUINNESS:** Yes.

8                    **CHAIRMAN:** Yes.

9    207    Q.    **MR. MCGUINNESS:** And you also changed the date?

10                    A.    The date, yes.                    14:54

11    208    Q.    To reflect the fact that it wasn't properly dated the  
12                    2nd of May?

13                    A.    It wasn't being sent out on the 2nd May, no. It was  
14                    being sent out on the --

15                    **CHAIRMAN:** Sorry, the 2nd May then was, of course, the                    14:54  
16                    date of the original notification, which is the  
17                    incorrect --

18                    **MR. MCGUINNESS:** well, there's a number of different  
19                    ones, Chairman.

20                    **CHAIRMAN:** Yes, I appreciate that.                    14:54

21                    **MR. MCGUINNESS:** The draft that was sent to  
22                    Ms. Dewhirst on the 2nd May.

23                    **CHAIRMAN:** Yes.

24                    **MR. MCGUINNESS:** There is the signed version that was  
25                    signed off by Mr. Deeney on the 2nd May.                    14:54

26                    **CHAIRMAN:** Yes.

27                    **MR. MCGUINNESS:** There is the redraft that was sent  
28                    back dated 2nd May but sent to her on the 7th June.

29                    **CHAIRMAN:** Yes.

1           **MR. MCGUINNESS:** She amended that. And then the signed  
2 version of that is the ultimate final one. I think, is  
3 that correct? Later signed by Mr. Deeney? Perhaps we  
4 will look at the second page of this.

5           **CHAIRMAN:** I am sorry, what I am not following is, and 14:54  
6 I beg your pardon for my slowness in this: who sent  
7 the notification of the 7th June 2014 with the amended,  
8 but it doesn't say amended and it has the wrong date on  
9 it?

10 209 Q.   **MR. MCGUINNESS:** I think that is Ms. Argue sent that to 14:55  
11 you?

12           A.   Eileen sent that on the 7th of --

13 210 Q.   June?

14           A.   -- June, yes.

15           **CHAIRMAN:** Yes. 14:55

16 211 Q.   **MR. MCGUINNESS:** And just while we are looking at this  
17 page, the version you amended dated 10th June with the  
18 new heading put in in the middle, that is marked  
19 "*copied to file*" at the bottom there?

20           A.   Okay. 14:55

21 212 Q.   Does that represent the fact that you printed it out  
22 for that purpose and put it in the appropriate folder?

23           A.   That would have been in the Cavan notifications folder  
24 and that stamp at the bottom would indicate that  
25 another copy was made and forwarded to the Cavan 14:55  
26 office --

27 213 Q.   Yes.

28           A.   -- for the file.

29 214 Q.   Just to look at the second page of that.

1           **CHAIRMAN:** What page are we on now?  
2           **MR. MCGUINNESS:** The next page.  
3           **CHAIRMAN:** Well --  
4           **MR. MCGUINNESS:** 1417.  
5           **CHAIRMAN:** 1417, yes. 14:55  
6 215 Q.   **MR. MCGUINNESS:** This is the version then that was  
7           ultimately signed off by Mr. Deeney on the 20th June,  
8           is that correct?  
9           A.   Yes.  
10 216 Q.   And it's got a different social worker team leader, and 14:56  
11           the instructions that you normally follow are that it's  
12           posted back to Cavan?  
13           A.   Yes.  
14 217 Q.   And do you believe you did that?  
15           A.   I believe I did, yes. 14:56  
16 218 Q.   Did you have any discussion with any Gardaí at any  
17           stage of the process from when you received the first  
18           draft notification from Ms. Argue or from Laura  
19           Connolly?  
20           A.   No, I didn't. 14:56  
21 219 Q.   You didn't consult with any Gardaí or feel any need to  
22           do so as to where the notification should be sent to?  
23           A.   No.  
24           **MR. MCGUINNESS:** Thank you, Ms. Dewhirst. Would you  
25           answer any questions anyone else may have. 14:56  
26           A.   Yes.  
27  
28           **MS. DEWHIRST WAS CROSS-EXAMINED BY MR. MCDOWELL:**  
29

1

2 220 Q. **MR. MCDOWELL:** Good afternoon, Ms. Dewhirst. Michael  
3 McDowell is my name.

4 A. Hello.

5 221 Q. I am one of the barristers representing Sergeant 14:57  
6 McCabe. Could I bring you to page 437. Have you got  
7 that there?

8 **CHAIRMAN:** If you want a paper copy, if you take out  
9 volume 2, 437.

10 222 Q. **MR. MCDOWELL:** Maybe for clarity's sake, I will stick 14:57  
11 to 1407. It's the same document.

12 **CHAIRMAN:** Is this yet another version of the same  
13 thing, it is?

14 **MR. MCDOWELL:** Yes.

15 **CHAIRMAN:** It is. which one is this one? This is the 14:57  
16 draft, is it?

17 **MR. MCDOWELL:** This is the draft.

18 **CHAIRMAN:** Yes.

19 223 Q. **MR. MCDOWELL:** Have you got that there, Ms. Dewhirst?

20 A. Yes, I have, yes. 14:58

21 224 Q. And is this the form in which Laura Connolly sent it to  
22 you for further processing?

23 A. This is the first Garda notification received.

24 225 Q. Yes.

25 A. Yes. 14:58

26 226 Q. And that's the form in which you received it?

27 A. Yes.

28 227 Q. And what did you receive with it?

29 A. The email was sent to me.

1 228 Q. Yes. And this was attached?  
2 A. And this was attached to the email.  
3 229 Q. I see. Can you see any reference on that to  
4 Bailieboro?  
5 **CHAIRMAN:** I take it your point is, there isn't any, is 14:58  
6 it?  
7 **MR. MCDOWELL:** No.  
8 **MR. MCGUINNESS:** There is address which is --  
9 A. The address --  
10 **MR. MCDOWELL:** Yes, the address -- I don't think the 14:58  
11 address is Bailieboro either?  
12 A. There is part of the address that comes under the  
13 district of Bailieboro, I believe.  
14 230 Q. Sorry, what address?  
15 A. It's pencilled out. 14:59  
16 231 Q. I don't want to breach the privacy.  
17 **CHAIRMAN:** No, no, no, no. And if you don't mind, just  
18 mention a general, and the press won't report it, just  
19 mention a general address.  
20 A. [Redacted]. 14:59  
21 **CHAIRMAN:** [Redacted], County Cavan?  
22 A. Yes.  
23 **CHAIRMAN:** Is that there?  
24 A. It was the address.  
25 **CHAIRMAN:** I'm not challenging that. 14:59  
26 A. No.  
27 **CHAIRMAN:** I'm just looking for information. Where is  
28 [redacted], Mr. McDowell, on it? Well, in the district  
29 of [redacted], yes, which presumably incorporates a big



1 area.

2 232 Q. **MR. MCDOWELL:** So it was on the basis that the child's  
3 home address was in the Bailieboro district, is that  
4 right --

5 A. That's correct, yes. 15:00

6 233 Q. -- that you decided you would send it to the  
7 superintendent?

8 A. Yes.

9 234 Q. And did you consult anybody about that step?

10 A. No, I didn't, no. 15:00

11 235 Q. And was that normal procedure, to go to the child's  
12 home address when notifying the Gardaí?

13 A. I think I believe that is where the incident had  
14 occurred in that area.

15 236 Q. well, you see, if you had read it, there was no -- 15:00  
16 there was no location given?

17 **CHAIRMAN:** It just says the county.

18 237 Q. **MR. MCDOWELL:** I am just wondering why you chose  
19 Bailieboro?

20 A. I am unsure. Usually, it would be notified to the 15:00  
21 area, where the incident has occurred.

22 238 Q. Yes. Exactly. And there's no indication here as to  
23 where the incident had occurred?

24 A. Perhaps I went on the address of [redacted], which  
25 would come under the district of Bailieboro. I'm 15:01  
26 unsure.

27 239 Q. well, the incident is supposed to have occurred while  
28 she and her parents were visiting the home of the  
29 alleged perpetrator. And the narrative goes on:

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*"Ms. D identified the alleged perpetrator as Mr. Maurice McCabe. Specific address for Mr. McCabe not provided. Ms. Brophy reports that Mr. McCabe resides in County Cavan."*

15:01

A. I don't recall if I sought his address. I don't recall.

240 Q. But in any event, for one reason or another, you put down *"Superintendent in charge, Bailieboro Garda Station"*, is that right?

15:02

A. Yes. It would have went to one of two districts, either Cavan or Bailieboro.

241 Q. In relation to these notifications was it standard procedure that when they were received in a Garda station, they were acknowledged as having been received and the return-slip which is printed on them was sent back to you?

15:02

A. No.

242 Q. No?

A. No.

15:02

243 Q. Well, just let's look at this for a second. On page 1410, there's, immediately under Mr. Deeney's signature, there's a statement *"Return-slip to be returned to relevant Child and Family Agency local office"*, and it's supposed to have a garda's name and address, *"I acknowledge receipt of your notification. The designated garda assigned to this case is"* blank, and a telephone number is given. Are you saying that that never happened?

15:03

1 A. In this case, no, it didn't. There was no --  
2 244 Q. I'm talking about, generally speaking, was it standard?  
3 were they supposed to acknowledge receipt?  
4 A. They were, yes, supposed to, but it never -- it didn't  
5 always happen. 15:03  
6 245 Q. I see.  
7 A. It wasn't unusual not to receive it.  
8 246 Q. So nobody would know at your end whether the letter had  
9 got lost, and likewise, there'd be no record, if  
10 somebody was going to follow it up, as to what guard 15:03  
11 was involved, isn't that right?  
12 A. I'm sorry, what is the question?  
13 247 Q. The whole idea of this slip was to say, you know, the  
14 designated garda assigned to this case is a particular  
15 person, and you're saying that that was rarely done, is 15:04  
16 that right?  
17 A. It was -- sometimes it was acknowledged, but not  
18 always.  
19 248 Q. Because the system that Mr. McGuinness read out to you  
20 had a specific instruction as to what to do with this 15:04  
21 acknowledgment when it came in?  
22 A. Yeah, if it was received. If an acknowledgment was  
23 received to the office, I would follow a number of  
24 steps, but there was no procedure to follow up with the  
25 Gardaí if they didn't send in a receipt. 15:04  
26 249 Q. Well, we do know, for instance, that, in Bailieboro,  
27 Sergeant Tony Byrne was the man to whom these slips  
28 would -- these notifications would normally go, and he  
29 would be the liaison man with the HSE after that. were

1           you aware of that?

2           A.    No, I wasn't, no.

3   250   Q.    And on this occasion it didn't go to him and no  
4           acknowledgment was made of receipt of this document  
5           from Bailieboro? 15:05

6           A.    I didn't receive any acknowledgment.

7   251   Q.    It was sent on to Chief Superintendent Sheridan on the  
8           day on -- or the day it was received?

9           A.    Yes, I'm unsure of what their procedure is once they  
10          receive it. 15:05

11   252   Q.    But there was no attempt to establish a link with your  
12          office by Bailieboro?

13          A.    Not by myself, no.

14          **CHAIRMAN:** I think what you are missing, Mr. McDowell,  
15          is, looking at it from the other way round, what did 15:05  
16          the Garda do or not do. So you are saying, well, they  
17          never got back, they never sent the acknowledgment  
18          slip?

19          A.    No, they never sent it in, and it was just taken that  
20          they had received it, from my point of view. 15:05

21   253   Q.    **MR. MCDOWELL:** It was assumed that they had received  
22          it, and if there was further contact --

23          A.    There would be further follow-up by --

24   254   Q.    Nobody at your end would know which garda was taking  
25          responsibility for it? 15:06

26          A.    Unless the social worker followed that up that was  
27          working on the case.

28   255   Q.    No, but, I mean, if the return-slip was completed, a  
29          particular garda would say, I am the man in future that

1           you're to contact in relation to this?

2           A.     And if I received that, I would forward it on for the  
3           file in the Cavan office, if I did receive --

4           **CHAIRMAN:** And would the garda's name and number go  
5           into the Excel spreadsheet, would it? 15:06

6           A.     Yes.

7           **CHAIRMAN:** I see. So that is one of the steps you  
8           would take if you had got back this, cut off this part  
9           of the page and send it back to us then, yes?

10          A.     Yes. 15:06

11   256   Q.     **MR. MCDOWELL:** And you're saying there's nothing  
12          unusual about that, people ignored this acknowledgment  
13          form, usually?

14          A.     It wasn't unusual not to receive an acknowledgment  
15          letter from the Gardaí. 15:07

16   257   Q.     Because as I understand what should have happened, is  
17          that it should have been Sergeant Byrne was the  
18          designated garda who would have been notified to you as  
19          the person to whom -- in respect of whom there should  
20          have been further follow-up. And we know, don't we, 15:07  
21          that somebody tried to mention it to Sergeant Byrne at  
22          a later stage and he had no idea about it. would that  
23          be because there was no return-slip? would Kay  
24          McLoughlin assume that the man in Bailieboro knew about  
25          it and was the designated person to deal with it? 15:07

26          A.     I'm afraid, I don't know.

27          **CHAIRMAN:** In other words, if there's no return-slip  
28          coming back but it's kind of common knowledge the garda  
29          who deals with stuff in Bailieboro is Garda Mary

1 O'Neill, or whatever, would people assume in the  
2 office, yes, we have to go to Garda Mary O'Neill?  
3 A. I'm not sure what they would assume.  
4 **CHAIRMAN:** You're not sure.  
5 **MR. MCDOWELL:** I will leave it at that then. Thank you 15:08  
6 very much.  
7 **CHAIRMAN:** Did you have any further questions? Was  
8 there anything else?  
9  
10 **MS. DEWHIRST WAS RE-EXAMINED BY MR. MCGUINNESS:** 15:08  
11  
12 258 Q. **MR. MCGUINNESS:** Yes, Ms. Dewhirst. Just to be clear,  
13 lest I am misunderstanding one of Mr. McDowell's  
14 questions, the instructions that we looked at, that you  
15 followed, your instructions are to send it to the 15:08  
16 superintendent of the district?  
17 A. Yes.  
18 259 Q. Not to any designated liaison officer?  
19 A. No, no. To address it to the superintendent.  
20 260 Q. And you sent it to the superintendent of the district 15:08  
21 in relation to an area which is part of the Bailieboro  
22 district --  
23 A. Yes, that's correct.  
24 261 Q. -- as set out in your instructions and within your  
25 knowledge, as one of the two districts in Cavan at the 15:08  
26 time?  
27 A. Yes.  
28 262 Q. Okay. And the form obviously envisages the return-slip  
29 and it says: *"To be returned to the relevant child and*

1           *family local office*", and would that indicate that it's  
2           meant to be returned to you or to the team leader  
3           identified?  
4           A.     It would. It should be returned to the office in  
5           Monaghan. 15:09  
6   263   Q.     In Monaghan?  
7           A.     Yes.  
8           **MR. MCGUINNESS:** Okay. Thank you.  
9   264   Q.     **CHAIRMAN:** Ms. Dewhirst, no one is trying to accuse you  
10          of anything. I want, first of all, to assure you of 15:09  
11          that. But there's no question of you making a  
12          decision, we'll send it to Bailieboro because you knew  
13          Sergeant McCabe and it was going to cause trouble or  
14          anything like that?  
15          A.     No, absolutely not. 15:09  
16   265   Q.     **CHAIRMAN:** Did you actually know of Sergeant McCabe at  
17          that stage?  
18          A.     I didn't, no.  
19   266   Q.     **CHAIRMAN:** So it meant nothing -- and you had never met  
20          him, I suppose? 15:09  
21          A.     I had never, no, absolutely.  
22   267   Q.     **CHAIRMAN:** And reading of the newspapers --  
23          A.     No.  
24   268   Q.     **CHAIRMAN:** -- is sparse in County Cavan, it seems?  
25          A.     Sorry? 15:09  
26   269   Q.     **CHAIRMAN:** It seems that reading newspapers is sparse  
27          in County Cavan?  
28          A.     I believe so.  
29   270   Q.     **CHAIRMAN:** Were you following this particular story at

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all?

A. I wasn't, no.

**CHAIRMAN:** Penalty points and all that?

A. No, I wasn't.

15:10

**THE WITNESS THEN WITHDREW**

**MS. LEADER:** The next witness, sir, is Mary Tiernan, and her statement is in Volume 10, at page 2598 of the materials.

15:10

**MS. MARY TIERNAN, HAVING BEEN SWORN, WAS DIRECTLY EXAMINED BY MS. LEADER:**

271 Q. **MS. LEADER:** Ms. Tiernan, I understand you are a qualified social worker and you were employed by the HSE in Cavan-Monaghan between 1997 and 2010, is that correct?

15:11

A. That's correct.

272 Q. Could you explain to the Tribunal what you did with the HSE in that time, please?

15:11

A. I suppose, as set out in my statement, I first started working as a social worker, and I worked in both counties, Cavan and Monaghan, and then I took up the position of team leader in Cavan from approximately December 2004 until I resigned from the HSE in July 2010.

15:11

273 Q. Specifically in the years 2006/2007, where did you work at that time?



1 A. My base was Cavan but because of the range of duties I  
2 covered, I would have also supervised a couple of  
3 social workers in Monaghan and I would have attended  
4 meetings in both offices.

