

HIA REF: [            ]

NAME: [ Health and Social Care Board]

DATE: [ 29 April 2016 ]

**THE INQUIRY INTO HISTORICAL INSTITUTIONAL ABUSE 1922 TO 1995**

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**Witness Statement of Health & Social Care Board**

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I Fionnuala McAndrew, Director of Social Care and Children will say as follows: -

1. By correspondence of 5 February 2016 the Inquiry has requested the Board to provide a Rule 9 Statement considering “*in chronological order any missed opportunities to prevent abuse occurring at Kincora*”.
2. In preparing this statement the transcripts provided by the Inquiry of the hearings before the Committee of Inquiry (“the Hughes Inquiry”) and the Hughes Inquiry Report have been considered.

**Belfast Welfare Authority**

**1960 – 1966**

3. In December 1981 Mr Mains was convicted of one count of buggery and one of gross indecency towards R3 [HIA 705, para 3.52], who had three placements in Kincora between 22 February 1960 and 5 August 1963 [KIN 114025]. In respect of same the Hughes Inquiry found:  
“... we do not believe that there was any evidence of Mr Mains’ homosexual tendencies available to the authorities at this time, namely between 1960 and 1964” [HIA 707, para 3.58]

The Board is not aware of any evidence coming to the attention of their predecessors after 1964 and before the complaint in 1967.

4. The Hughes Inquiry further considered that at that time: *“there was no evidence of Mr Mains’ homosexual tendencies available to the authorities”*; *“R3, for whatever reasons, decided not to complain”*; *“there was no outward sign of distress or anxiety in R3”*. This led them to the conclusion: *“the offences could not have been detected by the Belfast Welfare Authority... on the evidence available to them or to which they might reasonably have gained access”*. [HIA 708, para 3.61]
5. Mr Mains was also convicted of one count of buggery and one count of gross indecency involving R2 between June 1961 and December 1979. R2 was born on \_\_\_\_\_ 1942 and thus the convictions relate to a period when he was over 18. Following the conclusion of the criminal proceedings, he made a further complaint in 1982 to the effect that homosexual offences had occurred during his residence in Kincora. He had two placements in Kincora: 2 January 1959 to 14 March 1961; 16 June 1961 to 16 September 1961 [KIN 114025]. His second placement relates to a period after his 19<sup>th</sup> birthday. No complaint was made by R2 during the period of his residence in Kincora. [HIA 709, para 3.65]
6. The Hughes Inquiry concluded: *“Mr Mains’ offences involving R2 could not have been detected by the responsible authorities on the evidence to which they had access”*. [HIA 712, para 3.71]
7. In December 1981, Mr Semple was convicted of two counts of buggery and one gross indecency involving B3. One conviction relating to buggery related to a period after B3’s discharge from Kincora. [HIA 712, para 3.72] B3 was placed in Kincora from 10 February 1965 to 14 May 1966 [KIN 114026].
8. Mr Mains was also charged with one count of gross indecency in respect of B3, the prosecution did not proceed with this charge. [HIA 712, para 3.72]

9. No evidence was identified by the Hughes Inquiry upon which the Welfare Authority could have had knowledge of these offences, with the committee concluding that they “*could not have been detected on the information available or accessible to the Belfast Welfare Authority*”. [HIA 713, para 3.75]
10. The Hughes Inquiry also reported: “*A reluctance to complain, together with varying degrees of compliance and concealment, all based on perfectly understandable reasons given the circumstances of the boys, prevented offences from coming to the attention of the responsible authorities. Taking this into account along with the fact that social work was at a relatively early stage of its development, it is possible to reach some understanding of how offences went undetected in the first half of the 1960’s*”. [HIA 716, para 3.86]
11. The HSCB does not consider that there was any missed opportunity during this period, having particular regard to the fact that no contemporaneous complaint was made, and that there was no evidence that the HSCB’s predecessors had any information about the abuse at this time.

### March 1966

12. R4 was placed in Kincora from 2 August 1965 to 4 November 1966. [KIN 114025] No person was convicted of any offence in relation to R4, with the DPP directing “no prosecution” in respect of complaints made by him to police in 1980. [HIA 714, para 3.77]
13. During this placement in Kincora he “*maintained a reasonable degree of contact with some members of his family*” but did not complain to them [HIA 715, para 3.82]. The Inquiry concluded: “*there is no evidence to indicate that the responsible authorities could have discovered the offences*”. While R4 did recall being visited on around 6 occasions by his Social Welfare Officer while placed in Kincora, he stated that Mr Mains was always in attendance during those visits. [HIA 716, para 3.85]

14. However, there was also evidence considered by the Committee that in March 1966 a letter was sent to College Street, Headquarters of Belfast Welfare Authority, complaining of suspicions that Mr Mains' was having a homosexual relationship with R4. [HIA 719, para 3.95]
15. R7, who was placed in Kincora on three different occasions between August 1964 and January 1968 gave evidence in respect of this letter. The letter was not subsequently found in the course of: the RUC investigation in 1980; the Terry Inquiry; nor the Hughes Inquiry. [HIA 719, para 3.95]
16. The Hughes Inquiry considered whether R6 was mistaken and was referring to a later complaint by R7 known to have been made in 1967. The committee concluded: "*the fact that R6's 1967 complaint made no reference to R4 tends to suggest that R7's evidence referred to a separate event*" and concluded: "*It is regrettable that what appears to have been the first sign of positive protest to the authorities did not meet with more success*". [HIA 719, para 3.95]
17. In the absence of this letter having been found, the HSCB does not consider that this was a missed opportunity.

