

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, 6TH JULY 2017 - DAY 3

3

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1 **THE HEARING RESUMED, AS FOLLOWS, ON THURSDAY, 6TH JULY**
2 **2017:**

3
4 **MR. MARRINAN:** Sorry, sir, we are continuing this
5 afternoon with the evidence of Fiona Ward, please. 14:00

6
7 **MS. FIONA WARD CONTINUED TO BE DIRECTLY EXAMINED BY**
8 **MR. MARRINAN AS FOLLOWS:**

9
10 1 **Q.** **MR. MARRINAN:** Now, I think yesterday we had been 14:00
11 dealing with a document that you had supplied to the
12 Tribunal which I had asked you questions in relation
13 to; namely, the Guidelines on Risk Management and Child
14 Protection --

15 A. That's correct. 14:00

16 2 **Q.** -- in the context of counselling therapy. It's at page
17 801 of the book of documents. And I had asked you
18 yesterday whether or not there was a consultation
19 process with Tusla in relation to the preparation and
20 content of that document? 14:01

21 A. That's correct.

22 3 **Q.** And I think yesterday you said that you didn't -- you
23 didn't believe so, but you want to correct that now?

24 A. Yes. Thanks for the opportunity. I looked back on my
25 records just since yesterday and was able to identify 14:01
26 that we had, in fact, copied -- sent a draft of the
27 guidelines, when they were in development, to a member
28 of the Child and Family Agency and asked for their view
29 on them, so we did have consultation with them. That

1 was in 2012, prior to the guidelines being issued to
2 the service, members of the service. So we did have
3 consultation with what was then the Child and Family
4 Agency, later Tusla.

5 4 Q. Well, you had consultation insofar as you sent them -- 14:01
6 A. We sent them a draft and asked for feedback.

7 5 Q. You sent them a draft of the document?
8 A. That's right.

9 6 Q. But was there any discussion on the document, do you
10 recall? 14:02
11 A. We requested feedback, and they didn't have any changes
12 to suggest, they were happy with the guidelines as they
13 were sent to them.

14 7 Q. So the document was sent to them in 2012?
15 A. That's right. 14:02

16 8 Q. For their comments in relation to it?
17 A. That's right.

18 9 Q. And they indicated that they were happy with it?
19 A. That's right.

20 10 Q. Thank you very much. If we could just go back to the 14:02
21 telephone conversation that you had with Rosalie
22 Smyth-Lynch on the 19th May of 2014. I think that
23 during the course of that conversation she indicated to
24 you that all incorrect reports should be retrieved?
25 A. That's correct. 14:02

26 11 Q. And the correct reports sent to the relevant personnel,
27 is that right?
28 A. That's correct, yes.

29 12 Q. And that included the social work, the Gardaí and

1 indeed your own service?

2 A. That's correct.

3 13 Q. Again, I think that you were operating under the
4 misapprehension that Laura Brophy's notification that
5 was sent to Tusla was the notification that had been 14:03
6 received by the Gardaí as opposed to what we now know
7 was a separate Garda notification that had been sent
8 with the incorrect information in it, isn't that right?

9 A. That's correct, yes.

10 14 Q. And I think we may as well just deal with this now. In 14:03
11 terms of your dealings with Tusla, and we will come to
12 it in a moment because you had dealings with Ms. Argue
13 in relation to this matter and you also had dealings
14 with the Gardaí?

15 A. Mm-hmm. 14:03

16 15 Q. Did anybody notify you at that time that you were
17 making an incorrect assumption that what you were
18 looking for to be returned to Rian had, in fact, not
19 been sent to the Gardaí and only resided with Tusla?

20 A. No, no one would have given me any information about 14:04
21 that at all. Tusla did return the original report form
22 that we had, which I received back on the 1st of July,
23 2014, but no, I wasn't informed that it was a different
24 report that was forwarded to the Gardaí.

25 16 Q. Does it surprise you that perhaps nobody would have 14:04
26 alerted you to that fact?

27 A. Em... no, I'm not surprised in particular. I mean,
28 they may --

29 17 Q. well, in hindsight --

1 A. Yes.

2 18 Q. -- you were making efforts to rectify an error --

3 A. Yeah.

4 19 Q. -- that, in fact, wasn't -- the responsibility didn't
5 reside with you? 14:05

6 A. Mm-hmm.

7 20 Q. But the notification had been sent to the incorrect
8 information by Tusla to the Gardaí?

9 A. Yes.

10 21 Q. And therefore it wasn't really a matter for you at all? 14:05

11 A. Yeah.

12 22 Q. Or for Laura Brophy at all?

13 A. The only thing I can think about in relation to that is
14 that I did request in my letter that any other copies
15 that had been made in relation to the report should be 14:05
16 returned, copies relating to the -- I can't remember
17 the exact wording. So it would have given them perhaps
18 pause to think about other records, or drawing my
19 attention to the fact that it was in other records. If
20 there's a letter there to Eileen Argue, I'm not sure 14:05
21 what page.

22 23 Q. Yeah. No, I will come to that in a moment.

23 A. Okay, yeah.

24 24 Q. But what I am really getting at: nobody phoned you
25 up -- 14:05

26 A. Nobody informed me that --

27 25 Q. -- as the supervisor for Laura Brophy, who was at that
28 stage hand-delivering letters and it was obviously
29 being treated extremely seriously by you and by her?

1 A. Mm-hmm.

2 26 Q. But nobody --

3 A. Nobody informed us.

4 27 Q. -- from Tusla told you, well, look, in actual fact, the
5 notification that has gone to the Gardaí that you are 14:06
6 concerned about, that Ms. D has advised Laura Brophy in
7 relation to it, in fact wasn't the notification --

8 A. No.

9 28 Q. -- that had been sent in by Laura Brophy, but was
10 another document entirely? 14:06

11 A. No.

12 29 Q. Nobody told you that?

13 A. No, not at all.

14 30 Q. Now, I think that you, on the 22nd of May 2014, you
15 received correspondence which we opened yesterday from 14:06
16 Rosalie Smyth-Lynch, which was dated the 16th of May,
17 which confirmed the conversation that you had with her
18 on the phone.

19 A. Yes.

20 31 Q. I think the next matter arose on the 16th of May of 14:06
21 2014 when you received an email from your line manager,
22 who is Mr. Dermot Monahan, isn't that right?

23 A. That's correct.

24 32 Q. And that was further to an email that you had copied to
25 him and he had referred the matter to his business 14:07
26 manager, Patricia Bannon. And we can find this
27 documentation at page 642, please. Now, I think, in
28 actual fact, if we turn to page 865, I think this was
29 an email that was sent by you to Rosalie Smyth-Lynch,

1 isn't that right?

2 A. That's correct.

3 33 Q. And that concerned -- attached a report relating to a
4 data breach which came to light in the service on the
5 14th May of 2014, and we opened that yesterday and it 14:07
6 was the report that had been prepared --

7 A. That's correct, yes.

8 34 Q. -- by yourself. I think that that -- then if we can go
9 to page 864, that prompted a response, because you had
10 sent that to Dermot Monahan, who is the area manager, 14:08
11 is that right?

12 A. That's correct. I sent it to him as he was my line
13 manager at the time, yes.

14 35 Q. And then we can see a response. It was sent by Natasha
15 Smith, but signed off by Dermot Monahan. It says: 14:08
16 *"Fiona, please see below comments from Patricia Bannon
17 for your attention."*

18 Is that right?

19 A. That's correct, yes.

20 36 Q. And then the attached email from Patricia Bannon 14:08
21 appears below, and she says:

22 *"Yes, the process is correct. However, it would be
23 good practice for Fiona to review their SOP --"*

24 A. That refers to standard operating processes or
25 procedures. 14:09

26 37 Q. " -- and ensure that their systems for robust" -- I
27 suppose that should read *"are robust to mitigate
28 against an incident like this happening again."*

29 And that is signed off by Patricia Bannon, who is the

1 business manager, is that right?

2 A. That's correct, yes.

3 38 Q. Now, I think that you had a number of e-mails between
4 yourself and Laura Brophy around about this time, isn't
5 that right? 14:09

6 A. That's correct, yes.

7 39 Q. Firstly, on the 15th May 2014, when you received an
8 e-mail from her at 15:02, and it relates to the
9 retrieval of an incorrect retrospective report form,
10 and she informs you that the social work team leader, 14:09
11 Eileen Argue, had contacted the chief superintendent,
12 is that right?

13 A. That's correct. I don't have the e-mail here in front
14 of me. Can I just --

15 40 Q. 867, please. 14:10

16 A. Thank you.

17 41 Q. This has already been opened to the Tribunal in the
18 course of Laura Brophy's evidence, but there it is. It
19 says:

20 *"Hi Fiona, I just want to update you on the contact 14:10
21 with Eileen Argue, team leader in the Cavan Social Work
22 Service. I had some difficulty getting a hold of
23 Ms. Argue, so it was just minutes ago I was able to
24 speak with her directly. Ms. Argue informed me that
25 she contacted the chief superintendent in charge of 14:10
26 this investigation and he informed her that the alleged
27 had not yet been contacted in relation to this case as
28 they were just beginning to look into the report from
29 social services yesterday. Ms. Argue informed him of*

1 *the error on the report and has told him she will issue*
2 *him with a new amended report and a copy of my letter*
3 *to social work explaining the administrative error. I*
4 *requested that we get the original copy with the errors*
5 *back to be destroyed and she said they were doing that* 14:11
6 *on their end, but could not guarantee that the chief*
7 *superintendent will return it, but she will request*
8 *this. Ms. Argue informed me that he mentioned*
9 *something about keeping the original along with the*
10 *updated report. If you have any questions about* 14:11
11 *this..."*

12 And then she said that she was on her mobile. I
13 suppose you were happy to receive that from
14 Ms. Brophy --

15 A. Yes. 14:11

16 42 Q. -- because it indicated that certainly, as far as the
17 alleged was concerned, no action at that time had been
18 taken --

19 A. That's correct.

20 43 Q. -- on foot of the error, is that right? 14:11

21 A. That's correct, yes.

22 44 Q. And there were some consolation, but arising out of
23 that again there's a reference to a report and an
24 amended report?

25 A. Mm-hmm. 14:12

26 45 Q. But it isn't clear from that, and your understanding
27 was that this still referred to the report that had
28 been sent by Laura Brophy --

29 A. That's correct.

1 46 Q. -- to Tusla?
2 A. Yes.
3 47 Q. Now, I think that the following day, on the 16th May
4 2014, you received a further e-mail from Laura Brophy.
5 This is at page 868. If you could be shown that. It 14:12
6 says:
7 *"Just a quick update. I tried Eileen Argue again but*
8 *unfortunately she is out of the office today, so I sent*
9 *her an e-mail to update her.*
10 *I received a call back from the superintendent and he 14:12*
11 *informed me that it had not been about the error --*
12 *that he had not been told about the error, so I*
13 *explained the issue to him. He told me that the matter*
14 *has now been given over to the Commissioner and a*
15 *separate team to investigate the case outside the 14:13*
16 *region. However, I agreed to send him a copy of the*
17 *amended report by registered post today and he will*
18 *contact with a current copy of the erroneous report to*
19 *inform them. I have sent the amended report and will*
20 *have it by Monday morning and will copy it to the 14:13*
21 *relevant parties."*
22 Again, we're still operating on the misapprehension
23 there in relation to the nature of the report.
24 A. That's my understanding.
25 48 Q. In terms of the reference to the Commissioner and a 14:13
26 separate team to investigate the case from outside the
27 region, what did you believe that to mean? Was it an
28 investigation of the actual allegation or was it an
29 investigation of the incorrect report being sent to the

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Gardaí?

A. I didn't exactly know what that referred to, whether it was relating to the error or the actual case, and I didn't have that conversation with Eileen, so I wasn't aware.

14:14

49 Q. If you could just be shown 787 of your statement here, just to remind you what you told to the investigators. If you just go to line 5, it says:

"As I did not speak to Superintendent McGinn directly myself, I cannot state to what matter he was referring that had been forwarded to the Commissioner for investigation. However, I understood it to mean he was referring to the information contained in the retrospective report sent to the social work department by Rian in August 2013. The identity of the Commissioner was not notified to me by Laura Brophy in the e-mail or in any subsequent conversation."

14:14

14:14

A. That's correct, yes.

50 Q. So is it a situation that you just simply didn't know whether the Gardaí from outside the district were going to investigate the circumstances in which the incorrect report had been notified to them or whether they were actually going to investigate the allegation of abuse?

14:15

A. I didn't know what was going to be investigated. However, from reading the e-mail and just making a presumption, I would have understood it to refer, think that it would mean referring to the actual report that had been submitted, but obviously I can't be clear.

14:15

1 51 Q. Yes. Now, I think that you were then copied by Laura
2 Brophy a letter that she sent to Superintendent Leo
3 McGinn, isn't that right?

4 A. Yes.

5 52 Q. This is at page 869, sir, of the documentation. It 14:16
6 will be brought up on the screen. I think that that
7 was a letter that has already been opened to the
8 Tribunal. I don't need to go through the --

9 A. That's correct yes.

10 53 Q. -- contents of it. But again, it is compounding the 14:16
11 error in a way. It says:
12 *"Dear Superintendent McGinn."*
13 And then further down:
14 *"I have amended the report to include the correct*
15 *information as given to me by Ms. D and I have enclosed 14:16*
16 *the correct report with this letter."*
17 In fact, what had been enclosed was the correct
18 notification to Tusla but not the correct Garda
19 notification, is that right?

20 A. Yeah, it would have referred to the correct 14:16
21 retrospective report form that we complete in relation
22 to cases. It wasn't referring to the notification form
23 that we now know -- that I now know goes from Tusla to
24 the Gardaí.

25 54 Q. And if we could just go to page 870, I think that Laura 14:17
26 Brophy has e-mailed you, sent you attached copy of that
27 letter. This is to send to the client, isn't that
28 right?

29 A. That's correct.

1 55 Q. And again, we had that opened. This is at page 871 of
2 the documentation. That is the draft letter, isn't
3 that right?

4 A. That's correct, yes.

5 56 Q. And she sent that to you for your approval. And I 14:17
6 think that you were happy to approve that?

7 A. Yes.

8 57 Q. And then at page 872, again on the 16th May, you say:
9 *"Hi Laura, thanks for your e-mail. The letter reads*
10 *very well and I am happy for you to send it out."* 14:18
11 And it was sent out, page 873. And that's the original
12 of the letter -- or a copy of the original of the
13 letter that was sent out, isn't that right?

14 A. That's correct, yes.

15 58 Q. Now, I think that at page 874 you forward a copy of 14:18
16 that letter, is that right?

17 A. This e-mail here refers --

18 59 Q. Sorry, it relates to another letter that was composed,
19 is that right?

20 A. That's correct, yeah. 14:18

21 60 Q. And this was a letter to the chief superintendent, is
22 that right?

23 A. That's correct. And I think also one to Eileen Argue.

24 61 Q. So there was a letter that you sent, it's at 875, that
25 you drafted to be sent to the chief superintendent? 14:19
26 A. That's correct, yes.

27 62 Q. If we could just go through that letter.

28 A. Okay.

29 63 Q. Would you mind just reading out --

1 A. Yeah.

2 64 Q. -- the contents of the letter. Don't worry about the
3 heading, we can see that it is marked "*Strictly Private*
4 *and Confidential*," but it then starts "*Dear Chief*
5 *Superintendent*". 14:19

6 A. Okay. And I was awaiting the name of the chief
7 superintendent so that is why this is in draft form.

8 65 Q. Yes.

9 A. "*It has come to my attention that due to an*
10 *administrative error a report relating to allegations* 14:19
11 *of retrospective abuse which pertain to the above-named*
12 *containing incorrect information was sent to your*
13 *station by the Child and Family Social Work Services.*
14 *I have been advised by the regional data controller for*
15 *HSE Dublin Northeast to request that all copies of the* 14:19
16 *incorrect report be returned to me as director of the*
17 *service as soon as possible. I would therefore*
18 *appreciate if you could arrange to have all copies of*
19 *the incorrect report, including any copies made as part*
20 *of Garda procedures in following up on this report.* 14:20
21 *Please return marked 'Private and Confidential - For*
22 *Addressee Only' to Fiona Ward, Director of Counselling,*
23 *at the above address. A corrected report has been*
24 *issued."*

25 66 Q. Now, I think you copied that letter to Rosalie 14:20
26 Smyth-Lynch, isn't that right?

27 A. That's correct. It was copied for the file and a copy
28 to Rosalie Smyth-Lynch, that's right.

29 67 Q. And then the previous e-mail at page 874. This is to

1 Anne Masterson, who is that?

2 A. Anne Masterson is the grade 6 section officer who works
3 in my office and has administrative functions. I would
4 have asked her to insert the clients' names and
5 details, to p.p. the letter and send it out. However, 14:21
6 as it turned out, I was back in the office by the time
7 the details came back so I signed the letter myself and
8 it was sent then.

9 68 Q. Now, I think at the same time you also drafted a letter
10 to Eileen Argue, isn't that right? 14:21

11 A. That's correct.

12 69 Q. And this is at page 876. Again, it's addressed as
13 being private and confidential to Eileen Argue, who is
14 the team leader in Tusla. Would you just mind reading
15 out the letter that you sent to her? 14:21

16 A. Yeah.

17 *"Dear Ms. Argue,*
18 *It has come to my attention that due to an*
19 *administrative error a report relating to allegations*
20 *of retrospective abuse which pertain to the above-named* 14:21
21 *containing incorrect information was sent to your*
22 *department last August. I have been advised by the*
23 *regional data controller for HSE Dublin Northeast to*
24 *request that all copies of the incorrect report be*
25 *returned to me as director of the service as soon as* 14:22
26 *possible. I would therefore appreciate if you could*
27 *arrange to have all copies of the incorrect report,*
28 *including any copies made as part of your procedures in*
29 *following up on this report. Please return marked*

1 *'Private and Confidential - For Addressee Only' to*
2 *Fiona Ward, Director of Counselling, HSE Dublin*
3 *Northeast at the above address. I understand that a*
4 *corrected report was issued to your office last week.*
5 *If you have any queries in relation to this, don't* 14:22
6 *hesitate to contact me.*

7 *Yours sincerely."*

8 And then I think at the bottom of the page it is cc'd
9 to Rosalie Smyth-Lynch, data controller, and also for
10 the file. 14:22

11 70 Q. And is Rosalie Lynch the data controller HSE Dublin
12 Northeast --

13 A. That's correct.

14 71 Q. -- that you refer to in paragraph 2 of your letter
15 above? 14:22

16 A. That's correct.

17 72 Q. And I think then if you could just be shown page 877.
18 This was the actual letter, a copy of the letter that
19 was sent out on Tuesday 20th May 2014, isn't that
20 right? 14:23

21 A. That's correct, which I signed, yes.

22 73 Q. Now, I think that there was -- you received around
23 about that time a number of e-mails from Laura Brophy,
24 isn't that right?

25 A. That's correct. 14:23

26 74 Q. If you could see 878, please. This is on the 20th May
27 at 12:38.

28 A. That's correct.

29 75 Q. 12:35, sorry.

1 A. Yes.

2 76 Q. It reads:

3 *"Hi Fiona, I am just e-mailing you to let you know I am*

4 *still awaiting to hear back from Eileen Argue about the*

5 *chief super in Bailieboro. I could always ring* 14:23

6 *Superintendent Leo McGinn to ask, but I would be just*

7 *worried it isn't the same person as he knew nothing of*

8 *it when I was in touch with him on Friday last. Let me*

9 *know how you would like me to proceed."*

10 And did you respond to that, do you recall? 14:24

11 A. I don't think I responded to that. I think Laura

12 subsequently e-mailed I think later that day, if I

13 recall correctly.

14 77 Q. Yes. At 16:49 --

15 A. Before I had a chance to respond, yeah. 14:24

16 78 Q. At 16:49, page 879, please.

17 *"Hi Fiona, I just heard back from social services Cavan*

18 *and the chief superintendent. They were in contact*

19 *with Chief Superintendent James Sheridan of Monaghan*

20 *Garda Station. If you need anything else, let me know.* 14:24

21 *Regards, Laura Brophy."*

22 And she has followed up on those matters expeditiously,

23 isn't that right

24 A. That's correct, yes.

25 79 Q. And I think then you then had the details of the chief 14:25

26 superintendent confirmed, is that right?

27 A. That's correct, for the letter to be sent.

28 80 Q. I think then you set about drafting a letter to the

29 Chief Superintendent Sheridan, is that right?

1 A. That's correct. That's the draft that I referred to
2 earlier.

3 81 Q. Yeah. Now, I think your primary concern at this time,
4 was it, were you happy that the error had been
5 rectified with Tusla and with the Gardaí? 14:25

6 A. I suppose the primary concern was to make sure that
7 they were aware that there was an error and then the
8 next was to get the information back that was incorrect
9 and to ensure that their records were corrected. So I
10 certainly felt that once the letters were sent and the 14:25
11 forms had been sent to the relevant personnel, that the
12 information was there that the error was -- that the
13 relevant people were aware of the error and could take
14 corrective action. I hadn't yet received back, at that
15 point, the original report that we had submitted, so 14:26
16 that was something still at issue.

17 82 Q. Okay. And I think that the concern for the return of
18 the documents and a focus on that had been prompted by
19 Rosalie Smyth in relation to the data protection
20 issues -- 14:26

21 A. That's correct.

22 83 Q. -- primarily, isn't that right?

23 A. She was very clear that we should request that they be
24 returned so that they could be dealt with by our
25 office, yes. 14:26

26 84 Q. Now, I think that you received a letter from Chief
27 Superintendent James Sheridan, isn't that right?

28 A. That's correct, yes.

29 85 Q. That's at page 882 of the material. He says:

1 *"I refer to your correspondence in the above matter.*
2 *In order to progress your request can you provide*
3 *clarification on the following points: does the*
4 *referral in question relate to a previous disclosure*
5 *which was investigated by An Garda Síochána in 2006* 14:27
6 *that subsequently resulted in the submission of a file*
7 *to the Director of Public Prosecutions, or does it*
8 *relate to a new further disclosure which requires*
9 *investigation by An Garda Síochána?"*

10 The second bullet-point was: 14:27

11 *"I would appreciate clarification on how the*
12 *administrative error referred to occurred and came to*
13 *light which resulted in your letter dated 22nd May*
14 *2014. I will then be in a position to respond fully on*
15 *receipt of this clarification."* 14:28

16 A. Mm-hmm.

17 86 Q. I think that you then responded to that letter, and
18 your response is at page 883, isn't that right?

19 A. That's correct, yes.

20 87 Q. And were you happy to respond to that letter on the
21 basis of the information that you then had to hand? 14:28

22 A. Yeah, I was happy to respond to his questions in
23 relation to the queries that they had from the basis of
24 the information I had, yes.

25 88 Q. If you could just -- the letter is again marked -- 14:28

26 A. Read it out?

27 89 Q. -- "*Strictly Private and Confidential*". would you just
28 read out the letter that you sent?

29 A. Yes.

1 *"Dear Chief Superintendent Sheridan,*
2 *Thank you for your correspondence dated 9th June 2014.*
3 *You seek clarification on two matters:*

4 1. *Regarding the retrospective abuse report in*
5 *relation to allegations by the above-named which was* 14:29
6 *forwarded to the Gardaí by Tusla Child and Family*
7 *Services. You seek clarification as to whether the*
8 *information as reported is new or relates to a previous*
9 *disclosure investigated by Gardaí in 2006. The*
10 *information reported is being done by Rian National* 14:29
11 *Counselling Service for the first time in relation to*
12 *this client. However, it is my understanding that the*
13 *client previously made a report to Gardaí as a teenager*
14 *as indicated in the report itself. I suggest you link*
15 *with Tusla Child and Family Services to ascertain if* 14:29
16 *they hold any other reports on record. The information*
17 *which was reported in error on the first report that*
18 *you received relates to a different client and a*
19 *different alleged perpetrator.*

20 2. *You seek clarification regarding how the* 14:29
21 *administrative error came to light. I can clarify that*
22 *this matter was brought to our attention by the client.*
23 *I trust this information helps to clarify the position*
24 *regarding this matter. I look forward to hearing from*
25 *you in relation to my previous correspondence and* 14:30
26 *reiterate my request for the return of the original*
27 *report which contains inaccurate information which is*
28 *not relevant to the allegations made by Ms. D."*

29 90 Q. I think then if you just look at this in terms of the

1 contents of this, what you're doing is you are advising
2 Chief Superintendent Sheridan that you can't say
3 definitively that this relates to an investigation in
4 2006/2007, but you're saying that it may well do?

5 A. Mm-hmm. 14:30

6 91 Q. Is that right?

7 A. That's correct.

8 92 Q. But if you just then move to the next line:
9 *"The information which was reported in error on the*
10 *first report you received relates to a different client* 14:31
11 *and a different alleged perpetrator."*

12 A. Yes.

13 93 Q. Is that right?

14 A. Yes, that's correct.

15 94 Q. What you're looking at there is, in fact, the reference 14:31
16 to Ms. Y that is contained in the report sent by Laura
17 Brophy to Rian?

18 A. That's correct, yes.

19 95 Q. But that never made its way, a reference to Ms. Y, to
20 the Gardaí, even in the incorrect notification, are you 14:31
21 aware of that?