5 274 Q. And your specific role in 2006 and 2007, if you could 15:12  
6 explain that, please?

7 A. I was the team leader for what was commonly referred to  
8 as the Child Protection and Intake Team, and I also  
9 within -- because my base was Cavan, I was responsible  
10 for managing new referrals, which we refer to as duty 15:12  
11 intake, in County Cavan on a day-to-day basis.

12 275 Q. Now, I understand from your statement, Ms. Tiernan,  
13 that you, in December 2006, became aware that Ms. D  
14 made an allegation against Sergeant McCabe, is that  
15 correct? 15:12

16 A. Yes, that's correct.

17 276 Q. And how did you become aware of that?

18 A. Because a social worker, Ms. Rhona Murphy, in the  
19 office, who I supervised, would have already been  
20 involved with Ms. D at that time. 15:12

21 277 Q. And she told you, is that correct?

22 A. Yes. I can't recall the exact way I found out, but  
23 that would be normal for me to become aware of a new  
24 report of information coming in on a case I was already  
25 supervising the social worker. 15:13

26 278 Q. Okay. Just if you could explain to the Tribunal, did  
27 you know Sergeant McCabe prior to that or at that time?

28 A. Yes, I did. I knew him as a sergeant in Bailieboro. I  
29 understood he had the role of child protection liaison

1 sergeant. I know now that's not correct. It may be  
2 that that position was vacant at the time I understand  
3 he was sergeant in charge. But I would certainly  
4 recall having meetings or discussions with him from  
5 time to time in the natural course of my work. 15:13

6 279 Q. And your understanding was that he was a liaison guard  
7 between the HSE and the guards at that time in relation  
8 to child protection issues, was that your  
9 understanding?

10 A. Yes, that was my understanding. As I said, when it was 15:14  
11 clarified, and I reflect back, actually I don't  
12 remember specifically attending the liaison meetings we  
13 used to have with a number of sergeants around the  
14 district but that was my belief, yes.

15 280 Q. Okay. Ms. D's father, did you know she [sic] was a 15:14  
16 guard, at that time?

17 A. Yes.

18 281 Q. He was a guard?

19 A. Yes, I did. And as I have said in my statement, I  
20 don't actually ever remember speaking with or meeting 15:14  
21 with him, but yes, I was aware.

22 282 Q. Okay. And were you aware of the nature of the  
23 allegation that Ms. D made against Sergeant McCabe?

24 A. In December 2006?

25 283 Q. Yes. 15:14

26 A. The nature, as in it came under the broad sexual abuse  
27 allegation, but not the specific details.

28 284 Q. Okay. So you knew it was sexual abuse but nothing  
29 further?

1 A. Yes, exactly.

2 285 Q. Okay. Now, I think in December 2006 you attended a  
3 meeting in relation to the Ms. D matter, is that  
4 correct?

5 A. Yes. 15:15

6 286 Q. The minute of that meeting, if I can call it that, is  
7 at page 181 of the materials. It should come up on the  
8 screen in front of you there.

9 A. Yes.

10 287 Q. And that was a meeting which took place on the 12th 15:15  
11 December 2006 in the conference room at Monaghan HSE,  
12 is that correct?

13 A. Yes.

14 288 Q. And there were a number of people there, including  
15 yourself, there was Ms. Mary O'Reilly, Orla Curran, 15:15  
16 Clíona Deeney, Rhona Murphy, Eileen Argue, Celine  
17 Sherry and Emer O'Neill?

18 A. Yes.

19 289 Q. And Ms. McDonnell sent her apologies. And I think  
20 the -- was it one issue arising at that meeting or the 15:16  
21 only issue arising, the allegation that Ms. D made, can  
22 you remember?

23 A. That is a record which applied solely to Ms. D. That  
24 meeting was a meeting which took place every Tuesday  
25 to -- it was a working meeting to consider new reports 15:16  
26 or referrals that came to the child protection team. A  
27 number of cases would have been discussed.

28 290 Q. And she was one of the cases?

29 A. She was one, and each would have their own separate

1 record.

2 291 Q. I think it's recorded as:

3

4 *"Issues arising: Ms. D alleged that she had been*  
5 *sexually abused and made a statement in relation to* 15:16  
6 *same on the 5th December 2006."*

7 A. Yes.

8 292 Q. And did you at that stage understand that she had  
9 alleged she had been sexually abused by Sergeant  
10 McCabe? 15:16

11 A. Yes, I did understand that at the time.

12 293 Q. And had you discussed the matter with Ms. Murphy, do  
13 you think?

14 A. I can't recall discussing it directly with Ms. Murphy.  
15 I believe, I have said in my statement, I do recall 15:16  
16 discussing it with the principal social worker around  
17 that time. Whether it was before or after that  
18 meeting, I can't recall.

19 294 Q. And Ms. O'Reilly was the principal social worker  
20 anyway? 15:17

21 A. Yes, that's right.

22 295 Q. I think there were a number of actions agreed at that  
23 meeting.

24

25 *"That Rhona Murphy refer Ms. D to the CSA team. A copy* 15:17  
26 *of the minutes were to be sent to Ms. Murphy and the*  
27 *matter was to be reviewed at the next meeting."*

28

29 Is that correct?

1 A. Yes.

2 296 Q. And do you remember when the next meeting took place or  
3 was it reviewed?

4 A. I'm not sure why it's stated in that review at next  
5 meeting. As I said, the meeting took place on a weekly 15:17  
6 basis. It's not clear to me why it would have been  
7 reviewed the very next week in the absence of any other  
8 record to refresh my memory.

9 297 Q. Okay. So the next document the Tribunal has which  
10 records you having an involvement in the matter, is a 15:18  
11 minute of a meeting which took place on the 24th April  
12 2007, and that appears at page 257 of the materials.  
13 Do you recall at this remove having any involvement in  
14 the matter between December and April 2007?

15 A. No direct involvement with Ms. D or with her family. 15:18  
16 As I have said in my statement, I did hold the view at  
17 the time that the report had come in, that it would be  
18 more appropriately dealt with by a neighbouring social  
19 work department who had no personal knowledge through  
20 their professional work of any of the parties involved. 15:18  
21 That was my view. And this later record in April 2007,  
22 I did recall the discussion at that meeting that an  
23 approach was to be made, I understood, to the principal  
24 social worker in County Meath.

25 298 Q. Okay. And the minute of that meeting, it should be in 15:19  
26 front of you, it at page 257 of the materials. You  
27 will see that meeting took place on the 24th April  
28 2007. Was that another referrals meeting, that a  
29 number of matters were discussed?

1 A. Yes. That was that standard Tuesday afternoon meeting,  
2 where either new reports or existing cases were  
3 discussed and reviewed.

4 299 Q. Okay. And that again took place in Monaghan, and it  
5 appears that the chair of that meeting was 15:19  
6 Ms. O'Reilly, that Tracy McDonald, Celine Sherry, Emer  
7 O'Neill, Orla Curran, you, Eileen Argue and Rhona  
8 Murphy attended at the meeting, and Ms. Deeney sent  
9 apologies. And it would appear that the topic  
10 discussed at that meeting was Maurice McCabe, is that 15:19  
11 correct?

12 A. Yes, that's here.

13 300 Q. Now, would that have been a separate matter to Ms. D?  
14 If you could maybe assist the Tribunal in relation to  
15 that. 15:20

16 A. It is in the sense that it's arising out of the  
17 involvement with Ms. D and it clearly has Mr. McCabe's  
18 name on that particular record, even though a file  
19 hadn't been opened in relation to Mr. McCabe or his  
20 family at that time. 15:20

21 301 Q. And you're happy and satisfied that there was no file  
22 opened in relation to Mr. McCabe at that time?

23 A. Yes, I am. That would have been done in the Cavan  
24 office and I would have had to know about that.

25 302 Q. Okay. And then under the section "*Reasons for*  
26 *Referral*" it says: 15:20

27

28 "*Ms. D informed CSA team during recent appointment that*  
29 *Mr. McCabe inappropriately touched her. File returned*

1 *from the DPP, no prosecution."*

2  
3 And then it refers to a number of actions that were  
4 agreed:

5 *"Mary O'Reilly was to contact Catherine Sweeney, a* 15:20  
6 *principal social worker in Meath, to ask her to*  
7 *nominate a member of her team to deal with Mr. McCabe.*  
8 *Social worker to offer Mr. McCabe a risk assessment and*  
9 *to inform that the HSE are aware of the allegations*  
10 *against him. Then contact the Gardaí re current* 15:21  
11 *address of Mr. McCabe."*

12  
13 Do you have a memory of those matters being discussed  
14 at the meeting?

15 A. Certainly the first one. 15:21

16 303 Q. Okay. Did the impetus for that come from you, do you  
17 think, or was it Ms. O'Reilly?

18 A. I know I felt strongly about it, but my memory is that  
19 Ms. O'Reilly agreed that that would be an appropriate  
20 way to respond to a report of this nature, where there 15:21  
21 was likely to be ongoing contact between several social  
22 workers on the team and the particular member in An  
23 Garda Síochána, in the interests of I suppose fairness  
24 and --

25 304 Q. Okay. In relation to the first action that was agreed, 15:21  
26 that the person in Meath was to deal with Mr. McCabe,  
27 what did you understand was to be done in relation to  
28 Mr. McCabe arising out of that action?

29 A. I understood that Ms. O'Reilly was going to ask

1 Ms. Sweeney to nominate a member of her department to  
2 inform Mr. McCabe of the information that had come in,  
3 to request to meet with him and arising from that to  
4 follow-through on whatever actions were deemed  
5 appropriate after that response had been obtained. 15:22

6 305 Q. Okay. Do you have any memory of the second action;  
7 that a social worker to offer Mr. McCabe a risk  
8 assessment to inform -- sorry, I'm having difficulty  
9 reading that -- to inform that the HSE are aware of the  
10 allegations against him? 15:22

11 A. Well, if we take the second part first, inform that the  
12 HSE are aware of the -- that would have been dealt with  
13 in the first recommendation there, *"Mary O'Reilly to*  
14 *contact Catherine Sweeney, social worker, to offer*  
15 *Mr. McCabe a risk assessment"*, I have said in my 15:23  
16 statement, and I don't recall that being discussed at  
17 the meet. I did recall the first part, without having  
18 access to any of these records, it's seven years since  
19 I have left the HSE as it was then, but I don't recall  
20 any discussion about Mr. McCabe being offered a risk 15:23  
21 assessment.

22 306 Q. Okay. Now you say at paragraph 28 of your statement  
23 that --

24 A. Sorry, just to clarify, I accept that that was -- I  
25 just personally don't recall that discussion, but that 15:23  
26 must have been mentioned if it's recorded there in that  
27 way.

28 307 Q. Okay. You say in paragraph 2.8 of your statement that:  
29



1           *"Given the specific content of the allegation made by*  
2           *Ms. D to her parents and the Garda investigators*  
3           *initially, and repeated to Ms. O'Reilly and Ms. Curran,*  
4           *I believe we both considered --"*

15:24

5  
6           And I understand "*both*" there is referring to you and  
7           Ms. O'Reilly.

8  
9           "*-- it was unlikely that considered analysis of the*  
10          *case would be likely to conclude that a threshold had*  
11          *been reached to support substantial further involvement*  
12          *after informing Mr. McCabe of the report."*

15:24

13  
14          That's your understanding of where things were?

15        A.    That was my understanding, but that wasn't an analysis  
16            or a conclusion I reached. I believed the case did  
17            require to be followed up and that the best way to do  
18            that would have been for, as I said, a team who had no  
19            prior knowledge of the parties involved to do that. So  
20            it wasn't a formal analysis of it. I suppose, it was  
21            my individual view based on what I knew, that on the  
22            balance of probabilities it may not proceed to any  
23            substantial degree.

15:24

15:24

24    308   Q.    Okay. Now, you also refer in your statement to  
25            discussing the matter with Ms. O'Reilly on a number of  
26            occasions after, in 2007. Could you tell the Tribunal  
27            about your recollection of those conversations, please?

15:25

28        A.    I can only recall that I believe I would have mentioned  
29            it, or I would have discussed it on at least one, if

1 not two, subsequent occasions. I can't remember where  
2 or when. In the normal course of our work I would have  
3 had formal supervision, approximately every six weeks.  
4 But naturally we would have discussed cases and general  
5 management issues within the office every time we met. 15:25  
6 It was a time when the department was under enormous  
7 pressure. There were a number of priority issues going  
8 on. Certainly in my mind, unallocated cases, unfilled  
9 posts were first and foremost on my mind. So it's  
10 not -- it's certainly not the case that I had a formal 15:26  
11 sit down meeting to discuss that, but I do believe it  
12 would have been raised on one or two occasions perhaps.

13 309 Q. I think you also explained in your statement that it  
14 was generally considered good practice to inform any  
15 individual if a file was opened in respect of them or 15:26  
16 in respect of their children in relation to any matter,  
17 even in circumstances where no further action was  
18 contemplated. Is that correct?

19 A. Yes.

20 **CHAIRMAN:** But I am sorry, Ms. Leader, it's kind of 15:26  
21 left hanging. Was there anything as to what the  
22 meeting or the talk or the chat might have been about?  
23 I am just not sure about that particular aspect. Was  
24 there anything significant in it, in other words?

25 **MS. LEADER:** well, maybe Ms. Tiernan -- 15:27

26 A. I believe I would have asked 'How did you get on?', you  
27 know, 'what response is there?' It is my recollection  
28 that it hadn't been agreed to be followed up, that  
29 Ms. O'Reilly had made efforts to do that. That's the

1 nature of what I would have asked about. But I don't  
2 remember if I raised it again on a further occasion  
3 after that.

4 310 Q. So it wasn't brought to a conclusion, am I correct in  
5 understanding that? 15:27

6 A. Yes, that's correct. It wasn't brought to a  
7 conclusion.

8 **CHAIRMAN:** It was one of the things drifting by, in  
9 other words.

10 A. Yes. 15:27

11 **CHAIRMAN:** Yes.

12 311 Q. **MS. LEADER:** Now, I think the final document which  
13 you're recorded as having an involvement in is a case  
14 review form, and that's at page 259 of the materials. 15:28

15 That case review form relates to Ms. D's case. You  
16 will see the reason for referral is recorded as 15:28

17 "*allegation of inappropriate touching*", and since  
18 referral it says: "*Liaised with family. Referred  
19 family to family therapy department. Liaised with  
20 child adolescent psychiatry. Referred Ms. D for*" 15:28

21 *support and guidance and refer Ms. D to the child  
22 sexual abuse assessment team.*" And then: "*Has the  
23 alleged abuse/neglect been confirmed, unconfirmed or  
24 inconclusive?*" And "*inconclusive*" is filled out there.

25 And then "*the social worker recommendation*", which was 15:28

26 Ms. Murphy's recommendation, is "*case closure*" and she  
27 signs off on it on the 10th October 2007 and it would  
28 appear that your signature appears under "*team leader  
29 as agreeing that the case should be closed on the 27th*"

1           *November"*, is that correct?

2           A.    Yes, that's correct.

3   312   Q.    And you were happy that the case be closed even though  
4           one of the actions which had been agreed on the  
5           previous April hadn't been actually brought to a           15:29  
6           natural conclusion, is that correct?

7           A.    Are you referring to the meeting record with names  
8           Maurice McCabe?

9   313   Q.    Yes.   At page 257, it's the previous page.

10          A.    I would have considered that separate to Ms. D's file.   15:29  
11          The decision to close Ms. D's file in my mind would  
12          have been solely related to how she was doing at that  
13          time and was it appropriate for the department to close  
14          the case in respect of her.

15   314   Q.    Okay.   But you were aware at that stage that there had   15:29  
16          been no file opened in respect of Mr. McCabe and you're  
17          satisfied that is the case, isn't that correct?

18          A.    I am satisfied that is the case.   And yes, I would have  
19          been aware of that at the time.

20   315   Q.    So I suppose maybe a natural consequence of closing the   15:30  
21          Ms. D file was all files would have been closed,  
22          because there was no file opened in respect of  
23          Mr. McCabe?

24          A.    Yes.   There was only one -- certainly within the social  
25          work Department there was only the file that this           15:30  
26          document was on, which was Ms. D's file.

27   316   Q.    Okay.   And it would appear that Ms. Murphy wrote to  
28          Ms. O'Reilly on the 10th October 2007, that's the page  
29          258 of the materials, informing her that she "*recently*

1           *closed the case regarding Ms. D who made an allegation*  
2           *of inappropriate touching against Mr. McCabe, that she*  
3           *would like to draw her attention to the fact that*  
4           *Mr. McCabe has not yet been met by the Social Work*  
5           *Department as per our procedures in cases of alleged* 15:30  
6           *child sexual abuse and I would be grateful if this*  
7           *matter could be dealt with as soon as possible."*  
8           And that letter was cc'd to you, so you must have been  
9           aware that that piece of work still hadn't been  
10          actioned, is that correct? 15:31

11          A.    Oh no, I was aware.  And, as I said in my statement, I  
12               do remember that part of it.  This letter wouldn't have  
13               necessarily jogged my memory because I would have  
14               already been aware, it is something that had been  
15               discussed on at least a couple of occasions with the 15:31  
16               principal social worker.

17    317    Q.    I think you have no specific memory of that letter, am  
18               I correct in saying that?