### September 1967

18. In early September 1967 R5 and R6 attended the headquarters of Belfast Welfare Authority and made written complaints against Mr Mains.
19. R5 was placed in Kincora from 31 March 1967 to 30 November 1967 [KIN 114025].
20. R6 was placed in Kincora from 17 August 1967 to 3 August 1968 [KIN 114025].
21. The complaints made were:
  - a. "*At a summer camp, Mr Mains, another employee of Belfast Welfare and an ex-resident (R2) drank whiskey;*

- b. *Mr Mains did not sleep in the camp on the night;*
- c. *Mr Mains had asked R5 "Do I not get a kiss then?" when R5 was washing himself;*
- d. *Mr Mains had come to R6's bed and felt around his body;*
- e. *Mr Mains had said "You look lovely in the water" to R6 when taking a bath;*
- f. *Mr Mains had called R6 for work while Mains was dressed only in his underpants;*
- g. *Mr Mains had said "Give me a kiss" to R6;*
- h. *Mr Mains went out every Friday and Saturday and got drunk."*

[HIA 723, HR, para 3.107]

22. These matters were investigated by Mr Mason, City Welfare Officer. It also appears that Mr Moore, Children's Officer, had a role in the process by way of interviewing R5, but did not recall same. [HIA 724, paras 3.109 and 3.110]. Mr Mason interviewed Mr Mains on 11 September 1967. Mr Mains, for the most part, accepted the facts of the behaviours alleged against him, but offered explanations and reasons. [HIA 724, para 3.110] Mr Mason concluded in respect of the facts: "*most of them agreed by [Mr Mains] to be true, but that they might have tried to put a construction upon them for malicious reasons... Taken as it stands it does not present prima facie indication of wrongful conduct*". Three recommendations were made:
- a. *Mr Moore (should) interview the boys again and explain to them the reasons for the incidents;*
  - b. *a closer supervision of Kincora;*
  - c. *a careful sifting of any further information which might come our way*".

[HIA 726, para 3.112]

23. Mr Mason recalled that his papers on this investigation were submitted to the Town Clerk. Mr John Dunlop, the Town Clerk at the relevant time, had no recollection of these papers when approached by the Hughes Inquiry. [HIA 726, para 3.113] The papers from this investigation were to be placed on a file, which was to become known as "the Mason File".

24. In considering the handling of these complaints, the Hughes Inquiry described: *“this was the first occasion on which complaints with identifiable homosexual connotations came to the attention of persons responsible for residential child care...”* [HIA 727, para 3.116]. The following findings were made:
- a. *“It is clear that the complaints of R5 and R6 were taken seriously...”*;
  - b. *“We had little difficulty in accepting that Mr Mains’ explanations to Mr Mason were individually plausible. Even taking them as a whole, we can understand Mr Mason’s conclusion that the evidence did not constitute ‘prima facie indication of wrongful conduct’...”*
- [HIA 728, para 3.117]
25. It was however concluded: *“the safest course would have been to recommend to the Town Clerk that the police be called in. This much is clear in retrospect.”* [HIA 728, para 3.118] They continued by acknowledging that it would be *“unwise to assume”* that the involvement of the police *“would have inevitably prevented the continuance of homosexual offences at Kincora”*, but nonetheless described the fact a referral was not made to police by Belfast Welfare Authority as *“a matter of regret”*. [HIA 729, para 3.119]
26. What would have flowed from any police investigation in to these complaints at the time would be speculation. However the HSCB acknowledges that this was a **missed opportunity** to have an investigation into what was occurring in Kincora, which may have resulted in further abuse being prevented.

## 1968

27. While Mrs Wilson, Assistant Children’s Officer, recalled a complaint having been made to her on an unknown date following her appointment in January 1968 of Mr Mains putting his hands down a boy’s underpants, it is noted that this was not recalled by any other witness as a separate event and no written record of same was uncovered. The Hughes Inquiry concluded that this was likely relating to elements of the follow-up to the 1967 complaint rather than a separate matter. [HIA 734, para 3.131].