22 A. That the name was not --

23 96 Q. Yes.

24 A. I am not actually aware that the name wasn't included,
25 no. 14:31

26 97 Q. You're not aware?

27 A. No.

28 98 Q. But in any event, there was no response from the chief
29 superintendent in relation to what might have been an

1 ambiguity there in your letter in the context of the
2 known facts.

3 A. Right.

4 99 Q. It has been pointed out to me that you actually have
5 been supplied by way of disclosure in the documents. 14:32

6 A. Yes, I have. I have read through them. To be honest,
7 I didn't pick up that the actual name wasn't included.

8 100 Q. In the notification that had been sent?

9 A. In the actual notification. I was obviously aware that
10 the error and the wording of the error was similar, but 14:32
11 the actual detail of the name not being part of that, I
12 couldn't say definitively that I'd seen that, that it
13 wasn't there.

14 101 Q. Well, you understand what --

15 A. I do understand your point, yes. 14:32

16 102 Q. One of the problems here is that there are a catalogue
17 of errors that are occurring and people talking at
18 cross-purposes --

19 A. Mm-hmm.

20 103 Q. -- and this is perhaps an example of it, and I'm not 14:33
21 attempting in any way to lay the blame for this at your
22 doorstep, do you understand?

23 A. Yes.

24 104 Q. But I am merely pointing out that, despite the fact
25 that you were in communication with other stockholders 14:33
26 in this, namely the chief superintendent, and also
27 Eileen Argue --

28 A. Mm-hmm.

29 105 Q. -- that nobody has actually pointed out to you, no,

1 you're working under the misapprehension --

2 A. Mm-hmm.

3 106 Q. -- because you have actually sent an amended report,
4 but the amended report that you have sent is Laura
5 Brophy's amended report -- 14:33

6 A. Mm-hmm.

7 107 Q. -- which at all times was really for Tusla's eyes only,
8 isn't that right?

9 A. That's correct, yes.

10 108 Q. But in any event, I think then you had a phone call 14:33
11 from Inspector Pat O'Connell, is that right?

12 A. That's correct, yes.

13 109 Q. And this was on the 24th June of 2014. You made a note
14 of the conversation that you had with Inspector
15 O'Connell and it's at page 884. Okay. If you wouldn't 14:34
16 mind reading down through that and recount your
17 conversation that you had with Inspector O'Connell.

18 A. Okay.

19 *"Telephone call from Pat O'Connell, Sergeant..."*

20 So I wasn't aware of his actual job title, so I had 14:34
21 written "sergeant".

22 *"... at Monaghan Garda Station."*

23 Obviously that is incorrect at this point.

24 *"Regarding correspondence re administration error*
25 *relating to Ms. D.* 14:34

26 *Sergeant O'Connell phoning on behalf of the chief*
27 *superintendent at Monaghan and the request for*
28 *returning of incorrect file. Pat O'Connell seeking*
29 *clarification regarding the admin error. He sought to*

1 *establish how the error came about. Was it a*
2 *typographical error - cut and paste? I stated that*
3 *yes, the error was" --*

4 110 Q. Sorry, could we just stop there.

5 A. Yes. 14:35

6 111 Q. Was he the first person to introduce the suggestion
7 that perhaps this might have been a typographical
8 error?

9 A. That's my memory, yes.

10 112 Q. Is that your memory? 14:35

11 A. That is my memory, yes.

12 113 Q. And was it he who referred to the possibility of it
13 being a cut-and-paste?

14 A. From my memory, yes.

15 114 Q. Yeah. Just carry on, please. 14:35

16 A. "*I stated that yes, the error was typographical,*
17 *related to cut and pasting of another report. Sergeant*
18 *O'Connell stated that the previous report was sent to*
19 *the Commissioner in Sligo and that they need to clarify*
20 *the nature of the error before any report could be* 14:35
21 *returned or destroyed, given the nature of the report.*
22 *He also clarified if this was the same allegation as*
23 *previously reported. I clarified that it was the first*
24 *report received by our service but seems to relate to a*
25 *previous report made to Gardaí. Sergeant O'Connell* 14:36
26 *will pass the information on to the chief*
27 *superintendent and revert if further clarification is*
28 *required."*

29 And then I sign the note -- the record.

1 115 Q. Sergeant O'Connell, and you're correct, he was a
2 sergeant at the time, he had just been promoted --
3 A. Right, okay.
4 116 Q. -- but hadn't officially been promoted to inspector,
5 and in the following days he was, in fact, promoted to 14:36
6 inspector. You respond to the request whether it was a
7 typographical error related to cut and paste by saying
8 that you thought it was?
9 A. Yes.
10 117 Q. But in any actual fact, it's not a cut-and-paste error 14:36
11 at all, isn't that right?
12 A. That's correct, yeah. I was using the words that he
13 used. Probably, it was just an easy way to explain it,
14 but actually it wasn't accurate.
15 118 Q. And I think that there was clarification then from the 14:36
16 inspector or the sergeant, as he then was, because he
17 refers to the commissioner in Sligo, isn't that right?
18 A. That's correct, yes.
19 119 Q. Which would indicate that it was, in fact, an assistant
20 commissioner. He appears to be concerned at that stage 14:37
21 to know exactly the circumstances in which this error
22 arose, isn't that right?
23 A. Yes, it would seem so, yeah.
24 120 Q. And would it be fair to state that from your dealings
25 with the Gardaí that that seems to have been a primary 14:37
26 concern; namely, how it was that this error occurred,
27 is that right?
28 A. Yes, that would certainly be my memory of it.
29 121 Q. Just in relation to that, at this time Sergeant McCabe

1 was well known in the media. were you aware of that?

2 A. I would have been aware from hearing things on the
3 radio or television, articles in the newspapers.

4 122 Q. And did you link what you had heard in the radio or on
5 television, did you link that to this particular case? 14:38

6 A. In which sense do you mean?

7 123 Q. Well, in the sense that it was the same
8 Sergeant McCabe?

9 A. Was I aware that it was the same person?

10 124 Q. Yes. 14:38

11 A. Yes, I did have that knowledge.

12 125 Q. You had that knowledge?

13 A. I had made that connection, yes.

14 126 Q. Because in 2013, in July, we have a note that you made
15 arising out of a conversation with Laura Brophy -- 14:38

16 A. Laura Brophy.

17 127 Q. -- where it refers to the garda being a whistleblower,
18 isn't that right?

19 A. That's correct, yes.

20 128 Q. And in any way did the fact that Sergeant McCabe was
21 known, and well known, in the media at that time, 14:39
22 colour your view of what had happened?

23 A. Do you mean with the counsellor, or what sense do you
24 mean?

25 129 Q. Well, were you suspicious that maybe something was
26 amiss here? That it's a little bit of a coincidence 14:39
27 that these errors have arisen at this particular moment
28 in time when he is in the public gaze?

29 A. If you're meaning was I concerned that the counsellor

1 had made the error --

2 130 Q. well, I suppose, in the first instance, I suppose you
3 dismiss that, knowing Laura Brophy, and we have seen
4 her giving evidence?

5 A. Yeah, I absolutely wouldn't -- I wouldn't have had any 14:39
6 concern that there was any intention on her behalf in
7 relation to the error, no.

8 131 Q. when you were dealing with -- were you aware of the
9 fact that, at that stage, that Sergeant McCabe would
10 have had contact, through his job as sergeant in charge 14:40
11 and investigating criminal offences involving sexual
12 assaults, that he would have had contact with Tusla?

13 A. I wasn't aware that he had contact.

14 132 Q. You weren't aware of that at the time?

15 A. No, I wasn't aware of that. We were a separate 14:40
16 service. I wouldn't have been involved in those
17 meetings or had any awareness of them.

18 133 Q. Did anybody discuss that with you at the time? Did
19 anybody say, look, you'd better be very careful here
20 and deal with this properly because this is 14:40
21 Sergeant McCabe, he's in the media, this could come
22 back to haunt us at some future juncture if we don't
23 deal with this error correctly?

24 A. No, nobody would have said that to me.

25 134 Q. And did you get any sense when you were dealing with 14:40
26 Sergeant O'Connell, as he then was, or any of the other
27 Gardaí or through Laura Brophy in her contact with the
28 Gardaí, that they were focused on this issue because of
29 Sergeant McCabe, it was Sergeant McCabe?

1 A. Em, I need to just take a minute to try and remember
2 back to the conversations.

3 135 Q. Yeah.

4 A. But I honestly can't say that I had that sense. To be
5 honest, I don't have a memory of that. I remember they 14:41
6 certainly wanted to follow it up and get clarification,
7 and certainly there seemed to be an anxiety to clarify
8 how the error had occurred and also whether it was
9 another allegation. That certainly was something that
10 wanted to be clarified. But I couldn't say that I had 14:41
11 a sense of them, of any other intention behind it. I
12 didn't have that sense, from my memory.

13 136 Q. Well, I suppose what had happened, a false report and
14 Garda notification, it had the potential, I am sure you
15 can readily see -- 14:42

16 A. Mm-hmm, absolutely.

17 137 Q. -- to perhaps open up an old wound, if I can put it
18 that way.

19 A. Yes.

20 138 Q. Do you understand what I am saying? 14:42

21 A. Yes, I do, absolutely.

22 139 Q. Did you get any sense when you were dealing with the
23 Gardaí that they were seizing on this opportunity to
24 open an old wound, or were they focused, as far as you
25 could see, on trying to ascertain that this, in fact, 14:42
26 was something that had been previously dealt with and
27 disposed of?

28 A. From my dealings with them, it seemed to be more in
29 relation to whether this related to a new report or

1 not; you know, that they wanted to clarify to make sure
2 was it relating to the previous report or not and how
3 it had come about. That's what I can remember.

4 140 Q. Okay. So you didn't get -- or form an impression --
5 A. I didn't. 14:42

6 141 Q. -- that improper use at that time was being made of the
7 material -- or this new allegation, certainly on the
8 basis of what you --
9 A. On the basis of the interactions that I had, no.

10 142 Q. Yeah. 14:43
11 A. No.

12 143 Q. If we could just have a look at a document. There's a
13 document that's at page 885. This is a little bit out
14 of context that I'm showing to you, the timeframe that
15 we are dealing with, but this was a document that was 14:43
16 produced to you by the investigators. Do you see that?
17 A. Yes, I do.

18 144 Q. And there appears to be two stamps on it?
19 A. Yes.

20 145 Q. The top stamp is "*Rian Counselling Service, 1st July* 14:44
21 *2014, HSE*". Now, there's a signature there; is that
22 yours?
23 A. That's my signature, and underneath you will see DOC,
24 Director of Counselling.

25 146 Q. And that was on the document as it was produced to you? 14:44
26 A. Yes.

27 147 Q. So it was there in 2014?
28 A. That's right. That's the document that was returned
29 from Tusla social work department. It would have been

1 date-stamped there as we received it back to the office
2 on the 1st of July.

3 148 Q. You had received the original back, isn't that right?
4 A. That's correct, yes.

5 149 Q. And then the stamp at the bottom, can you tell us 14:44
6 anything about that?
7 A. The stamp at the bottom, it's hard to see it on this
8 copy. In reality, it's a light blue stamp. It says
9 "Cavan Social Work Department", I think, and it's
10 marked, I think, the 12th of August. You can't 14:44
11 actually make that out. On the original copy it would
12 have said 12th August 2013, because that was obviously
13 when they had received it. And I think it says "Cavan
14 Social Work" at the top. I can't remember what is on
15 the bottom. And it is a light blue stamp. 14:45

16 150 Q. Now, subsequently did you have a further -- you got
17 further communication with Sergeant O'Connell, isn't
18 that right?
19 A. That's correct, yes.

20 151 Q. And this is at page 888. And it's on the 21st July 14:45
21 2014.
22 A. Yes. This is an email from Pat O'Connell, who was --
23 he contacted me by e-mail and asked me to phone him in
24 relation to Ms. D.

25 152 Q. You had previously written again to Chief 14:46
26 Superintendent Sheridan, isn't that right?
27 A. That's correct. Following my earlier conversation with
28 Pat O'Connell, I would have written a letter just
29 following on the conversation.

1 153 Q. This is at page 887. And again it's marked "*Private*
2 *and Confidential*" and it's to the Chief Superintendent
3 Sheridan. Would you just read out the contents of that
4 letter that you sent at that time.

5 A. Sure. 14:46

6 *"Dear Chief Superintendent Sheridan,*
7 *Further to my recent telephone contact with Detective*
8 *Sergeant Pat O'Connell of your office seeking further*
9 *clarification regarding the administrative error*
10 *relating to a report of retrospective abuse made by the* 14:47
11 *above, I wish to clarify that the administrative error*
12 *occurred as a result of a typographical mistake made by*
13 *the counsellor/therapist who compiled the report. The*
14 *error occurred when the information from a report*
15 *template was cut and pasted into another template. I* 14:47
16 *wish to confirm that the inaccurate information which*
17 *was contained in the report originally sent does not*
18 *relate to the above-named in any way. Further, please*
19 *note that the error occurred in one section of the*
20 *report only as previously notified. All other* 14:47
21 *information contained in the report is accurate. I*
22 *trust this information helps to clarify the position*
23 *regarding this correspondence. I look forward to*
24 *hearing from you in relation to my previous*
25 *correspondence request for the return of the original* 14:47
26 *report which contains inaccurate information not*
27 *relevant to the allegations made by Ms. D."*

28 154 Q. I think arising out of that letter that you sent to the
29 chief superintendent, you received the phone call

1 from -- or the e-mail from Sergeant Pat O'Connell, is
2 that right?

3 A. Yes, certainly the phone call -- or the e-mail
4 requesting I contact him, came after that.

5 155 Q. And did you contact him? 14:48

6 A. I did. I phoned him back. I think there's a record of
7 that.

8 156 Q. This is at page 890, please.

9 A. I think I phoned him back on the same day. Do you want
10 me to read that? 14:48

11 157 Q. Well, first of all in terms of the date, in terms of
12 the actual date on this which telephone conversation
13 took place, Inspector O'Connell, as he now is, has
14 provided a statement to the Tribunal and he believes
15 that this is, in fact, on a later date. Are you sure 14:48
16 of the date that this conversation took place?

17 A. Can I just clarify if this is the date that's at query
18 or is it a different date?

19 **UNKNOWN SPEAKER:** It's a different date.

20 A. The note from the 24th of June, I think that is the 14:49
21 date that has been queried.

22 158 Q. **MR. MARRINAN:** Sorry, if you can just deal, first of
23 all --

24 A. So this was -- I have this noted as 21st July 2014.

25 159 Q. Yeah. 14:49

26 A. And certainly, from my understanding, this would have
27 taken place on the 21st July 2014.

28 160 Q. Yes, yes. Now, if you just go on then and read out the
29 letter.

1 A. Yeah. So it's "E-mail to contact Patrick O'Connell,
2 phone call to Patrick O'Connell. Spoke with Pat.
3 Chief asked to phone regarding original referral. Any
4 action being followed up."
5 If you can move it up a little bit. Thank you. 14:50
6 "Any subsequent action from the HSE, for example
7 strategy meetings with Gardaí. I informed Inspector
8 Pat O'Connell that any such action would be the remit
9 of the social work department. We would not be
10 involved in this follow-up. I agreed to obtain contact 14:50
11 details for social work and to pass them on to
12 Inspector O'Connell."
13 161 Q. And at that time the Gardaí seem concerned as to
14 whether or not there would be a follow-up arising out
15 of this allegation -- 14:50
16 A. Yeah, it would seem so.
17 162 Q. -- that had come forward in 2013, isn't that right?
18 A. That's correct, yes.
19 163 Q. And you indicated that you had no role or function and
20 your department hadn't, and that was a matter for 14:50
21 Tusla, is that right?
22 A. That's correct, yes.
23 164 Q. I think that you then sent an e-mail arising out of
24 that - it's at page 891 - to Laura Brophy, looking for
25 the contact for the social work department, who were 14:51
26 dealing with Ms. D, isn't that right?
27 A. That's correct, yes, so that I could pass them on.
28 165 Q. And you refer to the chief inspector's office and their
29 contact with you, as you thought it was at that stage.

1 And then at page 893 of the materials I think that you
2 received a response from her?

3 A. That's correct, yeah. She provided the details for
4 Eileen Argue and her location and contact numbers.

5 166 Q. And that's clearly set out in that e-mail. And then I 14:51
6 think at page 894, please, on the 28th July 2014, you
7 send those details --

8 A. That's right.

9 167 Q. -- to Pat O'Connell. And you say:
10 *"Dear Pat,* 14:52
11 *Further to our telephone conversation regarding your*
12 *query as to what, if any, action has been taken by the*
13 *HSE in relation to the Ms. D case. As I mentioned, the*
14 *National Counselling Service made a report of*
15 *retrospective abuse to Tusla social work department.* 14:52
16 *It is the role of the social work department to assess*
17 *what, if any, risk arises from the allegations made.*
18 *As such, the Social Work Department (see contact*
19 *details below) are best placed to advise you on what*
20 *action has been taken to date regarding this report.* 14:52
21 *If you require any additional information, don't*
22 *hesitate to contact me."*

23 And I think you signed off on that. And the contact
24 details that you gave at that time was for Eileen
25 Argue, who is the team leader, Tusla Child and Family 14:52
26 Services, isn't that right?

27 A. That's correct, yes.

28 168 Q. Did you see receive back the original report?

29 A. From the Social Work Department?

1 169 Q. Yes.

2 A. That is dated the 1st July 2014, we received it back.

3 170 Q. Now, that concludes your dealings at this time with
4 this matter, isn't that right?

5 A. That's correct, yes. 14:53

6 171 Q. And as far as you were concerned, the matter had been
7 resolved and the error had been rectified, is that
8 right?

9 A. Well, as far as I understood, yes, the correct
10 information had been provided, yes. 14:53

11 172 Q. And I am sure you thought that that was the end of the
12 matter, isn't that so?

13 A. Yes.

14 173 Q. I think that when this matter came back, as it did
15 years later, and particularly in January/February of 14:54
16 this year when it came into the public gaze, you
17 immediately, internally, advised your superiors of the
18 difficulty that arose and that Laura Brophy had
19 incorrectly inserted Ms. Y's details --

20 A. Mm-hmm. 14:54

21 174 Q. -- and you explained that you had looked into it and
22 that you thought that you had rectified the problem
23 back in 2014?

24 A. Yes.

25 175 Q. Isn't that right? 14:54

26 A. Yes.

27 176 Q. And there was no suggestion at any stage that there was
28 any attempt by you or by Laura Brophy or by any anybody
29 in your department to cover this matter up, isn't that

1 right?

2 A. Absolutely not, no.

3 177 Q. Now, I think on the 8th June 2017 you met with Karl
4 Ryan and Joanna Donohue, who are the investigators for
5 the Tribunal, at the offices of Byrne Wallace 14:55
6 Solicitors, for the purpose of conducting an inspection
7 of a Rian counselling file in relation to Ms. Y, isn't
8 that right?

9 A. That's correct.

10 178 Q. I think that you produced the original Ms. Y file to 14:55
11 the investigators for their inspection, is that right?

12 A. That's correct.

13 179 Q. And I think that you verified a number of documents
14 that were on that file?

15 A. That's correct, yes. 14:55

16 180 Q. I think the file was hard copy and it had the name
17 "*Rian National Counselling Service*" on the outside of
18 the cover?

19 A. Yes.

20 181 Q. And there were a number of documents that were 14:55
21 contained in that file, isn't that right?

22 A. That's correct, there were.

23 182 Q. I think they related to counselling notes, isn't that
24 so?

25 A. Yes. 14:56

26 183 Q. And all the material that one would expect to find on a
27 normal file in Rian, is that so?

28 A. That's correct, yeah.

29 184 Q. I think that it indicates an initial appointment for

1 Ms. Y in early May of 2013 and it identifies the name
2 of the counsellor as being that of Laura Brophy, isn't
3 that right?

4 A. Yes.

5 185 Q. And I think it indicates the last recorded entry on the 14:56
6 file as being early August 2014, isn't that so?

7 A. That's correct.

8 186 Q. I think that -- and I don't intend to bring you through
9 all the documents that were produced.

10 A. Mm-hmm. 14:56

11 187 Q. I don't think that any issue arises out of it. But you
12 produced all the documents to the investigators for
13 their inspection, isn't that right?

14 A. That's correct, yes.

15 188 Q. But, in particular, there was one document which was on 14:57
16 the file, and that was in relation to the retrospective
17 disclosure of abuse form in relation to Ms. Y which had
18 been sent to the duty team leader of the Social work
19 Department, HSE, is that right?

20 A. That's correct. 14:57

21 189 Q. I think that you identified that document as being
22 Document L, and it was a three-page document, isn't
23 that right?

24 A. That's correct.

25 190 Q. I think it's in similar form to the document that we 14:57
26 have seen produced to Laura Brophy, isn't that right?

27 A. That's correct. It would have been the same form,
28 retrospective form format in terms of the sections that
29 would have been completed in relation to Ms. D, yes.

1 191 Q. I think on the right-hand side at the bottom the
2 document has a footer that reads "*Draft 1, May 3rd*
3 *2011*", isn't that right?

4 A. That's correct.

5 192 Q. I think that that refers to the version of the form 14:58
6 that was in use at that time, and we see the same
7 reference or footer in the document that was sent by
8 Laura Brophy to Rian --

9 A. That's correct.

10 193 Q. -- isn't that right? To Tulsa, sorry. I think that 14:58
11 under the section "*Description of Abuse*" on the first
12 page of Ms. Y's retrospective report form, you can
13 confirm that there are only three sentences there --

14 A. Mm-hmm.

15 194 Q. -- recorded in that section, isn't that right? 14:58

16 A. That is correct.

17 195 Q. I think that those are the same three sentences that
18 are recorded in the erroneous report in relation to
19 Ms. D that Laura Brophy had sent to Tulsa, isn't that
20 so? 14:59

21 A. That's correct, yes.

22 196 Q. I think you can also confirm, looking even more closely
23 into the file with the investigators, that the material
24 that is recorded on Ms. Y's retrospective report in the
25 section titled "*Description of Abuse*" is reflected in 14:59
26 the handwritten notes that were taken from her by Laura
27 Brophy, isn't that right?

28 A. Yes.

29 197 Q. Now, just finally in relation to your evidence, can you

1 advise the Chairman as to what, if any, steps have been
2 taken arising out of the disclosure of the errors that
3 are apparent in Rian?

4 A. So I suppose immediate steps were taken with Laura in
5 relation to reviewing her practice, and that would have 15:00
6 been the first focus. So that would have involved
7 going through the procedure she followed, both with
8 clients and in terms of how she recorded reports and
9 changing the way in which she subsequently made records
10 on her computer, so as to avoid this type of error 15:00
11 happening again. There would also have been changes in
12 terms of the practice at a wider team level in terms of
13 ensuring that all reports that were being completed
14 were reviewed by clients for content so that accuracy
15 could be ensured. I think they were the main two 15:00
16 things that arose specifically in relation to this
17 immediately afterwards.

18 198 Q. There's just one matter. In July 2013 you have
19 supervision notes in relation to discussions with Laura
20 Brophy, isn't that right? 15:01

21 A. That's correct, yes.

22 199 Q. And it's apparent from those that Laura Brophy
23 discussed the nature of the abuse that was being
24 alleged by Ms. D during the course of counselling,
25 isn't that right? 15:01

26 A. Yes.

27 200 Q. That does not involve any suggestion of penetrative
28 abuse, isn't that so?

29 A. No, nowhere on the notes is there any reference to

1 that.

2 201 Q. So it was clear from the discussions that you had at
3 that time with Laura Brophy in your supervisory
4 capacity that this was not a case of digital abuse,
5 isn't that right? 15:01

6 A. That's correct, yes.

7 202 Q. Before Laura Brophy -- or at the same time that Laura
8 Brophy sent off the incorrect retrospective abuse form
9 to Tusla, you were given a copy of that, isn't that
10 right? 15:02

11 A. I wouldn't have been given it before it was sent. The
12 practice would have been that I would receive a copy.

13 203 Q. All right.

14 A. So that would usually be put in my tray in the office,
15 generally in an envelope or provided to me at a 15:02
16 meeting, so I would have received it generally after
17 it.

18 204 Q. What is the purpose of giving you a copy?

19 A. The purpose is, I keep them in a file and at the end of
20 the year I enter them onto the Excel spreadsheet for 15:02
21 statistical purposes so that we have a record of how
22 many reports are made during the year.

23 205 Q. You see, I suppose a suggestion could be made that if
24 you had examined it and you had read under the
25 paragraph "*Description of Abuse*", you would have 15:02
26 noticed, first of all, that there was an incorrect name
27 and, second of all, the description of abuse was
28 incorrect?

29 A. Yes, I accept that.

1 206 Q. Was it your practice at all or was there any
2 requirement on you at all to read the documentation
3 that was given to you?
4 A. The practice would be that the nature of the child
5 protection referrals that were being made would be 15:03
6 discussed in supervision or over the phone, in between
7 supervision if it was urgent. I suppose the
8 requirement on us is generally to submit referrals
9 without delay, and as I generally only meet staff once
10 per month, that could mean, for example, a month's 15:03
11 delay before a report would be submitted, if I was to
12 have sight of reports. So the practice is that they
13 are submitted without me seeing them prior to them
14 being sent.