19          A.    I don't.  No.  For that reason --

20    318    Q.    Yes. 15:31

21          A.    -- I don't.

22    319    Q.    But it didn't cause you in any way to follow up the  
23               matter any further with Meath or Ms. O'Reilly?

24          A.    Well, I wouldn't have been making an approach to Meath.

25    320    Q.    Okay. 15:31

26          A.    Whether or not that was one of the occasions when I  
27               discussed it with the principal social worker I  
28               honestly can't remember.

29    321    Q.    But you were happy to leave the matter at that, is that

1 correct?

2 A. The Ms. D file.

3 322 Q. Yes.

4 A. Yes.

5 323 Q. Yes. And you were happy maybe not to pursue the matter 15:32  
6 any further in relation to the Mr. McCabe end of  
7 things?

8 A. I would have considered that it would have been  
9 appropriate to have been followed up. So I don't know  
10 that I would characterise it as saying I was happy to 15:32  
11 leave it. In the context of the priority pressures  
12 that were dealt with, within the department, at that  
13 time, I believe I didn't continue to raise it. But, as  
14 I have said, I did believe, certainly at the outset,  
15 that it would have been appropriate to follow-through. 15:32

16 324 Q. Okay. Now, did you at any time discuss any of the  
17 Ms. D matters or the Sergeant McCabe matters with  
18 anybody but the people mentioned in the meetings that  
19 we have already referred to?

20 A. No. I didn't. 15:32

21 325 Q. Okay. Did you at any stage discuss it with any members  
22 of An Garda Síochána?

23 A. No, I didn't.

24 326 Q. And did you become aware at any time of the subsequent  
25 2013 matters? 15:33

26 A. Not other than in the media. As I said, I left  
27 HSE/Tusla in July 2010, I only became aware in --  
28 whenever it was, January or February of this year, of  
29 these particular issues that are being addressed at the

1 Tribunal.

2 **MS. LEADER:** Okay. Thank you very much. If you would  
3 answer any questions anybody else might have.

4

5 **MS. TIERNAN WAS THEN CROSS-EXAMINED BY MR. MCDOWELL:** 15:33

6 327 Q. **MR. MCDOWELL:** Good afternoon. Very briefly, I just  
7 have a few questions for you. At paragraph 2.8 of your  
8 statement you say:

9

10 *"Given the specific content of the allegation made by 15:33*  
11 *Ms. D to her parents and Garda investigators initially,*  
12 *and repeated to Ms. Emer O'Neill and Ms. Orla Curran, I*  
13 *believe we both --"*

14

15 And you're referring there to yourself and 15:33  
16 Ms. O'Reilly, is that right?

17 A. Yes.

18 328 Q. *"-- considered that it was unlikely that considered 15:34*  
19 *analysis of the case would be likely to conclude that a*  
20 *threshold had been reached to support further*  
21 *substantial involvement after informing Mr. McCabe of*  
22 *the report."*

23

24 I suppose sometimes when we write we're a bit  
25 convoluted, but does that mean -- it seems to me to 15:34  
26 mean, and I just want to get your confirmation, that  
27 you believed that in all of the circumstances and the  
28 fact that when a Garda investigation -- that you and  
29 Ms. O'Reilly were of the view that apart from informing

1 Maurice McCabe that this allegation had been made, that  
2 it was unlikely that anything further would happen?

3 A. Yes. That it was unlikely to lead to substantial  
4 further involvement. By that I mean significant child  
5 protection procedures -- 15:34

6 329 Q. Yes.

7 A. -- ongoing case conferences. However, I would have to  
8 say I also did believe that it should have been  
9 followed up.

10 330 Q. Yes. But followed up to, in the form of speaking to 15:35  
11 him, isn't that right?

12 A. And following through on any actions that were deemed  
13 appropriate after that.

14 331 Q. Well, is that the case? Because, I wonder could that  
15 have been your view? You never expressed that in 15:35  
16 writing at the time. You never said that to  
17 Ms. O'Reilly at the time. Are you now just saying that  
18 in retrospect, because there's no evidence that you  
19 were of that view?

20 A. It's my recollection and I believe I have said that I 15:35  
21 believe it should have been followed up, and would have  
22 been had the particular circumstances not existed where  
23 there was personal knowledge and -- as in personal  
24 professional knowledge and dealings with the person  
25 involved, with Mr. McCabe. 15:35

26 332 Q. You see, I'm suggesting to you that that is not the  
27 case and I am suggesting to you that you signed off on  
28 this knowing that it was coming to an end and the file  
29 was closing.



1 A. Signed off on the Ms. D file --

2 333 Q. Yes.

3 A. -- because the involvement with Ms. D had come to an  
4 end.

5 334 Q. And you knew that there was no file in existence on 15:36  
6 Maurice McCabe?

7 A. Yes, that's correct.

8 335 Q. And I have got to suggest to you that this is now not  
9 merely hindsight, but imagined hindsight, that you are  
10 now saying that you thought that the whole thing should 15:36  
11 have been followed up. Because you never expressed  
12 that view to anybody at the time, to any of the other  
13 witnesses who are here.

14 A. I believe I've said I did discuss that with the  
15 principal social worker. 15:36

16 336 Q. Sorry, let's be clear about this. We have had a  
17 succession of witnesses, people who were at that  
18 meeting and other people, and none of them have ever  
19 suggested that you were of that opinion?

20 A. I can't speak for what other witnesses may have said or 15:36  
21 not said about my opinion.

22 337 Q. And when you came to make your statement, where do you  
23 say in that statement that you believed at the time  
24 that it should have been followed up?

25 A. I've set out the reasons why it wasn't my view that it 15:37  
26 should be dealt with within the Cavan department.

27 338 Q. Sorry, with respect to you, you gave no indication when  
28 you made your statement that that was your view. None  
29 whatever.

1 A. I have set out that it would have been our normal  
2 practice to inform any person --

3 339 Q. Yes.

4 A. -- and listen to their response and follow -- that is  
5 set out. 15:37

6 340 Q. You see, I am suggesting to you -- let's read the  
7 sentence again, or perhaps you would read it out.

8  
9 *"Given the specific content of the allegation made by*  
10 *Ms. D to her parents and Garda investigators initially.* 15:37  
11 *And repeated to Ms. Emer O'Neill and Ms. Orla Curran, I*  
12 *believed we both considered it was unlikely that*  
13 *considered analysis of the case would be likely to*  
14 *conclude that a threshold had been reached to support*  
15 *substantial further involvement after informing* 15:38  
16 *Mr. McCabe of the report."*

17  
18 Could anything be clearer --

19 A. No.

20 341 Q. -- but that you thought at the time it would go no  
21 further? 15:38

22 A. I have expressed that was my view. But that's a  
23 different matter to the department, as was then the  
24 HSE, concluding on the matter.

25 **CHAIRMAN:** Yes. No, but, Mr. McDowell, it does say  
26 after Mr. McCabe has been spoken to. 15:38

27 **MR. MCDOWELL:** Yes.

28 **CHAIRMAN:** And we know that didn't happen, so --

29 **MR. MCDOWELL:** Sorry?

1           **CHAIRMAN:** We know it didn't happen.

2           **MR. MCDOWELL:** I know. But the point I'm making is  
3 this: That the witness is now saying that she believed  
4 that the whole matter should have been opened up and  
5 proceeded further with by -- 15:38

6           **CHAIRMAN:** That could be the case and, forgive me, I am  
7 just a little confused. Because there are steps after  
8 speaking to Mr. McCabe, but if I am recollecting  
9 correctly there's a number of purposes to this. The  
10 first apparently is to offer people the chance to say 15:39  
11 what they want to say --

12          **MR. MCDOWELL:** Yes.

13          **CHAIRMAN:** -- and secondly, to offer them some kind of  
14 counselling or an assessment of their own personality.

15          **MR. MCDOWELL:** Chairman, I understand that. Could I 15:39  
16 ask the question?

17          **CHAIRMAN:** No, please do, it may be that I am at cross  
18 purposes.

19 342 Q.   **MR. MCDOWELL:** would you explain that sentence again to  
20 me in simple language, as to what you meant by it when 15:39  
21 you wrote it on the 30th June of this year?

22          A.   That was an individual view of mine. That is separate  
23 to the responsibilities that HSE might have considered  
24 they had to follow up had the matter been --

25 343 Q.   Hold on a second. 15:39

26          A.   -- actually put to Mr. McCabe.

27 344 Q.   "*I believe we both considered it was unlikely that*  
28 *considered analysis of the case would be likely to*  
29 *conclude that a threshold had been reached to support*

1           *substantial further involvement after informing*  
2           *Mr. McCabe of the report."*

3  
4           what do you mean by that?

5           A.   As I've said earlier, I did hold the view that it would 15:40  
6           be unlikely to lead to substantial child protection  
7           involvement, for example, case conference. That was my  
8           view, but that's not -- that's not a conclusion that I  
9           felt I could have reached not having --

10   345   Q.   Sorry, you are recording the fact that you and 15:40  
11           Ms. O'Reilly had a conversation and that you were both  
12           of this view, isn't that right?

13           A.   Yes.

14   346   Q.   And I am asking you what the view was?

15           A.   And just to clarify again, that's my recollection of a 15:40  
16           conversation, I don't recall specifically where or when  
17           that took place. I am trying to highlight my thinking  
18           at the time. That's my memory.

19   347   Q.   Yes. That it was unlikely that any substantial further 15:40  
20           involvement by the HSE would take place after Sergeant  
21           McCabe was notified. That was your view at the time?

22           A.   Yes. That was my view at the time.

23   348   Q.   So, why have you come here today and changed your  
24           position?

25           A.   Chairman, I don't believe I have changed my position. 15:41  
26           I'm simply saying the matter should have been put to  
27           him and then a formal decision could have been reached  
28           on that. I may have held my view, another practitioner  
29           may have held a different view. The proper way to deal

1 with that would have been for the matter to be dealt  
2 with and then considered in the appropriate forum and a  
3 conclusion drawn. The fact that I have expressed my  
4 view I don't believe negates that that could and should  
5 have taken place. 15:41

6 349 Q. You think somebody else might have taken a different  
7 view, is that right?

8 A. Well, I think that's clearly the case. That, had it  
9 been followed through different practitioners may have  
10 taken a different view. 15:41

11 **CHAIRMAN:** Mr. McDowell, may I ask you, is there a  
12 difference between yourself and Ms. Tiernan in relation  
13 to the understanding of whether or not she felt - which  
14 I'm taking those words to mean - that Sergeant McCabe  
15 should have been spoken to in 2007, but it would seem 15:42  
16 perhaps by Meath, in other words the chat, now --

17 **MR. MCDOWELL:** He would be informed that the allegation  
18 had been made against him.

19 **CHAIRMAN:** Yes. That there would be a chat with him.

20 **MR. MCDOWELL:** Yes. 15:42

21 **CHAIRMAN:** I'm using the word "chat" to be, I suppose,  
22 as neutral as possible. You could say informed  
23 certainly, but if you are going to have a talk about  
24 it, you need to talk about it. Certainly it would have  
25 headed off a lot of trouble. That would have been 15:42  
26 Meath, as I understand it, to do that. But then let's  
27 suppose we're in a situation where it is the child  
28 being locked in the cage or the revelation 'That's what  
29 my Daddy does to me three times a week', there would be

1 substantially more follow up than a mere chat. Am I  
2 misunderstanding things?

3 **MR. MCDOWELL:** Maybe I'm misunderstanding the witness.  
4 It seems to me that her attitude at the time was: This  
5 is going to go nowhere after he's informed about it. 15:43

6 **CHAIRMAN:** That is what I am taking as well.

7 **MR. MCDOWELL:** Yes.

8 **CHAIRMAN:** would that be wrong?

9 A. That's not -- that's not wrong, no.

10 350 Q. **MR. MCDOWELL:** well, then perhaps -- I mean, you know 15:43  
11 that eventually, and Ms. Creamer told this Tribunal  
12 that she closed the file at the SART level on the basis  
13 that there was no credible allegation and you had no  
14 child protection concerns about Mr. McCabe or some of  
15 the other files, or their names shouldn't be on the 15:43  
16 register or any list. Is that the same position that  
17 you hold?

18 A. I wouldn't like to compare or contrast my position to  
19 another witness who has been involved after my time. I  
20 am simply setting out my memory of my view of it at the 15:43  
21 time.

22 351 Q. well, listen, obviously there's no point in  
23 cross-examining you to make points against my client.  
24 But I just gathered from the tone of your evidence that  
25 you were suggesting that because he was personally 15:43  
26 known to some of the people involved that the matter  
27 wasn't taken on sufficiently by Tusla. That it wasn't  
28 processed by the Health Service Executive adequately.

29 A. That is the reason I believe it wasn't dealt with in

1 Cavan.

2 352 Q. In Cavan?

3 A. Yes. And clearly it wasn't dealt with then at that  
4 time in 2006/2007.

5 353 Q. But you are aware that an attempt was made to get 15:44  
6 somebody else to go and tell him, to talk to him about  
7 the fact that this allegation was made?

8 A. I am absolutely aware of what transpired subsequently.

9 354 Q. And do you criticise that?

10 A. I don't feel it is my place to comment on that. 15:44

11 **CHAIRMAN:** Sorry, Mr. McDowell, it is my  
12 misunderstanding and I beg your pardon. We have had so  
13 many files, so many documents, I may be getting things  
14 wrong. Are we talking about if Meath had followed it  
15 up let's say in 2007 and rung Sergeant McCabe and said 15:44  
16 'Look, can we meet and have a talk?' or are we talking  
17 about the ghastly letter of the 29th December 2015,  
18 which is the Barr letter?

19 **MR. MCDOWELL:** well, it all seems to have been part of  
20 the same mindset. 15:45

21 **CHAIRMAN:** Yes.

22 **MR. MCDOWELL:** That this should be brought to his  
23 attention.

24 **CHAIRMAN:** There is a nine year difference of course.

25 **MR. MCDOWELL:** I won't put it any further, Judge. 15:45

26 **CHAIRMAN:** I am not sure what the question is,  
27 Mr. McDowell. I'm sorry, I am just not following the  
28 point, and it may be an important point, I want to  
29 follow it.

1           **MR. MCDOWELL:** I am suggesting to the witness - and I  
2           think she has agreed with me - that her view was that  
3           the matter was likely to go no further once Sergeant  
4           McCabe was informed that an allegation had been made.  
5           **CHAIRMAN:** which would mean that there were no child           15:45  
6           protection issues.  
7           **MR. MCDOWELL:** Yes, exactly.  
8           **CHAIRMAN:** They weren't sticking out -- is that right?  
9           A.       That's a fair enough summary. But I'm also saying I  
10           couldn't draw that conclusion. It wouldn't have been           15:45  
11           appropriate for me to conclusively --  
12           **CHAIRMAN:** At that point.  
13           A.       -- make that as a professional assessment.  
14           **CHAIRMAN:** But it would be easier to make if it  
15           somebody had spoken to Sergeant McCabe, is that the           15:45  
16           point?  
17           A.       Yes.  
18           **CHAIRMAN:** well, am I getting that wrong?  
19           **MR. MCDOWELL:** Then there's no substantial difference  
20           between me and the witness.           15:46  
21           **CHAIRMAN:** Yes. And then, are you asking about the  
22           Barr letter then or am I wrong in thinking that?  
23           **MR. MCDOWELL:** No, no. You raised that, Judge.  
24           **CHAIRMAN:** No, I did, but I was wondering, there was  
25           follow up --           15:46  
26           **MR. MCDOWELL:** No, no.  
27           **CHAIRMAN:** -- but I mean, we know what the follow up  
28           was.  
29           **MR. MCDOWELL:** No, no.



1           **CHAIRMAN:** I'm sorry. I thought you were asking the  
2           witness --

3           **MR. MCDOWELL:** No, I wasn't asking about that at all,  
4           Judge.

5           **CHAIRMAN:** I see. 15:46

6           **MR. DONAL MCGUINNESS:** No questions, Chairman.

7           **MS. LEADER:** Nothing arising out.

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

9

10           **THE WITNESS THEN WITHDREW** 15:46

11

12           **MS. LEADER:** The next witness, sir, is Louise Carolan,  
13           who has made two statements, both contained in volume  
14           10, page 3008 and 3112.

15 15:46

16           **MS. LOUISE CAROLAN, HAVING BEEN SWORN, WAS DIRECTLY**  
17           **EXAMINED BY MS. LEADER:**

18   355   Q.   **MS. LEADER:** Now, Ms. Carolan, I understand you were a  
19           principal social worker employed by the HSE between  
20           April 2012 and May 2015? 15:47

21           A.   That's correct.

22   356   Q.   Is that correct? Now you understand you're here as a  
23           result of Mr. Lowry's evidence to the Tribunal which he  
24           gave the week before last I think?

25           A.   That's correct. 15:47

26   357   Q.   Now Mr. Lowry suggests that you discussed the referral  
27           received by the HSE in August 2013 by Ms. Brophy in  
28           relation to Mr. McCabe with him. Have you anything to  
29           say in relation to that?

1 A. I had no idea that I was -- until I was asked to attend  
2 the Tribunal, I had no idea that I had had any  
3 involvement in the case in relation to Mr. McCabe.