28. No further incident therefore arises for consideration by the Board as to whether there was a missed opportunity.
29. On another date probably in 1968 [HIA 720, para 3.96] R7 attended at offices of the Belfast Welfare Authority. He had been discharged from Kincora in January 1968 and gave evidence that he “*was anxious that his younger brother should not be sent to Kincora*” [ibid]. He spoke to Mr Maybin, Social Welfare Officer, responsible for his brother. Mr Maybin recalled that R7 told him that he did not have a particularly good experience in Kincora and made a comment that Mr Mains was “funny”. By the time of this meeting Mr Maybin was already planning for an alternative placement for R7’s brother and did not intend to pursue Kincora. He did not “*embark on an exhaustive analysis of the meaning of “funny” or seize on its possible homosexual connotations*”. The committee considered that this was “*not surprising in the circumstances*” and made no criticism of him. [HIA 720, para 3.97]
30. No further step was taken in relation to this conversation. The Hughes Inquiry noted that a course open to Mr Maybin may have been to report to conversation to his superiors, noting: “*This information could well have been significant to Mr Mason, the City Welfare Officer, and to Mr Moore, the Children’s Officer, who had dealt with complaints against Mr Mains in September 1967*”. It was however noted that Mr Maybin was not aware of that, and thus could not have been aware of the potential significance to the comments. No criticism was therefore made. The committee concluded: “*R7’s comments to Mr Maybin did not convey a sufficiently clear homosexual connotation as to constitute a genuine opportunity for the detection of offences at Kincora*”. [HIA 721, para 3.99]
31. This complaint and investigation was never reported to the Belfast Welfare Committee. The Hughes Inquiry considered this and did not criticise the decision not to do so having regard to: “*since Mr Mason’s conclusions and recommendations appear to have been accepted, there would have been no*

*perceived need to seek a decision or direction from the Welfare Committee...*

[HIA 730, para 3.122]

32. Given the limited nature of information that was made available, and having regard to the fact that this did not come to the attention of any person that was in the line of management for Kincora hostel, the HSCB does not consider that this was a missed opportunity to detect abuse.

## 1970

33. Following the appointment of Mr McCaffrey as Assistant Children's Officer in December 1979 he recalled being asked by Mr Moore to investigate a complaint that Mr Mains had slapped a boy on the buttocks. The boy's name was not identified. Upon attending with Mr Mains he was advised that this slap had been in response to misbehaviour or horseplay. [HIA 735, para 3.133] The Hughes Inquiry believed this was a separate incident, [HIA 735, para 3.136] and took the view that this contained "*no obvious homosexual colour*" [HIA 735, para 3.136].
34. The committee concluded that this incident "*would not have provided Mr Mason with sufficient corroboration of his residual doubts concerning Mr Mains' sexual preferences to justify a further reference to the Town Clerk's office*".
35. The HSCB does not therefore consider that this offered any opportunity to detect or prevent abuse that occurred at Kincora.

## 1971

36. In August 1971 the Mason File was reopened following receipt of written complaints from R8, who had been placed in Kincora from 29 April 1968 to 2 August 1971 [KIN 114025]. Two letters were received: one in the District Office, and a second at EHSSB Headquarters. The letters were "*virtually identical in form and content*". [HIA 737, para 3.141]



37. The complaints raised were:
- a. *“R8 and another resident, whom he named, complained to Mr Mains about homosexual advances by a third resident, R34, with whom they shared a bedroom. Mr Mains moved the second boy, but not R8, and did not report the matter to the welfare authorities;*
  - b. *Mr Mains offered R8 five shillings to rub ointment into his back and made grunting noises of satisfaction;*
  - c. *During the massage, Mr Mains suggested that R8 had lied in complaining about R34 and suggested that they had been in bed together;*
  - d. *Mr Mains said that it was not safe for R8 to go back to his own room and persuaded R8 to stay the night with him;*
  - e. *R8 kept his jeans on in Mr Mains’ bed and turned to face the wall. Mr Mains put his arms round him and muttered “On to it, on to it”;*
  - f. *The same thing happened to another boy, R33;*
  - g. *Mr Mains regularly slept with a friend, whom R8 named as R2;*
  - h. *R33 had seen R2 lying in Mr Main’s bed.”*

[HIA 737, para 3.141]

38. When staff in the District became aware of this letter, they did not notice a note on the envelope that said “to be handed in to Central Police Station”. The Social Welfare Officer liaised with her immediate superior, who was the Senior Social Welfare Officer (“SSWO”). Following communication with Headquarters the SSWO learnt that the matter was to be investigated by Mr Mason and that she was to do nothing about the letter. However, the SSWO did inform her line manager, the Divisional Welfare Officer for West Belfast, who was at this time Mr Bunting, on his return from leave some two weeks later.. [HIA 739, paras 3.145, 3.146 and 3.147]

39. The complaints were investigated by Mr Mason, Chief Welfare Officer, along with Mr William Johnston, Deputy Town Clerk, the latter having been directed to take part as deputy by the Town Clerk to whom the complaint had been referred.