15 207 Q. So you're saying that there was -- you had no function 15:03
16 in relation to reviewing the file, is that right?
17 A. In reviewing the reports, that's correct, yes.

18 208 Q. Reviewing the report?
19 A. Yes.

20 209 Q. But one of the functions is, and we referred to it 15:04
21 because we had page 827 brought up on the screen, but
22 one of the functions was to actually put the details in
23 the spreadsheet, is that correct?
24 A. That's correct, yes.

25 210 Q. In terms of ensuring, and I think you dealt with this 15:04
26 yesterday but just we will repeat it again, but one of
27 the procedures that is now in place is that before a
28 file is sent by a counsellor from Rian to Tusla, that
29 they go over it with the client to check and verify the

1 information contained in the notification that is sent
2 to Tulsa?

3 A. That's correct. The client would read through the
4 report that is going to be submitted.

5 211 Q. Is there anything else you would like to add? 15:05

6 A. No, I think that's it. Just in relation to the Excel
7 spreadsheet, I suppose just to say that the information
8 would come not from every section on the report form.
9 So, for example, I would just record the general nature
10 of the abuse that's reported, not the actual detail. 15:05
11 So in terms of not picking up the error, you know,
12 because obviously I have thought about as well why I
13 didn't notice it --

14 212 Q. Yes.

15 A. -- even at the time that I reviewed it at the end of 15:05
16 the year. But would I have been entering all of the
17 reports, there were 37 in total, so I would have been
18 doing it probably under time pressure. But also, I
19 wouldn't have read that section, "*Description of*
20 *Abuse*". I would have read the section "*Nature of the* 15:05
21 *Report*", which was sexual abuse, and just recorded
22 that. So just to explain, perhaps, why I might not
23 have noticed that when I was entering the information
24 on the Excel spreadsheet.

25 213 Q. Are there any other matters that you would like to 15:05
26 clarify?

27 A. No, I think that is it. Thank you.

28 **MR. MARRINAN:** Okay. Thank you. would you answer any
29 questions.

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MS. FIONA WARD WAS CROSS-EXAMINED BY MR. MCDOWELL:

214 Q. MR. MCDOWELL: Ms. Ward, Michael McDowell is my name, and I am one of the barristers representing Sergeant McCabe here. Can I bring you to the guidelines documents, which is at page 801. I think you have already commented on it, isn't that right? As I understand it, we have been furnished with what is referred to as the final draft, and it is dated December 2012.

A. Yes.

215 Q. So is it fair to take it that this draft, or this document and these guidelines, were almost brand new in July of 2013?

A. I think, yes, they'd only been in place since the end of December -- or, sorry, since December 2012 and circulated probably in January 2013.

216 Q. So it isn't as if these are guidelines which were once historically there, but everybody had a *de facto* different situation that emerged in the meantime?

A. Yes.

217 Q. And in that context, your role as director of counselling had very specific responsibilities, did it not?

A. Yes.

218 Q. And if I could just bring you to paragraph 5.2.5, it says:
"The director of counselling should be involved in all

1 *decisions regarding reports and the director of*
2 *counselling will take responsibility to maintain a*
3 *central record of all such reports."*
4 Do you agree with that proposition?
5 A. Yes. 15:08
6 219 Q. That those were your responsibilities at the time, were
7 they not?
8 A. Yes, absolutely.
9 220 Q. So that where a counsellor/therapist had interviewed a
10 prospective client with a view to providing a service 15:08
11 at some stage in the future, you were at that time,
12 under these freshly implemented guidelines, the person
13 who was to be involved in all decisions relating to any
14 such reports?
15 A. Yes. 15:08
16 221 Q. And you were to take responsibility to maintain a
17 central record of those reports?
18 A. Yes.
19 222 Q. In other words, they had to be given to you, isn't that
20 right? 15:08
21 A. Yes, that's correct.
22 223 Q. And you were effectively the archive and central point
23 at which all the counsellors work; it was onto your
24 desk that they came, isn't that right?
25 A. Yes. 15:09
26 224 Q. So when you say that a copy arriving on your desk, if
27 you were to read it, could entail a delay of a month, I
28 don't quite follow that; could you elaborate on that?
29 A. What I would mean is that the nature of the child

1 protection concern and maybe the actions that might be
2 taken in relation to any particular client would be
3 discussed in supervision. The completion of the report
4 would happen by the counsellor with the client in the
5 session and the report would be sent then generally 15:09
6 following that contact with the client, but I am based
7 in a number of different offices and I see the
8 counsellors once per month for supervision so they
9 wouldn't necessarily get to meet me face-to-face in
10 between the times that I would meet them for 15:10
11 supervision.

12 225 Q. I appreciate that. But, I mean, clearly from that
13 procedure that all reports were to go to you, it seems
14 to follow that it was the duty of every counsellor who
15 prepared a report to ensure that it went to you? 15:10

16 A. That's correct. And they would make sure that I
17 received a copy.

18 226 Q. Yes. And was there any reason why there should be a
19 delay, an interval between sending it, say, for
20 instance, to the social workers in the HSE in Cavan and 15:10
21 sending it to you? why should there be a delay?

22 A. Well, I would receive them at the same time but I
23 wouldn't receive the report prior to it being sent for
24 review, that is what I would mean, yes.

25 227 Q. No, that's the point. 15:10

26 A. Sorry.

27 228 Q. So you would receive them simultaneously?

28 A. Yes, I would receive them at the time that they were
29 sent or a few days later.

1 229 Q. I see. So the procedure would be that somebody like in
2 Ms. Brophy's situation would send one copy to you?
3 A. Yes.

4 230 Q. And one copy to the service to whom she was required
5 under the guidelines to furnish it, isn't that right? 15:11
6 A. Yes.

7 231 Q. So it is a contemporary matter that these two reports
8 went to the HSE in Cavan and they went to your desk,
9 because you were the person who was to compile them
10 all, isn't that right? 15:11
11 A. Yes.

12 232 Q. And to have custody of them all?
13 A. That's correct.

14 233 Q. So can we take it then that it would be a fair
15 description to say that simultaneously with sending the 15:11
16 report to the child services in Cavan, that Ms. Brophy,
17 in all probability, simultaneously sent that to you as
18 well?
19 A. Yes.

20 234 Q. Now, could I bring you to "*Reporting Procedures*", which 15:12
21 is on page 806. This is "*Procedure for Managing Child*
22 "*Protection Reports*". I take it this was specially
23 directed to you and to people in your position, is that
24 right?
25 A. Yes. 15:12

26 235 Q. And at paragraph 611, it is stated:
27 "*Regular team meetings should be scheduled to discuss*
28 "*cases where child protection reporting issues arise, to*
29 "*agree actions.*"

1 were such regular team meetings held in 2013 and, in
2 particular, was this issue discussed at any regular
3 team meeting?

4 A. Do you mean the Ms. D case?

5 236 Q. Yeah. 15:13

6 A. As far as I'm aware, the Ms. D case wasn't discussed at
7 any particular team meeting, but we would have had
8 regular clinical meetings where some cases were
9 discussed.

10 237 Q. I see. Could I then bring you to the next paragraph: 15:13
11 *"Contact should be made with the local duty social work*
12 *team leader/principal social worker regarding every*
13 *referral with child protection concerns to clarify*
14 *procedures and appropriateness of the referral."*
15 was that followed? 15:13

16 A. Yes. That's in relation to the counsellor/therapist
17 making contact with the Social Work Department
18 regarding referrals, yes.

19 238 Q. In relation to the appropriateness of the referral?

20 A. Yes. 15:13

21 239 Q. You understand that Laura Brophy did that, is that
22 right?

23 A. Yes.

24 240 Q. *"Reports regarding retrospective abuse should be made*
25 *using the template form, which is Appendix 4."* 15:14
26 Is that right?

27 A. Yes.

28 241 Q. *"The child protection notification form should be used*
29 *where there is an identifiable child at risk."*

1 A. Yes.

2 242 Q. In this case, did that situation kick in?

3 A. No, that didn't arise.

4 243 Q. I see.

5 *"Reports should be made to the principal social worker 15:14*

6 *or the local duty team leader as per local*

7 *arrangements."*

8 And that was done on this occasion, wasn't it?

9 A. Yes.

10 244 Q. And then: 15:14

11 *"If a client doesn't consent to the making of a*

12 *retrospective report, the National Counselling Service*

13 *will make the report with the service contact details*

14 *only."*

15 That wasn't relevant here -- 15:14

16 A. That wasn't relevant here.

17 245 Q. -- on the account.

18 A. Yes.

19 246 Q. And then at 617:

20 *"Directors of counselling and/or a designated 15:14*

21 *counsellor/therapist should liaise with the local*

22 *principal social worker regarding reports and reporting*

23 *procedures as required."*

24 Did you liaise in that way?

25 A. Yes, with some departments in relation to 15:15

26 Cavan-Monaghan. From my memory, it was the two

27 counsellors working in Cavan-Monaghan who liaised with

28 the Cavan-Monaghan department.

29 247 Q. I see. And 619:

1 *"Counsellor/therapist should inform the director of*
2 *service of any child protection notifications and of*
3 *any subsequent developments in relation to*
4 *notifications received."*

5 A. Yes. 15:15

6 248 Q. Then, at 610, you had a personal responsibility to
7 establish a central database, is that right?

8 A. That's correct, yes.

9 249 Q. In this case, Ms. Ward, if we could go to the special
10 arrangements for retrospective abuse, they are set out 15:15
11 at the bottom of that page, 806, and at the top of page
12 807. Again, there's a requirement that *"A formal*
13 *record should be kept of team clinical meetings with*
14 *details of clients discussed and issues and a record of*
15 *the action arising in respect of each case."* 15:16

16 That didn't happen, as you have already indicated,
17 here, did it?

18 A. In relation to the meetings with --

19 250 Q. Ms. D --

20 A. Ms. D, no, there wasn't any. 15:16

21 251 Q. Then the next paragraph says:
22 *"A monthly or bimonthly meeting consultation, as*
23 *appropriate, should be established with the duty team*
24 *leader or principal social worker of his designated*
25 *social work service for the area."* 15:16

26 Did you ever implement that?

27 A. We began with implementing it probably around
28 2012/2013. However, those meetings didn't continue on
29 a regular basis, to do with a number of factors: some

1 of it was pressure of work, some of it was to do with
2 the actual number of cases that we were reporting
3 didn't require bimonthly meetings, and what has evolved
4 in practice is consultation regarding each case on a
5 case-by-case basis as required, with irregular meetings 15:17
6 with the team leader or principal social worker
7 regarding processes. So they happen probably about
8 once a year as opposed to a monthly basis. So the
9 consultation happens on an individual case basis.

10 252 Q. So are we to take it that there were 37 referrals per 15:17
11 annum at the particular time, is that right?

12 A. That's correct. With seven of those to the Cavan
13 Social work Department.

14 253 Q. Yes. And seven of those? How many of those to the
15 Cavan social work? 15:17

16 A. Cavan-Monaghan, seven to that area.

17 254 Q. So there were seven referrals. There wasn't a huge
18 workload then at the time in relation to your dealings
19 with Cavan, is that right?

20 A. That's correct, yes, in terms of the number of reports 15:18
21 made.

22 255 Q. *"And the purpose of this consultation meeting was to
23 bring all new cases where there is a lack of clarity as
24 to what, if any, action under Children First is
25 required."* 15:18

26 Were you of the view that it was very clear in this
27 case what was to be done?

28 A. I was clear from the information that had been provided
29 to me that we needed to clarify if a report had

1 previously been received by Tusla in relation to the
2 case and, if it had not, that we would need to forward
3 on the information, if the identifying information was
4 provided.

5 256 Q. You heard the evidence that Laura Brophy gave 15:18
6 yesterday, and her evidence is, I don't want to unduly
7 paraphrase it or condense it, but it seems to me that
8 the gist of what she was saying was that if she knew
9 that the complaints that Ms. D had made had been both
10 sent to the Gardaí and also sent at the time to the HSE 15:19
11 in Cavan, that she wouldn't have taken any steps and
12 she would have made no notification?

13 A. That's correct, yes.

14 257 Q. And would that have been correct under Children First?
15 A. Yes, and that would have been, that would be our 15:19
16 practice still.

17 258 Q. I see.
18 A. Yeah.

19 259 Q. So it was fairly crucial to establish beyond yea or
20 nay, was it not -- well, self-evidently the guards knew 15:19
21 about this, isn't that right?

22 A. From my understanding now, yes, yeah, yeah.

23 260 Q. There was no doubt that the guards --
24 A. Oh, sorry, in relation to a case having been previously
25 brought? 15:19

26 261 Q. Yes.
27 A. Yes, absolutely.

28 262 Q. So the only issue as to whether this report should be
29 made to the local social work section was, the only

1 outstanding issue was whether they had any dealings
2 with Ms. D at the time?

3 A. whether they had a record of the report previously
4 being made, yes.

5 263 Q. And if the answer to that was that they had, this 15:20
6 report and the erroneous paragraph would never have
7 been sent anywhere, if indeed it was ever made up, it
8 would never have been generated, is that right?

9 A. That's correct. A report would not have been
10 generated. 15:20

11 264 Q. And if there had been liaison between the service in
12 respect of which you were in charge and the local
13 social work service, as laid down in that paragraph at
14 the top of page 807, it would have become apparent in a
15 very short timeframe if the matter had been discussed 15:20
16 face-to-face that they already had full details of
17 Ms. D's complaint, isn't that right?

18 A. It is possible that it would have, yes.

19 265 Q. Well, it certainly would have happened, surely. They
20 would hardly have sat around a table and failed to 15:21
21 inform you that the whole matter had been extensively
22 dealt with at the time, isn't that right?

23 A. It would seem so.

24 266 Q. And secondly, if there had been any face-to-face
25 conversation with anybody involved, as this paragraph 15:21
26 requires to be done, the issue as to whether the
27 accusation of digital, anal and vaginal penetration was
28 new or was an error or was made in respect of a
29 different person in its entirety, would have

1 immediately become apparent to anybody who had
2 participated in that process?

3 A. Yes.

4 267 Q. Isn't that so?

5 A. Yes. 15:22

6 268 Q. So that I think we can say for a certainty that if
7 there had been any sensible interaction between your
8 service and the social work services in the HSE in
9 Cavan in relation to this file -- or this report that
10 was sent to them, the magnitude of the error and the 15:22
11 fact of the error, the wrong name being put in the
12 form, the fact that no such accusation had been made by
13 Ms. D and that Sergeant McCabe, nobody was suggesting
14 that any of this had before been perpetrated by
15 Sergeant McCabe, all of that would have become apparent 15:22
16 within weeks; isn't that right?

17 A. I think you could say that, yes.

18 269 Q. But instead, because these guidelines were completely
19 ignored and allowed to fall into disuse within months
20 of their being promulgated, instead, Ms. Brophy's 15:23
21 report took on a life of its own and landed in the
22 social work section in Cavan, with nobody interacting
23 with the people who would have identified the error and
24 stopped -- stopped it taking on a life of its own; that
25 is a fair description of it, isn't it? 15:23

26 A. Well, I think it perhaps doesn't highlight the fact,
27 you know, as we are aware, Laura Brophy did make
28 contact with social work services directly and enquired
29 of them if a report had been received, so from that

1 point of view we were following up to check if a report
2 had previously been received.

3 270 Q. Well, we heard her evidence in relation to that. But,
4 I mean, if there had been a face-to-face meeting of the
5 kind envisaged by this paragraph, the error would have 15:24
6 bounced off the page at everybody and they would have
7 said something has gone horrifically wrong here, isn't
8 that right?

9 A. I think you can say that if it was the case that a
10 written report was being brought to that meeting for 15:24
11 discussion.

12 271 Q. Yeah.

13 A. However, it is likely that we would be bringing the
14 case to identify whether or not a report needed to be
15 made, so, yes. 15:24

16 272 Q. Yeah. Because the purpose of the consultation meeting
17 is to bring all new cases where there is lack of
18 clarity as to what, if any, action under Children First
19 is required. So the very question as to whether the
20 guards should receive onward notification of this was 15:24
21 the purpose -- resolving that question was the purpose
22 of these face-to-face meetings that were envisaged,
23 isn't that right?

24 A. Yes.

25 273 Q. Now, I don't want to be unfair to you in any way, but 15:25
26 was yours the only section of these, of Tusla, or the
27 child protection service, where this paragraph was
28 effectively abandoned almost as soon as it was
29 promulgated?

1 A. I suppose what I can say from my understanding from the
2 other services of the NC is that in some areas it was
3 never enacted in the first place, mainly because it was
4 difficult to establish regular meetings, and so really
5 the more practical application of the guidelines which 15:25
6 has evolved in all of the areas has been individual
7 consultation on a case-by-case basis, with meetings as
8 required, more to do with discussion of processes
9 between the two services. So it wouldn't be the case
10 that we would be different to other services in this 15:25
11 regard.

12 274 Q. And it does appear, does it not, that the only
13 circumstance in which this error was likely to have
14 been detected by the Health Service Executive
15 welfare -- social workers, was either if they noticed 15:26
16 that the name in the report was not the name of Ms. D,
17 is that right?

18 A. Yes.

19 275 Q. If somebody -- if somebody noticed that there was a
20 difference in names and queried it? 15:26

21 A. Yes, that's correct.

22 276 Q. Or if somebody in the Social Work Department in Cavan
23 HSE decided to take out that paragraph and compare it
24 with what Ms. D had originally told them and had asked
25 themselves the question, how has this claim escalated 15:27
26 from a rubbing accusation during a hide-and-seek game
27 to a criminal offence which carries life imprisonment.
28 But those were the only two circumstances that somebody
29 would actually have noticed the names being different

1 or that they would apply their minds to what was being
2 reported to them, isn't that right?

3 A. Yes. 15:28

4 277 Q. And in making a decision to refer the matter on to the
5 Gardaí in a separate report, can I just ascertain from 15:28
6 you a couple of things? You didn't know the procedures
7 that -- I assume you didn't know that they wouldn't
8 actually send on Laura Brophy's report as they received
9 it?

10 A. I was aware that they would notify the Gardaí, but I 15:28
11 made the assumption, wrongly, that they would have sent
12 on our report. I wasn't aware they completed a
13 separate form.

14 278 Q. Yes. But of course if they simply stamped it and sent
15 it off to a garda station somewhere without reading it, 15:28
16 that would be one thing, but they'd have to at least
17 work out in their own mind, which garda station, who in
18 the Gardaí they should send the document to, isn't that
19 right?

20 A. Yes. 15:29

21 279 Q. And so, therefore, somebody, before the matter was
22 referred to the Gardaí, would actually have to read the
23 document, is that right? That was your expectation,
24 they would read it --

25 A. Yeah. 15:29

26 280 Q. -- to find out which Gardaí should be notified of this
27 event?

28 A. Yes.

29 281 Q. which station should be notified of this?

1 A. Yes.

2 282 Q. So you expected that somebody would read this document
3 in fairly short order and send a notification to An
4 Garda Síochána, is that right?

5 A. That would be my expectation. 15:29

6 283 Q. Yes. But we know, I think we have seen the documents,
7 that Ms. Keara McGlone, her almost-immediate reaction
8 on receiving this document was to write to Inspector
9 Cunningham, or Superintendent Cunningham, isn't that
10 right? 15:29

11 A. Yeah, I saw that in the discovery documents.

12 284 Q. Saying that she wanted to discuss the matter with him
13 before she contacted Sergeant McCabe about it?

14 A. Mm-hmm.

15 285 Q. Isn't that right? 15:30

16 A. That's what I understand from the documents.

17 286 Q. And if she applied her mind to the document to that
18 extent to compose that letter, I have to suggest to you
19 that if you had had any of these regular meetings,
20 again the fact that they had a file on the matter, the 15:30
21 fact that this was either a massive escalation of the
22 accusation or else a total error of transposition of
23 wrong information, that would have become immediately
24 apparent to anybody dealing with this file, if you'd
25 had the meeting? 15:30

26 A. Yes.

27 287 Q. So, for whatever reason, is it fair to say that the
28 events that we are dealing with in this module here
29 would never have happened if there had been adherence

1 to the guidelines which were promulgated in January of
2 the year in which these events took place?
3 **CHAIRMAN:** I thought it was 2012 they were promulgated.
4 **MR. MCDOWELL:** No, it was December 2012 -- they were
5 seven months old, Judge, at the time. 15:31
6 **CHAIRMAN:** Fine, I understand.
7 288 Q. **MR. MCDOWELL:** Isn't that right? Is that fair?
8 A. That's correct.
9 289 Q. Isn't that right?
10 A. Yeah, yeah. 15:31
11 290 Q. Could I bring you then to the type -- the spreadsheet,
12 and I think it's page 828. I think it is set out in
13 pieces, is it, over four pages?
14 A. It is. It is an Excel spreadsheet and there's
15 different headings. 15:32
16 291 Q. And could I just ask you, because there's been very
17 heavy redaction here: what, if any, reference is there
18 to the Ms. D case on page 1 that we can't see?
19 A. Em...
20 292 Q. I'm not asking you to read out anything to me, but, I 15:32
21 mean, did it refer to Ms. D? Did page 1 of that refer
22 to Ms. D at all?
23 A. It would have had her name, yes. I think there are
24 other pages in the information that was given. I think
25 the four pages are there. 15:32
26 293 Q. Well, I have a massively redacted document only given
27 to me, which has the head of a column on it.
28 A. Okay, sorry. Yeah. No, her name would have been
29 there, the date of the referral, the general nature of

1 the abuse. what was recorded in relation to this
2 client would have been CSA retrospective.

3 294 Q. And I see on page 1: "*Allegation against - record the*
4 *nature of relationship to client*", and something else
5 is disappearing under the line there. Is that 15:33
6 available on that document, do you think?

7 A. Em, it's not appearing here in front of me, but I
8 think, yeah, that's what I would be referring to. It
9 would be before that. It would be page 1, maybe, of
10 that document. 15:33

11 295 Q. 825, I think, is where we are at. In order to carry
12 out this annual trawl of the reports you received in
13 December of each year, as you say, and even allowing
14 for pressure of work, as you mention, you'd have to
15 read over the document to some extent to fill out even 15:34
16 those four columns which appear on page 825, isn't that
17 right?

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

19 296 Q. Then the next one is: "*Name of counsellor, persons*
20 *potentially at risk*". well, do you know what you put 15:34
21 down in your spreadsheet on that?

22 A. I think it would have said "*unclear*". In relation to
23 this file, which is Ms. D, I think it said "*unclear*",
24 but I'm not sure, I can't see the records.

25 297 Q. Sorry, I'm not hearing you, I'm sorry. 15:34

26 A. I think it said "*unclear*", I'm not sure. I can't see
27 it in relation to this record.

28 298 Q. And "*additional information*", again there is a black
29 box under that, I can't see what it is. Sorry, maybe

1 I'm being unfair to you, because it may be that
2 paragraphs 827 and 828 are, in fact, the entries which
3 apply to those column headings. Maybe I'm --

4 A. Yeah, I think they were provided, yes.

5 299 Q. So it is unclear, on page 828 is in fact referable to 15:35
6 the second column, the second heading on page 826.
7 Then I see here, "*Alleged perp was a garda*". Was
8 anywhere on this document the identity of the alleged
9 perp, as you called him, made to you?

10 A. On the Excel spreadsheet, no, the name wouldn't have 15:36
11 been recorded.

12 300 Q. And just going back again, "*Response from SW/Gardaí*",
13 and you have written down "*no details*".

14 A. That would be in response to at that time --

15 301 Q. Notification, is it? 15:36

16 A. Yes. I didn't have a record --

17 302 Q. So are we to take it that in December of that year you
18 were recording that there had been zero response back
19 from either the Gardaí or from the Social Work
20 Department? 15:36

21 A. I would have had no record --

22 303 Q. No details?

23 A. -- of a response. I do think that a letter of
24 acknowledgment came from social work, but I didn't have
25 that when I was entering the information. 15:36

26 304 Q. And the next thing is: "*Client willing to speak to*
27 *social workers*", and there's a "yes" under that.

28 A. That would have been from the form, yes.

29 305 Q. And then there's a statement, which is: "*Garda*

1 *involvement*", and you have "*Statement made to Gardaí in*
2 *approximately 2005*". Now, we know that that's not the
3 case, that there was an entirely different matter
4 referred to the Gardaí in 2005 in respect of Ms. D
5 which didn't involve Sergeant McCabe at all, isn't that 15:37
6 right?

7 A. I wasn't aware of any other matter that was referred in
8 relation to Ms. D, so that would be an error. I'm not
9 sure if that was taken from the retrospective form
10 where it said "2005". 15:37

11 306 Q. Yeah. And you write then underneath that,
12 "*Insufficient evidence to proceed*".

13 A. Yes. I would have been referring to the allegation
14 that was made in relation to Mr. McCabe at that time.

15 307 Q. Well, in fact, we now know that the particular 15:38
16 allegation against Sergeant McCabe wasn't made for a
17 year after the 2005 matter; it was only made in
18 December 2006, isn't that right?