4 358 Q. Were you aware that a referral had been received by the  
5 HSE in August 2013 and an intake record had been 15:48  
6 created by Ms. Briege Tinnelly in relation to Ms. D's  
7 allegation?

8 A. No, I can't say that I was.

9 359 Q. Okay. And were you aware or had you ever discussed the  
10 matter with Ms. Keara McGlone who dealt with the matter 15:48  
11 once an intake record had been created by Ms. Tinnelly?

12 A. No, I have no recollection of the matter being brought  
13 to my attention.

14 360 Q. Okay. And would it be routine or normal for you to  
15 discuss cases with Ms. McGlone or Ms. Tinnelly? 15:48

16 A. Well, normally the social worker would discuss the case  
17 with the social work team leader and then, if  
18 necessary, the team leader would bring it to my  
19 attention. But I have no record of this or  
20 recollection of being brought to my attention. 15:49

21 361 Q. Okay. And while Mr. Lowry doesn't refer to any  
22 specific conversations, can I take it that from your  
23 point of view you're confident that you didn't discuss  
24 the matter with him between August 2013 and August  
25 2014? 15:49

26 A. Absolutely.

27 362 Q. Now your name appears in an email which Ms. Argue sent  
28 to Mr. Lowry on the 14th May 2014 and that appears at  
29 page 439 of the materials. It should come up on the

1 screen in front of you.

2 A. Okay. Yes, I have seen the email for the purpose of  
3 the Tribunal.

4 363 Q. Okay. And you will see that Ms. Armitage forwarded an  
5 email to Ms. Argue which informed the HSE that Laura 15:49  
6 Brophy had made a mistake in a referral which she sent  
7 to your service.

8 A. Yes.

9 364 Q. Ms. Argue forwarded that email to Mr. Lowry and he  
10 cc'd -- she cc'd it to you and Mr. Deeney, is that 15:50  
11 correct?

12 A. That's correct.

13 365 Q. Now, do you remember getting that email?

14 A. I don't. I was checking my diary for the purposes of  
15 the Tribunal and we were on a team development day 15:50  
16 actually on the 14th and the 15th, and I went out on  
17 sick leave on the 16th May.

18 366 Q. Okay. And I think you were absent from the office for  
19 a considerable period of time after the 16th May, is  
20 that correct? 15:50

21 A. Yes. I got a cancer diagnosis on the 16th May and I  
22 was out for a year on sick leave following that and I  
23 actually got a new post and I never returned to Tusla  
24 following that.

25 367 Q. Okay. Now, did you at any time discuss the matter of 15:50  
26 Ms. D's referral with anybody else?

27 A. No, never.

28 368 Q. And you have no memory of discussing it with anybody in  
29 the HSE?

1 A. No. Not until I was contacted by the Tribunal.

2 MS. LEADER: If you would answer any questions anybody  
3 else might have for you.

4

5 MR. MCDOWELL: I have no questions. 15:51

6 MR. DIGNAM: I have no questions.

7 MS. LEADER: Thank you very much.

8

9 THE WITNESS THEN WITHDREW

10

11 MS. LEADER: The next witness, sir, is Mr. Michael  
12 Cunningham and his statement is in volume 11 of the  
13 materials at page 3244. 15:51

14

15 MR. MICHAEL CUNNINGHAM, HAVING BEEN SWORN, WAS DIRECTLY 15:51

16 EXAMINED BY MS. LEADER:

17 369 Q. MS. LEADER: Mr. Cunningham, I understand you are a  
18 professionally qualified social worker and you are  
19 employed with Tusla, is that correct?

20 A. That's correct. 15:52

21 370 Q. Okay. And in 2016 you were also employed with Tusla  
22 and if you could tell the Tribunal what your particular  
23 post was at that time with Tusla?

24 A. Yes. In April 2016 I took the role of social work team  
25 leader within the Cavan-Monaghan area and I would have 15:52  
26 had responsibility for the duty and intake teams across  
27 both counties. So there would have been one team in  
28 Cavan and one in Monaghan.

29 371 Q. Were you based in the Cavan office or in the Monaghan

1 office?

2 A. I was between both. So, for each week I could be two  
3 days in one office, three the other, or wherever there  
4 was a particular need with, given emergencies or  
5 different situations arising, it would depend on where 15:53  
6 I would be located.

7 372 Q. Now, I think you became aware in the course of your  
8 work of the formation of the SART team, is that  
9 correct?

10 A. That's correct. 15:53

11 373 Q. And could you explain how that came about, please,  
12 Mr. Cunningham?

13 A. Yes. I commenced my post in Cavan-Monaghan in April  
14 and from what I recall in May 2017 I would have been  
15 contacted by Lisa O'Loughlen who was the team leader of 15:53  
16 the newly formed SART team. So Lisa would have advised  
17 me of the purpose of the formation of SART and their  
18 role in dealing with retrospective allegations against  
19 adults. So obviously that would have related to some  
20 of the cases that we had in Cavan-Monaghan. 15:53

21 374 Q. Okay. And I think you by yourself undertook a review  
22 of certain files on the system with a view to assigning  
23 them to the SART team, is that correct?

24 A. That's correct.

25 375 Q. Did you review files independently of anybody else in 15:54  
26 the office?

27 A. I did.

28 376 Q. Okay. And that exercise generated a list of files  
29 which you were to assign or suggest that the SART team

1 would take control over, is that correct?

2 A. That's correct. From my review I would have identified  
3 cases that I felt were appropriate. So there would  
4 have been no formal transfer at that point. They were  
5 due to meet with SART, or we were due to meet with SART 15:54  
6 and they would make the final decision as to whether  
7 they were appropriate and transfer at that point.

8 377 Q. The files that you reviewed, did they include the  
9 Maurice McCabe file?

10 A. No. 15:54

11 378 Q. And prior to any discussions you might have had with  
12 Kay McLoughlin what was your knowledge of the Maurice  
13 McCabe file, if any, or the Ms. D file?

14 A. I was unaware that there was an actual file, I suppose,  
15 at that point on Maurice McCabe. I was aware of 15:55  
16 Maurice McCabe from the media, but not in relation to  
17 having an open file in the office on him.

18 379 Q. Okay. Were you aware that there had been a referral  
19 made to the HSE in 2013 in relation to the allegations  
20 made by Ms. D against Mr. McCabe? 15:55

21 A. No.

22 380 Q. Okay. Now Ms. McLoughlin -- you had some dealings with  
23 the Maurice McCabe file and could you tell the Tribunal  
24 how that came about please?

25 A. Yes. So, I would have -- following my review of the 15:55  
26 files, I would have, I suppose, got together  
27 approximately 15 that I felt were suitable for review  
28 by SART and possible transfer. So during one of my  
29 meetings with Kay McLoughlin, who was my line manager,

1 the principal social worker, we would have discussed  
2 the formation of SART and I would have advised her that  
3 I had cases that I identified that would be suitable  
4 for review by SART and at that point Kay McLoughlin  
5 would have suggested to me that I also give the Maurice 15:56  
6 McCabe file to SART for review as well.

7 381 Q. Okay. Now, Ms. McLoughlin, as I understand it, thinks  
8 that took place some time before the 28th June, do you  
9 know or do you have any particular memory of when that  
10 exchange with Ms. McLoughlin took place? 15:56

11 A. Yeah, from listening to Ms. McLoughlin's evidence, I  
12 stand corrected; she was obviously on annual leave on  
13 the date that I thought that we had that conversation.  
14 I know Lisa O'Loughlen and Claire Tobin came down to our  
15 office, I think it's on the 27th, it's in my 15:56  
16 statement -- on the 28th, sorry, if that's correct. It  
17 was my assumption it was the day before that meeting  
18 that I had the conversation with Kay McLoughlin, but  
19 obviously that is not the case as Kay was on leave.  
20 But it was quite close. I think you're talking 15:57  
21 possibly two to three days just beforehand.

22 382 Q. Okay. From your memory, did she give you one file to  
23 give to the SART team or were there a number of files?

24 A. No. One file. I was unaware of a file in relation to  
25 Ms. D. It was just one particular file. 15:57

26 383 Q. Okay. And did she explain any background to you in  
27 relation to that file?

28 A. When I was reviewing the files I was aware that there  
29 was a Maurice McCabe file and that was with Kay. So I

1 would have understood that that was being worked by Kay  
2 McLoughlin at that point. And she did reference that  
3 it was -- Mr. McCabe was a garda whistleblower.

4 384 Q. Okay. And you think that conversation took place a few  
5 days before the meeting with SART, am I correct? 15:57

6 A. Yes. It obviously wasn't the day before, but it was  
7 very close, two to three days beforehand.

8 385 Q. Okay. Did you know that there was a problem with the  
9 file at that stage, that errors had been made in  
10 relation to the matter? 15:58

11 A. I did, yes.

12 386 Q. Okay. Did you know what the errors were?

13 A. My understanding was that there was a letter sent in  
14 error.

15 387 Q. Okay. So what did you do with the file once 15:58  
16 Ms. McLoughlin had given it to you?

17 A. I took it down to my office, I put it with the other 15  
18 files that I had and it was stored in my office in the  
19 locked filing cabinet until I met with Lisa O'Loghlen  
20 and Claire Tobin. 15:58

21 388 Q. And that meeting was --

22 **CHAIRMAN:** I'm sorry, Ms. Leader, the letter that was  
23 sent in error, is that the Barr letter --

24 **MS. LEADER:** Yes.

25 **CHAIRMAN:** -- or is that the Garda notification? 15:58

26 **MS. LEADER:** The Barr letter.

27 **CHAIRMAN:** It's the Barr letter you're talking about,  
28 yes.

29 389 Q. **MS. LEADER:** was that your knowledge of the mistake on



1 the file?

2 A. Yes.

3 390 Q. Yes. Okay. So you brought the file with your other  
4 files to the meeting with Lisa O'Loghlen and Claire  
5 Tobin, is that correct? 15:59

6 A. That's correct.

7 391 Q. And what conversation did you have with them about the  
8 Sergeant McCabe file?

9 A. I would have discussed obviously the cases that I was  
10 very familiar with from reviewing the 15 and I also 15:59  
11 advised them that I had been given this file by Kay  
12 McLoughlin, the Maurice McCabe file, to give to them  
13 for review.

14 392 Q. Okay. Did you have any other conversation with them in  
15 relation to the Sergeant McCabe file? 15:59

16 A. I don't recall having one, no.

17 393 Q. Okay. And are you certain that you didn't have the  
18 Ms. D file with you?

19 A. One hundred percent certain, yeah.

20 394 Q. Okay. Now if page 500 of the materials could be 15:59  
21 brought up in front of you, please. You will see that  
22 that's an email which passes between Kay McLoughlin and  
23 Gerry Lowry and Mr. Lowry is enquiring as to whether  
24 the Sergeant Maurice McCabe case was passed to the  
25 retrospective team, and she then confirms with 16:00  
26 Mr. Lowry on the 20th July 2016 that she *"was advised*  
27 *by Michael that it has"*. *"He has also advised that the*  
28 *retrospective team refer all solicitor letters to legal*  
29 *representatives to respond."* Now, do you remember

1 having any conversations with Ms. McLoughlin after  
2 passing the file to SART?

3 A. I do. But just to say that I had passed the files to  
4 SART. I don't recall having -- the line in relation to  
5 referring all solicitors letters to legal 16:00  
6 representatives, I don't recall having that.

7 395 Q. Do you think you were aware at that time that there had  
8 been letters sent by Sergeant McCabe's solicitors,  
9 Mr. Costello's office, to the HSE in relation to the  
10 matter, or Tusla? 16:01

11 A. I can recall a letter being sent in error by Tusla to  
12 Mr. McCabe. And yeah, there would have been -- yeah, I  
13 was aware that there was correspondence back, yeah.

14 396 Q. Yes. And were you aware that that was correspondence  
15 from solicitors? 16:01

16 A. I would have assumed it would have been solicitors'  
17 correspondence, yes.

18 397 Q. Okay. Just, Mr. Cunningham, was this a topic of  
19 conversation in the office generally around this time?

20 A. Not -- I suppose, I commenced my post in April 2016, so 16:01  
21 I wouldn't have been overly familiar with most of the  
22 staff that were there initially at that point, and I  
23 don't think I would have been comfortable discussing it  
24 with other members of staff as a new team leader in.  
25 And it wouldn't have been -- to my knowledge, no, I 16:01  
26 wouldn't have been aware of any conversations. I was  
27 aware of Mr. McCabe myself obviously through media, but  
28 in relation to the office, it's not something that I  
29 would have been aware of.

1 398 Q. Okay. I suppose if you were aware of Sergeant McCabe  
2 through the media, and Ms. McLoughlin gave you a file  
3 relating to Sergeant McCabe, did you regard it as  
4 something that should be dealt with sensitively and  
5 urgently or was it the same as any other file in the 16:02  
6 office on the measuring the pressure system?

7 A. No, I would have assumed that if a file was with the  
8 principal social worker who was actively working that  
9 case that it was a complex case and there had been  
10 issues and it would be a file that would be required to 16:02  
11 be worked by somebody that senior within the office.

12 399 Q. Okay. Did you tell Ms. O'Loghlen and Ms. Tobin this?  
13 Did you explain this to them?

14 A. I would have advised them that this was a file that Kay  
15 was working and I was unaware, I suppose, in relation 16:02  
16 to the details of it.

17 400 Q. Okay. As far as you were concerned was it a file that  
18 had been assigned to Ms. McLoughlin?

19 A. Yes, correct.

20 401 Q. Okay. Did you discuss the matter with anybody outside 16:03  
21 of Tusla?

22 A. Nobody, no.

23 402 Q. Okay. Did you discuss it with any members of An Garda  
24 Síochána?

25 A. Nobody no. 16:03

26 MS. LEADER: If you would answer any questions anybody  
27 else might have for you, Mr. Cunningham.

28

29 **MR. MCDOWELL:** No questions, Chairman.

1 MR. DONAL MCGUINNESS: No questions, Chairman.

2 CHAIRMAN: Thank you.

3

4 THE WITNESS THEN WITHDREW

5 CHAIRMAN: Shall we take a break or not? Is there much 16:03  
6 to go?

7 MR. MARRINAN: The next witness, sir, is Seamus Deeney.

8 CHAIRMAN: Yes.

9 MR. MARRINAN: He is not a short witness.

10 CHAIRMAN: Yes. Well, we are probably going to stretch 16:03  
11 into tomorrow then. We will take a break for about 20  
12 minutes now, thanks.

13

14 THE HEARING ADJOURNED BRIEFLY AND THEN RESUMED

15 AS FOLLOWS: 16:17

16

17 MR. MARRINAN: Mr. Séamus Deeney, please. This is in  
18 volume 4, sir, at page 1142.

19

20 MR. SEAMUS DEENEY, HAVING BEEN SWORN, WAS EXAMINED BY 16:36

21 MR. MARRINAN:

22 403 Q. MR. MARRINAN: Now, I think, Mr. Deeney, from 2003 to  
23 2010 you had the role of principal social worker with  
24 the Regional Behavioural Support Service Team, which  
25 dealt with adult disability services, is that right? 16:37

26 A. That's correct, yes.

27 404 Q. I think it was a separate service to that provided by  
28 the Child Protection Service, is that right?

29 A. Yeah. It was a recently established service. It was

1 for adults with intellectual disabilities. It was a  
2 challenging-behaviour service for adults with severe  
3 and intellectual -- with severe and durable challenging  
4 behaviour.

5 405 Q. Even though this service was provided in the North 16:37  
6 Eastern Health Board, you had no contact during those  
7 years with the Child Protection Service, is that right?

8 A. No, no.

9 406 Q. So you were not familiar at that time with the Ms. D 16:38  
10 file or indeed with Sergeant Maurice McCabe's, isn't  
11 that right?

12 A. No, that's correct.

13 407 Q. And you didn't attend any child protection conferences  
14 during that period of time?

15 A. No, I wouldn't have. 16:38

16 408 Q. And you weren't familiar with Sergeant McCabe, is that  
17 right?

18 A. No, I never met Sergeant McCabe.

19 409 Q. Now, I think that from 2010 you took up the role as 16:38  
20 principal social worker for Cavan and Monaghan with the  
21 Child Protection Service, is that right?

22 A. Yeah. The Regional Behaviour Support Service Team  
23 folded and I was reassigned to the Child and Family  
24 Agency in the Cavan-Monaghan area in 2010. From 2010  
25 to 2012 I was the only principal social worker in 16:38  
26 Cavan-Monaghan in that service.

27 410 Q. I think from January of 2012 to April 2014, you were  
28 chairperson for the child protection conferencing in  
29 Cavan and Monaghan area, isn't that right?

1 A. That's correct. I was assigned as an independent  
2 chair, so I had no clinical or supervisory  
3 responsibility for any staff.

4 411 Q. I think that during that period of time Sergeant McCabe  
5 wasn't involved in any way with acting as liaison 16:39  
6 officer with you, is that right?

7 A. No. I never met Sergeant McCabe before.

8 412 Q. And I think that from April of 2014 until February of  
9 2016 you were the principal social worker for the point  
10 of referral, which is the duty intake team, is that 16:39  
11 right?

12 A. That's correct.

13 413 Q. And I think you were, again, chairperson for child  
14 protection conferencing during that period?

15 A. I was still carrying -- it was a dual responsibility, 16:40  
16 but somebody else had also been appointed to that role  
17 as well.