40. The investigation was initially progressed by interviewing R8. It was recorded that he “*did not appear to be a convincing witness but ... had reaffirmed all the statements made in his letter*”. R33 was also interviewed by Messrs Mason and Johnston. He corroborated R8’s allegation that he had received a similar approach from Mr Mains. [**Hughes Report**, para 3.149]
41. On 25 August 1971, by memorandum, details of the investigations were passed to Mr John Young, Town Solicitor. The memo included: “*There are sufficient grounds to have the matter considered as one which should be referred to the police in view of the allegations which were made against the same officer in September 1967.*” [**ibid**]
42. No further written record appears to be available as to the outcome thereafter. Some suggestion was made in evidence that the matter may have been discussed with police. The police did not however recall any such discussion, and there was certainly no written reference to them. Mr Johnston also recalled that the Town Solicitor and Town Clerk had discussed the matter, leading to a conclusion that there was not sufficient evidence to proceed.
43. The Hughes Inquiry determined that “*the decision not to refer the “Mason File” to the police was an error of judgment by the Town Solicitor and by the Town Clerk*”. In the committee’s view the evidence of 1967 and 1971 in the Mason File “*was in our view sufficient to establish a pattern of suspicious behaviour by Mr Mains and contained unmistakable allegations of criminal conduct in respect of the 1971 complaints, one of which was corroborated by R33.*” [**HIA 742**, para 3.157]
44. This should also be seen in the context of other evidence and finding by the Hughes Inquiry, namely:
  - a. The letter of complaint was received in late August 1971. Internment had been introduced at the start of that month, the effect of which was that August “*was characterised by very extensive civil unrest which created extreme pressures for public officials*” [**HIA 742**, para 3.158];

- b. R8 had been recorded to have presented as an unconvincing witness; **[ibid]**
  - c. R8 and R33 were no longer in care, although this was considered to be of only marginal importance given the risk to other boys that could have continued; **[ibid]**;
  - d. Mr Mason was commended as Chief Welfare Officer for his handling of these complaints **[HIA 743, para 3.159]**
45. The HSCB accepts this was **a missed opportunity**. It is noted this accords with the findings of the Hughes Report where the committee concluded: “we consider that, on the balance of probabilities, referral of the “Mason File” to the police in 1971 would have proved decisive in the discovery of Mr Mains’ and Mr Semple’s homosexual activities and would have created a major deterrent to future misconduct.” **[HIA 745, para 3.164]** It is also noted that in giving evidence to the Hughes Inquiry, Mr Mason accepted “*that there was a breakdown in the dissemination of information about the various complaints against Mr Mains resulting from a lack of written communications and his retention of the “Mason file”; and a lack of co-ordination in that nobody knew about all the complaints*”. The Hughes Inquiry found it “*regrettable that [Mr Mason] does not appear to have made Mr Bunting [Children’s Officer] and Mrs Wilson [Assistant Children’s Officer] fully acquainted with the complaints known to him by referring the “Mason file” formally to them in writing in view of their management responsibility for the hostel*”. **[HIA 747, para 3.169]**

#### **1972 – 1974**

46. B1 was placed in Kincora from 9 April 1972 to 25 February 1974 **[KIN 114026]**. He made no complaint until 1980, when he complained to police that Mr McGrath had made homosexual advances to him. No person was charged with any offence relating to his stay in Kincora.
47. B1 was visited by Social Workers during his placement in Kincora. He recalled that their visits largely focussed on his relationships with his family, but accepted that even if the nature of his contact with them had been

different he would probably not have confided in them. [HIA 722, para 3.103] The committee was satisfied that the visiting by Social Workers “was sufficiently frequent and regular to provide an opportunity for complaints to be made” [HIA 723, para 3.105] and concluded “There was nothing in B1’s evidence or the papers relating to him, looked at in isolation, that led us to conclude that Mr McGrath’s alleged offences could have been detected by the relevant authorities”. [HIA 723, para 3.106]

48. The HSCB considers that there is no information that any opportunity was missed in relation to the experiences of B1 to detect the abuse that was occurring at Kincora.
49. The HSCB also notes that while Informant B, who had not been a resident of Kincora at any time, but who prompted events discussed below in 1974, suggested that he had also made an anonymous call to a fieldwork office of Belfast Welfare Authority in late 1972 or 1973, the Hughes Inquiry considered that it was unlikely this would have led to the uncovering of the allegations made against Mr McGrath at this time. No information therefore came to the attention of the Welfare Authority through this means at this particular time. [HIA 771, paras 4.55 and 4.57]

#### **Eastern Health and Social Services Board**

50. Following re-organisation on 1 October 1973 Kincora was situated within the Eastern Health and Social Services Board area. It was managed within the East Belfast and Castlereagh District.
51. The files relating to the management of the Home by Belfast Welfare Authority were transferred. In particular, “the Mason File” prepared and held by Mr Mason, the City Welfare Officer comprising the complaints of 1967 and 1971, was provided directly to Mr Robert Bunting in or around June 1973 in anticipation of re-organisation, and in the knowledge that he had been appointed Assistant Director (Family and Child Care) to the new Board. Mr

Bunting regarded this file as a closed file and placed it in his drawer. [HIA 749, paras 3.172 and 3.173]

52. After reorganisation the relevant line management structure for Kincora was:
- a. Assistant Principal Social Worker, Mr Higham, appointed from July 1976;
  - b. Principal Social Worker, Mrs Wilson, in post from re-organisation and who was initially responsible for direct line management of Mr Mains as Officer-in-Charge, and the monthly monitoring visits, until her retirement in late 1975. Her post was assumed by Ms Lorna McGrath on 1 January 1976. She therefore also assumed Mrs Wilson's responsibilities until the the appointment of Mr Higham. Upon his appointment as Assistant Principal Social Worker, he was responsible for direct line management of Mr Mains, and reported to Ms McGrath until he left his post in January 1979;
  - c. District Social Services Officer, Mr Scoular, in post from re-organisation;
  - d. Director, EHSSB, Mr Gilliland, in post from re-organisation.
53. Also within this structure, Mr Robert Bunting was Assistant Director (Family and Child Care). He had responsibilities that extended to the monitoring of services, including residential child care, and was directly responsible to Mr Gilliland. He himself, from reorganisation, did not have any line management function.