19 A. I'm aware of that, yes, now, but I wasn't aware that
20 there was any allegation made in 2005. That only 15:38
21 became apparent to me at the Tribunal.

22 308 Q. So what's there is again erroneous, is that right?
23 It's impressionistic?

24 A. That date, yes, is incorrect.

25 309 Q. Now, you were being asked by Mr. Marrinan as to why it 15:38
26 was that you let Laura Brophy interact with the Gardaí
27 and send off a copy to them of a document which we now
28 know they had never received in the first place, a
29 corrected version of a document that they had never

1 received in the first place. Am I to understand that
2 you were never told that the Gardaí -- sorry, that the
3 social work section in Cavan had a special form that
4 they used to inform the Gardaí of complaints of this
5 kind? 15:39

6 A. No, I wasn't informed of that.

7 310 Q. Can I stop there just to ask you: were there good
8 close cordial working relations between your service
9 and Cavan at the time?

10 A. I would say that the working relationship was good. 15:40
11 There were no issues in the relationship. We wouldn't
12 have had a lot of contact and we certainly wouldn't
13 have met, as you know, face-to-face very often. But we
14 wouldn't have had difficult relationships in any way.

15 311 Q. So is it fair to say that there were no disputes of 15:40
16 significance?

17 A. Absolutely, they weren't any.

18 312 Q. But you didn't, contrary to what the guidelines
19 expected, have a kind of face-to-face around-the-table
20 relationship with them? 15:40

21 A. No, we didn't, no.

22 313 Q. They were distant people, really, for most purposes?

23 A. Yes.

24 314 Q. And, of course, in fairness to Ms. Brophy, who was
25 giving evidence here yesterday, she was, in fact, asked 15:40
26 by Superintendent McGinn to send in a corrected -- a
27 letter correcting the matter, isn't that right?

28 A. Yes, that's correct.

29 315 Q. So it never occurred to you that, really, you should

1 take charge of the matter and move it up one step and
2 take personal responsibility to compose the letters and
3 to find out what it was that was being corrected, what
4 information the Gardaí actually had, you never asked
5 that? 15:41

6 A. What was important was that the correct information was
7 provided as soon as possible. I would have been in
8 contact with Laura in terms of discussing the content
9 of the letter and being satisfied that what was being
10 provided was appropriate, and also, she had the file, 15:41
11 so she was best placed in terms of having the
12 information to hand to ensure that that was done very
13 rapidly, which was our priority at that time.

14 316 Q. And would you agree with me that, from the Garda point
15 of view, it was hugely important that they worked out 15:41
16 what had happened in respect of this catastrophic
17 error?

18 A. Yes, I can understand that, yes.

19 317 Q. Because on one view it could have been that something
20 which wasn't disclosed in 2006 was now being disclosed 15:42
21 for the first time and that the incident that had been
22 treated in one way in 2006 and represented to the DPP
23 as having the characteristics it did in 2006, was
24 altogether much more serious, that was one view that
25 the Gardaí would have to take into account, one 15:42
26 possible view of the matter?

27 A. Yes.

28 318 Q. Another is that the version was suddenly being changed
29 for no good reason in the middle of -- in the middle of

1 a high-profile series of events regarding Sergeant
2 McCabe and they were wondering where this came from.

3 A. Yes.

4 319 Q. That is a second issue.

5 A. Yes. 15:42

6 320 Q. And, of course, the third one was that the possibility
7 that somebody was very deliberately trying to ramp up
8 the pressure on Sergeant McCabe; that is a third
9 possibility, isn't that right?

10 A. Yes. 15:43

11 321 Q. So they weren't just going to simply say an
12 administrative error took place, send back the stuff,
13 we're not interested in how all this came to light. It
14 was a matter, given that they had established a
15 separate investigation in a separate area, they weren't 15:43
16 just simply going to say, all of this is a terrible
17 error, without a very clear exposition of what had
18 happened, isn't that right?

19 A. I can understand that, yes.

20 322 Q. Yes. So could I ask you to go to page 883. This is 15:43
21 the letter Mr. Marrinan asked you to read out. That
22 was in reply to a letter that you had received from the
23 chief superintendent of the Cavan-Monaghan division on
24 the 9th June, isn't that right?

25 A. Yes. 15:44

26 323 Q. And you took until the 18th June, or allowing for
27 postage, to compose your reply to it, is that right?

28 A. From those dates, yes.

29 324 Q. Did you take advice on what you should say to him or

1 did you compose it yourself?

2 A. From what I recall, I composed it myself.

3 325 Q. Pardon?

4 A. From what I recall, I composed it myself.

5 326 Q. Because he asked you two very pertinent questions on 15:44

6 the 9th of June. He asked you:

7 *"Does the referral in question relate to a previous*

8 *disclosure which was investigated in 2006 that*

9 *subsequently resulted in the submission of a file to*

10 *the Director of Public Prosecutions or does it relate 15:45*

11 *to a new further disclosure which requires*

12 *investigation by An Garda Síochána?"*

13 Now, that was obviously a question, we have agreed,

14 that would occur to anybody in his position; is this

15 something new or is this something we have dealt with 15:45

16 before? And you knew, because you yourself entered it

17 on your data sheet, that it was something which had

18 been dealt with before, isn't that right, or you

19 thought it was?

20 A. Yes, that's right. 15:45

21 327 Q. So that is the first issue, and we will come to your

22 answer in a second. And the second question he asked

23 you was:

24 *"I would appreciate clarification on how the*

25 *administrative error referred to occurred and came to 15:45*

26 *light which resulted in your letter of the 22nd May*

27 *2014."*

28 So he asked you two points there: how did this happen

29 and how did it come to light? Okay?

1 A. Yes.

2 328 Q. Can we deal with the second question first. You said:
3 *"You seek clarification regarding how the*
4 *administrative error came to light. I can clarify that*
5 *this matter was brought to our attention by the* 15:46
6 *client."*
7 Is that right?

8 A. Yes.

9 329 Q. But you don't deal at all with his query, how did this
10 happen, how did it occur. You just simply blank him on 15:46
11 that issue in that reply, isn't that right?

12 A. That's correct, yes.

13 330 Q. And was that done consciously by you?

14 A. I can't recall that I did that consciously, no.

15 331 Q. He was asking you to say how did this happen, and you 15:46
16 say, Ms. D told us about it. This was an important
17 letter he was sending you and you just blank him on a
18 fundamental issue which any person in his position
19 would want to have clarity. Were you trying to protect
20 somebody? 15:47

21 A. No, I can say very clearly that I wasn't.

22 332 Q. Well, why didn't you say, this resulted from an
23 accidental incorporation into a report which was sent
24 to social welfare of material which related to somebody
25 else and had no connection whatsoever with 15:47
26 Sergeant McCabe, why didn't you say that to him?

27 A. I can't recall why I didn't include that information in
28 that particular letter.

29 333 Q. Well, when he asked you, and going back to the first

1 bullet-point in your first thing, "*Regarding the*
2 *retrospective abuse report in respect of allegations to*
3 *the above-named which was forwarded to the Gardaí by*
4 *Tusla Family and Child Services, you seek clarification*
5 *as to whether the information as reported is new or* 15:47
6 *relates to a previous disclosure investigated by Gardaí*
7 *in 2006", you knew the answer to that at that stage?*
8 A. I was being very clear that it was the first time that
9 we, in Rian, had received the information and that I
10 understood that it was relating to the previous report. 15:48
11 334 Q. No, but Laura Brophy had told you that it had nothing
12 to do with that, is the first thing, and, in that
13 sense, the question of it being new was utterly
14 irrelevant. You knew, you knew, that, on Laura
15 Brophy's explanation to you of what had happened, that 15:48
16 the only, the only material in the amended report or
17 the original report that was of relevance was the
18 original material the Gardaí already had which the DPP
19 had adjudicated on, isn't that right?
20 A. That's correct, but I was making it clear that we had 15:48
21 received that information for the first time.
22 335 Q. New to you is one thing. I mean, your service, it
23 didn't exist in 2006, isn't that right?
24 A. It did. It was established in 2000.
25 336 Q. Oh, I see. Sorry. 15:49
26 A. Yes.
27 337 Q. "*The information reported is being done by Rian*
28 *National Counselling Service for the first time in*
29 *relation to this client. However, it is my*

1 *understanding that the client previously made a report*
2 *as a teenager, as indicated in the report itself."*

3 But again, in relation to the straightforward question,
4 is this something new that I am to investigate or has
5 this been investigated before, I have got to suggest to 15:49
6 you that you were less than one hundred percent helpful
7 in your response to him, and you were very careful in
8 your response.

9 A. I don't think I would have been intending in any way to
10 be evasive. I was being clear in terms of our position 15:49
11 in relation to the information that we received, and it
12 was the first time we received it, but I was aware that
13 the report, as identified to us by the client, had been
14 made to the Gardaí, so I was just being clear about
15 what our position was in terms of the information. 15:50

16 338 Q. Going back over the three possible notions that would
17 occur to a chief superintendent when he wrote you his
18 letter, you really gave him very little guidance at all
19 which would help him in addressing the issue. I mean,
20 for instance, if you had faithfully recorded what Ms. 15:50
21 D had told you and if this allegation of a serious rape
22 offence was part of that, that would direct
23 Superintendent Sheridan towards asking, 'why was that
24 allegation never made before? Is it being invented now
25 for some ulterior purpose?' Isn't that right? 15:50

26 A. I'm sorry, just, could you repeat the question, please?

27 339 Q. If the misinformation in the possession of the Gardaí
28 reflected what Ms. Brophy had been told by Ms. D, and
29 we now -- we know it didn't, but if it did,

1 superintendent Sheridan was facing a situation either
2 that there was something which had been swept under the
3 carpet eight years previously, or, alternatively, that
4 it was being invented now; isn't that right?

5 A. Yes, I see what you are saying, yes. 15:51

6 340 Q. So it was crucial that he ascertain did this come from
7 the complainant or did it come from some accidental --
8 or some other person putting this material into the
9 mix, so to speak?

10 A. Yes, I can understand that. 15:51

11 341 Q. And why was it that your reply to him didn't enlighten
12 him in any way as to whether this was coming from Ms. D
13 or this was a catastrophic error made by Ms. Brophy?

14 A. The letter does say that the information was reported
15 in error on the first report received, that related to 15:52
16 a different client and different perpetrator, so I was
17 referring back to previous --

18 342 Q. Sorry, he asked how the so-called error occurred, and
19 he had to put out of his mind the possibility that this
20 was an invention, a malicious invention, and he asked 15:52
21 you how it occurred, and you deliberately gave him no
22 information as to how the error had taken place, even
23 though you knew the answer to that question?

24 A. There was no intention that I -- certainly, I don't
25 recall having any intention to withhold information. I 15:52
26 was responding in as best as I could at that time.

27 343 Q. Well, stop there for a second. You knew what had gone
28 wrong at that time, isn't that right?

29 A. Yes.

1 344 Q. He asked you how did this error occur. Now, how were
2 you helping him as best as you could at the time if you
3 withheld from him that simple bit of information:
4 Ms. D had nothing to do with this, it was one of my own 15:53
5 social workers who made a calamitous error. How are
6 you giving him all of the information you could in
7 relation to the query he made by sending him that
8 letter?

9 A. I can see your point, but I really want to clarify and
10 indicate very clearly that there was no intention on my 15:53
11 behalf at that time to withhold any information. That
12 wasn't the intention behind it. I was responding to
13 the letter at the time with the information that I was
14 able to provide. I wasn't intending to withhold
15 anything. I certainly made it as clear as I could in 15:53
16 the next correspondence and I was very happy to
17 communicate with the Gardaí in relation to this matter.

18 345 Q. But it left him completely in the dark as to what had
19 happened. When he asked you how it happened, you
20 left -- you chose to leave him completely in the dark 15:53
21 and to leave him wondering what possible explanation is
22 there for this happening, isn't that right?

23 A. I can hear the way that you are describing it from his
24 point of view, and I suppose I wasn't thinking of it
25 from his point of view, I wouldn't have been holding 15:54
26 the same perspective in relation to it, but I can see
27 how you are presenting it now might indicate that, but
28 it was not my intention.

29 346 Q. Well, were you trying to protect somebody?

1 A. Absolutely not, no. We were very clear from the start
2 that we made an error. We identified what the error
3 was, who made the error --

4 347 Q. Yes.

5 A. -- what the information was, and acted to ensure that 15:54
6 the correct information was provided to the relevant
7 people.

8 348 Q. why did you not give him a candid explanation at the
9 time when he asked you for it?

10 A. I can't recall why I wouldn't have answered in more 15:54
11 detail, I can't answer that right now. I have no
12 memory of a particular reason being there. My sense
13 is, there was no specific reason for not responding in
14 more detail.

15 349 Q. Thank you, Ms. ward. There is one other thing that I 15:55
16 want to bring up -- there's two other things. In
17 relation to data protection, did you ever consider the
18 data protection aspects of sensitive information
19 relating to Sergeant McCabe and your duty to him?

20 A. Certainly that was part of the consideration. However, 15:55
21 I suppose our primary focus was on the accuracy of the
22 information relating to the client, that was the focus
23 at the time, and when I sought, I suppose, direction
24 from the data controller in relation to what actions I
25 needed to take and was guided by her regarding that. 15:55

26 350 Q. well, I appreciate that the philosophy of your
27 organisation is client-focused, and undoubtedly this
28 was deeply upsetting to Ms. D, but in relation to
29 Sergeant McCabe, surely you knew that his

1 perspective -- that he was the primary victim of this
2 catastrophic mistake, she being the secondary victim?

3 A. Yeah, absolutely. I can see and accept the gravity of
4 the error and the implications for Mr. McCabe and
5 obviously apologise absolutely for those having 15:56
6 occurred.

7 351 Q. And can I ask you, at any stage within your service was
8 there any discussion about informing Sergeant McCabe
9 about all of this?

10 A. From what I can recall, I think I would have maybe 15:56
11 discussed it with the counsellor at the time in
12 relation to that, but my memory is that because we had
13 had no contact with Mr. McCabe that we would have felt
14 that if that information -- if that was to be done,
15 that that might be more appropriate within the Social 15:57
16 work Department. That is my vague recollection. I
17 have no specific record.

18 352 Q. Did you discuss it with the Social Work Department
19 that, between the pair of you, the pair of
20 institutions, somebody owed Sergeant McCabe the small 15:57
21 civility of telling him that his reputation was being
22 shredded in private as a result of gross incompetence?

23 A. No, unfortunately not.

24 353 Q. And at some point from 2014 onwards, in 2015 had you
25 any idea whether Sergeant McCabe had been told about 15:57
26 it?

27 A. I wasn't aware, no.

28 354 Q. Because we have documentation here which suggests that
29 even the Tánaiste and Minister for Justice was aware of

1 this situation in 2015 but nobody bothered to tell
2 Sergeant McCabe about it.

3 A. I wasn't aware of that.

4 **CHAIRMAN:** I wonder do we?

5 **MR. MCDOWELL:** I think we do, yes. I think the 15:58
6 Minister was informed by the Gardaí. There's evidence
7 of that.

8 **CHAIRMAN:** Are you referring to Minister Shatter?

9 **MR. MCDOWELL:** No. Minister Fitzgerald in 2015.

10 **CHAIRMAN:** And informed of what? The Ms. Y mix-up/D 15:58
11 allegation?

12 **MR. MCDOWELL:** The whole situation was brought to her
13 attention, according to the documentation now. I may
14 be misleading it.

15 **CHAIRMAN:** Right. 15:58

16 **MR. MCDOWELL:** My Friends will put me right if I am
17 wrong. But my understanding is that it was known to
18 the Minister, it was informed to the Minister in 2015.

19 **CHAIRMAN:** well --

20 **MR. MARRINAN:** I think Mr. McDowell may be incorrect. 15:58

21 **MR. MCDOWELL:** If I am, we will come back to it.

22 **CHAIRMAN:** There's a reference certainly where
23 Commissioner Callinan was asked a direct question by
24 Minister Shatter as to, was there anything in relation
25 to this matter, and he said to him basically in a very 15:59
26 anodyne version in relation to the Ms. D allegations as
27 opposed to mixing it up with Ms. Y or anything else.

28 **MR. MCDOWELL:** I may be wrong, Chairman.

29 **CHAIRMAN:** Yes.

1 **MR. MCDOWELL:** But my recollection is that I think it
2 was Mr. Kenny, who I think was an Assistant
3 Commissioner, records in his statement that the
4 Department of Justice was informed about these matters
5 in 2015. I may be wrong. 15:59

6 355 **Q.** But during the whole period until a Barr letter was
7 sent to Sergeant McCabe on the 29th December 2015,
8 which he received in January 2016, was there ever any
9 discussion about any duty owed to informing this man of
10 what was happening behind his back or apologising to 16:00
11 him for what had happened, either within your
12 institution or jointly with the Social Work Department
13 or An Garda Síochána or anybody else, did anybody ever
14 discuss with you the possibility that he might be told
15 what had happened to his reputation? 16:00

16 **A.** No. My understanding would have been that the correct
17 information had -- that the information had been
18 corrected. I had no understanding or knowledge that
19 that information was still in circulation. I was very
20 shocked to see that information when it came out later. 16:00

21 356 **Q.** And did you liaise at any time with the Social Work
22 Department in Cavan to find out what had happened to
23 their treatment of this matter? Did you ever make
24 inquiries of them?

25 **A.** From my understanding, Laura Brophy would have been in 16:01
26 contact in relation to the provision of the corrected
27 amended report and discussing with Eileen Argue
28 regarding that, that the corrected report was received.

29 357 **Q.** No, I am saying after all of that?

1 A. Subsequent to that, no.

2 358 Q. I mean, we do know that files were open on the McCabe
3 children in which the digital penetration allegation
4 against their father was -- there were separate files
5 in respect of each of the children. 16:01

6 A. I wasn't aware of that --

7 359 Q. You weren't aware?

8 A. -- until the disclosure information was provided. I
9 would have no knowledge of that. It's a separate
10 organisation. Sorry. 16:01

11 360 Q. There's one last thing that I just want to put to you.
12 The original statement made by Ms. D referred to
13 humping, subsequently it was molestation and
14 inappropriate touching, subsequently it was dry
15 humping. There are quite a number of changes in the 16:01
16 description of the abuse over time. Have you any
17 explanation for that?

18 A. I'm not sure which exact documents you're referring to
19 and the different terms that are used.

20 361 Q. If I can ask you to look at page 337. 16:02

21 **CHAIRMAN:** well, you can take it there are differences
22 in -- varieties in the description.

23 **MR. MCDOWELL:** well, I'm not going to waste the
24 Tribunal's time.

25 362 Q. But you aren't aware -- the original allegation has 16:02
26 been characterised in a number of quite different ways
27 over time, and you aren't aware of how that description
28 has altered over time, are you?

29 A. I'm aware that some words were used which were indirect

1 quotes relating to words the client used and then other
2 words would be more general terms that would be used to
3 describe forms of abuse, for example inappropriate
4 touching.

5 363 Q. I just wonder would you look at page 832 for a second, 16:03
6 which is a manuscript document of your own. Have you
7 got that there?

8 A. Yes, it's there.

9 364 Q. Just on the last line - just, it's a matter which has
10 caused me and my solicitor and my fellow counsel some 16:03
11 difficulty - is that word "promiscuity" in your
12 answer --

13 A. At the very bottom it says "*presentation*".

14 365 Q. Yes. Is that "promiscuity"?
15 A. Where are you referring to now? 16:03

16 366 Q. Well, I don't want to read it all out, but the --
17 A. Can you scroll down a bit further, please, because
18 there's a word there at the end of the page that I am
19 looking at that says "*presentation*".

20 367 Q. Yes. And underneath that? 16:03
21 A. Can you please scroll further up -- down.

22 368 Q. Can you read it?
23 A. It's not appearing here.

24 369 Q. This is your own handwriting?
25 A. I don't have it on screen yet. 16:04

26 370 Q. Sorry.
27 A. Yeah.

28 **CHAIRMAN:** It's page 832, and you're looking at the
29 very bottom of page 832.

1 A. Is it the bottom of page 832?

2 371 Q. **MR. MCDOWELL:** 832.

3 A. And the very last word on 832?

4 372 Q. Yes -- no, not the very last word. The last line
5 there, do you see the last line? 16:04

6 A. Well, at the bottom --

7 373 Q. Under "*presentation*"?

8 A. There's a blank.

9 374 Q. It's redacted.

10 A. It's redacted. 16:04

11 375 Q. If I hand you a copy that is unredacted.

12 A. All right.

13 [Same handed]

14 **CHAIRMAN:** But if there is a reason for redacting it,
15 Mr. McDowell, there is a reason for redacting it, you 16:04
16 know. People have rights.

17 **MR. MCDOWELL:** I want to keep this -- just narrow it to
18 one word.

19 **CHAIRMAN:** well, it's not redacted in my copy. Maybe
20 counsel would help. 16:04

21 **MR. MARRINAN:** It's not redacted in my copy, either.

22 **MR. MCDOWELL:** Someone has taken out the redacted --

23 **CHAIRMAN:** I think it might have been you,
24 Mr. McDowell, if you didn't want to read that out --

25 **MR. MCDOWELL:** I just want that one word translated 16:05
26 from a manuscript, that's all.

27 **MR. BUCKLEY:** Judge, I wonder if you might give some
28 consideration to the purpose of that question.

29 **MR. MCDOWELL:** Sorry, I just want to understand what

1 the "*presentation*" that was there, I just want to
2 understand what was there.

3 **CHAIRMAN:** well, if you need to understand it,
4 Mr. McDowell, I mean there's nothing to stop your
5 solicitor having a quiet word with this witness outside 16:05
6 the witness-box.

7 **MR. MCDOWELL:** well, I will do that.

8 **CHAIRMAN:** wouldn't that be fairer?

9 **MR. MCDOWELL:** That would be much fairer, Judge.

10 **CHAIRMAN:** I mean, everyone has a background, you know. 16:05

11 **MR. MCDOWELL:** Yes. well, on the basis that the
12 witness is authorised to answer it.

13 **CHAIRMAN:** Yes, you are authorised to answer that.

14 A. You're giving me permission?

15 **CHAIRMAN:** Yes, to tell the solicitor what it means. 16:05
16 After you get out of the witness-box.

17 A. Afterwards, yes, absolutely.

18 **MR. MCDOWELL:** I have no further questions then, Judge.

19

20 **END OF CROSS-EXAMINATION BY MR. MCDOWELL** 16:05

21

22 **CHAIRMAN:** Thank you.

23 **MR. DOCKERY:** Chairman, if I might be permitted, on
24 behalf of Inspector O'Connell, to ask a few questions
25 of this witness. 16:06

26

27 **MS. FIONA WARD WAS CROSS-EXAMINED BY MR. DOCKERY:**

28

29 376 Q. **MR. DOCKERY:** Ms. Ward, my name is Desmond Dockery and

1 I am a barrister representing Inspector Pat O'Connell.
2 I don't know if you can see me, but I am a few rows
3 back here in the distance.

4 A. Thank you.

5 377 Q. Can I just turn your attention firstly to the document 16:06
6 at page 1706, which should come up in front of you
7 there. That is a statement of Inspector Pat O'Connell
8 which was made on the 8th May of this year for the
9 purpose of this hearing, and if I just get you to spool
10 down the statement to what is effectively page 1707, 16:06
11 which is the second page of the statement, Ms. Ward,
12 and four lines from the top you will see a sentence
13 beginning "*I subsequently became aware*", do you see
14 that?

15 A. Yes. 16:07

16 378 Q. Now, what Inspector O'Connell is addressing there is
17 that he became aware that you had communicated back to
18 Chief Superintendent Sheridan by way of a confidential
19 letter dated 18th June 2014. That is the letter for
20 which you have been criticised by Mr. McDowell, do you 16:07
21 follow me?

22 A. Yes.

23 379 Q. Now, Inspector O'Connell, or Sergeant O'Connell as he
24 was then, said that:
25 "*On foot of this response, I was requested by Chief 16:07
26 Superintendent Sheridan to make direct contact with
27 Ms. Ward in an effort to further clarify how an
28 administrative error on a report of retrospective abuse
29 pertaining to Ms. D occurred and I recall making direct*

1 *contact with Ms. Fiona Ward by telephone on the 30th*
2 *June 2014. During my conversation with Ms. Ward I*
3 *stated that I was calling her on behalf of Chief*
4 *Superintendent Sheridan and that he was requesting*
5 *further clarification as to how the administrative* 16:08
6 *error which was referred to in her previous*
7 *correspondence actually occurred."*

8 will you accept, therefore, that so far as Chief
9 Superintendent Sheridan was concerned, he hadn't had a
10 satisfactory reply from you to his specific query as to 16:08
11 how the error had occurred?

12 A. I can accept that, reading that, yes.

13 380 Q. Yes. And you will accept, therefore, that that was the
14 purpose of the telephone call from Sergeant O'Connell
15 which you received on either the 24th June or the 30th 16:08
16 June, isn't that so?

17 A. Yes.

18 381 Q. I think you're maintaining that it was the 24th June,
19 is that so? That is what is written on the top of your
20 notes. 16:08

21 A. Yes, that's the date I have recorded.

22 382 Q. Yes. And they appear at page 884. Now, he goes on to
23 say in his statement that he recalls you stating that
24 the report in question contained an error and that the
25 author of the report had been working from a template 16:09
26 and that some of the information on the report related
27 to a different client, and he noted those words
28 contemporaneously; as you spoke them to him on the
29 telephone, he noted them on a yellow Post-it; do you

1 understand?