18 414 Q. I think from February of 2016 until the present time,  
19 you were principal social worker for Children in Care  
20 and Fostering Teams in Cavan and Monaghan, is that so? 16:40  
21 A. Yes, and I remain in that position.

22 415 Q. I think that you were at all times during the relevant  
23 period of times reporting to the area manager, who was  
24 Mr. Lowry, is that right?

25 A. That's correct. 16:40

26 416 Q. Now, you have provided the Tribunal with a great deal  
27 of information in relation to the intake procedures and  
28 the duty intake initial assessment service in the  
29 Cavan-Monaghan area. We have already heard evidence

1 from other witnesses in relation to that.

2 A. Yeah.

3 417 Q. And we are obliged to you for providing that  
4 information to our investigators. But I think if we  
5 could go forward to May of 2014, when you had your 16:41  
6 first involvement with the Ms. D file and with the file  
7 of Sergeant McCabe.

8 A. Yes.

9 418 Q. All right. At that time, just before we move on to  
10 that, I think that you had become the designated 16:41  
11 officer for the purposes of notification to the Gardaí,  
12 is that right?

13 A. Yeah. It was a role that probably I always had from --  
14 I would have started in 2010 and in which I still hold.  
15 It's a named person within Tusla, there is a designated 16:41  
16 person to notify guards and, in theory, they are  
17 supposed to notify us but essentially it goes to the  
18 duty intake team.

19 419 Q. I think that there was a standard form that was used  
20 for that purpose, and that form had been in place and 16:42  
21 was in use from 1995, is that right?

22 A. Yes, there was -- well, there was original, I suppose,  
23 guidelines in 1987, and the 1987 guidelines would have  
24 said that if the health board suspected that a crime  
25 had been committed that they would inform the Gardaí. 16:42  
26 In April 1995 there was new guidance was brought in and  
27 that was changed slightly, and the wording was that if  
28 the health board suspected that a child had been  
29 physically abused, sexually abused or willfully

1 neglected that we would inform the Gardaí and there was  
2 a particular form at the back of that. So, when the  
3 Children First Guidelines came in, in 1999 that same  
4 form was brought into the Children First one, and it's  
5 still the same form that is used today. 16:42

6 420 Q. We have the guidelines that were introduced in  
7 September of 2014.

8 A. 2014.

9 421 Q. But you have helpfully provided us with the earlier  
10 guidelines. 16:43

11 A. Well, the earlier guidelines are just notification. I  
12 suppose, it was liaison between the health board and  
13 the Gardaí, known as section 3 guidelines. Guidelines  
14 in relation to the protection -- in relation to dealing  
15 with the child abuse cases. 16:43

16 422 Q. If we just have page 1188 up on the screen, please.  
17 These are the cases to be notified by health boards to  
18 the Gardaí, and there is a section 3.1 that you have  
19 referred to, is that right?

20 A. Section -- yeah, yeah. It's also, I suppose, a more 16:43  
21 recent one would be Children First. I don't know what  
22 section it is in Children First, but it's the same  
23 thing, yeah.

24 423 Q. It is the same thing, but these are the earlier  
25 guidelines that you were operating -- that you provided 16:43  
26 to us our investigators --

27 A. That's it, yeah.

28 424 Q. -- is that right? And section 3.1 reads:  
29



1           *"where a health board suspects that a child has been*  
2           *physically or sexually abused or willfully neglected,*  
3           *the Gardaí must be formally notified immediately in*  
4           *accordance with the procedure set out in paragraph*  
5           *3.4."*

16:44

6           A.    Yes.

7   425   Q.    And then paragraph 3.4 refers to the designated  
8           officer, being an officer delegated by the -- or an  
9           officer delegated by the designated officer, sends the  
10          notification form to the local Garda superintendent, is  
11          that right?

16:44

12          A.    Yeah.

13   426   Q.    Just, could I just draw your attention, because it  
14          appears to be relevant, under section 3.5, "*Informal*  
15          *consultations*", do you see there:

16:44

16  
17          *"The above notification procedure should not preclude*  
18          *health board personnel from consulting the Gardaí on an*  
19          *informal basis where there is concern about a*  
20          *particular child but the available information does not*  
21          *appear to warrant the formal notification of the case."*

16:45

22          A.    Yes.

23   427   Q.    "*On the contrary, such contact is to be actively*  
24          *encouraged in order to protect the welfare of the child*  
25          *concerned."*

16:45

26          A.    Yes.

27   428   Q.    It would appear that the earlier rules are mirrored in  
28          2014 rules, and encourage informal consultation with  
29          the Gardaí.

1 A. Yeah, and they are also mirrored in the Children First  
2 Guidelines, in the original one that came out in 1999  
3 and then the second version that came out in 2011.

4 429 Q. Now, I think that if we could then have page 1181 on  
5 the screen, please. This was a Notification of 16:45  
6 Suspected Child Abuse form that you received from  
7 Eileen Argue, is that right?

8 A. Yeah, it's just going upside down.

9 430 Q. Have you got it? It's upside down. It's coming around  
10 now. 16:46

11 **CHAIRMAN:** Mr. Deeney, you can take out volume 4, which  
12 I think actually should be beside you.

13 **MR. MARRINAN:** It might help you. If you have volume  
14 4, all the documents are there and it's probably easier  
15 to follow. 16:46

16 **CHAIRMAN:** We will still get the documents on the  
17 screen.

18 A. Volume 4. I see it here, yeah. I see it on the  
19 screen.

20 **CHAIRMAN:** Volume 4, it will help you because you are 16:46  
21 going to be flicking back and forwards between those.  
22 Mr. Kavanagh, would you help? Volume 4.

23 A. No, I have it.

24 431 Q. **MR. MARRINAN:** You have it?

25 A. And it's 1181? Yes, 1181. 16:46

26 432 Q. Yes, 1181. Now, if I could just deal with your state  
27 of knowledge at this time in relation to Sergeant  
28 McCabe. Were you aware of Sergeant McCabe as somebody  
29 who was prominent in the media at the time?

1 A. I certainly was aware of the name and I was aware of  
2 the whistle-blowing saga that was going on, yeah.

3 433 Q. Yes. You are somebody who --

4 A. Reads the paper.

5 434 Q. -- who reads the papers. And so, that would have been 16:47  
6 something that you would have followed. Did you make a  
7 connection when you read this notification that had --

8 A. I did, yeah.

9 435 Q. You did. So you knew that this related to Sergeant 16:47  
10 Maurice McCabe --

11 A. Yeah.

12 436 Q. -- who was then known in the media. In terms of your  
13 function in relation to this notification, when you  
14 receive it, it has already been filled out by the duty  
15 social worker, is that right? 16:48

16 A. Yeah. I mean, the criteria, you can argue - or the  
17 criterion - isn't that high of a level, is that: we  
18 suspect that, you know, a child has been physically  
19 abused, sexually abused or willfully neglected. My  
20 role is to, I suppose, check the information, sign the 16:48  
21 form. Now, sometimes people may send on notifications  
22 to me and it may be, could be ticked "emotional abuse".  
23 Now, we don't notify the Guards of emotional abuse but  
24 sometimes some social workers who may not know that may  
25 send it on to me. So, mostly my job is to read it, you 16:48  
26 know, and sign it and then give it back to Linda and it  
27 is sent on to the relevant superintendent.

28 437 Q. So, you deal with it on the basis of face value of what  
29 appears on the document itself, is that right?

1 A. I deal with it on the basis that a professionally  
2 qualified social worker and a social team leader have  
3 had oversight of it already and know what a suspicion  
4 of abuse is.

5 438 Q. So you don't access the file? 16:49

6 A. No, no, I wouldn't -- I wouldn't go back and check, I  
7 have too much -- I am not involved in a case management  
8 as such, so I don't go back and check every single  
9 notification. No, I wouldn't.

10 439 Q. So, you are not actually performing a supervisory role? 16:49

11 A. No, it is more of a tick box exercise and I suppose a  
12 point of contact, and an initiation of contact with the  
13 Gardaí.

14 440 Q. Yes. You spent sometime on this in your statement that  
15 you made. Would it be fair to summarise it on the 16:49  
16 basis that you receive the notification, you check the  
17 description of abuse aspect of it to ensure that it's a  
18 matter that is properly notified --

19 A. Yes.

20 441 Q. -- to the Gardaí, is that right? 16:49

21 A. Yes.

22 442 Q. So, in any event, we know now that this contains the  
23 incorrect notification. It's dated 2nd May of 2014.  
24 And I think that you checked the information there. On  
25 the second page, 1182, the designated social worker is 16:50  
26 Eileen Argue, is that right?

27 A. Yeah, *Ar-gue* or *Ar-gee*. Yeah, well, what happens is  
28 that if it is unallocated and there is no actual social  
29 worker allocated, it's the name of the social work team

1 leader that goes in there. We need some name as a  
2 point of contact for the Guards.

3 443 Q. And the point of contact, the telephone number is hers  
4 that is there?

5 A. Yes. 16:50

6 444 Q. And then you have signed that as the designated  
7 officer, is that right?

8 A. Yeah.

9 445 Q. Then having filled out or signed that, is it given then  
10 to Linda Dewhirst? 16:50

11 A. It's given to Linda Dewhirst and she would send it to  
12 the relevant, I suppose, superintendent.

13 446 Q. And I think that a folder is kept in your office which  
14 holds these notifications?

15 A. It would be kept in Linda's office, yeah, which is not 16:51  
16 far from my office.

17 447 Q. Now, the next -- you heard no more until you received  
18 or were copied an email --

19 A. Yeah.

20 448 Q. -- which is at page 1195. 16:51

21 A. Mm-hmm.

22 449 Q. This is an email that was sent on the 14th May at  
23 11:13, by Eileen Argue to Gerry Lowry.

24 A. Yeah.

25 450 Q. Do you recall having had sight of that email, because 16:51  
26 it's been copied to you?

27 A. Yeah, I do. I recall having sight of it.

28 451 Q. All right. We will just go through it briefly.  
29

1           *"Dear Gerry*  
2           *I hope this finds you well.*  
3           *Please see information below. This information is in*  
4           *relation to MMCC, who allegations were made against by*  
5           *an adult."*

16:52

6  
7           Did you know that this related to Maurice McCabe?

8           A.    I did, because I'd done the notification, yeah.

9   452   Q.    Yes.  "-- who alleged that she was sexually abused as a  
10           *child by him. A Garda notification was forwarded by*  
11           *our department based on the information received from*  
12           *Laura Brophy, Rian services. As stated below, Laura*  
13           *Brophy contacted our department today in relation to*  
14           *her referral and the content of same. She advised that*  
15           *there was information provided which did not relate to*  
16           *Ms. D and was in relation to another person, against*  
17           *another man and not the man, MMCC. This notification*  
18           *needs to be amended as soon as possible and the*  
19           *relevant superintendent needs to be updated with regard*  
20           *to same."*

16:52

16:52

16:53

21  
22           Having had sight of that, did you discuss that at all  
23           with Mr. Lowry?

24           A.    I can't recall discussing it with him, I knew -- I was  
25           very surprised when I would have received it. I can't  
26           recall discussing it.

16:53

27   453   Q.    Did you discuss it with Ms. Argue?

28           A.    I can't recall discussing it with her, but I would have  
29           known that she would have, you know, carried out the

1 amendment.

2 454 Q. Sorry?

3 A. I can't recall discussing it with her, but I would have  
4 been assured in my mind that she would have followed up  
5 on it, that she would have carried out that, you 16:53  
6 know --

7 455 Q. Well, you see, if you just go over to page 1196, you  
8 will see this is a letter from Fiona Ward to Ms. Argue.

9 A. Yeah.

10 456 Q. And you see at the top there it says: "*Séamus, please* 16:54  
11 *see attached.*"

12 A. Yeah.

13 457 Q. Is that a reference to you?

14 A. I think it is, but I didn't see it.

15 458 Q. You didn't see it? 16:54

16 A. I don't recall ever seeing it, until later, until some  
17 later time. I don't recall seeing it at that time.

18 459 Q. And, in any event, this was quite clear to you at the  
19 time, that this related to Sergeant Maurice McCabe, is  
20 that right? 16:54

21 A. Yeah.

22 460 Q. That it was an error that had been made by Laura Brophy  
23 in Rian and that a description of abuse had been sent  
24 in error to the Gardaí, isn't that right?

25 A. That's correct. 16:54

26 461 Q. And is that something that happens frequently in your  
27 service?

28 A. No. No, it isn't.

29 462 Q. How rare was this?

1 A. It's very rare.

2 463 Q. Was this something that had ever happened to you  
3 before?

4 A. Not to my recollection, no. It hadn't.

5 464 Q. And it not having happened before, was it something 16:55  
6 that sent alarm bells ringing as to how this could  
7 possibly happen?

8 A. Oh, yes. Yes.

9 465 Q. Were there discussions had between yourself and  
10 Mr. Lowry, who is the area manager, and Ms. Argue, who 16:55  
11 was dealing with the matter?

12 A. I don't recall any specific meeting of the three  
13 people, of the three of us, but I am quite sure that  
14 there probably was discussion at the time.

15 466 Q. And, in any event, an amended Notification of Suspected 16:55  
16 Child Abuse form is then presented to you, is that  
17 right?

18 A. That's correct, yeah.

19 467 Q. And if you just go to page 1198, please.

20 A. Yes. 16:56

21 468 Q. This has a date of the 10th June of 2014, do you see  
22 that?

23 A. That's correct, yeah.

24 469 Q. Do you know when it was presented to you, because if  
25 you turn over the page at 1199, it's signed by you -- 16:56  
26 A. Yeah, on the 20th.

27 470 Q. -- and dated the 20th of June of 2014.

28 A. Yeah. It wouldn't be unusual. Usually, because Linda  
29 is in the same building as me, when she gets Garda



1 notifications she will bring them to me, bring them to  
2 my desk and I will usually sign them there and then.  
3 But on occasion, if I am out at training or somewhere  
4 else, or in Cavan or whatever, it may sit for a while,  
5 if I am on leave, or whatever. She'd put it into my 16:56  
6 pigeon-hole for when I come back. But there was --  
7 yeah, it was dated the 10th and I signed it on the  
8 20th.

9 471 Q. And we have heard from Ms. Linda Dewhirst that she had  
10 put in there, you will see halfway down on page 1198, 16:57  
11 that this was an amended notification --

12 A. Yes.

13 472 Q. -- and that it had previously been notified on the 2nd  
14 of May of 2014.

15 A. That's correct. 16:57

16 473 Q. And from perusing that amended notification, were you  
17 happy that the details that were then contained in the  
18 document were correct?

19 A. Yeah. Well, I was happy that the first information was  
20 taken out, yes, and I was happy. 16:57

21 474 Q. Well, how did you satisfy yourself of that?

22 A. By reading it and by being assured that that  
23 information, that the incorrect information wasn't  
24 there.

25 475 Q. You see, there is a portion of it here under the 16:57  
26 paragraph headed: *"Amended notification, previously*  
27 *notified on 2nd May 2014."* You will see there at the  
28 end there of that paragraph: *"Ms. D alleges that the*  
29 *alleged perpetrator of this abuse threatened her father*

1           *if she said anything."*

2        A.    Yeah.

3 476   Q.    Which is, in fact, incorrect as well.

4        A.    Yeah.

5 477   Q.    So this amended notification has gone to the Gardaí         16:58  
6           again with incorrect information, suggesting that the  
7           alleged perpetrator has threatened the father of the  
8           complainant.

9        A.    Yeah.

10 478   Q.    Do you see that?   16:58

11        A.    I never picked up on that at the time.

12 479   Q.    Well, I am just wondering how it is that it wouldn't  
13           have been picked up on in the circumstances where  
14           something like this had never happened before and  
15           obviously would have caused some concern that perhaps         16:58  
16           more attention wouldn't have been devoted to the  
17           amended document to make sure that everything was  
18           correct.

19        A.    I don't know. I really can't answer that.

20 480   Q.    And, in any event, you signed that. That was your last         16:58  
21           dealings with the file --

22        **CHAIRMAN:** Mr. Marrinan, I wonder could I stop you,  
23           because there is one detail that I am uncertain of; as  
24           to how the date of the 2nd of May became the 10th of  
25           June and the input into that seems to have come                     16:59  
26           specifically on an administrative basis, and it seems  
27           to be the right thing to do, from Linda Dewhirst, but  
28           did anybody else have an input into that? And also,  
29           she seems to have written "*Amended notification,*

1                    *previously notified*" on 2nd of May 2014, that seems to  
2                    have been her initiative, correct initiative.

3                    **MR. MARRINAN:** Yes, that was her initiative. But this  
4                    document, as I understand it, perhaps the witness could  
5                    confirm this, this document had been prepared by                    16:59  
6                    Ms. Argue, isn't that right?

7                    A. I think it was prepared by Ms. Argue on -- probably on  
8                    the previous template of the 2nd of May, and was sent.  
9                    So when it arrived at Linda, Linda would have amended  
10                    it and put in the correct date of the 10th June.                    16:59

11                    481 Q. And it was presented to you on 20th June, is that  
12                    right?

13                    A. No, it was presented to me on 10th of June.

14                    482 Q. 10th of June?

15                    A. Well sorry, it was left in my pigeon-hole whenever she                    17:00  
16                    typed it. I signed it 20th of June.