#### **January 1974**

54. On 23 January 1974 an anonymous call was received by Mr Colin McKay, a Senior Social Worker within a fieldwork office at Holywood Road of the East Belfast and Castlereagh District. The Hughes Inquiry noted that the substance of this case was that Mr McGrath:
- a. "had made improper suggestions to the boys;
  - b. had gone to live in the hostel for this purpose; and
  - c. had written a note to one of the boys making improper suggestions"
- [HIA 766, para 4.41]

55. This information was passed by Mr McKay, through Mr Brian Todd, Assistant Principal Social Worker, to Mrs Wilson, Principal Social Worker (Residential and Day Care). This information was therefore passed to appropriate persons in the management line for Kincora. Mrs Wilson took steps in respect of same, the first being to tell Mr Mains that she wished to see Mr McGrath about the call. [HIA 767, para 4.43] At this date Mrs Wilson did not have information regarding earlier complaints against Mr Mains, and thus her decision to contact the Officer-in-Charge follows what would have been expected.
56. Mrs Wilson interviewed Mr McGrath, with Mr McKay present, on 4 February 1974. He denied the complaints and advised that a similarly untrue complaint had been made against him previously and that there had been a previous call of a similar nature to police. Mrs Wilson's assessment was that he was not trying to hide anything, and that he was telling the truth. She reported the outcome of the interview to Mr Clive Scoular. [HIA 767, para 4.43 – 4.45] The boys then resident in Kincora were not spoken to.
57. The Hughes Inquiry found that this information should have been reported to police, having regards to the following:
- a. Mr Scoular and Mrs Wilson were aware that a similar call had been made to police, and thus they should have ensured that the police were acquainted with the additional information [HIA 769, para 4.47];
  - b. *"...this allegation, of a criminal nature but deficient in detail, could only have been investigated properly by the police"*. [HIA 770, para 4.49]
58. The HSCB also notes that this was a serious allegation against a member of staff in a residential children's home, yet the information was not passed by the District to the Board. The Hughes Committee did not comment on this, however the HSCB considers this unfortunate, as had this been reported to the Area Board it may have prompted knowledge about "the Mason File" which was to ultimately remain unknown to staff in direct management of Kincora until 1976.

59. The Hughes Inquiry found that this ought to have been referred to the police. Similar allegations had been passed to police in 1973 and staff therefore should have ensured *“that the police were acquainted with the additional information”*. This therefore represented a **missed opportunity** to further potential investigation by police, and to bring the Mason File to light at an earlier stage. It is noted, however, that “the Mason file” contained complaints against Mr Mains and this anonymous report was against Mr McGrath. [HIA 769, para 4.47]

#### **March 1974**

60. By 1 March 1974, information about Mr McGrath had come to the attention of police. Detective Constable Cullen met with Informant B, the source, on this date. Informant B had been resident in a home set up by McGrath in the 1950's/early 1960's. He suggested that Mr McGrath had interfered with him.
61. This information was discussed within the RUC between DC Cullen and Assistant Chief Constable Meharg. While further steps were taken by DC Cullen in terms of meeting with Informant B, and securing copies of letters from him, no step was taken to approach the Eastern Health and Social Services Board.
62. At this time therefore there was no relevant information in the possession of the HSCB's predecessors that would have required any step to be taken. The failure of the police, however, to contact the EHSSB at this time did result in a **missed opportunity** for consideration of the “Mason file” at an earlier date, and resulted in a significant delay in the sharing of relevant information. This, however, is not a matter that fell within the control of the HSCB's predecessor.

#### **May to September 1974**

63. On 3 November 1973 R15, then aged 13, and his brother were placed in Kincora. They remained there until 20 September 1974 [KIN 114025]

64. R15 described to the Hughes Inquiry that shortly after being placed in the hostel Mr McGrath had “*grabbed him by the genitals*”. He told his brother that day and Mr Mains the next day. There is no evidence that Mr Mains passed this to his own line manager. R15 or his brother did tell their parents, but initially they thought that this was an attempt by R15 to get out of the hostel and back home. They did not therefore take any action at that time. [HIA 772, para 4.59]
65. R15 told his brother of a further incident in or around May 1974. His brother again told his parents. On 17 May 1974 a complaint was made by R15’s mother to his fieldwork Social Worker, Miss McClean (later Mrs Grey). She was a Social Worker in the College Street office of the North and West Belfast District, and thus not the District that had direct responsibility for Kincora. [HIA 773, para 4.61]
66. The complaint was discussed with Mr Orr, Senior Social Worker. This family was known to have been aggrieved by the placement of their children in care and as such there was consideration given to whether this was an attempt to secure their return home. Further Mr Mains reported to Miss McClean that he had spoken to Mr McGrath about it and there was no truth in the allegation. [HIA 773, paras 4.61 and 4.62]
67. A second complaint was made of the same behaviour being repeated in September 1974. A meeting was called between the mother, Social Worker and Senior Social Worker on 17 September 1974. That meeting ultimately ended up focussing on arrangements for returning the boys to a family placement with their sisters and there was no discussion about the complaint, despite that having been the core reason for the meeting having been called.
68. Neither of these complaints were passed to East Belfast and Castlereagh District, and no staff in line management for the hostel were aware of these complaints, the sole point of contact having been Mr Mains.