2 A. Yes.

3 383 Q. And if the Tribunal might just show you, over the page
4 to 1709, you will see a copy of his Post-it spontaneous
5 or contemporaneous note as he spoke with you. Do you 16:09
6 see the word "error"?

7 A. Yes.

8 384 Q. And an arrow then, and, beneath that, the word
9 "template".

10 A. Yes. 16:10

11 385 Q. And an arrow to the word "different".

12 A. Yes.

13 386 Q. Followed by the words "Fiona Ward", your mobile number,
14 and he has noted the date as "30/6/14. Spoke to Fiona
15 and will send in new letter". 16:10

16 A. Yes.

17 387 Q. So he is referring to you telling him that you will
18 send in a new letter to the chief superintendent, isn't
19 that right?

20 A. Yes. 16:10

21 388 Q. He has noted the date as 30th June 2014, do you see
22 that?

23 A. I do.

24 389 Q. And he has certified that that is a true copy of the
25 note which he made on the 30th June during a telephone 16:10
26 conversation that he had with Ms. Fiona Ward, Director
27 of Counselling, Rian National Counselling Service. The
28 original note, he says, is attached to the Garda file
29 held at the division office in Monaghan Garda Station,

1 and he gives the file number and he signs that
2 subsequent to explanation and dated the 8th May of this
3 year. Do you see that?

4 A. I do.

5 390 Q. Now, the first thing I want to put to you, Ms. Ward, is 16:10
6 that, according to the notes that you made, "*Sergeant*
7 *O'Connell phoned on behalf of the chief superintendent*
8 *in Monaghan regarding a report of retrospective*
9 *incorrect file. Pat O'Connell seeks clarification*
10 *regarding the administrative error. He sought to* 16:11
11 *establish how it came about. Was it a typographical*
12 *error cut and paste? I stated that yes, it was a*
13 *typographical error related to a cut and paste of*
14 *another report."* Isn't that so?

15 A. That's what I recorded in my notes, yes. 16:11

16 391 Q. Yeah. But you don't seem to recall in your notes that
17 it appears you actually told him that the error arose
18 by reference to some other template relating to some
19 different client, that's not in your notes?

20 A. I can't see that in my notes, no. 16:11

21 392 Q. No. But Sergeant O'Connell has a specific note that
22 you use the word "template" and the word "different",
23 and in his statement, at page 1707, he has said that he
24 recalls you telling him that the report had been worked
25 from a template and that some of the information on the 16:12
26 report related to a different client, and he noted that
27 on the yellow Post-it sticker at the time you told him
28 this on the phone, isn't that so?

29 A. I can see that from his statement, yes.

1 393 Q. Yeah. Well, are you maintaining to the Tribunal that
2 your notes that appear at page 884, your notes of that
3 conversation, were contemporaneous with the telephone
4 conversation with Sergeant O'Connell?
5 A. That is my memory, yes. 16:12
6 394 Q. Well, I have to suggest to you that you may be mistaken
7 about that, because, first of all, you've no record in
8 your notes of having told him the very significant
9 information that the error related to the use of a
10 template on a computer concerning another client, isn't 16:13
11 that so?
12 A. That's correct. It's not written in my notes.
13 395 Q. Yeah. And I'm suggesting to you that if your notes
14 were contemporaneous with your conversation with
15 Sergeant O'Connell, that is not a detail that you could 16:13
16 leave out. Do you understand my question?
17 A. I do. But my general practice is to write as I am
18 speaking to somebody, and so that would generally be
19 what would happen when I would make a phone call. So I
20 don't have a memory of not writing as I was taking the 16:13
21 phone call. I can't explain the difference in the
22 information, that's the information that I recorded.
23 396 Q. Well, the information that you've omitted is critical
24 and goes to the heart of the purpose of the phone call
25 to you, isn't that so, to clarify how the error 16:13
26 occurred?
27 **CHAIRMAN:** Mr. Dockery, just on that, I wonder does the
28 witness have a difficulty with what you are saying,
29 that she said to Inspector O'Connell that, look, there

1 was a template used from a different client and the
2 template, unfortunately, kept a bit of what the
3 different client had said, nothing to do with Sergeant
4 McCabe, and it was simply retained. I wonder do you
5 have a difficulty with that? 16:14

6 A. I don't have any difficulty with that. It's possible I
7 used those words but didn't write them in my own notes.
8 So I have no issue with that.

9 397 Q. **MR. DOCKERY:** And insofar as anything turns on it,
10 Ms. Ward, and I'm not maintaining that anything major 16:14
11 turns on it, but if this -- I suggest to you that this
12 isn't a contemporaneous note of the conversation
13 because it is written in a rather detailed narrative
14 which takes up a page of handwriting. I am suggesting
15 to you that you wouldn't or couldn't have written all 16:14
16 of that as you were on the phone.

17 A. I can only go by what I can remember, which is my
18 understanding that I wrote it at the time I took the
19 phone call, but I can accept that maybe it wasn't taken
20 at the time, but my memory is that it was, but I have 16:14
21 no issue with the information that Inspector O'Connell
22 recalls.

23 **CHAIRMAN:** Do you have a speaker phone or do you
24 balance it under your ear by squishing up your
25 shoulder? 16:15

26 A. Usually squishing up my shoulder, yes. You can see
27 from the state of my writing it is not particularly
28 clear.

29 398 Q. **MR. DOCKERY:** Just on the notes, the last thing I want

1 to put to you, Ms. Ward, is that a very important
2 feature of them is the record that you told Sergeant
3 O'Connell that you would pass the information that you
4 had given to him -- sorry, he told you that he would
5 pass the information that you had given to him on to 16:15
6 the chief superintendent if clarification was required,
7 but that you would follow up with another letter to the
8 chief superintendent, isn't that so?

9 A. Yes.

10 399 Q. And, in fact, that letter you did follow up on the 1st 16:15
11 July?

12 A. Yes.

13 400 Q. That letter, isn't that correct?

14 A. Yes.

15 401 Q. That appears at page 887 of the materials. I am 16:15
16 suggesting to you that it is more likely that if you
17 wrote that on the 1st July following the unexpected
18 phone call from Sergeant O'Connell, that the phone call
19 was the previous day, on the 30th June, and not seven
20 days earlier, on the 24th June. 16:16

21 A. You're suggesting that the call was on a different
22 date, is it, and that I wrote down the wrong date?

23 402 Q. You weren't anticipating the phone call from Sergeant
24 O'Connell about clarification as to how the error
25 occurred, were you? 16:16

26 A. No, I don't think so.

27 403 Q. No. And when the call came through and that was what
28 he was concerned about and you'd told him you would
29 clarify this by writing further to the superintendent,

1 you did so on the 1st July?

2 A. Yes.

3 404 Q. I am saying you would have done so with some dispatch
4 and some urgency, and therefore the conversation with
5 Sergeant O'Connell was the previous day, as he says, 16:16
6 namely the 30th June?

7 A. I can acknowledge that it's possible I wrote down the
8 wrong date, I don't have any evidence anywhere else to
9 suggest that I did, but I can accept it is possible I
10 made a mistake with the date. I don't have any issue 16:17
11 with acknowledging that, but I can't say, because I
12 wouldn't remember at this stage.

13 405 Q. Well, I am just putting it to you in shorthand that
14 there would appear to have been no reason to wait seven
15 days before sending that letter to the chief 16:17
16 superintendent to clarify the basis of the error?

17 A. I can accept that, yes.

18 406 Q. Turning to that letter, then, of the 1st July 2014,
19 which is at page 887, I think you clarified the matter
20 somewhat by saying "*The error occurred*" -- this is, I 16:17
21 think, four lines down -- "*when information from a*
22 *report template was cut and pasted into another*
23 *template*", isn't that so?

24 A. Yes.

25 407 Q. What you didn't specifically state was that information 16:17
26 from a report template relating to a different client
27 was cut and pasted into the template or into this
28 report, the erroneous report, isn't that so?

29 A. In this particular letter, no.

1 408 Q. Yes.

2 A. I think it would have been in another letter

3 previously.

4 409 Q. The next contact with Sergeant O'Connell, then, was

5 three weeks later, I think, isn't that right? 16:18

6 A. Yes, I think so.

7 410 Q. And I think that was in the form of an email to you

8 from him of the 21st July 2014, isn't that right?

9 A. That's correct. I think that email asked him -- asked

10 me to make contact with him. 16:18

11 411 Q. Yes. To be fair to you, you responded to that very

12 quickly by phoning him that day?

13 A. That's correct, yes.

14 412 Q. And I think a note of the telephone conversation

15 appears at page 890 and may be put in front of you 16:18

16 there. Mr. Marrinan has already taken you through it.

17 It is dated 21st July 2014. Do you see that?

18 A. Yes, I can see that, yeah.

19 413 Q. I now just want to bring your attention to the

20 supplemental statement that Inspector O'Connell made to 16:19

21 the Tribunal on the 3rd July, last Monday, and I think

22 it appears at volume 10, page 2887. That might be put

23 in front of you now. Do you have that in front of you?

24 A. I don't yet, no.

25 414 Q. I see. In that supplemental statement, Ms. Ward, he 16:19

26 has outlined that that day, on 21st July 2014, he was

27 on his last day at work in the Cavan-Monaghan division

28 as a sergeant in that division, do you understand?

29 A. Yeah. I don't have that information in front of me

1 just yet.

2 415 Q. I see. Page 2887.

3 A. Yes, I have it now.

4 416 Q. Yes. You will see on the first page in the third
5 paragraph he says: 16:21
6 *"I am now aware from reading Ms. ward's statement of*
7 *the 18th April 2017."*
8 Do you see that? The third -- fourth paragraph of the
9 statement. Have you got it?

10 A. No, it's not here just yet. The pages are moving. 16:21

11 417 Q. I will just put to you what is contained in the
12 statement.

13 A. Yes.

14 418 Q. He says that on the 21st July, Ms. ward, when you
15 telephoned him, that he was working his last day as 16:21
16 sergeant in the division.

17 A. Okay.

18 419 Q. And that when he received your call he was actually at
19 a farewell lunch in the Hillgrove Hotel in Monaghan in
20 the company of Chief Superintendent Sheridan, all 16:22
21 right?

22 A. Yes.

23 420 Q. Do you have any recollection of him telling you, during
24 the course of your telephone call, that he was leaving
25 the division with effect from that day? 16:22

26 A. No, I've no recollection of that. I don't recall that
27 he said anything about that.

28 421 Q. Do you have any recollection of him saying to you or of
29 you being aware that he was at a presentation lunch to

1 mark his departure?

2 A. No, I didn't know that until I saw the statement.

3 422 Q. Can I suggest to you that, in light of what you were
4 phoning him about, that it seems likely that he would
5 have said to you, whatever about the lunch, that that 16:22
6 was his last day on duty as a sergeant in the division,
7 in the role he was holding at that time?

8 A. I have no recollection of that information.

9 **CHAIRMAN:** Mr. Dockery, I appreciate that, but the
10 extent to which I should actually care whether they 16:22
11 were having a farewell lunch or whether it was his last
12 day or not, I'm mystified about.

13 **MR. DOCKERY:** well, the purpose of it was --

14 **CHAIRMAN:** I mean, what is the point here?

15 **MR. DOCKERY:** The point is that Inspector O'Connell, or 16:23
16 Sergeant O'Connell as he was then, the point relates to
17 whether and to what extent Sergeant O'Connell acted on
18 the phone call, Judge.

19 **CHAIRMAN:** Yeah, yeah.

20 **MR. DOCKERY:** And the purpose of the question is -- 16:23
21 **CHAIRMAN:** No, no, I appreciate that.

22 **MR. DOCKERY:** Yeah.

23 423 Q. You have made a note of the conversation you had,
24 Ms. Ward, and I want to address that question with you,
25 and you have answered it by saying you don't recall 16:23
26 being told any of that, isn't that so? So you didn't
27 know -- you don't recall knowing that Sergeant
28 O'Connell was moving, leaving the division that day?

29 A. No.

1 424 Q. All right. You told him that -- in that conversation
2 what he raised with you was, according to your note,
3 that the chief had asked that you be -- had asked that
4 there be a phone call regarding the original referral,
5 isn't that right, and whether the action had been 16:24
6 followed up?
7 A. Yes.
8 425 Q. And you've given your evidence about that?
9 A. Yes.
10 426 Q. And you informed Inspector O'Connell, according to your 16:24
11 note, that Garda action would be the remit of the SW
12 Department?
13 A. That's correct.
14 427 Q. And that you would not be involved --
15 A. That's correct. 16:24
16 428 Q. -- in any follow-up, and you agreed to obtain contact
17 details for social work?
18 A. Yes.
19 429 Q. And to provide -- or to pass them on to Inspector
20 O'Connell, isn't that so? 16:24
21 A. That's correct, yes.
22 430 Q. Why did you feel it necessary to take time to obtain
23 contact details for social work when at all times since
24 14th May your contact in social work in Cavan had been
25 Eileen Argue, whose contact details you knew very well? 16:24
26 A. I wouldn't have had those details because all of the
27 communication in terms of phone calls, et cetera, would
28 have been by Laura Brophy, so I didn't actually have
29 those to hand. So just to have the correct information

1 I asked her to provide them, and there was a slight
2 delay in her responding before she sent them to me.
3 And once I received them, I passed them on to Inspector
4 O'Connell.

5 431 Q. On the 14th May, Laura Brophy had created an incident 16:25
6 report form and had sent it to you, in which she had
7 stated that Eileen Argue was the person to whom she had
8 addressed the corrected report, isn't that so?

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

10 432 Q. And I think on the 15th May 2014 Laura Brophy had 16:25
11 e-mailed you updating her -- updating you about her
12 attempts to contact Ms. Argue, isn't that so?

13 A. Yes, that's correct.

14 433 Q. And in that e-mail I think she had confirmed that 16:25
15 Ms. Argue was in contact with the chief superintendent,
16 isn't that right?

17 A. That's correct, yes.

18 434 Q. And I think on the 20th May you wrote to Eileen Argue
19 to request the return of the erroneous report from
20 Tusla? 16:26

21 A. That's correct, yes.

22 435 Q. So you knew who the relevant contact-point was within
23 Tusla, that was Eileen Argue, and I suggest to you that
24 you knew her contact details or had immediate and ready
25 access to them? 16:26

26 A. Not necessarily. They may have been on a file and I
27 may not have had them with me, so I was wanting to get
28 the correct details to pass on, so it would be a
29 quicker matter to send an e-mail to get those from

1 Laura, who held the file.

2 436 Q. So your evidence is that you could not tell Sergeant
3 O'Connell there and then that Eileen Argue was the lady
4 in Tusla to be contacted and what her contact details
5 were, that is your evidence, is it? 16:26

6 A. From what I -- I'm not sure that he asked me the name.
7 I just said I would forward on the details, just to be
8 sure. I think I was being helpful more than anything
9 else, to be honest. I was passing on the information.

10 437 Q. But you weren't able to pass it on there and then. I 16:27
11 mean, in fact, I think you did pass it on a week later
12 by e-mail on the 28th July, isn't that so?

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

14 438 Q. And I think that e-mail appears at page 894. Now, you
15 weren't aware then, I take it, that by that stage 16:27
16 Sergeant O'Connell had left --

17 A. No.

18 439 Q. -- the Cavan-Monaghan division?

19 A. No, I wasn't aware of that, no.

20 **CHAIRMAN:** Did that mean his e-mail changed? 16:27

21 **MR. DOCKERY:** He will tell the Tribunal, and has done
22 so in his supplemental statement, that he never got the
23 e-mail, has no recollection of ever having seen it.

24 **CHAIRMAN:** But did his e-mail change? He moves from
25 one division to another, so does that give him a 16:27
26 different e-mail within the Garda Síochána? I find
27 that odd, but there's a lot of odd things going on.

28 **MR. DOCKERY:** well, what I can tell you, Chairman, is
29 that he made inquiries through the Garda IT department,

1 about which he has given some details in his
2 supplemental statement, and they confirm to him that
3 the 28th July e-mail from Ms. Ward came from a
4 different e-mail account to previous e-mails from her.
5 Now, whether that is --

16:28

6 A. Can I clarify in relation to the e-mail addresses,
7 because I can see where the confusion is? That just
8 relates to how the e-mail -- it's an IT thing. So my
9 e-mail address is fiona.ward@hse.ie. If you click
10 'reply', sometimes it comes up as fiona.ward@maile.hse.
11 It's actually the same e-mail account; it's just how
12 the -- technically, I don't know how it operates, but
13 sometimes a different e-mail address appears but it is
14 actually the same e-mail account.

16:28

15 **CHAIRMAN:** Well, in cases before in the High Court I
16 have had e-mails and there are vagaries. But it is a
17 simple question: did his e-mail address change simply
18 because he moved from one part of the country to the
19 other?

16:28

20 **MR. DOCKERY:** No, Chairman, it didn't change.

16:28

21 **CHAIRMAN:** Yes. Well --

22 **MR. DOCKERY:** It didn't change.

23 440 Q. But he carried out his own search of all relevant
24 e-mails on his personal e-mail account,
25 patricka.oconnell@garda.ie, and he also arranged or
26 carried out searches on the Monaghan division office
27 archive e-mail account and found no trace of your
28 e-mail, Ms. Ward, of the 28th July.

16:29

29 **CHAIRMAN:** But to search your e-mails, you've got to

1 retain your e-mails.

2 **MR. DOCKERY:** Yes.

3 **CHAIRMAN:** And if you delete an e-mail you're not going
4 to find it on a search unless you get in a forensic
5 service and, even still, they may not be able to find 16:29
6 it, depending on whether it has been deleted properly
7 or written over or not.

8 **MR. DOCKERY:** well, that is correct. In the scenario
9 where an e-mail may have been deleted, yes.

10 **CHAIRMAN:** Mr. Dockery, I will tell you, I am much more 16:29
11 worried about this, Mr. Dockery --

12 **MR. DOCKERY:** Yes.

13 **CHAIRMAN:** I am much more worried about this. I mean,
14 Mr. McDowell has made the point, here's a catastrophic
15 error, here is the reputation of Sergeant McCabe being 16:29
16 shredded, here is something which didn't amount to
17 sexual assault, according to the DPP's analysis, namely
18 the event on the couch, if there ever was a couch, if
19 there ever was an event, and I'm not going to judge
20 that one way or the other, I'm not tasked with doing 16:30
21 that, into something which carried a serious sentence
22 of imprisonment. And I'm wondering how the Gardaí
23 acted on that. To what extent did they take it up and
24 run with it, to what extent did they give it any
25 credibility, and that is what I would like help on. In 16:30
26 other words, how soon was it discovered that this was a
27 silly error which was a denigration of someone's
28 character and therefore serious? Did they discover
29 that? when did they discover that? what did they do

1 about it in consequence? That's what's missing. And
2 also, to what extent was it passed on from the
3 Bailieboro area to the Commissioner in Sligo or to
4 headquarters in Dublin? Again, that's a bit of the
5 puzzle that is missing. And it seems to me that I am 16:30
6 not getting information on that, or that perhaps you're
7 not being given instructions on that. I don't know,
8 it's not a criticism. But I am telling you that is
9 what I am actually interested in. Because in terms of
10 follow-up on this, the follow-up doesn't seem to be 16:31
11 from the Garda, though it could be if we could
12 establish those little bits and pieces instead of who
13 was at a lunch, or whatever. The follow-up is the
14 idiotic follow-up from Tusla on 29th September 2015
15 writing to Sergeant McCabe at his home and telling him 16:31
16 his children are at risk and that he is guilty of
17 digital, anal and vaginal penetration, despite the fact
18 that Tusla had that report withdrawn by Rian Services.
19 So I'm interested in how the Gardaí reacted to this.
20 **MR. DOCKERY:** Of course, Chairman. 16:31
21 **CHAIRMAN:** As opposed to the minutiae of who was at
22 what e-mail address or at a lunch, or whatever.
23 **MR. DOCKERY:** Yes, of course, Chairman, and you will
24 have to hear evidence from a variety of Garda witnesses
25 at senior rank level, whom I don't represent, in the 16:31
26 course of these hearings over the next two weeks. And
27 the purpose of my questions this afternoon is just to
28 establish that Sergeant O'Connell, I think, on behalf
29 of the chief superintendent, took whatever steps he

1 could to follow up with this witness.

2 **CHAIRMAN:** Mr. Dockery, I very often write down in a
3 case what is the position, let us say, of the defendant
4 when counsel put the position of the defendant. I like
5 people, if they are going to examine witnesses, to 16:32
6 actually put their case. And it's not a criticism of
7 you, but I really need to know how the Garda reacted to
8 this matter. Did they take it seriously? Did they
9 say, oh, he's at it again? Did they say, oh, this is
10 absolute nonsense? Something in between? There's a 16:32
11 lot of variables there, but I actually need to know
12 what the case being made is.

13 **MR. DOCKERY:** Yes. Well, you will appreciate,
14 Chairman, that Sergeant O'Connell's contact with this
15 witness occupies a very tiny space in that bigger 16:32
16 picture, and that is just what I am concerned with this
17 afternoon.

18 **CHAIRMAN:** I would still like to know how did Sergeant
19 O'Connell react to this. This is something, in other
20 words, that we have had before, this is an idiotic 16:33
21 mistake, there's reference to the Meath division being
22 called in. To what extent were the Meath division in
23 any way engaged in this matter, or, in other words, a
24 division outside of Cavan? So there would be an
25 independent investigation; to what extent did anybody 16:33
26 take it seriously. Or did somebody say at early stage,
27 this is absolute nonsense, poor Sergeant McCabe. I
28 really need to know that from anyone who is
29 representing any garda.

1 **MR. DOCKERY:** Very well. We will address ourselves to
2 those broader questions, Judge, on the date when
3 Sergeant O'Connell is scheduled to give evidence,
4 perhaps.

5 **CHAIRMAN:** People should have instructions on that. 16:33

6 **MR. DOCKERY:** Thank you.

7

8 **END OF CROSS-EXAMINATION BY MR. DOCKERY**

9

10 **MR. DIGNAM:** Chairman, Ms. Ward, I appear on behalf of 16:33
11 the Garda Síochána and I just have a few questions, but
12 I might just address the Chairman before I begin with
13 those questions, Ms. Ward.

14

15 Chairman, in relation to those broader questions and 16:34
16 legitimate questions that the Tribunal has raised, I
17 can tell the Tribunal that, first of all, the position
18 in relation to the matter being referred out of the
19 relevant district or division comes from a reference in
20 a letter or a report that was sent by Superintendent 16:34
21 Leo McGinn on the 8th May in which he, having received
22 the erroneous allegation, believing it to be a new
23 allegation or a new referral, reported to his chief
24 superintendent that this had come in, there had been a
25 previous allegation which had been investigated, and he 16:34
26 felt that this warranted being investigated by an
27 external -- or by a unit external to the relevant
28 district or division. That appears to be where the
29 reference to an external unit investigating the matter

1 comes from. And, in fact, the Tribunal will see from
2 the evidence from the Garda witnesses that no new
3 investigation as such was, in fact, carried out. In
4 relation to the Tribunal's questions as to what the
5 Gardaí did with the matter - did they run with it? Did 16:35
6 they carry out another investigation? Did they think
7 it was -- I think the word the Tribunal used was, did
8 they think it was stupid? In fact, what the evidence
9 will show, Mr. Chairman, is that over the course of --
10 in fact, quite rapidly and over the course of June and 16:35
11 July, it became apparent to the senior Gardaí, in
12 particular Chief Superintendent Sheridan, that this was
13 in fact the allegation, that it was an error as had
14 been notified to them by Rian and, in fact, it was
15 simply a repeat of the matter which had been 16:35
16 investigated back in 2006 and therefore didn't require
17 to be investigated again and there was no further
18 investigation.

19 **CHAIRMAN:** And did anybody call in Sergeant McCabe and
20 say to him: by the way, a very idiotic error has come 16:35
21 along?

22 **MR. DIGNAM:** No, Chairman.

23 **CHAIRMAN:** And by the way, we're doing nothing about it
24 because we know it's not true?

25 **MR. DIGNAM:** No, Chairman. 16:36

26 **CHAIRMAN:** In due course, we will hear if there was a
27 reason for that?

28 **MR. DIGNAM:** Yes.
29

1 MS. FIONA WARD WAS CROSS-EXAMINED BY MR. DIGNAM:

2
3 441 Q. MR. DIGNAM: Ms. Ward, I just have a few questions, and
4 you will forgive me if I refer to some documents which
5 have already been opened to you. If I can start with 16:36
6 the letter from yourself to Chief Superintendent Jim
7 Sheridan of the 22nd May 2014. That's at page 881 of
8 the booklet. Actually, just before I ask you to turn
9 to that letter, Ms. Ward, can you tell us what the
10 administrative or clerical support was in Rian at the 16:36
11 time? This is back in 2014.

12 A. In the Cavan office there was a part-time administrator
13 who would have supported the counsellors there in terms
14 of their administration. In the Navan office there was
15 a part-time administrator and also a grade 6 who would 16:37
16 have undertaken HR, annual-leave duties, that kind of
17 thing, who also reported to me.