17                    483 Q. How was it that ten days elapsed then between the time?

18                    A. No, it wouldn't be that unusual, that I don't get to  
19                    sign them on the day. Usually, because I happened to  
20                    be in the same office, if I am out or -- I cover two                    17:00  
21                    counties, I cover Cavan and Monaghan, so very often I  
22                    could be two or three days in Cavan or Monaghan, I  
23                    could be doing training, I could be somewhere else, I  
24                    may be on leave, I could be in Dublin, whatever. But  
25                    it wouldn't be that unusual that I don't get it                    17:00  
26                    actually signed on the same date.

27                    484 Q. Okay. And I think that the designated social worker  
28                    then is put down as Carmel McAulay, is that right?

29                    A. Yes.

1 485 Q. I think that she had taken up --  
2 A. At the end of -- I think at the end of April.  
3 486 Q. So you had no further dealings with the matter, is that  
4 so, until 2015?  
5 A. That's correct. 17:01  
6 487 Q. would you have had any responsibility at that time,  
7 being alerted to the fact that there had been an error  
8 on the document that had been sent in to the Gardaí, of  
9 ensuring that the file was checked to make sure that  
10 the error was corrected throughout the file? 17:01  
11 A. well, not at that particular time. Maybe in hindsight  
12 now looking back it's probably something that probably  
13 should have happened. But at that particular time,  
14 especially around this time we were going through quite  
15 a crisis in 2014 within our service. We had a lot of 17:02  
16 people left, we had -- I was -- I became the only  
17 social worker, the only principal at that stage over  
18 that period of time, actually. We had a lot of  
19 referrals, we had -- Eileen Argue had left us as social  
20 work team leader, Keara McGlone had left early on as 17:02  
21 social work team leader as well, Louise had gone off  
22 sick as well, Gerry had been off on extended leave and  
23 another social work team leader went off on sick leave.  
24 So over the summer of 2014 it was particularly busy, I  
25 can remember that. 17:02  
26 488 Q. well, I suppose Rian had dealt with this issue  
27 immediately it arose and Laura Brophy put up her hand  
28 and said, look, I have made an error, Fiona Ward, who  
29 was supervising her, was in contact with your service

1 to alert you to the error that had occurred and to  
2 explain how it had occurred, isn't that right?

3 A. Yeah.

4 489 Q. And there was a file in relation to Maurice McCabe at  
5 that time, and in that file there were a number of 17:03  
6 documents, including intake records in relation to his  
7 children, isn't that right?

8 A. That's correct.

9 490 Q. And this had all stemmed from a problem in relation to  
10 an intake record that had been sent by or referral that 17:03  
11 was sent by Laura Brophy. Did anybody check the file  
12 to see whether or not that incorrect information might  
13 have filtered down into the intake records on his  
14 children?

15 A. I can't answer for that. I know I didn't check it. 17:03  
16 And, I suppose, it's the responsibility of the social  
17 work team leader at the time and that's where the  
18 responsibility lay, you know, when there was no  
19 allocated social worker.

20 491 Q. All right. So, in any event, in 2015, in May, are you 17:04  
21 engaged then in reviewing the waiting list?

22 A. Yeah. That's correct.

23 492 Q. And I just want to draw your attention to a document at  
24 page 1200.

25 A. Yeah, I have it here. 17:04

26 493 Q. What task were you performing in early May of 2015,  
27 precisely?

28 A. Well, around that time, in May 2015, actually earlier  
29 on in that year there had been a national review of

1 unallocated cases, and on a nationwide basis there had  
2 been a lot of unallocated cases over the country. We  
3 actually had 40 unallocated retrospective cases. I  
4 suppose when I took over as principal, we had also a  
5 large volume of referrals coming in to us, which in 17:05  
6 turn then led to a lot of other unallocated cases. I  
7 tried to, you know, set up a system -- set up a system,  
8 or liaise with other people to review files as often as  
9 possible. And we did call them blitz days where we  
10 would, you know, look on the database, we would take 17:05  
11 out priority cases and then we would review them. It  
12 was basically bringing them into a room and sitting  
13 down, you know, reviewing, going through them, looking  
14 at the actions and looking what had to be followed up  
15 on them. So, that was one day. And that happened on 17:05  
16 that day, on the 7/5.

17 494 Q. Who were you conducting that blitz with?

18 A. I know that Gail Penders was there and I know that Kay  
19 McLoughlin was there as well, myself -- well, what we  
20 tried to do was, I suppose, get as many middle 17:06  
21 management or senior management as possible to have a  
22 good oversight over it. There may have been other  
23 people, Josephine McGuinness might have been there and,  
24 I can't remember, Karl Grant. And what we would do is,  
25 you know, look at the file and somebody would summarise 17:06  
26 it and then we would try and -- I would give direction  
27 or give actions, you know, in response to that.

28 495 Q. So, if you just look at that document at page 1200.  
29 This is the waiting list review form. This was a form

1           that you used while you were undertaking that process,  
2           isn't that correct?

3           A.     Yeah.

4   496   Q.     There are some matters on that that are placed on there  
5           after you have filled in this form, but you filled in     17:06  
6           the form, is that right?

7           A.     Yeah, that is my writing, yeah, on 7/5.

8   497   Q.     So it has the name "Ms. D"?

9           A.     Yeah.

10  498   Q.     And what is that to the right of it? "*Alleged*", is it?   17:06  
11           A.     I can't make it out properly.

12  499   Q.     Well, if you can't read your own handwriting --

13           A.     "*Alleged victim*," sorry.

14  500   Q.     -- I have no chance.

15           A.     "*Alleged victim*."   17:07

16  501   Q.     "*Alleged victim*." That is what I thought. And then  
17           underneath that is "*Maurice McCabe, address unknown*".  
18           So when you came across the file and you were  
19           filling -- did you immediately remember first of all,  
20           that this was Sergeant Maurice McCabe?                             17:07

21           A.     Yeah, I remembered, because I had done the -- I  
22           remembered from the notification.

23  502   Q.     Yes. So you knew that this was the case that you had  
24           dealt with --

25           A.     Yeah.   17:07

26  503   Q.     -- the previous May and June --

27           A.     Yeah.

28  504   Q.     -- where this error had occurred --

29           A.     That's correct.

1 505 Q. -- in notifying the Gardaí?  
2 **CHAIRMAN:** Mr. Marrinan, I wonder just from the  
3 documentation, or anything else, do we have any idea  
4 what the date is? It seems to say 7th of May '15 at  
5 the bottom, is that the right date? 17:08  
6 **MR. MARRINAN:** Yes.  
7 **CHAIRMAN:** Is it the right date? It is.  
8 A. The 7/5 would be the correct date, yeah. That is my  
9 writing.  
10 506 Q. **MR. MARRINAN:** Then you have "*Outstanding*  
11 *concerns/outcome of initial assessment*", and then you  
12 have "*Allegations of child sexual abuse against Maurice*  
13 *McCabe*", and then you have "*Management Decision*".  
14 Could you just read that for me?  
15 A. Sorry, at the bottom there: "*Contact Ms. D re checking* 17:08  
16 *the reliability and accuracy of the allegations made.*  
17 *Review information.*" And then: "*Letter prepared for*  
18 *Maurice McCabe to contact. Establish current address.*"  
19 507 Q. And at that time in terms of a reference to checking  
20 the reliability and accuracy of the allegations made, 17:08  
21 what was that a reference to?  
22 A. Well, my memory of that day was that Kay would have  
23 summarised that case to us or to me and she probably  
24 would have alerted us to the fact that there was --  
25 that there were discrepancies still within the file. 17:09  
26 So my advice was to go back to the alleged victim and  
27 check the reliability and accuracy of the allegations  
28 to be sure of the allegations.  
29 508 Q. If you discussed it with Kay McLoughlin at that time,



1           what were the discrepancies that were noted?

2           A.    It was the Garda notifications, that there was two  
3           Garda notifications still on the file.

4 509 Q.    There was two Garda notifications still on the file?

5           A.    I think so. 17:09

6 510 Q.    One was an amended Garda notification?

7           A.    Yeah.

8 511 Q.    So there was no issue in relation to that. You knew  
9           that this had been an error that had been made by Rian?

10          A.    Yeah. But there were still two Garda notifications on 17:09  
11          the file, and I was a bit unclear exactly as to -- even  
12          though it was amended, I wanted her to go back and  
13          check. I suppose, from -- at that stage, the section 3  
14          policy had come into effect in September 2014, and I  
15          was cognisant of that, I was aware of that, and I was 17:10  
16          aware that we would -- you know, that the first phase  
17          of that is to go back to the alleged victim and check  
18          with them.

19 512 Q.    No, but there is a reference here to checking the  
20          reliability and the accuracy of the records -- of the 17:10  
21          allegations made. You say that you were alert at the  
22          time and Kay McLoughlin had alerted you to the fact  
23          that there was a discrepancy on the file.

24          A.    Yeah.

25 513 Q.    And there was no discrepancy that needed to be checked 17:10  
26          in relation to the allegations and the false  
27          notification to the Gardaí because you knew at that  
28          time that that was an error that had occurred within  
29          the HSE, isn't that right?

1 A. I would have -- yeah, I would have remembered signing  
2 the amended notification, but the fact that it was  
3 still on file, you know, in my mind meant that there  
4 may be some unclarity and I wanted, you know, not to  
5 have any unclarity, just to clear it up. 17:11

6 514 Q. Did you discuss the matter at all with Mr. Lowry?  
7 A. At that stage, no, I think -- maybe on the previous --  
8 on the following day.

9 515 Q. But in any event --  
10 A. Mr. Lowry wouldn't have been at that meeting. 17:11

11 516 Q. -- the management decision, you have noted and amongst  
12 the matters you have "*Letter prepared for Maurice*  
13 *McCabe*", is that right?  
14 A. Yeah.

15 517 Q. would you just read the rest of that? 17:11  
16 A. It says: "*Letter prepared for Maurice McCabe to*  
17 *contact. Establish current address.*" Now, I don't  
18 know whether I meant to prepare or maybe -- or one had  
19 been -- I doubt if one had been prepared, but...

20 518 Q. And on the same day, if you just turn over to page 17:12  
21 1201, this is an email from Kay McLoughlin. Do you see  
22 that?  
23 A. Yes.

24 519 Q. "*Dear Gerry and Séamus*  
25 *I, along with Gail, have been reviewing files on the* 17:12  
26 *MTP today. One relates to Maurice McCabe and I would*  
27 *like to discuss this case with you both before taking*  
28 *any action as it appears that this concern was referred*  
29 *to us in 2007 and Mr. McCabe was never met. It has*

1           *come back in due to media coverage of Mr. McCabe. The*  
2           *outstanding actions are that Mr. McCabe be written to*  
3           *outlining the allegations and then be met and afforded*  
4           *an opportunity to respond. We would have to advise him*  
5           *that we would need to tell his wife about this*           17:13  
6           *information so as she can be protective. It is likely*  
7           *she is aware of the allegations as a file was sent to*  
8           *the DPP. However, no prosecution was directed.*  
9           *Mr. McCabe has female children and the victim has a*  
10          *seven-year-old child when the alleged incident."*           17:13

11  
12          *"was" a seven-year-old child.*

13  
14          *"My issues are that we are proposing to tell this woman*  
15          *that we have concerns after not doing it for possibly*           17:13  
16          *up to eight years and also I am not confident about*  
17          *sending the Barr letter to an address that may be out*  
18          *of date. I attach my draft Barr letter."*

19  
20          All right?           17:14

21          A.    Mm-hmm.

22   520    Q.    And if you just turn over to page 1202, that is the  
23            draft Barr letter?

24          A.    Yeah.

25   521    Q.    So it would appear that you had seen the draft Barr           17:14  
26            letter prior to discussing the matter with Kay  
27            McLoughlin?

28          A.    That is not my recollection of it. I know that we  
29            talked about draft Barr -- or about the Barr letters

1 because it was a template format that was used at the  
2 back of the section 3 policy.

3 522 Q. Well, if you just go back to page 1200, you will see  
4 that "letter prepared" is in the past tense --

5 A. Yeah. 17:14

6 523 Q. -- which would indicate that the letter had already  
7 been prepared by Kay McLoughlin?

8 A. I don't know. I can't -- maybe -- unless -- the only  
9 reason why I would have wrote that might have been,  
10 unless it was a mistake or else Kay had mentioned that 17:15  
11 she was preparing a letter. I can't remember.

12 524 Q. But in any event at page 1202 --

13 A. Yeah.

14 525 Q. -- you will see the draft Barr letter there:  
15 17:15

16 *"The allegations made are as follows: That on one*  
17 *occasion between 1998 and 1999 at the home of Maurice*  
18 *McCabe, Ms. D alleged that Maurice McCabe sexually*  
19 *abused her. The abuse allegedly involved digital*  
20 *penetration and the victim was aged six to seven years 17:15*  
21 *old. It is reported that this allegation was*  
22 *investigated by An Garda Síochána some years later. A*  
23 *file was sent to the DPP, who directed that no*  
24 *prosecution take place."*

25 A. Yes. 17:15

26 526 Q. Do you see that?

27 A. I see that, yes.

28 527 Q. I mean, if you read the letter surely this would leap  
29 out at you as being a wrong allegation?

1 A. Sure, but I think -- if you want to move on, you know,  
2 into my response to that, the email that would have  
3 come, that was sent to Gerry and myself, I outlined  
4 steps that I felt should happen before --

5 528 Q. Are you saying you didn't read this letter? 17:16

6 A. I open -- it was an attachment and I remember opening  
7 the attachment, I remember scanning down through it.  
8 Now, I don't remember going into the -- because it was  
9 a draft letter, it's not that I wasn't concerned about  
10 it, I was concerned, but I was -- I wanted the five 17:16  
11 steps or those steps to be outlined. The first one was  
12 to contact the alleged victim, first of all, and  
13 determine whether we need to interview anybody else to  
14 review that information, and on the basis of that,  
15 therefore, the content of the letter could change, 17:16  
16 so --

17 529 Q. Well, you see, you were sort of in a unique position  
18 here in relation to this because, in 2014, in May, you  
19 were aware that an error had been made and you were  
20 aware that there had been an allegation sent in the 17:17  
21 notification of a rape offence when it wasn't that, and  
22 you had signed off on the correction, isn't that right?

23 A. That's right.

24 530 Q. And you knew that this was Sergeant Maurice McCabe, a  
25 person in the media spotlight, and here it is leaping 17:17  
26 out that here is an allegation of a rape offence. This  
27 is the incorrect information. Did you just not notice  
28 it?

29 A. I suppose, I mean, when I did open the attachment, I

1 was cognisant of the section 3 policy, and I was  
2 cognisant of the template letter that was at the back  
3 of it, that would be sent to the -- to the alleged  
4 abuser, and I suppose I was checking to see whether Kay  
5 had followed that particular formula. Now, it's not 17:18  
6 that I am saying that I wasn't that concerned about the  
7 content. I wanted her to, first of all, check with  
8 the -- with the alleged victim and I suppose, raise any  
9 discrepancies so that in the future when the steps were  
10 taken sequentially, that the letter could be different, 17:18  
11 actually, that the information might even be different.

12 531 Q. If you just go to page 1204, then, please.

13 A. Yes.

14 532 Q. This is your reply to Ms. McLoughlin's email. We see,  
15 this is the 8th May 2015 at quarter to ten in the 17:18  
16 morning.

17  
18 *"Dear Kay*  
19 *We discussed this case yesterday."*

20 17:19

21 Was this a discussion -- are you referring to a  
22 discussion you had with Kay McLoughlin or is it a  
23 discussion you had with Mr. Lowry?

24 A. No, it was at the blitz day, which was the previous  
25 day, that we had discussed the case. 17:19

26 533 Q. Had you discussed the matter with Mr. Lowry?

27 A. I think I had, yeah. Now, I have no record of it  
28 written down, but I think I was in contact with him. I  
29 did the response, even though it was sent to both of

1 us.

2 534 Q. So what is then in place at that time in 2015, are the  
3 guidelines that were published in September --

4 A. 2014.

5 535 Q. -- of 2014? 17:19

6 A. Yeah, that's correct.

7 536 Q. And you set out there, number one:  
8  
9 *"We will contact the alleged victim as there is some  
10 discrepancy in the allegations forwarded to us."* 17:19  
11

12 what is that a reference to?

13 A. To both of the Garda notifications that would have been  
14 sent.

15 537 Q. *"This will allow us to check the reliability and 17:20  
16 accuracy of the allegations and determine whether there  
17 is a foundation to the allegations."* So that is the  
18 first step that has to be undertaken?