69. The Hughes Report considered the mode of investigation of these complaints [HIA 775, para 4.65] but ultimately concluded that both the May 1974 and September 1974 complaints should have been brought to the attention of management in the responsible District. While it was noted that in September 1974 there was a plan for R15 to leave Kincora, it was noted:

*“Although the immediate problem was solved in that the boys were removed from Kincora, there remained a potential danger to other residents and Mr Orr’s scepticism should not have closed his mind entirely to this possibility.”*

[HIA 775, paras 4.66 and 4.67]

70. No criticism was made for not reporting this to police *“since it would have been irregular for him to do so without consulting Mr McGrath’s District management”*. [HIA 776, para 4.68]
71. The Board considers that the failure of staff in the North & West Belfast District to advise the hostel’s management in the East Belfast and Castlereagh District of a complaint against Mr McGrath resulted in a **missed opportunity**. It would have allowed management to consider again the context of the January 1974 anonymous telephone call.

#### **November 1974**

72. The Hughes Inquiry considered a document dated 8 November 1974 purporting to be an Army Intelligence Report that suggested Mr Mains, Mr Semple and Mr McGrath were all *“known homosexuals”*. It also referenced early investigations by Belfast Welfare Authority. [HIA 777, para 4.73]
73. There was no evidence before the Hughes Inquiry that this document came to the attention of EHSSB at that time, or any later time.
74. Mr Wallace, a Senior Information Officer, at Army Headquarters, was alleged to have made an anonymous telephone call in 1975 to *“a senior official in the Belfast Welfare Department making him aware of the allegations relating to*

*the abuses....*” [HIA 778, para 4.75]. The HSCB notes that in 1975 the relevant body would have been the EHSSB or East Belfast and Castlereagh District thereof.

75. Mr Wallace did not give evidence to the Hughes Inquiry. No finding was made of a further telephone call coming to the attention of Board staff at the relevant time.

## 1975

76. R14 was admitted to Kincora first between 2 December 1974 and 4 January 1975. He returned for one night on 10 January 1975, before having a longer placement from 13 February 1975 to 10 June 1975. [KIN 114025] In December 1981 Mr McGrath was convicted of one count each of buggery, gross indecency and indecent assault of R14. All of these offences occurred during the admission February – June 1975. [HIA 763, paras 4.30, 4.31]
77. R14 did not make any complaint about Mr McGrath while he was in Kincora, [HIA 764, para 4.32] it was however considered by the Hughes Inquiry that his Social Worker’s notes: *“established that R14 was resistant to the Kincora placement prior to his second period at the hostel...”* [HIA 764, para 4.34] It was also noted that R14 complained about having to remain in Kincora during social work visits [HIA 765, para 4.36] but no reason had been given. It was not until 1980 that R14 made a formal complaint that led to the convictions detailed above. [HIA 763, para 4.31]
78. The Hughes Inquiry concluded:  
*“Given the absence of any complaint of any identifiable change in his attitude while at Kincora, we find that the authorities could not reasonably have been expected to detect directly the offences against R14”.* [HIA 766, para 4.40]
79. The HSCB agrees with this conclusion.

80. The Hughes Inquiry also considered whether, during late 1975 or possibly 1976, there had been a further telephone call. The suggestion of such a call arose during an article published in 1982 by “Social Work Today”. It was considered that there was not such a call, rather there had been erroneous references to an incident that was actually the January 1974 call detailed above.

### 1975 Rumour Evidence

81. Mr Maybin, Assistant Principal Social Worker (Fieldwork Office) gave evidence to the Hughes Inquiry that sometime in 1975 he heard a rumour to the effect that Mr Mains was a homosexual. The rumour did not indicate that criminal offences were taking place, and Mr Maybin regarded it as “*low level gossip*” [HIA 783, para 4.88]
82. Mr Maybin reported knowledge of this rumour to police in 1982 during the course of the Terry Inquiry. The Hughes Report noted: “*This rumour was patently known to others who were not prepared to admit it to the police or this Inquiry*” [HIA 783, para 4.90]
83. It was however considered by the Hughes Inquiry that this information should have been reported to Residential and Day Care Management within the District. [HIA 784, para 4.91]
84. The HSCB accepts that there was a **missed opportunity** on this occasion to ensure that a full picture of Kincora was within the sphere of knowledge of the Residential and Day Care Management staff. This, in itself, would have been unlikely to detect or prevent abuse, but knowledge of it may have influenced their responses to future information.