18 442 Q. Yes. And is that the sum total of the administrative
19 clerical staff, or were there clerical staff also?

20 A. No, that is the total of the staff, yeah. 16:37

21 443 Q. And from the point of view of the letters being
22 prepared and sent out, did counsellors and managers
23 prepare and type their own letters or were they typed
24 by the clerical administrative staff?

25 A. Probably a mix. Generally, I would have prepared my 16:37
26 own letters. Sometimes I would have passed them on to
27 admin to send out to put in the post if I wasn't going
28 to be back in the office. So, for example, e-mail them
29 without clients' names or details and they would be put

1 in later on if I'd passed on that name. In the Cavan
2 office I think the counsellors would have -- the
3 administration staff would type some of their letters
4 for them, yes.

5 444 Q. On page 874 of the booklet there's an e-mail from you 16:37
6 to Ms. Anne Masterson, isn't that right?

7 A. That's right, yeah, I would have typed up a letter and
8 at the time I was asking her to put in the details, the
9 client's details, and I have superintendent's name
10 written there. We were waiting for that detail. By 16:38
11 the time the detail came in, I was in a position to put
12 those details in myself and to send the letter.

13 **MR. DIGNAM:** Yes. So, in this instance, you had in
14 fact sent the draft letter with blanks.

15 A. Yes. 16:38

16 445 Q. And presumably sent it by e-mail?

17 A. Yes.

18 446 Q. So there was a soft copy available to Ms. Masterson to
19 fill in those details?

20 A. Yes. 16:38

21 447 Q. If I can just turn then to that letter. In your
22 evidence yesterday you said that you sought advice from
23 data control, I think that was Rosalie Smyth-Lynch, and
24 you said it was because data control was not your area
25 of expertise? 16:38

26 A. Mm-hmm.

27 448 Q. That's correct, is it?

28 A. Yes.

29 449 Q. Yes. And you sought that advice in the first instance

1 I think in a telephone call, is that right --

2 A. Yes.

3 450 Q. -- with Ms. Smyth-Lynch?

4 A. Yes.

5 451 Q. And there is a memo of that telephone call on page 862, 16:39
6 if I can ask you to have a look at that.

7 A. Yeah.

8 452 Q. I know you have read this previously?

9 A. Do you want me to read it again?

10 453 Q. Yes. 16:39

11 A. *"Spoke with Rosalie Smyth-Lynch, data controller.*
12 *Rosalie stated that as it is not possible to identify*
13 *the person in the report in the section with the*
14 *incorrect information that it is not a data breach but*
15 *an administration error. Rosalie advised that all 16:39*
16 *incorrect reports should be retrieved and correct*
17 *reports sent to the relevant personnel. I advised*
18 *Rosalie that the garda stated they needed to keep the*
19 *original report on file. Rosalie stated that there*
20 *would be no reason for this and that I should write to 16:39*
21 *the chief superintendent for his address only and*
22 *request the original incorrect report back. Similarly*
23 *incorrect reports should be retrieved from all parties*
24 *who received the original. I agreed to follow up on*
25 *same."* 16:40

26 454 Q. Now, did you send the incident report form that you
27 prepared, I think was it 14th May, was it, 14th May,
28 did you send that to Ms. Smyth-Lynch?

29 A. That would have gone to Ms. Smyth-Lynch, yes.

1 455 Q. And the copy we have doesn't contain any surnames, it
2 doesn't contain any names at all, did you tell
3 Ms. Smyth-Lynch the names of any of the parties?
4 A. From what I recall, no, I didn't.

5 456 Q. Okay. So on that basis, on the basis of your 16:40
6 recollection, Ms. Smyth-Lynch was given this advice on
7 the level, it was general principle?
8 A. Yes, any client, yes, or any information, yes, that's
9 correct.

10 457 Q. So Ms. Smyth-Lynch will say that nobody could be 16:40
11 identified?
12 A. That's correct.

13 458 Q. She was saying that without knowing the names of any of
14 the parties or how recognisable or distinctive those
15 names might have been? 16:40
16 A. That's correct, yes.

17 459 Q. And you then sent the letter - sorry to be jumping back
18 and forth, Ms. Ward - at 881, you then sent that letter
19 to Chief Superintendent Sheridan and this is the
20 letter, rather than reading it all, Ms. Ward, this is 16:41
21 the letter in which you ask him to arrange to have all
22 copies of the incorrect report, including any copies
23 made as part of the Garda procedures in following up on
24 this report, to return them to you?
25 A. That's right, yes. 16:41

26 460 Q. And in making that request of Chief Superintendent
27 Sheridan, I take it -- or is it fair to say that you
28 were acting exclusively on the basis of the advice that
29 you had received from Ms. Smyth-Lynch?

1 A. Yes.

2 461 Q. And what is Ms. Smyth-Lynch's position in the HSE?

3 A. Her title, as far as I'm aware, is director of consumer
4 affairs, so she has responsibility relating to data
5 protection as well, as part of that. 16:41

6 462 Q. Okay. If can I then ask you, Ms. Ward, to turn to page
7 850 of the booklet. This is the incident report
8 prepared by you on the 14th. Now, in that, under the
9 heading "*Nature of Incident*", you say that:
10 "*A counsellor/therapist working in the Rian office in 16:42*
11 *Cavan was contacted by a client on the 14th May 2014.*"
12 We now know that to be Ms. Brophy.
13
14 "*And the client stated that it had just come to their*
15 *attention as a result of her recent contact with Gardaí 16:42*
16 *that a written report drafted by the*
17 *counsellor/therapist with the consent of the client*
18 *detailing allegations of past abuse experienced by the*
19 *client and submitted to the counsellor/therapist in the*
20 *Child and Family Social Work Service 9th August 2013 16:42*
21 *contained inaccurate information regarding the nature*
22 *of the abuse reported by the client.*"
23 That passage where you say "*The client stated that it*
24 *had just come to their attention as a result of a*
25 *recent contact with Gardaí,*" were you aware at that 16:43
26 stage that it was the client's father, who is a garda,
27 had brought it to the client's attention?
28 A. From my notes, as far as I'm aware I would have taken a
29 call from Laura and in those notes stated that the

1 client had contacted, alerted us to the error, that her
2 father was a garda in -- was a garda, yes.

3 463 Q. Yes. So you knew at the time that it had come to
4 Ms. D's attention through her father, who is a garda,
5 telling her about this report having been received? 16:43

6 A. I'm not sure if I can state that emphatically. I knew
7 that he was a garda, that she had seen the report and
8 that we had had contact -- or that she had contact --
9 said that she had seen the report. But I couldn't say
10 who showed her that report, to be honest. I wouldn't 16:43
11 have that information.

12 464 Q. On page 845, your supervision, that is the note of your
13 supervision meeting -- sorry, I think you describe it
14 as a supervision meeting on the 14th May 2014?

15 A. Yes. This would actually have been a phone call. This 16:44
16 was in relation to the error.

17 465 Q. Yes. And you will see between halfway and two-thirds
18 of the way down the page, it's noted that her father
19 saw the report because he is in the Gardaí?

20 A. Sorry, yes. I just wasn't remembering my notes 16:44
21 correctly.

22 466 Q. Yes, that is fine.

23 A. Yes.

24 467 Q. So it is clear from that --

25 A. Yes. 16:44

26 468 Q. -- that when you wrote the incident report form you
27 knew that the client had been told by her father?

28 A. Sorry, yes.

29 469 Q. I'm just curious as to why you didn't simply say that

1 in the incident report why the -- I don't mean this in
2 any disrespectful sense, but the vagueness, that it
3 came to his attention as a result of a recent contact
4 with Gardaí, why not say her father told her?

5 A. I suppose I wouldn't have seen the relevance of that in 16:44
6 particular at the time, and also, I would be very
7 conscious of maintaining confidentiality in relation to
8 individuals, so I would write in a way that is
9 conveying the information in terms of what the error is
10 but not providing information that in any way could 16:45
11 identify somebody. So I would have been cautious
12 around that, I expect. So there's no particular
13 intention behind that.

14 470 Q. Now, if I can ask you to turn to page 867. This is
15 Ms. Brophy's e-mail to you of the 15th May 2014 in 16:45
16 which Ms. Brophy says that "*Ms. Argue informed me that*
17 *she contacted the chief superintendent in charge of*
18 *this investigation and he informed her the alleged has*
19 *not been contacted in relation to the case as they are*
20 *just beginning to look into the report from social 16:45*
21 *services yesterday.*"

22 who did you understand Ms. Argue to have contacted? In
23 other words, who was she referring to when she
24 mentioned the chief superintendent?

25 A. This call was taken by Ms. Brophy and just directed to 16:45
26 me. To be honest, I wouldn't know who that actual
27 person would have been, and you will see that I've at
28 times written the wrong job titles for people, so I
29 wouldn't have had experience of who exact personnel

1 were, so I can't confirm who that person was.

2 471 Q. well, my understanding from what you said yesterday is
3 that Rian don't have -- generally don't have direct
4 contact with the Gardaí?

5 A. No, that's correct, yeah. That's correct. 16:46

6 472 Q. So you wouldn't necessarily be on top of the different
7 ranks?

8 A. Absolutely not, no. No, I wouldn't have an awareness
9 of those, or who would be stationed at different Garda
10 stations. 16:46

11 473 Q. So is it fair to say that you are taking that as a
12 report of what Ms. Argue said to the chief
13 superintendent?

14 A. Yes.

15 474 Q. Or, sorry, to Ms. Brophy? 16:46

16 A. Yes.

17 475 Q. Similarly, on page 868 is an e-mail from you to
18 Ms. Brophy -- sorry, from Ms. Brophy to you, I should
19 say, and she refers to having received a call back from
20 the superintendent. Did you know who that 16:46
21 superintendent was at that time?

22 A. No, I wouldn't have been aware of who the person was,
23 no.

24 476 Q. And then you will see, just below that, two lines below
25 that, there is a reference to the matter being given 16:47
26 over to the Commissioner and a separate team to
27 investigate the case outside the region. Did you know
28 who was being referred to when the word "commissioner"
29 was used?

1 A. No, I would not, no.

2 477 Q. If I could ask you to turn to page 882.

3 **CHAIRMAN:** I think it was accepted yesterday that
4 "commissioner" means regional commissioner as in Sligo.

5 **MR. DIGNAM:** Yes. 16:47

6 **CHAIRMAN:** But again, I'm interested what communication
7 there was from there to headquarters or by anywhere
8 else, because, after all, people do talk.

9 **MR. DIGNAM:** Yes. And the Tribunal will hear evidence
10 from Assistant Commissioner Kieran Kenny, and indeed he 16:47
11 deals in his statement as to what communication was
12 passed to the Commissioner's office.

13 478 Q. Now, Ms. Ward, page 882 is the letter from Chief
14 Superintendent Sheridan to you of the 18th June seeking
15 clarification on a number of matters, and Mr. McDowell 16:48
16 has asked you about this letter, so I'm not going to
17 ask you about it in any great detail. But you
18 described yourself in your evidence today that you were
19 happy to respond to the chief superintendent's
20 questions? 16:48

21 A. Yes.

22 479 Q. You'll know, from having discussed it with Mr. McDowell
23 earlier this afternoon, that there were, in fact, three
24 questions contained in that letter?

25 A. Yes. 16:48

26 480 Q. Two bullet-points with three questions. The first
27 question was in relation to whether this related back
28 to the 2006 allegation. I'm not going to ask you about
29 that. And point 2, Chief Superintendent Sheridan

1 writes -- sorry, you write to Chief
2 Superintendent Sheridan -- sorry, Chief Superintendent
3 Sheridan writes:

4
5 *"I would appreciate clarification on how the* 16:49
6 *administrative error referred to occurred and came to*
7 *light which resulted in your letter dated 22nd May*
8 *2014."*

9
10 And I was curious and wanted to explore with you why 16:49
11 you didn't answer the second question; in other words,
12 how the error occurred. Now you have answered that
13 question for us in response to Mr. McDowell's questions
14 and you have made it clear that it wasn't that you were
15 trying to be evasive or you had no intention to be 16:49
16 evasive. And in fact is it fair to say that the
17 absence of the answer to that question in your
18 responding letter led to some of the questions that
19 Inspector O'Connell subsequently asked you?

20 A. Yes. I would accept that, yes. 16:49

21 481 Q. Yes.

22 A. Yeah, yeah.

23 482 Q. And is it fair to say that you answered the question
24 when Inspector O'Connell asked the question?

25 A. Yes. 16:49

26 483 Q. Yes. Now in relation to your answers, in evidence you
27 said that you had phone conversation with Inspector
28 O'Connell I think on the 24th June, and if you could
29 turn to page 884, in the first main paragraph of that

1 letter you record that:

2

3 *"Pat O'Connell seeks clarification regarding to the*
4 *administrative error. He sought to --"*

5

16:50

6 You might help me with that Ms. Ward.

7

A. Yeah. *"He sought to establish how the error came*
8 *about. Was it a typographical error - cut and past?*
9 *And I stated yes, the error was typographical, related*
10 *to a cut and pasting of another report."*

16:50

11

12 484 Q. Yes. And you said in your evidence that it was
13 Inspector O'Connell who asked was it a typographical
14 error, a cut and past, and that you answered yes and
15 you then said in the witness box this afternoon that
16 that was wrong but that it was just an easy way, i.e.
17 of you just using his words?

16:51

18

A. A way of describing the error, yes, that's my
19 recollection, yes.

20

485 Q. You subsequently then in your letter, in a letter to
21 Chief Superintendent Sheridan on the 1st July 2014,
22 which is at page 887, you write to Chief Superintendent
23 Sheridan:

16:51

24

25 *"I wish to clarify that the administrative error*
26 *occurred as a result of typographical mistake made by*
27 *councillor-therapist who compiled the report. This*
28 *error occurred when information template was cut and*
29 *pasted into another template."*

16:51

1

2 A. Yes.

3 486 Q. Now, that is with the benefit of a week of reflection
4 and you find yourself using the same words?

5 A. Same terminology, yes.

16:52

6 487 Q. Could you explain that?

7 A. The only way I could, I can't think -- I'm not able to
8 remember back to exactly my thought process at the
9 time. I probably referred to my notes when I was
10 drafting up the area and that was the reason for using
11 that. Obviously I know now that that doesn't describe
12 it accurately, but I can't explain it beyond that. I'm
13 not able to recollect.

16:52

14 488 Q. Would you accept that it was important to explain it
15 accurately?

16:52

16 A. I absolutely can accept that now. I suppose seeing it
17 from this position now things look very different. I
18 suppose I understood the importance of correcting the
19 error at the time, I suppose I probably wasn't holding
20 the same perspective in terms of explaining exactly how
21 it occurred. I wouldn't have been as focused on that
22 part of it at that time.

16:52

23 489 Q. You see, I have to put it to you that having used the
24 words that it was typographical error, a cut and paste
25 in your conversation on 24th June and then a week
26 later, after some reflection presumably, and the
27 exercise of sitting down to write a letter, you find
28 yourself using the same words, that that is consistent
29 with that being your view that that is what happened --

16:53

1 A. Mm-hmm.

2 490 Q. -- rather than simply accepting the words that were
3 used by Inspector O'Connell?

4 A. Mm-hmm.

5 491 Q. You will understand what the Tribunal has to look at is 16:53
6 acts and omissions by various parties and that by
7 saying that you simply used the words that were given
8 to you by somebody else, particularly a member of An
9 Garda Síochána, that may be used against that member?

10 A. I understand that, yes. 16:53

11 492 Q. Or against An Garda Síochána?

12 A. Yeah, yeah.

13 493 Q. With that in mind, I have to put it to you that you
14 were satisfied to describe the error in that fashion
15 and you weren't under any compulsion or even suggestion 16:54
16 by a member of An Garda Síochána to describe it in
17 those terms?

18 A. No, no, absolutely not. No. It was just -- -

19 494 Q. You weren't satisfied --

20 A. Sorry, no, I wasn't under any pressure to use those 16:54
21 words. No. Absolutely not, no.

22 495 Q. You mentioned in your evidence yesterday that the 2014
23 report from Rian to Tusla had gone outside the Rian
24 service, naturally because it had already been sent to
25 Tusla? 16:54

26 A. Yes.

27 496 Q. And I think you said that you weren't sure where the
28 information was or who had seen it and you accepted, in
29 response to Mr. Marrinan's question, that by the time

1 the error came to notice it had been in circulation for
2 nine months?

3 A. Yes.

4 497 Q. Have you any idea who or how many people -- firstly, I
5 will start with, which or how many agencies had seen 16:55
6 the report from Rian that was sent to Tusla in August
7 2013, between August 2013 and May 2014?

8 A. No, I would not know that.

9 498 Q. And therefore you'd no idea how many people within
10 those agencies would have -- 16:55

11 A. No, I don't know, no.

12 499 Q. But as a minimum do I take it that you would accept
13 that Tusla had seen it?

14 A. Yes.

15 500 Q. Rian of course had seen it? 16:55

16 A. Yes.

17 501 Q. And the National Counselling Service in the county, in
18 the southeast, to which the file had been
19 transferred --

20 A. Yes. 16:55

21 502 Q. -- had seen it also?

22 A. Yes.

23 503 Q. At a minimum you would have know that they, that those
24 agencies had seen it?

25 A. Yes. 16:55

26 504 Q. And I think your answer, not knowing how many people
27 would have seen it is consistent with what you said
28 earlier, that you wouldn't have knowledge of the
29 internal procedures of those different agencies?

1 A. That's correct, yes.

2 505 Q. Thank you Ms. Ward.

3

4 **MS. WARD WAS THEN CROSS-EXAMINED BY MR. CUSH**

5 **MR. CUSH:** Chairman, if I may very briefly. 16:56

6 506 Q. Ms. Ward, you were asked a number of questions by
7 Mr. McDowell referable to the letter of 18th June 2014
8 on page 883. And you'll probably recall Mr. McDowell
9 suggested to you that this letter was less than wholly
10 helpful to the superintendent, not as candid as it 16:56
11 might have been, and in particular he drew your
12 attention to the fact that you hadn't explained how the
13 error had occurred, and he asked you whether you were
14 trying to protect anyone; do you recall those
15 questions? 16:56

16 A. I do.

17 507 Q. He didn't, I think, refer you to your exchanges with
18 Detective Sergeant Pat O'Connell within a matter of
19 days, be it the 24th June or 30th June, and he didn't
20 refer you to your letter of the 1st July. Would you 16:56
21 just look at that please on page 887? On the third
22 line second sentence you say:

23

24 *"I wish to clarify that the administrative error*
25 *occurred as a result of a typographical mistake made by* 16:57
26 *counsellor-therapist who compiled the report. This*
27 *error occurred when information from a report template*
28 *was cut and pasted into another template."*

29

1 Just pausing there. Did that represent your
2 understanding at the time of how the error had
3 occurred?

4 A. In as far as I was aware at that stage. I mean, I
5 hadn't explored in great detail the computer side of 16:57
6 things in terms of how it had occurred. So that would
7 have described for me probably how that had occurred.

8 508 Q. And to this day are you in any much better position to
9 describe the error?

10 A. To be honest, no. I don't have an understanding of how 16:57
11 it occurred. No.

12 509 Q. Were you being less than candid with the chief
13 superintendent?

14 A. No. No. I wouldn't say that I was. I would tend to
15 respond openly in most of my communications and 16:58
16 endeavour to respond as best I can.

17 510 Q. Thank you Ms. Ward.

18
19

20 **MS. WARD WAS THEN QUESTIONED BY THE CHAIRMAN** 16:58
21

22 511 Q. **CHAIRMAN:** Ms. Ward, I have just got a couple of
23 questions for you, if I may. First of all, you
24 mentioned workload and I'm afraid I am confused in
25 relation to workload. There's been mention of 37 16:58
26 cases, there's been mention of seven cases. Clearly in
27 any counselling services there would be old cases, in
28 other words clients who have gone from a year or
29 whatever and who are not feeling right and I know from

1 Laura Brophy's evidence yesterday some people have 30
2 or 40 sessions?

3 A. Mm-hmm.

4 512 Q. **CHAIRMAN:** So that would go over perhaps a calendar
5 year anyway? 16:58

6 A. Yes. Sorry, the 37 cases refers to the number of
7 retrospective reports made, not the number of clients
8 in the service.

9 513 Q. **CHAIRMAN:** Okay. And in terms of Cavan-Monaghan it was
10 seven, what lawyers call, historic sexual abuse 16:59
11 allegations?

12 A. Yes. In 2013.

13 514 Q. **CHAIRMAN:** Yeah. One of the things that might puzzle
14 people listening to today's evidence, yesterday's
15 evidence, is why people don't sit down together and 16:59
16 have a chat?

17 A. Mm-hmm.

18 515 Q. **CHAIRMAN:** I mean, Cavan is not enormous, Bailieboro is
19 not very far away. I know it has been floated as to
20 whether, and this is a question you were completely 16:59
21 candid in your responses to the Gardaí, but I don't
22 know if you can see any reason why they wouldn't have
23 requested, for instance, to meet with you or call on
24 you to have a chat through this or to call on Laura
25 Brophy and have a chat, have you any reason to that? 16:59

26 A. No, there would have been no reason, there would have
27 been no issues in terms of any relationship
28 difficulties or anything like that. We would have been
29 happy to respond.

1 516 Q. **CHAIRMAN:** Physically I know that what has been
2 referred to social work - and I'm confused there,
3 because I understand social work is HSE and also Tusla
4 or Child and Family Agency - is literally only a walk
5 away from where you are, isn't that right, in Cavan? 17:00

6 A. Well actually, I don't work in Cavan generally so I
7 don't know exactly the distance. I think it is
8 probably a short drive. It's not too far, no.

9 517 Q. **CHAIRMAN:** I was told yesterday that you only had to
10 walk up the road. 17:00

11 A. Right, yes.

12 518 Q. **CHAIRMAN:** And how far away the garda station is I
13 don't know, but again --

14 A. I don't know.

15 519 Q. **CHAIRMAN:** I haven't been in Cavan for a while but I 17:00
16 have been in it in the past and it's not big.

17 A. No.

18 520 Q. **CHAIRMAN:** Do you know anything reason why people
19 couldn't sit down together to discuss this if they
20 really had these terrible queries on their mind as to 17:00
21 what had occurred?

22 A. No. We certainly would have been very open to any
23 meetings or communications that were put to us.
24 Obviously when it's suggested that maybe we could have
25 made contact that is a suggestion that perhaps should 17:00
26 have been thought of. But we certainly would have been
27 very open to any meetings or communications to discuss
28 this, absolutely.

29 521 Q. **CHAIRMAN:** Yeah. In relation then to Ms. Y, I think

1 there has been some investigation by the Tribunal as to
2 whether Ms. Y actually existed or whether this is an
3 invention.

4 A. Yes.

5 522 Q. **CHAIRMAN:** Are you satisfied Ms. Y existed, does exist? 17:01

6 A. I'm absolutely satisfied. I would have presented the
7 investigators with the original file which they would
8 have seen.

9 523 Q. **CHAIRMAN:** Yes.

10 A. They would have seen evidence on the file of the 17:01
11 sessions she attended, her information. Also even in
12 following up with the Tribunal in relation to this
13 matter we would have contacted her to let her know. So
14 that confirms her existence.

15 524 Q. **CHAIRMAN:** Yes. And she has been represented at a 17:01
16 private sitting of the Tribunal prior to these public
17 hearings beginning.

18 A. Yes, absolutely I'm satisfied that she is a real
19 client, yes.

20 525 Q. **CHAIRMAN:** Is there anything in the file, and you would 17:01
21 be an expert as to how files are put together and what
22 they look like, to suggest to you that there is any
23 suspicion in relation to any of this in the manner in
24 which anything to do with her was recorded?

25 A. No, absolutely not. I'd be very satisfied that there 17:02
26 was no malice at all from our service.

27 526 Q. **CHAIRMAN:** And I think apart from the investigators
28 looking at the file -- and the request was that they
29 would bring back no information in relation to Ms. Y so

1 it could not be circulated?

2 A. Mm-hmm.

3 527 Q. **CHAIRMAN:** I know the Forensic Service of Northern
4 Ireland on behalf of the Tribunal have also looked at
5 the computer data in relation to what came from where, 17:02
6 when, how, isn't that correct?

7 A. Yes, that's my understanding, yes.

8 528 Q. **CHAIRMAN:** All right. The next thing I wanted to turn
9 to was the excel spreadsheet if I might, please. Again
10 please, I'm just a wee bit confused in relation to 17:02
11 that. The excel spreadsheet that we have been
12 referring to -- and I have marked so much now why
13 actually find the page number, if someone would be so
14 kind as to help me.

15 **MR. MCGUINNESS:** 825, Chairman. 17:03

16 **CHAIRMAN:** Thank you. 825, yeah.

17 529 Q. The reason for the reaction is, I take it that we are
18 talking about a whole load of people who have nothing
19 to do with any of this?

20 A. They would be the other reports, the other 37, yes. 17:03

21 530 Q. **CHAIRMAN:** who have rights of privacy obviously.

22 A. Yes, absolutely.

23 531 Q. **CHAIRMAN:** Yeah. It says 2013, when do you actually
24 compile these things?