19 A. Yeah.

20 538 Q. *"2. Determine whether we need to interview anyone else 17:20  
21 who may be of relevance, e.g. the counsellor."*

22

23 You were aware of the fact and you had recalled that  
24 there was a counsellor --

25 A. Yes. 17:20

26 539 Q. -- and that she may be spoken to. And then: *"3. On  
27 review of the above, inform the alleged abuser of the  
28 allegations."*  
29

1 So that was conditional on the first two steps being  
2 undertaken.

3 A. And that's where the draft letter may come in, at that  
4 point, depending on the information we would have got.

5 540 Q. *"4. Plan the action to be taken to inform third 17:20*  
6 *parties in relation to the allegation, e.g. his wife.*  
7  
8 *5. Determine protective action and plan for the case."*  
9

10 Again, all those conditional on the first two steps 17:21  
11 being undertaken by Kay McLoughlin?

12 A. That's correct.

13 541 Q. Was there any follow-up with Kay McLoughlin?  
14 A. I know Kay did send me an email sometime in May or June  
15 after that, just saying that she had been -- had tried 17:21  
16 to contact or had made contact with Ms. D. And I know  
17 from, I suppose, and it was sort of informal contact,  
18 that she had told me that she was going to wait until  
19 after she had done exams, she was doing exams over that  
20 summer so she was going to wait and give her some time 17:21  
21 to get the exams out of the way and contact her again.  
22 And then that moved into, you know, I suppose,  
23 August/September time. I don't -- I really had no more  
24 contact with Kay, I suppose, in relation after that.  
25 Kay took over the case when she became principal then 17:21  
26 in January 2016.

27 542 Q. You know that the letter contained incorrect  
28 information --  
29 A. Yeah.



1 543 Q. -- and it was sent to Sergeant McCabe on 29th of  
2 December of 2015?

3 A. Yes.

4 544 Q. Can you offer us any excuse for the failure to spot  
5 that there was incorrect information in the letter? 17:22

6 A. No. Only the busyness of the office and the pressure  
7 to get work done and maybe pressure to get work  
8 finished off. And see, the date on the 29th, I don't  
9 know why -- maybe to get it done within that particular  
10 year, and the fact that there was probably two -- o the 17:22  
11 amended notification and the sort of spurious one on  
12 the file, you know, may have led her to pick up the  
13 wrong one at that particular time. I can't offer an  
14 explanation.

15 545 Q. During 2014 and 2015, indeed, you were still involved 17:22  
16 in chairing Garda liaison on meetings, is that right?

17 A. No. 2014 and 2015 -- well, 2014/15, I was involved  
18 in -- yeah, I was involved in some Garda liaison  
19 meetings. Not that many. It was more sort of strategy  
20 meetings. 17:23

21 546 Q. Why wasn't -- the Gardaí having been notified in May of  
22 2014, why was it that this wasn't placed on the agenda,  
23 the Sergeant McCabe file placed on the agenda for any  
24 meetings?

25 A. I don't know. I do remember having one Garda liaison 17:23  
26 meeting and it was in June 2015, but it was with a  
27 different district. Very often it would be the social  
28 work team leader, it wouldn't be the principal that  
29 would be involved in those Garda liaison meetings.

1 547 Q. This was in fact immediately after the error had  
2 occurred. Would you not have thought of bringing it up  
3 at the meeting?

4 A. It was a different district, so it wasn't --

5 548 Q. It was a different district. And you had no further 17:24  
6 dealings then in relation to the file, is that right?

7 A. No, not after --

8 549 Q. And what supervisory role did you have over Kay  
9 McLoughlin at that time?

10 A. Kay at that stage, up until, you know, the end of 17:24  
11 December 2015, was a social work team leader. I was  
12 principal. We would have met for supervision; we would  
13 have some formal supervision, we would have informal  
14 supervision as well.

15 550 Q. Had you any contacts with members of An Garda Síochána 17:24  
16 who might have influenced you in any way in your  
17 dealings with the file?

18 A. No, not --

19 **MR. MARRINAN:** Thank you very much.

20 A. Thank you. 17:25  
21

22 **MR. DEENEY WAS CROSS-EXAMINED BY MR. MCGARRY:**

23 551 Q. **MR. MCGARRY:** Mr. Deeney, Paul McGarry is my name and I  
24 am one of the barristers representing Sergeant McCabe.  
25 Can you look at page 2933, please? 17:25

26 A. 2933. Do you know what volume that is in?

27 552 Q. It's going to come up on the screen there.

28 **CHAIRMAN:** 293 is in volume 1, Mr. Deeney.

29 **MR. MCGARRY:** I think it's probably in volume 11.

1 Sorry, 10, volume 10. 2933.

2 **CHAIRMAN:** Not 293, 2933?

3 **MR. MCGARRY:** Yes, Judge.

4 553 Q. Do you see that? Do you see that, 2933?

5 A. It's actually missing in this one but I can see it 17:26

6 here. Seamus sent it to me, yeah.

7 554 Q. Yeah. At the bottom of the page is the email that

8 Mr. Marrinan asked you a few moments ago from Eileen

9 Argue.

10 **CHAIRMAN:** Is it? Sorry, am I on the wrong page? 17:26

11 A. Sorry --

12 **MR. MCGARRY:** It's also on -- it's 2933 in mine.

13 **CHAIRMAN:** would you just mind reading it out?

14 555 Q. **MR. MCGARRY:** Yes. At the bottom of the page you will

15 find, you will find the email of 14th of May, 2014 from 17:27

16 Eileen Argue to Gerry Lowry, and then that is copied to

17 you and Louise Carolan. And Mr. Marrinan read that out

18 earlier on. And then at the top of the page, there is

19 a response from Mr. Lowry to you, do you see that?

20 A. Yeah. 17:27

21 556 Q. The response that says, even though the email from

22 Eileen Argue to Mr. Lowry and copied to you is dated

23 14th of May, nothing else seems to happen until the

24 19th August of 2014 when Mr. Lowry sends you an email -

25 effectively in response to this - saying 'Dear Séamus, 17:27

26 this should not have been sent to me.' Do you see

27 that?

28 A. Yes.

29 557 Q. Did you know what Mr. Lowry was on about when he said

1 'Don't be sending this to me'?

2 A. No, not really.

3 558 Q. Okay. His evidence was that, really -- really this was  
4 a matter for you and not a matter for him. And that,  
5 in terms of the hierarchical structure, it really 17:28  
6 should be sent to you and you should be dealing with it  
7 and it shouldn't be going to him. Would that be a  
8 normal reaction when something gets sent to him by  
9 mistake?

10 A. Sometimes there is -- there is, I suppose, overlap in 17:28  
11 roles and there is overlapping in cases and the  
12 management of cases, and when you are covering two  
13 counties and there is a busy, I suppose a busy office,  
14 very often people sometimes go above whatever chain of  
15 command, whether it be the social work team leader or 17:28  
16 the principal, and go straight to the area manager. On  
17 occasions, you know, we do try to make sure that  
18 everything is done properly, that you go through the  
19 proper chain of command and every now and then we will  
20 be reminded that it shouldn't have gone to him, it 17:29  
21 should have come to me first. So I think that is what  
22 that is really about.

23 559 Q. Did you discuss that with him at any stage, having seen  
24 that?

25 A. I can't -- I can't remember -- we would -- I mean, 17:29  
26 obviously in a supervision or at management team  
27 meetings we would discuss management structures.

28 560 Q. You didn't apologise to him --

29 A. I don't particularly recall discussing that, no.

1 561 Q. Can you then go forward to 1198 --  
2 CHAIRMAN: Are you going backwards now?  
3 MR. MCGARRY: This is the amended notification.  
4 CHAIRMAN: Could we not use the numbers that we have  
5 been using up to the present time, no? 17:29  
6 MR. MCGARRY: I am sorry, Chairman.  
7 CHAIRMAN: We are flying around volumes. I  
8 shouldn't -- I am not criticising you, Mr. McGarry, we  
9 have organised --  
10 A. I can see it on the screen here. 17:30  
11 562 Q. MR. MCGARRY: I will stay within volume 4 for the rest  
12 of my questions.  
13 A. This screen isn't that clear, it's quite blurry.  
14 CHAIRMAN: Everything we have done so far is volume 4.  
15 MR. MCGARRY: Yeah, and we will stick with volume 4 if 17:30  
16 that is okay.  
17 CHAIRMAN: Yes, maybe it is better to stick with volume  
18 4.  
19 MR. MCGARRY: Sorry, it's late in the day.  
20 CHAIRMAN: Don't worry about it. 17:30  
21 563 Q. MR. MCGARRY: Do you see that, 1198?  
22 A. Yes, amended notification.  
23 564 Q. This is the -- I think you said in your evidence that  
24 your function in signing off on that was simply to  
25 check whether it was in fact -- or the details gave 17:31  
26 rise to abuse of some kind, whether sexual or physical,  
27 would that be a fair summary of what your evidence was?  
28 A. Well, the criterion is that if we suspect that a child  
29 is being physically or sexually abused or willfully

1 neglected we inform the Guards.

2 565 Q. Yes, but I am just concerned to know why it is that you  
3 are signing it at all?

4 A. I think the real -- one of the primary reasons is  
5 because we had sent wrong information and I wanted to 17:31  
6 amend that and send it back to them to let them know  
7 that it was different information.

8 566 Q. No, but you have signed the previous notification as  
9 well, the wrong notification.

10 A. With information that led me to believe that a child 17:31  
11 may have been sexually abused.

12 567 Q. Yes. You are signing as the designated officer --

13 A. Yeah.

14 568 Q. -- the notification to the Gardaí. We will come back  
15 to the issue about the fact that this is an amended 17:32  
16 version later. But it's your function, I think, to  
17 sign the notification to the Gardaí, in all  
18 circumstances, isn't that right?

19 A. Yeah.

20 569 Q. Yes. And I think you said that -- but your function in 17:32  
21 doing that was not to concern yourself with the merits  
22 or otherwise of it, but just to check as a matter of  
23 fact whether it related to abuse, whether physical or  
24 sexual, as opposed to something which might not warrant  
25 a notification? 17:32

26 A. I would have felt that the information I received on  
27 the first, even though it was the wrong information,  
28 warranted a Garda notification.

29 570 Q. Okay.

1           **CHAIRMAN:** Sorry, I really don't -- how do you mean?  
2           How can wrong information warrant a Garda notification?  
3           If someone notifies you incorrectly that somebody is  
4           keeping a child in a cage as opposed to having a  
5           terrible temper and flying into a rage and throwing,           17:32  
6           let's say, crockery around the room, how can the fact  
7           that they tell you in the wrong in relation to somebody  
8           else that they are keeping a child in a cage, warrant a  
9           Garda notification? I just don't understand.

10          A.     Sorry, the information that I had at the time, I didn't   17:33  
11           know it was wrong information when the first  
12           notification came to me.

13          **CHAIRMAN:** But, sorry, how could you not know that?

14          A.     Because the amended one hadn't come in at that stage.

15          **CHAIRMAN:** No --   17:33

16          A.     The information hadn't come in at that stage.

17          **CHAIRMAN:** Mr. Deeney, you keep coming back to the  
18           notion -- I am sorry, I don't mean to brow beat you or  
19           anything like that, but you keep coming back to the  
20           notion that, look, there were two Garda notifications.       17:33  
21           There weren't. There was one Garda notification.  
22           There was one withdrawn and then the correct one went.  
23           It wasn't all that correct now, mind you, because it's  
24           serious enough to say about Sergeant McCabe, which was  
25           being said to the Gardaí, that he threatened somebody       17:33  
26           with unspecified violence if the alleged victim told,  
27           but I can't understand why you are saying there's two  
28           notifications. There aren't. There's one.

29          A.     There was one with wrong information sent first of all,

1 and then the amended one was sent.

2 **CHAIRMAN:** Yes. But the first one is wrong, isn't it?  
3 I mean, if the first one says that someone was keeping  
4 a child in the cage and the second one says no, this  
5 person has a really bad temper and the children are 17:34  
6 terrified, there is a big difference.

7 A. Yeah, and what is the question, sorry?

8 **CHAIRMAN:** The question is: why do you keep referring  
9 to two Garda notifications? There aren't two Garda  
10 notifications. 17:34

11 A. There were physically two Garda notifications sent.

12 **CHAIRMAN:** well, yes, but one withdraws the first. So  
13 if you put a card down on the table, let's say it's an  
14 ace and you say 'oh sorry, that is the wrong card I am  
15 taking it up' and you put down the queen of diamonds, 17:34  
16 or whatever, there aren't two cards on the table.

17 A. But if the person picks up the card already and then  
18 plays a different card it's different.

19 **CHAIRMAN:** I think maybe the card playing analogy isn't  
20 working very well. I am sorry, Mr. McGarry, please 17:35  
21 carry on.

22 **MR. MCGARRY:** Sorry, sir.

23 571 Q. I am just trying to be clear, Mr. Deeney, the  
24 notification is signed by you, the first notification,  
25 the one that was withdrawn, or supposed to be 17:35  
26 withdrawn, is at is 1181, you signed that too. This is  
27 the one that Eileen Argue's name is on. So I am just  
28 trying to be clear as to what is the purpose of you  
29 signing that as the designated officer?



1 A. To notify the Guards.

2 572 Q. No. But why are you signing it as opposed to just  
3 letting the principal social worker sign it?

4 A. I am the principal social worker.

5 573 Q. Or the designated social worker, I should say. The 17:35  
6 designated social worker is Eileen Argue --

7 A. No, sorry, it is a designated officer that signs it and  
8 the name -- Eileen Argue is the designated social  
9 worker and the designated officer.

10 574 Q. But, so you are signing it in a supervisory capacity, 17:36  
11 is that correct?

12 A. Yeah.

13 575 Q. What do you do before you sign it? Do you read through  
14 it carefully?

15 A. I read -- yeah, I read it and I check, you know, for -- 17:36  
16 I don't go into every single case. I check that it  
17 fulfils the criteria, that the person suspects that a  
18 child is being, you know, physically abused, sexually  
19 abused or willfully neglected.

20 576 Q. When you say you don't look at every single case, would 17:36  
21 you sign every single document even though you might  
22 not look at each of the contents?

23 A. I sign as the designated officer, yes.

24 577 Q. So you sign all of these forms when they are presented  
25 to you -- 17:36

26 A. I sign the Garda notification forms, yes.

27 578 Q. -- without necessarily checking or reading through  
28 them?

29 A. Well, I suppose, I -- no more than supervising cases, I

1 expect that the professionally qualified social worker  
2 and the social work team leader --

3 579 Q. Sure.

4 A. -- has fulfilled the criteria and know what the  
5 criteria are prior to coming to me. 17:37

6 **CHAIRMAN:** But why are you signing it at all?

7 A. Because that's -- that's the standard and that is the  
8 protocol within Children First and within the Garda  
9 notification protocols.

10 **CHAIRMAN:** But somebody has to have thought that that 17:37  
11 was a good idea for a particular reason; what do you  
12 think it was?

13 A. I think it's because it initiates that point of contact  
14 with the Guards. Even though there may be informal  
15 contact, but as a formal point of contact. 17:37

16 580 Q. **MR. MCGARRY:** But if you are in fact performing no real  
17 function is it simply a box-ticking exercise that the  
18 person who is at the head of the --

19 A. Sometimes it can be, yeah.

20 581 Q. -- of the organisation is seen to have his signature on 17:37  
21 the document?

22 A. Sometimes it can be.

23 582 Q. But it does it mean then that you are taking  
24 responsibility for the content of the document?

25 A. No, it doesn't -- well, I mean -- as I said, the 17:38  
26 criterion is if you suspect -- expecting the social  
27 workers to know what suspicion is, and the social work  
28 team leader.

29 583 Q. You have told us that, Mr. Deeney, but you have also, I

1 think, admitted that there are circumstances in which  
2 you don't actually read the contents before you sign  
3 them?

4 A. Sometimes -- sometimes social workers that may be  
5 recently qualified may refer on emotional abuse and 17:38  
6 they might tick "emotional abuse" here, but we don't  
7 notify the Guards of emotional abuse.

8 584 Q. Sure. So the decision by you as to whether you would  
9 look in detail at the content is dependent upon whether  
10 it's qualified or very qualified or somebody you can 17:38  
11 trust?

12 A. Or sometimes it might be the wrong -- I mean, it could  
13 have been cut and pasted from something else or they  
14 might have name -- they say, a child told me that  
15 something happened, and I might send it back saying, 17:38  
16 you need to have the name of somebody there, it needs  
17 to be -- there needs to be a name there.

18 585 Q. Surely if the distinction is only between emotional  
19 abuse and sexual or physical abuse anyone can do that.

20 A. Sorry? 17:39

21 586 Q. Surely if the only thing that had to be decided was, is  
22 this the distinction between emotional abuse on the one  
23 hand or physical/sexual abuse on the other hand, that  
24 is something that anybody could do?

25 A. Well, I am not sure about that. 17:39

26 587 Q. Okay. Can I ask you then to go forward to, in the same  
27 book, to 1200. These are your notes, I think, of  
28 the -- you described it as the blitz meeting?

29 A. Yeah, that's correct.

1 588 Q. With Ms. McLoughlin. And just, I am just looking at  
2 the document and I will just -- if you look at the very  
3 top firstly, you see "*Case Prioritisation Rating*", that  
4 is left blank.

5 **CHAIRMAN:** What is left blank, Mr. McGarry? 17:40

6 **MR. MCGARRY:** Do you see just up at the top in the box,  
7 if you go down "*Name, address, children, ages, date of*  
8 *last referral.*"

9 A. Date of referral.

10 589 Q. And then you see just on the right of "*Date of last* 17:40  
11 *referral*", "*case prioritisation*" --

12 A. Yeah, sure.

13 590 Q. -- so that is left blank. And if you go down to the  
14 bottom of the document, just above your signature, your  
15 signature -- the same page, thank you, do you see 17:40  
16 there, even though it's "*Kay McLoughlin*" but it's your  
17 signature above Kay McLoughlin's name, again you will  
18 see "*MTP priority*", again blank, does that suggest that  
19 this wasn't something that was receiving any priority?