### January – March 1976

85. On a date considered by the Hughes Inquiry to be “*almost certainly between January and March*” 1976 a rumour about Mr Mains came to the attention of

Mrs Elizabeth Fiddis, a Health Visitor in the East Belfast and Castlereagh District. [HR, para 4.92] During a visit to the Hollywood Road sub office of the District, she reported what she had been told to Ms Marion Reynolds, Social Worker, who was able to identify it as relating to Kincora and Mr Mains. [HIA 784, para 4.93]

86. Immediately after this conversation Miss Reynolds telephoned Ms McGrath at District Headquarters. No record of this exchange was made. While Ms McGrath was unable to recall the telephone call, she accepted the evidence of Ms Reynolds that it had been made. [HIA 785, para 4.95 and 4.96]. The telephone call was also made by Ms Reynolds in the presence of Ms Hilary Reid, Social Worker. Ms Reid also had a later encounter with Mrs Fiddis in which she confirmed that the matter had been reported to management, but was unable to provide her with further information.

87. The Hughes Inquiry determined:

*“Miss Reynolds and Miss Reid took the correct course in referring the matter to R&DC Management. It is to be regretted that Miss Reid did not discuss her conversation with Mrs Fiddis during subsequent contacts with Miss McGrath since, although she had no additional information to report, this might have brought the matter to prominence. A similar result might have occurred if Miss Reynolds had recorded her conversation with Mrs Fiddis and sent the papers to Miss McGrath.”*

[HIA 786, para 4.98]

88. It also considered that the real onus lay on Miss McGrath, who described to the Hughes Inquiry that she was under extreme pressure at the time and may not have allowed enough time for the call, or recognised the importance of same. She referred to the understaffing in Residential and Day Care management between July 1975 and July 1976. Despite those circumstances, the Hughes Inquiry did not consider that she had given the information “*sufficient priority*”. It was found that she should have passed the information to Mr Scoular, however as she was unlikely to do so until she

herself had met Mrs Fiddis, her omission in that meeting led to the omission in telling the DSSO. [HIA 787, para 4.99] It was however recognised that this occurred in a context of her having no knowledge of “the Mason File”. [HIA 787, para 4.100]

89. The HSCB considers that this was a **missed opportunity** to share information. While this information in itself was unlikely to detect or prevent further abuse at Kincora, the inclusion of this information alongside all other information would have been a potentially important line of enquiry, especially when considered in light of almost concurrent events occurring at Area Board level detailed below.

### **February – March 1976**

90. The events from re-organisation detailed above had been occurring at District Level. There was no evidence that any information therefrom had been passed to Area Board level.
91. In January 1976, Informant B had contacted DC Cullen for an up-date. This had prompted a further internal meeting within the RUC between DC Cullen and ACC Meharg, during which a meeting was directed with EHSSB. [HIA 791, para 4.109]
92. On 19 February 1976, DC Cullen met with Mr Robert Bunting, Assistant Director of Social Services (Family and Child Care) at EHSSB. Mr Bunting was informed of allegations that Mr McGrath was involved in paramilitary activity and in homosexual behaviour. It was reported that prominent people were involved and thus a sense of confidentiality was conveyed. [*ibid*]
93. This contact prompted Mr Bunting’s memory of “the Mason File”, which was shown to DC Cullen at this meeting. [*ibid*] Following the meeting Mr Gilliland, Director of Social Services was briefed. There was no allegation that Mr McGrath was involved in homosexual activities with residents of Kincora.

94. On 15 March 1976 a meeting was held between DC Cullen, Mr Gilliland and Mr Bunting. "The Mason File" was provided to DC Cullen who subsequently copied and returned same. [HIA 792, para 4.110] While it was his evidence that a copy was sent in internal mail to ACC Meharg, the latter reported that he never received it. [HIA 793, para 4.114]
95. During the meeting, the EHSSB reported that the information would have to be shared with Mr Scoular, DSSO. A list of all boys that had been discharged from Kincora from 1971 was also prepared and provided to DC Cullen. [HIA 792, para 4.110] While the EHSSB therefore believed that there was an active police investigation at this time, no such action had in fact been initiated within the RUC. The Hughes Inquiry considered that despite it being erroneous, "*the Board was entitled to take the view that these matters were formally under investigation by the police*" and did not see how Board officers could have formed any other conclusion. [HIA 798, para 4.123]
96. As a result of these developments the existence of "the Mason File" is confirmed to the District, who are provided with same for the first time since re-organisation. Mr Scoular therefore become aware for the first time of the complaints against Mr Mains in 1967 and 1971.
97. It does not however appear that the information known at District level from 1974 was reported to the Board. While Mr Scoular initially indicated that he had told Mr Bunting of same, he later retracted this in the knowledge that Mr Bunting said that he had not.
98. To assess the action taken by the Board subsequent to March 1976, the Hughes Inquiry undertook a useful survey of the information as at that time thus:
- a. "*the "Mason file" had remained with Mr Bunting since the inception of the Board in October 1973 until Detective Constable Cullen's visit on 19 February 1976 and had thus been unavailable to the East Belfast and Castlereagh District staff directly responsible for the management and supervision of the hostel. This included Mr Scoular and Mrs Wilson, who*