25 A. Generally it's at the end of the year. So they would 17:03
26 be reports relating to 2013. So usually it would be
27 December or January when I would have quiet time in the
28 office.

29 532 Q. **CHAIRMAN:** We have a kind of three month window

1 December 2013, January/February 2014 that kind of
2 thing?

3 A. Yeah. I think it would have been January. Usually I
4 would go in and do it around then.

5 533 Q. **CHAIRMAN:** Yeah. And did anybody put into that -- you 17:03
6 see where -- if you wouldn't mind calling up page 825,
7 do you see it in front of you now?

8 A. Yes.

9 534 Q. **CHAIRMAN:** Do you see on the very right-hand side --
10 A. Yes. 17:03

11 535 Q. **CHAIRMAN:** well, I will go through it. It's: "*Month,*
12 *number, date of report, name of client*" - obviously
13 that is gone - "*area, nature of report, reported to,*
14 *allegation against, nature of relationship.*" "*Nature*
15 *of report*" is blanked out, but was it the Ms. Y 17:04
16 allegation or the Ms. D allegation?

17 A. In this particular record, is it?

18 536 Q. **CHAIRMAN:** Yes.
19 A. This would have been all of the reports for that year.

20 537 Q. **CHAIRMAN:** No, no, I know. But when you look at the 17:04
21 bit related to Ms. D --

22 A. Yes, what would have been blanked out related to that,
23 it would have said, for example, "*CSA retrospective*"
24 which means historical child abuse. So it is a general
25 term that I use. 17:04

26 538 Q. **CHAIRMAN:** Yeah. So, it doesn't actually give a
27 description?

28 A. It doesn't give a description, no. It's general.

29 539 Q. **CHAIRMAN:** Anywhere in this form is there room for a

1 description?

2 A. No. No.

3 **MR. MCGUINNESS:** Page 827.

4 **CHAIRMAN:** I beg your pardon?

5 **MR. MCGUINNESS:** Page 827. 17:04

6 540 Q. **CHAIRMAN:** Yeah. "CSA retrospective" but it doesn't go
7 beyond.

8 A. No, it's a category that we use. We don't give -- I
9 don't put more detailed information on that.

10 541 Q. **CHAIRMAN:** I was just wondering, to compile this did 17:05
11 you have to physically fish out the Ms. D file and look
12 at it?

13 A. No. No. I just looked at the form. I wouldn't have
14 access all the time to the files. They would have been
15 in the office. I'm based in Navan and the file would 17:05
16 have been in Cavan.

17 542 Q. **CHAIRMAN:** So in a way, and I'm not trying to denigrate
18 this in any way, this is a bit like the reports that
19 hotels used to do for Bord Fáilte saying how many
20 people stayed in their hotels -- 17:05

21 A. Yes.

22 543 Q. **CHAIRMAN:** -- how many rooms are occupied or whatever?
23 It is entirely a statistical thing?

24 A. Yes. It is a statistical exercise.

25 544 Q. **CHAIRMAN:** And it is treated in that way? 17:05

26 A. Yeah.

27 545 Q. **CHAIRMAN:** Then the last thing I wanted to ask you
28 about was this: Looking at the guidelines, which are
29 pretty clear that there ought to be a meeting either

1 every month or bimonthly, and appreciating as well that
2 you are in -- where are you?

3 A. I am based in Navan.

4 546 Q. **CHAIRMAN:** You're in Navan, they're in Cavan. And
5 again, those are not very far away? 17:05

6 A. Mm-hmm.

7 547 Q. **CHAIRMAN:** And appreciating that people have other
8 things to do, can people not be made to realise that
9 there's a particular day of the month where it doesn't
10 matter what they are doing, that they just have to turn 17:06
11 up to a meeting and we all have to sit down, no matter
12 how boring it is, and discuss these cases? I mean, is
13 that beyond the discipline of the organisation to do
14 that?

15 A. No. I don't think it is. I suppose if there's enough 17:06
16 requirement for that, yes, it could certainly happen.
17 Yes.

18 548 Q. **CHAIRMAN:** I understood, and I may be wrong, but I
19 understood when the guidelines were being drawn up
20 that - and again I'm not blaming you, it's 17:06
21 organisational thing, but - there was an input by your
22 organisation into what the guidelines should say?

23 A. Mm-hmm.

24 549 Q. **CHAIRMAN:** So having done that input did nobody say 17:06
25 'well, our duty is to have a meeting once a month or
26 once every two months, so it's going to be the first
27 Tuesday of every month and everybody is going to turn
28 up in Navan and it's going to take two hours and then
29 we can all go and do whatever else we want to do'?

1 A. Certainly internally the meetings weren't a problem,
2 it's -- the difficulty is trying to get meetings and
3 set them up with say other organisations, the Social
4 Work Department. So we would have met regularly
5 internally for clinical issues. 17:07

6 550 Q. **CHAIRMAN:** Oh, I know that.

7 A. Yes.

8 551 Q. **CHAIRMAN:** I appreciate that. But you will appreciate
9 as well that the difficulty with -- the danger is of
10 lack of communication -- 17:07

11 A. Yes.

12 552 Q. **CHAIRMAN:** -- and the fact that different agencies are
13 tasked with similar things --

14 A. Yes.

15 553 Q. **CHAIRMAN:** -- and the guidelines clearly say you're 17:07
16 supposed to be talking about.

17 A. Yes I accept that.

18 554 Q. **CHAIRMAN:** Who would have had ultimate responsibility
19 for ensuring those meetings take place?

20 A. Ultimately that would have been me. 17:07

21 555 Q. **CHAIRMAN:** Yeah. All right. That's fair enough.
22 Unless there's any other questions then?

23 **MR. MCGUINNESS:** No, sir.

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

25 A. Thank you thank you. 17:07

26

27 **THE WITNESS THEN WITHDREW**

28

29 **MS. LEADER:** The next witness, sir, is Carmel McAulay

1 and her statement is to be found at page 1374 of the
2 materials in volume 5.

3
4 **MS. CARMEL MCAULAY, HAVING BEEN SWORN, WAS DIRECTLY**
5 **EXAMINED BY MS. LEADER**

17:08

6 556 Q. **MS. LEADER:** Ms. McAulay, if you outline to the
7 Tribunal your qualifications.

8 A. I am a professionally qualified social worker. I
9 graduated from UCD and I obtained my professional
10 qualification in Leeds.

17:08

11 557 Q. If you can briefly outline your work history as well,
12 please?

13 A. I started my work in 1989 and I started with the then
14 North Eastern Health Board. My job at that time would
15 have been very much generic social work, which would
16 have covered fostering, adoption, child protection and
17 welfare. I then moved into a specialist area in
18 fostering and children in care for a period of time and
19 after that I was actually in that post for about 14
20 years as a team leader and I moved then into my current
21 role, which is team leader in child protection and
22 welfare across the Cavan-Monaghan area.

17:08

23 558 Q. Do you remember the date you moved -- you became team
24 leader in child protection and welfare?

25 A. My memory of it is it was approximately 30th May 2014.

17:09

26 559 Q. 2014. Just in very general terms can you remember did
27 you have any involvement in Ms. D's file or her case at
28 any time during your employment with the Health Board?

29 A. No. I never had any involvement in my time with the

1 Health Board at any stage.

2 560 Q. Okay. And in relation to a file that was created in
3 relation to Sergeant McCabe, to your knowledge, until
4 very recent times, did you have any involvement in that
5 file? 17:10

6 A. I had no involvement in that file. As I say, I started
7 as team leader in child protection welfare in 2014 and
8 I transitioned into that post under the -- I suppose
9 with my previous colleague, Ms. Eileen Argue. I was
10 with her for a week. And I remained in that post as 17:10
11 team leader in duty intake until August of that year,
12 the end of August I think. So I would have been
13 approximately ten weeks to 12 weeks in that post. And
14 in August then I moved back into the Monaghan office to
15 cover just duty intake and further assessment child 17:10
16 protection in Monaghan only.

17 561 Q. Okay. You will understand that your name appears on a
18 Notification of Suspected Child Abuse which was sent to
19 Bailieboro Garda Station, and that form is dated 10th
20 June 2014. 17:11

21 A. Yes.

22 562 Q. It's at page 1387 of the materials.

23 A. Yes, I am aware of that.

24 563 Q. You are said to be the designated social worker dealing
25 with the matter, is that correct? 17:11

26 A. Yes, I can confirm that that is on the form.

27 564 Q. That's your name?

28 A. And that's my name that is on the form, yes.

29 565 Q. And that is your telephone number at that time, is that

1 correct?

2 A. Yes, yes.

3 566 Q. And at that time you were actually working as team
4 leader --

5 A. Yes. 17:11

6 567 Q. -- is that correct?

7 A. Yes. And I suppose maybe if I can put this into
8 context, into some context. I see that it is an
9 amended notification and in brackets it says
10 "*(Previously notified on the 2nd May)*", I would not 17:11
11 have been in that post at that time, the 2nd May. And
12 the second notification then, which is a further date,
13 I was in post at that point but it's the same
14 information. So my understanding would be that the
15 person -- that it was the person -- it was the same 17:12
16 information but just notified and with the word very
17 clearly across "*amended notification*" on it, with my
18 name on it. And in relation to why my name is on it:
19 The case was not allocated, so it would be standard
20 practice if there's cases not allocated that under that 17:12
21 section you would put somebody's -- you know, a social
22 worker's name, and in this instance my name was put
23 there as the team leader.

24 568 Q. Did you put your name on the form?

25 A. No. 17:12

26 569 Q. Do you know who put your name on the form?

27 A. I don't. But I could -- I suppose I would imagine that
28 it was the person who filled out the form in May with
29 the same information, would have -- that'd be the same

1 information and that person was -- I'm assuming that it
2 was my colleague who I took over from. I'm assuming
3 that she put my name because she was leaving the
4 service at that point and she wouldn't have been -- she
5 was leaving the service I think actually the first week 17:13
6 of June in that year. So she would have been saying
7 that I was the person to contact going forward in
8 relation to any queries they might have.

9 570 Q. And were you actually the designated social worker
10 dealing with the matter at that time? 17:13

11 A. No, I wasn't. It'd be standard practice that if it's
12 not allocated, which the team leader for that service
13 area's name would be put on those forms. So I can see
14 where that, how that happened.

15 571 Q. Okay. If you could explain to the Tribunal, please, 17:13
16 who would have had responsibility for checking that
17 form in the normal course?

18 A. In the normal course I suppose the form would be filled
19 out by the social worker who takes the information from
20 whatever source that would have been. The social 17:14
21 worker would usually talk to the team leader and I
22 suppose the team leader would be trustful that the
23 social worker would have the correct information, and
24 if it was appropriate that between the discussion and
25 the team leader they would put that information -- that 17:14
26 information would go, would be put on the form and then
27 it would be signed off by the principal social worker
28 as well.

29 572 Q. So as you were the team leader at that time when the

1 form was actually sent to the guards --

2 A. Yes.

3 573 Q. -- was the procedure followed? Was there any
4 discussion with you in relation to --

5 A. No, there wasn't. Because I wasn't aware that my name 17:14
6 was on this notification.

7 574 Q. Okay.

8 A. I can understand why it was; because the team leader
9 who was in post prior to me possibly put my name on it.
10 I can only surmise that because the garda notification 17:15
11 in May it's the same information and is signed by the
12 previous team leader, Ms. Eileen Argue. The same
13 information, with the amended -- with very clear
14 amended on it, it's the same information and my name is
15 on it, because she was leaving the service at that 17:15
16 time. So it was just for, if anybody wanted to have
17 further contact that I was the person to --

18 575 Q. Okay. So am I correct in saying that the procedure,
19 the correct procedure wasn't followed in relation to
20 checking the form at that time? 17:15

21 A. I can't say.

22 576 Q. If you didn't --

23 A. I cannot say. I don't know. I wasn't aware of this
24 notification. I wasn't aware that my name was on that,
25 on the notification -- on the amended notification, 17:15
26 only until this Tribunal.

27 577 Q. So just to put the matter in context, it's in relation
28 to a retrospective adult disclosure made by Ms. D, is
29 that correct?

1 A. That's correct, yes.

2 578 Q. And it's an amended notification, the matter had
3 previously been notified to the Guards on the 2nd May
4 2014, is that correct?

5 A. That's correct. 17:16

6 579 Q. And then there is a narrative of what happened but that
7 isn't your narrative, I am correct in saying that?

8 A. That's correct.

9 580 Q. Yes.

10 A. No, that's not. 17:16

11 581 Q. And there is a mistake in the amended notification, I
12 don't know if you are aware of that?

13 A. As I say, I wasn't aware of this at the time but for
14 the purpose of the Tribunal in doing some of the
15 background reading I have discovered, yes, that there 17:16
16 was incorrect information on that notification.

17 582 Q. And that particular mistake, it's repeated in the first
18 paragraph as "*Ms. D alleges that the alleged*
19 *perpetrator of this abuse threatened her father if she*
20 *said anything*", isn't that right? 17:17

21 A. Yes.

22 583 Q. So that mistake is repeated although this purports to
23 be a corrected notification, is that correct?

24 A. That's correct, yes.

25 584 Q. So in circumstances where you, the social work team 17:17
26 leader, didn't check the form, because it wasn't
27 brought to your attention, do you think that error may
28 have been picked up on had the procedure been followed?

29 A. As I say, my name was put on it without my knowledge.

1 I wasn't aware that this notification was in existence
2 at all until the purpose of the Tribunal. So I
3 actually can't answer that question.

4 585 Q. Okay. And is there anything on the form that would
5 confirm or tell anybody who put that form together? 17:17

6 A. My understanding is that the person who received the
7 information, who could have been a social worker I
8 think, in May, for the May notification, put that
9 information on, and it seems then that the amended
10 notification has the exact same information in June, 17:18
11 10th June, and signed off by the principal social
12 worker on 20th June.

13 586 Q. Yes.

14 A. I can only surmise that it was my colleague who was
15 leaving the service put that information at that time. 17:18

16 587 Q. And certainly that may be a fair enough assumption.

17 A. Okay.

18 588 Q. There is an earlier draft of that amended notification
19 available to the Tribunal, and that's at page 446 of
20 the materials, if that can be brought up please. It 17:18
21 would appear on that earlier draft of the amended
22 notification it's dated 2nd May, not 10th June, isn't
23 that correct?

24 A. That's correct, yes.

25 589 Q. And it would appear that Eileen Argue's name with the 17:19
26 same telephone number appears on it, is that correct?

27 A. That's right, yes.

28 590 Q. And she actually emailed that to one of your colleagues
29 earlier on, isn't that correct?

1 A. That's correct, yes.

2 591 Q. That email would appear to have been sent to Eileen
3 Argue on the 7th June 2014?

4 A. Yes.

5 592 Q. Were you acting in her role at that time? 17:19

6 A. I was acting, I was acting in her role, I was -- for
7 the first week when I transitioned back into child
8 protection I was with her for that week, but I wasn't
9 alerted or advised of any garda notifications that
10 needed to be amended or had information on it that 17:19
11 shouldn't have been on it. As I say, I wasn't aware of
12 this garda notification.

13 593 Q. Okay. She didn't discuss the matter with you?

14 A. She didn't, no.

15 594 Q. And do you have a positive memory of that; that there 17:20
16 was no discussion in relation to it?

17 A. No, there was absolutely no discussion at all in
18 relation to it. I wasn't advised.

19 595 Q. And when did you first become aware of your name on
20 that amended garda notification? 17:20

21 A. For the purpose of this Tribunal I was advised that my
22 name was on this form.

23 596 Q. Had you discussed Ms. D's case or Mr. McCabe's, the
24 allegations made against Mr. McCabe, with anybody?

25 A. No. 17:20

26 597 Q. Were you in a position --

27 A. For the purposes -- no.

28 598 Q. Yes. Did you have any knowledge of them?

29 A. During --

1 599 Q. Prior?
2 A. During this time?
3 600 Q. Yes.
4 A. No, I didn't. No. I wasn't aware of any -- I
5 wasn't -- I had worked most of my career in fostering 17:20
6 and alternative care. So, I wasn't -- while we worked
7 in the same department I wasn't active in the child
8 protection service. So there would be a lot of
9 information that I wouldn't necessarily know about. So
10 I wasn't aware. No. 17:21
11 601 Q. Thank you very much. If you could answer any questions
12 anybody else might have for you.
13
14 **MS. MCAULAY WAS THEN CROSS-EXAMINED BY MR. MCDOWELL**
15 17:21
16 602 Q. **MR. MCDOWELL:** Michael McDowell is my name. Might I
17 just briefly ask you: Did you have an opportunity to
18 discuss with Ms. Argue the fact that her name appeared
19 on the earlier version of the corrected --
20 A. No. Ms. Argue no longer works with our department in 17:21
21 Cavan-Monaghan.
22 603 Q. well, did you --
23 A. At the time, are you referring to at the time?
24 604 Q. You had phones, did anybody involve you in trying to
25 resolve how it was that these names were appearing on 17:21
26 the form?
27 A. Ms. Argue, as I said, was leaving at the time, was
28 leaving the service when I came into that position.
29 She had compiled and written up the garda notification

1 in May and the same information seems to have come in
2 June. However, in the May notification her name is on
3 it, in the June notification my name is on it. I
4 worked in that service area until -- the duty intake
5 across from both counties, from 30th May until 17:22
6 approximately the end of August when I moved back into
7 the Monaghan office. I wasn't aware at all that there
8 was a garda notification that had to be amended. It
9 wasn't brought to my attention. So this did not come
10 up again for me until this Tribunal. 17:22

11 605 Q. And both forms were signed by Mr. Deeney, is that
12 right?

13 A. Yes, I can see that, yes.

14 606 Q. What was his position?

15 A. He's the principal social worker. He was the principal 17:22
16 social worker with responsibility for garda
17 notifications.

18 607 Q. And did you ask him how your name came to be on the
19 form?

20 A. Yes. I did ask him for the purpose of this Tribunal. 17:22
21 I asked him why my name was on it, and he was saying,
22 he advised that because Ms. Argue was leaving and the
23 amended notification had been on -- a name was put on
24 it and would be standard practice, that if the case was
25 not allocated the name of the social worker, the team 17:23
26 leader would go on that for the purpose of further
27 information.

28 608 Q. You know now that this sentence about Sergeant McCabe
29 threatening Ms. D's father if he said anything that

1 that was a mistake, that wasn't true at all, isn't that
2 right?

3 A. That's my understanding, yes.

4 609 Q. Have you been able to ascertain who left that in? Was
5 it Mr. Deeney or was it a colleague of yours? 17:23

6 A. I would imagine it must have been a colleague. It
7 would have been a colleague. The social worker who
8 filled the form in.

9 610 Q. And does anybody know who that colleague is, if it's
10 not Ms. Argue and it's not you and it's not Mr. Deeney? 17:24

11 A. It may have been one of the social workers, you know,
12 who -- on the day who filled out the form. But I
13 imagine from looking at it, it seems as if this form
14 was filled out by Ms. Eileen Argue, given that her name
15 is on it and particularly the amended notification on 17:24
16 the 10th June dated by the principal social worker,
17 Seamus Deeney, on the 20th.

18 611 Q. It was somebody's responsibility to take account of
19 what Laura Brophy had said and to delete all the
20 material that she said must be deleted -- 17:24

21 A. Yes.

22 612 Q. -- isn't that right?

23 A. That's right, yes.

24 613 Q. And are you saying that to the best of your knowledge
25 it was Ms. Argue who undertook that task of deleting 17:24
26 that material?

27 A. I can't answer that. This was before I became -- I
28 took up the position of team leader.

29 614 Q. Surely you discussed it; who made this mistake?

1 A. I wasn't aware of this information until the purpose of
2 the Tribunal, so --

3 615 Q. Yes. But when you saw your own name in the firing
4 line, surely you enquired --

5 A. Yes. 17:25

6 616 Q. -- I didn't do it, Mr. Deeney didn't do it, if that's
7 the case, who did do this? Or, did you think it was
8 none of your business to ask?

9 A. As I have said, I wasn't aware that this amended
10 notification was in existence with my name on it until 17:25
11 this Tribunal.

12 617 Q. I appreciate that. But when you became aware of it,
13 when you became aware of this, the ordinary person
14 looking at it would think that whoever's name appeared
15 on the form was the person who had written it, even if 17:25
16 they were unaware that a previous version with the same
17 mistake had happened. I am just asking why you didn't
18 enquire, if it wasn't you - and I accept it wasn't you
19 who did this - who did make this mistake?

20 A. Well, I have advice and my understanding of it was that 17:26
21 it was Ms. Argue who submitted this form on the 20th --

22 618 Q. Fair enough.

23 A. -- the 10th June with sign off.

24 619 Q. And presumably that she drafted it?

25 A. Sorry, pardon? 17:26

26 620 Q. Presumably that she drafted it as well?

27 A. Well, it says "amended" on it and it looks as if that
28 is the form that was sent, the final one.

29 621 Q. Thank you.

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CHAIRMAN: I don't know how you feel now about your name appearing on this form with a mistake in it.

A. Yes.

CHAIRMAN: How do you feel about it?

17:26

A. As I said, it was standard practice at the time if a person was leaving or if the case was not allocated that somebody -- you know, that the allocated team leader for that service's name would be put on it, that was practice. So I do -- I can understand why my name is on it.

17:27

CHAIRMAN: Okay. Thank you. Thanks very much then.

A. Okay.

THE WITNESS THEN WITHDREW

17:27

MR. MCGUINNESS: Sir, the next witness is Ms. Keara McGlone.

MS. KEARA MCGLONE, HAVING BEEN SWORN, WAS DIRECTLY EXAMINED BY MR. MCGUINNESS:

17:27

MR. MCGUINNESS: For the benefit of my colleagues, Ms. McGlone's statement is to be found in volume 4 commencing at page 1309. And I will also be referring her to some pages in volume 9, page 2189 to 2203.

17:28

622 Q. Ms. McGlone, thank you for coming here today. Can I ask you to describe your qualifications?

A. Yes. I am a professionally qualified social worker. I graduated from Trinity College in 2007. I have ten

1 years experience in child protection welfare.

2 623 Q. And I think you first worked in Kildare on what was
3 then a temporary contract with the HSE?

4 A. That's correct. In the fostering department.

5 624 Q. And in August 2007 I think you accepted a temporary 17:28
6 contract in Cavan on the children in care team?

7 A. That's correct.

8 625 Q. And you worked there until 2009?

9 A. That's correct.

10 626 Q. Now just in relation to that position, would you have 17:28
11 had any dealings with any intake or referral teams at
12 that point in time in relation to Ms. D?

13 A. No, not specifically in relation to that case. I would
14 have covered -- at that point, the duty system was
15 operated on a rota basis and I would have covered weeks 17:29
16 at a time or days at a time on duty. But I had no
17 previous involvement with the Ms. D case.

18 627 Q. Okay. And no knowledge of any referral of her or any
19 creation of a child sexual abuse file in relation to
20 her? 17:29

21 A. At that time I don't remember any direct involvement,
22 no.

23 628 Q. I think you worked in the children in care team until
24 2009 and you took a permanent post in Sligo on a child
25 protection team? 17:29

26 A. That's correct.

27 629 Q. But I think you were offered in 2010 a team leader
28 position in Cavan and you returned to work there in
29 Cavan?

1 A. That's correct.

2 630 Q. And where were you based at that point then?

3 A. At that point in 2010 I was based in Cavan.

4 631 Q. In Cavan town?

5 A. In Cavan town, yes. 17:30

6 632 Q. And I think you covered a duty child protection team
7 and a long-term child protection team at that point
8 which covered Cavan Town and west Cavan?

9 A. That's correct.

10 **CHAIRMAN:** Sorry for being confused but is this on the 17:30
11 social work side or the Rian side?

12 **MR. MCGUINNESS:** It's on the social work side.

13 **CHAIRMAN:** Okay.

14 **MR. MCGUINNESS:** She is not involved in the counselling
15 service, isn't that correct? 17:30

16 A. That's correct.

17 **CHAIRMAN:** Okay.

18 633 Q. **MR. MCGUINNESS:** So you are, as it were, pure HSE at
19 this point in time?

20 A. Yes, that's correct. 17:30

21 634 Q. I think in 2012 you transferred to Monaghan and you
22 covered the child protection team as team leader?

23 A. That's correct.

24 635 Q. And in 2013 you became the team leader for the intake
25 team for both Cavan and Monaghan? 17:31

26 A. That's correct.

27 636 Q. You took up that position in January 2013, is that
28 correct?

29 A. Yes, to the best of my recollection, yes.

1 637 Q. And that was team leader position for Cavan and
2 Monaghan --

3 A. That's correct.

4 638 Q. -- covering the duty intake team. Could you just
5 describe the breadth of the responsibility as team 17:31
6 leader for the duty intake team?

7 A. At that point I was, I suppose, the team leader for --
8 it was two separate duty services; one in Cavan and one
9 in Monaghan. We were the one department, but we had
10 two office spaces given the geographical spread of the 17:31
11 rural location. I had three social workers who
12 reported directly to me in Monaghan and one family
13 support worker, and in Cavan I had three social workers
14 who reported directly to me. Their role would have
15 been to carry out initial assessment on referrals 17:31
16 received. My role also involved managing the duty rota
17 which I think I have explained in my statement involved
18 all social workers on all teams, including fostering
19 and children in care, on a weekly basis to respond to
20 new referrals coming in. So, they didn't directly 17:32
21 report to me in relation to their case load, but in
22 relation to duty matters they reported to me for the
23 week that they were on duty.