20 A. No, it doesn't. It suggests that those boxes were 17:40  
21 usually not filled in at all. In fact, all are  
22 retrospective at that stage, I know that September --  
23 sorry, in February 2015, that all -- because there was  
24 a review of unallocated cases done, now, and they left  
25 out all the retrospective cases, but they asked us to 17:41  
26 count them and I know that they were all mediums at  
27 that stage.

28 591 Q. You knew, though, that there had been an incorrect  
29 notification originally sent, isn't that right?

1 A. Yeah. 17:41

2 592 Q. So you had the file with you presumably?

3 A. No, I didn't have the file with me.

4 593 Q. Well, the blitz meeting you weren't looking through the 17:41  
5 file, is that right?

6 A. The files were brought into the room and somebody would  
7 have summarised them. As I say, my memory of that was  
8 that Kay would have summarised what was going on in the  
9 file and I would have given direction. Now Kay  
10 probably had these forms pointed out and that is why 17:41  
11 her name is on the bottom. I would have maybe -- I  
12 would have given direction, so I would have signed that  
13 even though that is probably a form that Kay would have  
14 had printed out herself.

15 594 Q. Yeah, but obviously there is a concern there that, I 17:42  
16 suggest, that you and Ms. McLoughlin had about the  
17 reliability of the accuracy of the allegations, because  
18 you have actually gone to the trouble of writing that  
19 down.

20 A. Yeah. 17:42

21 595 Q. So there was a concern, so why was there a concern  
22 about the reliability and accuracy of the allegations?

23 A. As I say, because it was still on the file because  
24 there was the information came from Laura Brophy and  
25 the amended one, there was still two amended 17:42  
26 notifications on the file -- there was still two,  
27 sorry, Garda notifications on the file.

28 596 Q. But again, I am confused about how there could be two  
29 Garda notifications on the file in circumstances where

1 the second one was effectively supposed to replace the  
2 first one, and you knew that the first one had  
3 contained false information?

4 A. I knew that it was -- it wasn't the right information,  
5 but I just wanted to be clear and correct and I 17:43  
6 suppose, I was cognisant, as I say, of the section 3  
7 policy which had come in.

8 597 Q. But is the reference to reliability and accuracy there,  
9 a reference to your confusion between which of the two  
10 notifications contained the correct information? 17:43

11 A. I think it's a reflection of just getting the correct  
12 information.

13 598 Q. And then it says, I think: *"Renew information. Letter*  
14 *prepared for Maurice McCabe"*. Isn't that right?

15 A. Yes, I see it says *"prepared"*. 17:43

16 599 Q. The letter was already prepared, isn't that right?

17 A. I don't remember any letter being prepared or being  
18 talked about, actually. I don't know why I put it in  
19 the past tense.

20 600 Q. The date of that -- 17:43

21 A. Or, sorry, the present tense.

22 601 Q. You see the date of that signature and the date of that  
23 meeting seems to be 7th of May 2015, is that right?

24 A. Yes.

25 602 Q. If you just go over the page to 1201, this is an email 17:43  
26 that Kay McLoughlin sends on the same day, 7th May  
27 2015?

28 A. Yes. My recollection was that, I certainly remember  
29 that that blitz meeting happened in the morning time

1 and that this email came after that.

2 603 Q. If you look at the content of that email, it's an email  
3 from Kay McLoughlin to you and to Gerry Lowry, isn't  
4 that right?

5 A. Yeah. 17:44

6 604 Q. And it's telling you something. It says:  
7  
8 *"I, along with Gail, have been reviewing files of the*  
9 *MTP today. One relates to Maurice McCabe, and I would*  
10 *like to discuss this case with you both before taking* 17:44  
11 *any further action."* But what I am struggling to  
12 understand is, if you had been having a discussion that  
13 morning with Ms. McLoughlin about the Maurice McCabe  
14 case and you have taken down a detailed note of the  
15 management decision in relation to it, why is 17:44  
16 Ms. McLoughlin asking you, the same day -- telling you  
17 that she has been doing this with Gail and asking you  
18 the same day to discuss it with her?

19 A. I think she has just left out me as well, you know. I  
20 was there. 17:45

21 605 Q. Well, she seems pretty clear, I am suggesting to you?  
22 A. I don't think she just meant herself and Gail.

23 606 Q. I am suggesting to you that it reads very much as  
24 though she is telling you about something that you  
25 didn't really know about at that stage? 17:45

26 A. No, I was at the meeting, I was there. That is why I  
27 gave the direction.

28 607 Q. Yeah, I mean, there is information contained in that  
29 email which bears no relationship to what has been

1 discussed and noted on your record of the meeting,  
2 which is the previous page. The reason for the  
3 meeting, for example, she says: *"This has come back in*  
4 *again due to media coverage of Mr. McCabe."* But your  
5 evidence is that this was something that was part of 17:45  
6 managing the backlog?

7 A. It is, and it was.

8 608 Q. Well, why is Ms. McLoughlin telling you the same day  
9 that this file is in again because of media coverage?

10 A. That is not my understanding, that this -- that this 17:46  
11 came in because of media coverage.

12 609 Q. Is it possible that Ms. McLoughlin discussed all of  
13 this during the course of the meeting that morning and  
14 you didn't write it down?

15 A. It's possible that there was a lot of discussion and 17:46  
16 not every single thing is written down.

17 610 Q. Again, the next -- after that line where she  
18 talks about -- she says:  
19  
20 *"The outstanding actions are that Mr. McCabe be written 17:46*  
21 *to outlining the allegations and he be met and afforded*  
22 *an opportunity to respond."*  
23

24 Again, that is not consistent with your record of the  
25 management decision, isn't that right? 17:46

26 A. Well, it is, if you go back -- if you look at the  
27 points that I outlined to her.

28 611 Q. Well, the first thing that is in the management  
29 decision is *"Contact Ms. D."* The second thing is:



1           *"Renew information."* The third thing is: *"Letter*  
2           *prepared for Maurice McCabe."*  
3           She is suggesting on the same day that the only  
4           outstanding action, or the outstanding actions in the  
5           first instance, are that Mr. McCabe be written to.           17:47  
6           There is no reference about getting back to Ms. D or  
7           finding out whether the information is accurate.  
8           A.    I think she is looking for advice in relation to the  
9           case, but certainly, I was there in the morning time, I  
10          would have put that on the waiting list review form on   17:47  
11          the front of Ms. D's file.  
12   612   Q.    And then she has attached the draft Barr letter. This  
13          is the same day now as you have had the blitz meeting  
14          in the morning. Did you read the draft Barr letter?  
15          A.    I remember opening it. I don't know whether I went   17:47  
16          into all the specifics of it. As I said, I wanted  
17          those steps to be carried out.  
18   613   Q.    But if you opened it, I suggest to you, you couldn't  
19          but have noticed that it contained the rape allegation?  
20          A.    I disagree.   17:47  
21   614   Q.    Well, it is --  
22          A.    Because I suppose I was cognisant of following the  
23          protocol that was in -- as I say, in the appendices at  
24          the back of the Section 3 policy.  
25          **CHAIRMAN:** If we just open 1202, if you wouldn't mind   17:48  
26          just turning to that.  
27          **MR. MCGARRY:** 1202. It's the draft Barr letter  
28          attached to Ms. McLoughlin's --  
29          A.    I have it here.

1           **CHAIRMAN:** But, I mean, if you look at the first  
2 paragraph, "*from a child protection social worker,*" and  
3 that has to be standard. "*The CFA has responsibility,*"  
4 and that is section 3. And then "*The allegations made*  
5 *by Ms. D are as follows.*" And there you have it. And 17:48  
6 then the next paragraph is standard as well, "*to*  
7 *discuss the allegations*". And then the next is  
8 standard: "*Supporting person, it may be necessary to*  
9 *carry out*" -- that has to be standard -- "*will provide*  
10 *you with an outcome of Social Work Department,*" 17:48  
11 et cetera. The only thing of difference between that  
12 and the letter actually sent to arrive early 2016 is  
13 that there is an appointment on the one actually sent,  
14 appointment suggested date.

15           A. Sure. 17:49

16 615 Q.   **MR. MCGARRY:** The only thing you really need to look  
17 at, even if you are doing what you did with regard to  
18 the notifications, and looking at some of them and not  
19 looking at others because you trust the drafter has  
20 done the job properly, even if you only look at one 17:49  
21 thing, there is only one thing that you really need to  
22 look at and that is the description of the abuse.

23           A. No, I disagree. There was lots of things to look at.  
24 One was the template and the formation and how that is  
25 going to be -- and the other fact is, you know, when 17:49  
26 those steps were carried out, the content could have  
27 changed.

28 616 Q.   But these letters are more or less of a type. They  
29 contain certain minimum information, they contain

1 certain minimum statements?

2 A. These letters would have been very new to us at this  
3 time because the section 3 policy was only after coming  
4 out.

5 617 Q. I am suggesting to you that even if they were new and 17:49  
6 even if they were different in some respects, the one  
7 crucial piece of information that is contained in them  
8 is the description of the abuse?

9 A. I didn't -- I think I scanned it and I missed out that  
10 part of -- involving digital penetration. 17:50

11 **CHAIRMAN:** I have got the point, Mr. McGarry, at this  
12 point, I hope.

13 **MR. MCGARRY:** Certainly.

14 618 Q. The 1204 contains your email of the following day to  
15 Ms. McLoughlin? 17:50

16 A. Yes.

17 619 Q. And again, it looks as though, I suggest to you, you  
18 are, in essence, contradicting what Ms. McLoughlin has  
19 said to in her email to you and Gerry Lowry the  
20 previous day because this is a response to her email, 17:50  
21 isn't that right?

22 A. Yes.

23 620 Q. And you saying: "*Dear Kay, we discussed this case*  
24 *yesterday.*" So again, confirmation that you had had  
25 the meeting with her before she sent you the email. 17:50

26 A. At the blitz day, yes.

27 621 Q. And rather than agreeing with what she suggests in her  
28 email as the outstanding actions are Mr. McCabe be  
29 written to, you actually say -- you go back to, at

1 least in part what is recorded in the management  
2 decision: *"First, contact the alleged victim. Second,*  
3 *determine whether there is any need to interview anyone*  
4 *else. Then, on review, inform the alleged abuser."*

5 A. Yes, I am going back to the protocol in the Section 3 17:51  
6 protocol.

7 622 Q. So is that you saying to Kay McLoughlin, look, you are  
8 wrong about all of that, we discussed this --

9 A. That is me giving her supervision -- giving her  
10 supervision on how to proceed in the case. And Kay is 17:51  
11 writing to Gerry and myself looking for supervision in  
12 it.

13 623 Q. And again, there is a reference, a very specific  
14 reference from you to *"discrepancy in the allegations"*.  
15 What is that a reference to? 17:51

16 A. That was the fact that there was two different Garda  
17 notifications, two different bits of information.

18 624 Q. So, in your mind at this stage, even though you have  
19 already been told the previous year and signed off on  
20 the amended notification, so in your mind there is 17:52  
21 still two different allegations, is that right?

22 A. It is sometime later from when I signed them off.  
23 There are still two Garda notifications in the file,  
24 and I wanted to be clear to get back to the victim,  
25 that is -- that is the protocol, is that whenever we 17:52  
26 receive a report, the most important thing is to  
27 validate that report, is to give back to the alleged  
28 victim and check the reliability and accuracy of the  
29 allegations.

1 625 Q. So when I asked you that question a few moments ago  
2 about the previous checking the reliability and  
3 accuracy, that's -- that is the same as checking the --  
4 sorry, that is done because of a perceived discrepancy  
5 on your part, and the discrepancy on your mind is as 17:52  
6 between the two different allegations?

7 A. There is confusion around exactly what is the  
8 allegation.

9 626 Q. But I have to suggest to you that if you look at the  
10 file and you look at the emails that have come in from 17:52  
11 Rian, it's obvious that there is no discrepancy. The  
12 first notification contained false information, and  
13 that was provided by your service?

14 **CHAIRMAN:** I actually do think I have got that point,  
15 Mr. McGarry. Will we pull up stumps now and go into 17:53  
16 tomorrow?

17 **MR. MCGARRY:** I am finished.

18 **CHAIRMAN:** I don't mean to be looking at my watch to  
19 check if it's still working. I believe it does work  
20 all the time. But is there any other point you want to 17:53  
21 make?

22 **MR. MCGARRY:** I am done.

23 **CHAIRMAN:** I am happy, if it takes another ten or  
24 fifteen minutes, to stay. Is there another point?

25 **MR. MCGARRY:** Are you proposing to sit at 12:00 or 17:53  
26 12:30 tomorrow?

27 **CHAIRMAN:** I don't know what I am proposing to do. I  
28 am going to be told by those in charge of me what to  
29 do. I am sorry, Mr. McGarry, you had another question?

1           **MR. MCGARRY:** I am conscious of the fact that  
2           Mr. Dignam and Mr. O'Higgins might have some questions.  
3           **MR. DIGNAM:** At the moment, we have no questions,  
4           Judge, subject to whatever Mr. McGarry might ask in the  
5           next bundle of questions that will be asked, but at the 17:54  
6           moment we have no questions.  
7           **CHAIRMAN:** That's not a statement made in terrorem.  
8           **MR. MCGARRY:** well, I am reluctant to ask everybody to  
9           come back for --  
10          **CHAIRMAN:** No, no, please do. If there is another 17:54  
11          point you have to make, please make it.  
12   627   Q.   **MR. MCGARRY:** I just want to ask you, Mr. Deeney,  
13           about -- you said that you were aware of the  
14           prominence, certainly in 2014, of Sergeant McCabe?  
15          A.   Mm-hmm. 17:54  
16   628   Q.   I am suggesting to you you can't but have been aware of  
17           the significance of all of this, both in 2014 when you  
18           are supervising, your words, the submission of the two  
19           notifications, and again in 2015 when it comes back for  
20           discussion? 17:54  
21          A.   Yes.  
22   629   Q.   In fact, Ms. McLoughlin tells you about the media  
23           coverage in 2015 when it comes back for discussion?  
24          A.   Mm-hmm.  
25   630   Q.   So I am suggesting to you that it's extraordinary that 17:54  
26           you are not aware and you are not -- and you are not  
27           scanning the information in order to be clear as to  
28           what the correct allegation is?  
29          A.   I think in my mind that is exactly the reason why I say

1 it, to be very clear about what the reported allegation  
2 is, to get back to the alleged victim and check the  
3 reliability and accuracy of it.

4 **MR. MCGARRY:** Okay. Thank you.

5 **CHAIRMAN:** Okay. There is no questions? 17:55  
6 Mr. McDermott?

7 **MR. MCDERMOTT:** No questions.

8 **CHAIRMAN:** Mr. Murrinan, do you have anything else?

9 **MR. MURRINAN:** No, there is nothing else, sir. And  
10 slightly ahead of schedule, that is the last witness 17:55  
11 that we have in relation to this term of reference.

12 **CHAIRMAN:** Mr. Deeney, you might like to sit down.  
13 Thank you.

14

15 **THE WITNESS THEN WITHDREW** 17:55

16

17 **CHAIRMAN:** Can we give any indication, and I  
18 understand, just before we break up on Day 19, I  
19 understand George's Hall is required and also we have  
20 other things to prepare and our investigators are 17:56  
21 meeting with people, certainly they were yesterday, in  
22 relation to what is coming up, but is there any  
23 indicative as to when we will take up the next section  
24 of our work and whether there is any gaps between now  
25 and Christmas? 17:56

26 **MR. MURRINAN:** The intention is to proceed with the  
27 next term of reference in relation to Keith Harrison on  
28 18th of September, which is the Monday. I understand  
29 there may be a short break because we don't have this

1 hall available to us for some four days on the 16th of  
2 October to the 20th of October. Otherwise --  
3 **CHAIRMAN:** well, then, that week is down. There is no  
4 point in sitting for one day in that week. So that  
5 means we are not sitting Saturday 14th to -- my maths 17:56  
6 isn't great, add on six days -- the 20th October.  
7 **MR. MARRINAN:** Monday 23rd. well, I am told by  
8 Mr. McGuinness. Blame him.  
9 **CHAIRMAN:** So would you give me the dates again,  
10 please? If Mr. McGuinness wants to tell me, if he has 17:57  
11 a better -- it's my problem, Mr. Murrinan. If you just  
12 say, I will listen.  
13 **MR. MARRINAN:** 18th of September.  
14 **CHAIRMAN:** And then the break is from when to when,  
15 when the hall is being used for the other conferences? 17:57  
16 **MR. MARRINAN:** Monday to Friday of that week, 16th to  
17 20th. So we will resume on the 23rd of October.  
18 **CHAIRMAN:** Okay. And we will not be sitting,  
19 therefore, that entire week?  
20 **MR. MARRINAN:** That entire week. 17:57  
21 **CHAIRMAN:** I think everybody understands that. And as  
22 much information as is possible will be put on the  
23 website as soon as possible, and I thank everybody for  
24 their help.  
25 17:57  
26 **THE HEARING WAS THEN ADJOURNED TO MONDAY, 18TH**  
27 **SEPTEMBER 2017.**  
28  
29



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