24 639 Q. Just to be clear, I think the social workers on your
25 intake team were Gemma Mallon, Laura Connolly and 17:32
26 Louise Byrne?

27 A. In Cavan, yes.

28 640 Q. In Cavan. Now, were they exclusively devoted to duty
29 intake?

1 A. They would -- it's what we call initial assessment. So
2 they would have done their week on duty as well, along
3 with their colleagues on the other teams, but their
4 role was to carry out the initial assessment. Once it
5 had been determined that a case required assessment. 17:32

6 641 Q. Now, what category of people fell within the duty
7 intake responsibility? Are we talking primarily about
8 children or adults or any type of referral?

9 A. It was primarily in relation to child protection and
10 welfare concerns. Some of those concerns would have 17:33
11 been relating to retrospective referrals. Most
12 referrals received were in relation to current child
13 protection concerns, be it sexual abuse, physical
14 abuse, neglect or child welfare issues.

15 642 Q. And when we talk about intake we are talking about the 17:33
16 intake of responsibility for dealing with people with
17 those issues, children?

18 A. I suppose it's a difference maybe in terminology.

19 643 Q. Yes.

20 A. My understanding of intake is that it's acceptance of 17:33
21 new referrals, that they respond to the callers, to the
22 general public, to other professionals who make the
23 referral and we decide at that point whether they are
24 accepted in and to go further for assessment or not.

25 644 Q. Yes. And in terms of the intake that can take place 17:33
26 can it lead to children being put into care, foster
27 care?

28 A. Yes. On occasion, yes, when I suppose it is the most
29 serious type of case, yes. It's always the last resort

1 but it does happen.

2 645 Q. And in some cases emergency intervention by the seeking
3 of care orders?

4 A. Yes. And I suppose, just to put in context, that that
5 year was particularly busy in relation to that. We 17:34
6 were involved in a number of very busy court cases a
7 lot of new admissions to care.

8 646 Q. So your responsibility and those of the social workers
9 reporting to you covered all of those type of areas?

10 A. Yes. 17:34

11 647 Q. And in broad terms, would you describe it as child
12 protection issues?

13 A. Yes, I suppose at that point we were only having
14 capacity to respond to child protection issues.
15 Although we accepted referrals for welfare and all 17:34
16 child protection, our capacity to respond and allocate
17 cases was only to the higher end child protection cases
18 at that point.

19 648 Q. Now, Kay McLoughlin didn't report to you while you were
20 there? 17:34

21 A. No, not at that time, no.

22 649 Q. And was she a social worker at the time in Cavan?

23 A. Yes, my understanding was she was a social worker at
24 that time. I can't recall if she was acting team
25 leader in a different part of the service or if she was 17:35
26 a social worker, but my knowledge was she definitely
27 didn't report to me. She may have reported to me on
28 the weeks that she was on duty if she was assigned to
29 the rota.

1 650 Q. I do want to take some little time understanding the
2 duty that people were assigned to, but you refer to, at
3 this point in time, that duty was covered by all social
4 workers on all teams?

5 A. All teams in the child protection welfare service, 17:35
6 including children in care and fostering, yes.

7 651 Q. So duty then consists of an actual rota of these social
8 workers being assigned to duty on specified days each
9 week to cover, I suppose, any call to duty that came
10 in? 17:35

11 A. That's correct, yes.

12 652 Q. And it could embrace people not on your specialised
13 team of intakes but all other social workers dealing
14 with child protection issues?

15 A. Yes, that's correct. 17:36

16 653 Q. And others?

17 A. As I said, it would be the Children in Care team, the
18 fostering team and long-term child protection team.

19 654 Q. At that point in time, can you recollect what duties
20 Briega Tinnelly was assigned to, or what team she was 17:36
21 with?

22 A. At that point, my understanding is that Briega Tinnelly
23 was assigned to Children in Care team.

24 655 Q. How did the weekly rota work then at that time?

25 A. I can't remember exactly the number of social workers 17:36
26 at that time, but, for example, if there were seven
27 social workers, they would be on for one week out of
28 every seven weeks. There may be days due to court
29 appearances or court attendances or other demands in a

1 case where they may have to swap a day. So you could
2 have one worker who was assigned to be on duty for the
3 week Monday to Friday, but they may have to swap, for
4 example, on a Wednesday or a Thursday with another
5 colleague. 17:37

6 656 Q. So there is a one week in seven in which the worker
7 would cover the whole of the working week?

8 A. Yes. Now, I'm using seven as an example. There may
9 have been more workers at that time.

10 657 Q. Yes. 17:37

11 A. But approximately seven or eight, yes.

12 658 Q. That would cover, presumably, the normal Monday to
13 Friday and also emergency hours?

14 A. Yes, if required. But, as I say, there may be
15 provision that they may need to swap a particular day 17:37
16 of a particular week, but generally they work from
17 Monday to Friday.

18 659 Q. When somebody is assigned to such duty, as I understand
19 it there is a duty office, is that correct?

20 A. There is a duty office, yes. And the worker who was on 17:37
21 duty for the week would sit in that office and respond
22 to the calls.

23 660 Q. Right. I suppose, obviously, you cover both Cavan and
24 Monaghan and you had to presumably bilocate between the
25 two -- 17:38

26 A. Yes, I used to rotate.

27 661 Q. -- offices?

28 A. Yes, I used to rotate the days. I Generally -- if I
29 was in Cavan one day, I would be in Monaghan the

1 following day. I tend to rotate, so I had an office in
2 both counties.

3 662 Q. And were you therefore conducting a weekly referrals
4 meeting in each county?

5 A. Yes. 17:38

6 663 Q. On two different days of the week?

7 A. It was generally a Monday in Cavan and generally a
8 Tuesday in Monaghan.

9 664 Q. Monday in Cavan, Tuesday in Monaghan?

10 A. Generally, yes. 17:38

11 665 Q. To be clear, who were you reporting to at that point in
12 time?

13 A. In 2013 I was reporting to Louise Carolan, principal
14 social worker.

15 666 Q. And what was her position at that point in time? 17:38

16 A. She was principal social worker for Child Protection
17 and welfare.

18 667 Q. Right.

19 A. And I understand at the time Children in Care also.

20 668 Q. And I think it's correct to say you remained in this 17:38
21 position as duty team leader intake in Cavan from 2013,
22 January, to approximately January 2014?

23 A. Yes.

24 669 Q. I think in January 2014 you moved to County Louth --

25 A. That's correct. 17:39

26 670 Q. -- as principal social work post?

27 A. That's correct. I think I started on the 1st February
28 in Louth.

29 671 Q. And I think currently you're principal social worker

1 for child protection conferences in Monaghan?

2 A. Well, it's for Monaghan-Cavan but my office space is in
3 Monaghan.

4 672 Q. Right. In terms of how you operate once a referral is
5 made, could you just indicate, from the point of view 17:39
6 of your team, how would referrals normally come?

7 A. Referrals, they can come in many formats. If it's
8 usually from a professional referral, it will come on a
9 standard reporting form, as per Children First. Other
10 times it may come by way of Garda notification from An 17:39
11 Garda Síochána. It may be a member of the public
12 phoning in or calling into the office. We often get
13 written letters by post from general public, or
14 anonymous letters.

15 673 Q. Okay. Now, the Tribunal understands from the evidence 17:40
16 that Ms. Brophy phoned on the 9th August and spoke to
17 Ms. Briege Tinnelly?

18 A. Yes, I understand from reviewing the file for this
19 purpose that, yes.

20 674 Q. And we will come to the form that was filled in in due 17:40
21 course.

22 A. Okay.

23 675 Q. But you signed that form ultimately on the same day, on
24 the 9th --

25 A. That's correct. 17:40

26 676 Q. And that was done prior to receiving a report from
27 Ms. Brophy in written form?

28 A. That's correct.

29 677 Q. So we'll come to what is in a file in due course, but a

1 decision was taken on that day to open the file in
2 relation to Sergeant McCabe on the basis of a phone
3 call?

4 A. I suppose just to clarify, an intake record was
5 completed, which is a form accepting a referral from 17:41
6 Laura Brophy, and that was completed by Briega Tinnelly
7 and again signed by me.

8 678 Q. But the file was also created on that day?

9 A. No. My understanding is the file wouldn't be created
10 until after the referrals meeting, which would have 17:41
11 taken place on the Monday.

12 679 Q. Okay. We will come to that in due course. Did
13 Ms. Tinnelly meet with you on that Friday?

14 A. I don't recall any conversation with Ms. Tinnelly on
15 the Friday. 17:41

16 680 Q. Okay. In any event, how was it that you were presented
17 with an intake record relating to Sergeant McCabe?

18 A. In the duty room there is a tray, a post tray for all
19 new intake records for me to be signed off. The same
20 would have happened in Monaghan. There would have been 17:41
21 a tray in each duty office for me to sign at the end of
22 each day, or as -- the next morning, as close to 24
23 hours as possible.

24 681 Q. Okay. Now, just in relation to the duty office in
25 Cavan -- 17:42

26 A. Yes.

27 682 Q. -- is that in Drumalee Cross?

28 A. Yes, it is.

29 683 Q. Right.

1 A. Yes.

2 684 Q. And just describe the building to us and where the
3 office is in the building. It's a modern construction,
4 is it?

5 A. Em, it's a building, I think there's three floors. On 17:42
6 the first floor the duty office is located in through a
7 key-padded door. At that point - it's not there any
8 longer - but it was in a key-padded door to corridor on
9 the right and room is on the left.

10 685 Q. On the ground floor? 17:42

11 A. On the first floor, sorry.

12 686 Q. On the first floor?

13 A. Yes. Not the ground floor.

14 687 Q. And is there a computer in the room?

15 A. Yes. 17:42

16 688 Q. Are there any files stored in the room?

17 A. As the room is no longer in existence --

18 689 Q. Yes.

19 A. -- but at that time, yes, there may have been some
20 files in a filing cabinet, files for duty actions or 17:43
21 follow-up actions. But there would be no allocated
22 files to workers in that room.

23 690 Q. No allocated files?

24 A. No. The worker who was on duty wouldn't be allocated
25 those files. They were maybe just for follow-up that 17:43
26 particular week that they were on.

27 691 Q. Okay. Are those files that would have been created
28 following referrals meetings?

29 A. No. Admin, the administrative staff would have created

1 all files following referrals meetings. Social workers
2 weren't involved in actually creating physical files.

3 692 Q. Okay. But presumably you, through your long experience
4 up to this point in time, in 2013, were very familiar
5 with physically how the files were and what was in them 17:43
6 and what ought to be in them?

7 A. Yes.

8 693 Q. Now, explain to the Tribunal the necessity in principle
9 for you, as duty team leader, to sign off on an intake
10 record within 24 hours? 17:44

11 A. I suppose that is a guideline that's part of our
12 standard business process nationally in Tulsa. The
13 purpose -- I suppose the primary purpose of a team
14 leader having oversight of those forms every 24 hours
15 is that if a concern about a child at serious and 17:44
16 immediate risk came in, that it would be responded to
17 in that timeframe, if it wasn't picked up by the social
18 worker, that the team leader would also have had sight
19 of it. The majority of cases didn't come under that
20 remit, but there is some that did. 17:44

21 694 Q. But in relation to the intake form signed by you and
22 dated on the 9th August, that, as I understand it from
23 the calendar, was a Friday. I'm not sure if you recall
24 that?

25 A. I didn't recall that, but I did check for the purpose 17:44
26 of this Tribunal and I'm clear that it was a Friday.

27 695 Q. Yes. So you signed off on the intake form before it
28 had been considered by the referrals meeting the
29 following Monday?

1 A. Yes, well the referrals meeting is chaired by me and
2 all referrals from that week are brought to that
3 meeting. Just to put it in context: I think for that
4 month of August 2013 we had 80 referrals in Cavan, 81
5 in Monaghan, so that would be an average of 20 a week, 17:45
6 referrals, that would go to that referrals meeting on
7 the Monday. The purpose of that meeting was to decide
8 at that point where the files would go, whether they
9 were going be allocated or not, but I would have
10 already had oversight of, I suppose -- or initial sight 17:45
11 of each of the cases as they came in on the intake
12 records.

13 696 Q. Yes. But does your signing off on the intake form
14 signify that it's been accepted for referral?

15 A. Yeah, yes. 17:45

16 697 Q. Okay. So the referrals meeting is not to consider the
17 appropriateness of any referral?

18 A. An intake record is completed if, I suppose, the
19 concern is valid in relation to a child or a
20 retrospective disclosure, as in it's not -- we often 17:45
21 get calls about, you know, what's the number for the
22 child benefit section, that wouldn't be considered a
23 referral. Anything that comes in that's in relation to
24 a concern about a child or a retrospective disclosure
25 would automatically be put in intake record and it 17:46
26 would be decided then whether it will go forward for
27 assessment or not.

28 698 Q. I'm just trying to clarify in my own mind, and
29 hopefully for the Tribunal also, not quite clear what

1 time of the day Ms. Tinnelly was phoned at?

2 A. Yes, I'm not sure.

3 699 Q. But obviously you were back in Cavan on duty in the
4 duty office or wherever the form would be collected
5 from by you? 17:46

6 A. Yes, it would seem so, yes.

7 700 Q. And where would you normally collect the intake form
8 from?

9 A. From the duty office, the tray.

10 701 Q. From the duty office. And you probably have no memory 17:46
11 of when you might have signed that on that Friday?

12 A. I don't. I usually wait until last thing in the
13 evening and check all the forms together, but generally
14 it was usually as close to five o'clock or if not
15 after. 17:47

16 702 Q. Yes. You have drawn a distinction between some matters
17 that would be accepted in for referral and some which
18 would be different?

19 A. Yes.

20 703 Q. And not, as it were, worthy of intake. But you must 17:47
21 have decided on this Friday by signing this intake
22 record that it was appropriate for referral, is that
23 correct?

24 A. Yes, yes.

25 704 Q. And intake records are designed to be scrutinised in 17:47
26 the system within 24 hours because of possible child
27 protection concerns?

28 A. I suppose I wouldn't say 'scrutinised', but definitely
29 there is an initial check that there is no immediate

1 danger, yes.

2 705 Q. Yes. All right. Well, I suppose that raises the
3 issue: what is the level of scrutiny when an intake
4 form is signed by you as team leader?

5 A. I suppose 'scrutiny' wouldn't be a word that I would 17:47
6 use.

7 706 Q. All right.

8 A. I certainly would look over the form to check there was
9 no immediate risk to the child at that time, that we
10 would need to immediately take action. 17:48

11 707 Q. Yes.

12 A. That is the purpose of looking at them every 24 hours.

13 708 Q. Well, we will see from the form on the box it requires
14 your approval and that's the word used, "approve", in
15 the form? 17:48

16 A. Yes, I sign team leader approval, I signed it as team
17 leader, yes.

18 709 Q. How that form is used then, is there a decision taken
19 at the weekly referral meeting?

20 A. Sometimes a decision is made already based on what is 17:48
21 on the intake record, sometimes it's for further
22 discussion at the referral meeting. We often get
23 referrals -- for example, if I was to put it in context
24 on maybe a case that is already known to us, so that
25 worker might be at the referrals meeting and may have a 17:48
26 conversation about it at that point, as in, it's a
27 current case, it's currently open, it's a new referral
28 on a current child we are working with. So in those
29 cases a decision would be taken at that meeting. Other

1 cases, the decision would already have been made every
2 24 hours by me before we go to that meeting.

3 710 Q. Okay.

4 A. But all decisions are recorded at that meeting, I
5 suppose. 17:49

6 711 Q. Yes. A decision then is taken at the referrals meeting
7 as to whether the case would become an assessment and,
8 if so, that would necessitate the creation of a file?

9 A. That's correct.

10 712 Q. So does it follow then that the file in relation to 17:49
11 Sergeant McCabe was created, or the decision was taken
12 to create the file on the 12th August?

13 A. That's my -- I can't recollect, but that's my
14 understanding of what would happened, yes.

15 713 Q. Okay. Well, I know you have said in your statement 17:49
16 that the administration seem would create a file on the
17 child or adult depending on what the concern was about?

18 A. Yes.

19 714 Q. But do they attend the referrals meeting then?

20 A. They did at some point. I can't recall exactly in 2013 17:50
21 whether they would have been in attendance, I know at
22 some stage they did, but I can't recall for certain if
23 they attended in 2013 or not.

24 715 Q. Okay. Is there any record of who attended the
25 referrals meeting on the 12th August? 17:50

26 A. No.

27 716 Q. Okay. Is there any note of any decision made at the
28 referrals meeting on the 12th August?

29 A. What happens at referral meetings generally, as I say I

1 can't recall that specific meeting, but what happens
2 generally is that there is a large book, a referrals
3 book, and all names are manually recorded in relation
4 to it, who the referral was and whether it is going to
5 be followed up or not. It is just a large book where 17:50
6 the documents are recorded. I do understand that was
7 given in disclosure.

8 717 Q. Is it sometimes referred to as 'big blue book'?
9 A. Yes, that's correct.

10 718 Q. Well, Ms. Tinnelly, I think, has provided a copy of the 17:50
11 entry, and we will be dealing with that in due course.
12 But is that book then present at the referrals meeting
13 and is the entry made there and then?
14 A. Generally, yes, yes.

15 719 Q. And does that reflect and is that the only record of 17:51
16 the decision?
17 A. Other than what's on the intake record.

18 720 Q. Other than what is on the intake record?
19 A. Yes.

20 721 Q. Now, the blue book is a manually-kept ledger, in a 17:51
21 sense?
22 A. That's correct.

23 722 Q. And it records no details in terms of -- other than the
24 identity of --
25 A. It will say category of abuse, so be it welfare 17:51
26 concern, physical abuse, sexual abuse, neglect, it will
27 record the category of abuse, but it won't record any
28 specific details.

29 723 Q. Okay. It does, however, obviously record the name of

1 the person in relation to whom it is created?

2 A. Yes.

3 724 Q. And I think certainly from the point of view of
4 Sergeant McCabe, the file was created with his name on
5 it? 17:52

6 A. That's correct.

7 725 Q. And nobody else?

8 A. That's correct.

9 726 Q. Could you just outline the file-numbering system
10 adopted in relation to the creation of files? 17:52

11 A. Okay. I can't be certain about that. It is an
12 administrative task and the admin management look after
13 that. It's normally related to the date, the year that
14 the case was referred in.

15 727 Q. Yes. 17:52

16 A. So generally, for example, if a file came in, if a
17 referral came in on 1st June 2010, the file might be
18 01062010, but I'm not a hundred percent certain about
19 that.

20 728 Q. We're given to understand from other statements that 17:52
21 Sergeant McCabe's file, the reference number is number
22 02.082013, but that indicates it's created in August of
23 2013, but it's the second file rather than the date on
24 which it's created?

25 A. No, I don't believe that it relates to a second file. 17:53
26 The dates could be off. You know, there could be -- I
27 don't know how they get the first numbers. I don't
28 believe it was ever a first file in that case. But the
29 02 relates to that.

1 729 Q. Perhaps we're at cross-purposes. I'm not suggesting
2 it's the second file in relation to Sergeant McCabe;
3 it's the second file created that month?
4 A. Oh, possibly, yes, yes.

5 730 Q. I mean, you had no dealings with nor did you authorise 17:53
6 the creation of a file on the 2nd August 2013?
7 A. I don't recall, I don't recall.

8 731 Q. Now, a file created in these circumstances, can you
9 confirm that it's -- in terms of the content that's
10 kept on the file, it's entirely a paper file kept on 17:53
11 paper?
12 A. That's correct.

13 732 Q. Now, are you familiar with the indexing file that is
14 kept on computer in relation to such a paper file?
15 A. Yes, I am aware of it, yes. 17:54

16 733 Q. Could you just describe how that is kept?
17 A. It's -- I suppose, again, it's an admin task. It's
18 like an Excel spreadsheet which records the file
19 number, the file name, date of birth for a child, for
20 example, address, and whether it's allocated or not 17:54
21 allocated.

22 734 Q. Okay. So it's a very summary record which is
23 computerised from the main paper file, is that correct?
24 A. That's correct.

25 735 Q. And is that intended to be created and do you know 17:54
26 whether Sergeant McCabe's entry on that computer was
27 done on the same date?
28 A. I don't know.

29 736 Q. Okay. All right. And is that updated regularly --

1 A. It's updated --

2 737 Q. -- or reviewed regularly?

3 A. Again, it's an admin, administration management issue.

4 I'm not sure. It is updated every time they create a

5 new file or they close a file or a file is allocated, 17:55

6 but if they do it generally, I'm not sure.

7 738 Q. Okay. Is there also a database kept --

8 A. Yes.

9 739 Q. -- relating to all files?

10 A. There's a database for team leaders in relation to the 17:55

11 cases that are allocated or unallocated in their

12 service area. It's called Measuring the Pressure.

13 Again, it's just an Excel database where cases are

14 recorded, where they are allocated, unallocated, and

15 what the category of abuse is and their name, file 17:55

16 number.

17 740 Q. Okay. Is there a system of allocation?

18 A. How do you mean?

19 741 Q. Is there a system by which cases are allocated to a

20 social worker? 17:55

21 A. Yes.

22 742 Q. Or criteria by which they are. And could you describe

23 those?

24 A. They're allocated based on priority and level of risk

25 or need to the child. Generally, children were 17:56

26 prioritised at that time over retrospective abuse

27 cases. Children at serious and immediate risk

28 obviously got priority. I explained earlier that we

29 were extremely busy that particular, I suppose, year

1 and at that time most of my intake team were involved
2 in high-profile court cases, which consumed a lot of
3 their work and a lot of their time, so only
4 high-profile child protection serious cases were being
5 allocated at that point for assessment. 17:56

6 743 Q. All right. And having reviewed the initial assessment
7 form and having presided at the referrals meeting, did
8 you give any degree of priority to the allocation of
9 the file in relation to Sergeant McCabe?

10 A. In relation to the intake record? 17:56

11 744 Q. Yes.

12 A. Yes, it was deemed to be accepted as a referral and it
13 was placed on the Measuring the Pressure waiting
14 allocation, so we did accept it in and realised it did
15 need to be allocated, but it certainly wasn't an 17:56
16 immediate priority at that time, given the other cases
17 that were waiting.

18 745 Q. All right. Well, I take it you saw from the initial
19 intake record that you approved that Sergeant McCabe
20 was a member of the police force of the State? 17:57

21 A. That's correct.

22 746 Q. And that he's recorded there as having had a number of
23 young children?

24 A. I would need to see the intake record. I can't see it
25 here, if that's okay. 17:57

26 747 Q. Yes. Perhaps we would look at page 1327.

27 A. Sorry, if you could scroll up for a little bit. Yes,
28 thank you.

29 748 Q. Yes. Now, I think there's a standard form number in

1 the top right-hand corner under the heading "*Intake*
2 *Record*"?

3 A. Yes.

4 749 Q. And I think these are standard forms that relate to the
5 intake of children into the service, isn't that 17:58
6 correct?

7 A. That's correct. At that time there was no designated
8 form for referrals in relation to adults of concern.

9 750 Q. Okay. And this is 2013?

10 A. That's correct. 17:58

11 751 Q. And you're telling the Tribunal there were no dedicated
12 designated forms relating to adults?

13 A. Not in our service at that time. Both adult and
14 children would have been recorded on the one form.

15 752 Q. Okay. He's included there as "*Adult - Maurice McCabe*", 17:58
16 misspelt, you probably see that, "*address unknown*".

17 A. Yes.

18 753 Q. No details down until part 5, where the reporter is
19 referred to as Laura Brophy, Rian Counselling, Cavan.

20 A. That's correct. 17:58

21 754 Q. It's not ticked whether the reporter wishes to remain
22 anonymous or not and there's no information in the
23 additional information, and details of the report are
24 set out there in typewritten form?

25 A. Yes. 17:59

26 755 Q. You see where there is a reference there to him being a
27 garda?

28 A. Yes.

29 756 Q. Now, would that in itself not convey a very high degree

1 of priority?

2 A. Not in the context of the other cases that were

3 waiting.

4 757 Q. Does the occupation, in particular somebody in law

5 enforcement, is that not factored into any of the 17:59

6 criteria relating to allocation?

7 A. Not specifically, but yes, I was cognisant of the fact,

8 and we did accept it as a referral, it definitely was

9 concerning and it was agreed that it would be allocated

10 when capacity allowed. 18:00

11 CHAIRMAN: Okay. It's six o'clock.

12 MR. MCGUINNESS: All right, Chairman.

13 CHAIRMAN: Unless you are desperate to go on?

14 MR. MCGUINNESS: No, I think we have had four straight

15 hours, Chairman. 18:00

16 CHAIRMAN: Very good. Tomorrow it's 10:00, isn't it?

17 MR. MCGUINNESS: 10:00am.

18

19 **THE HEARING THEN ADJOURNED UNTIL FRIDAY, 7TH JULY 2017**

20 **AT 10:00AM** 18:00

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