- had dealt with the anonymous telephone call of January 1974, although Mrs Wilson was aware of a previous investigation of Mr Mains;*
- b. *Mr Scoular gave evidence that he had no recollection of drawing the January 1974 telephone call to Mr Bunting's attention in March 1976 when he was briefed on the Meharg/Cullen investigation and given the "Mason file" for the first time;*
  - c. *The complaint against Mr McGrath lodged by the parents of R15 had never gone further than the North and West Belfast District and was thus unknown to Messrs Gilliland and Bunting in Headquarters and to East Belfast and Castlereagh;*
  - d. *It was not possible to establish how widespread was the 1975 rumour about Mr Mains which was retailed (sic) Mr Maybin, but there is no evidence that it reached the Board's headquarters staff or Residential and Day Care management in East Belfast and Castlereagh;*
  - e. *The rumour concerning Mr Mains which came to Mrs Fiddis' attention and was passed through the Holywood Road office to Miss McGrath in February/March 1976 was not known to headquarters staff and Miss McGrath gave evidence that she did not see the relevance of it when she was told about the Meharg/Cullen investigation, so that Mr Scoular also remained in ignorance of that rumour."*

[HIA 794, para 4.117]

- 99. The Hughes Inquiry notes a lack of communication in March 1976, commenting: *"it is remarkable that Miss McGrath did not realise the potential significance of the rumour about Mr Mains"*. Her failure to tell Mr Scoular or Mr Bunting was found to be *"a significant omission since, if passed on, it would have provided the police with a more up to date line of enquiry about Mr Mains than "the Mason file"*". [HIA 795, para 4.118]
- 100. Mr Scoular's failure to tell Mr Bunting about the 1974 anonymous call was found to be *"an error of judgment. Mr Scoular should have drawn this matter specifically to Mr Bunting's attention during their discussion subsequent to 15 March."* [HIA 796, para 4.119]

101. Over the subsequent months the Hughes Inquiry was satisfied that Mr Bunting had made a number of follow up telephone calls to DC Cullen over an extended period from March 1976. [HIA 796, para 4.120] They also accepted that the evidence showed a closer supervision of Kincora was initiated [HIA 797, para 4.122]
102. Their finding, however, was that a more formal approach should have been made by the Board, in the person of Mr Gilliland or Mr Bunting, to police by way of an official approach to ACC Meharg. *“When doing so the Board should also have made the matter the subject of a formal record since its seriousness required a clear record of the Board’s conduct”*. [HIA 798, para 4.124]
103. The Hughes Inquiry also considered that Mr Gilliland should have informed the Chairman of the Personal Social Services Committee of the position, and the Board proper on a confidential basis. Further the Inquiry found that *“the same applies to the Department of Health and Social Services, in view of its overall responsibility and accountability for the Personal Social Services”*. While no further action could have been taken by any of these entities, it was considered that *“they were entitled to know about a serious matter for which they might ultimately be called to account”*. [HIA 800, para 4.126]
104. In the HSCB’s view an **opportunity was missed** in mid 1976 to ensure all information known about Kincora in different levels of management was collated to ensure a full picture developed. It was also regrettable that more definitive steps were not taken at an earlier stage to ascertain the status of the Police investigation. The HSCB also accepts the findings of the Hughes Report as detailed at paragraph 103 above.

### **Late 1976**

105. The Hughes Inquiry also heard that Ms Shaw, who had no connection with Social Services, had come into contact with Informant B in or around late 1973. Over the following years she made a number of approaches to members of the community that held prominent positions in Northern Ireland,



to raise concerns about Mr McGrath. It was only in respect of one of these prominent persons that it was suggested information was passed to the EHSSB, with a second person considered in light of her connection to Social Services. [HIA 800, para 4.129]

106. The Hughes Inquiry considered this evidence of Reverend Martin Smyth MP in this respect. He said that in late 1976, having heard that Mr McGrath was employed in a boys' hostel, he telephoned the EHSSB and spoke to "*a Mr Jackson*". [HIA 805, para 4.139]
107. The Inquiry made no finding on this evidence, as an exhaustive consideration of males with the name Jackson employed within the EHSSB was unable to identify any person with whom Rev Smyth MP may have spoken. [HIA 806, para 4.144]
108. Ms Shaw's information however also came to the attention of Ms Rita Johnston who held employment in the East Belfast and Castlereagh District within a day centre facility for adults. She received the information following an approach by Ms Shaw in respect of one of her own clients at the day centre. Ms Johnston made suitable enquiries in respect of his wellbeing. As regards any connected concern with Kincora, Ms Johnston did not consider that to be the focus of why information was shared with her, and in any event, she had directed Ms Shaw to the relevant management based at Purdysburn. The Inquiry made no criticism of her. [HIA 804, para 4.137]
109. Ms Shaw confirmed to the Inquiry that she herself did not make a direct approach to any management with either the EHSSB or at District Level [KIN 72900]. In the absence of her having made information available to the relevant persons, the HSCB does not identify any further action that should have been taken by its predecessors, and does not consider that an opportunity arose for them to do so.

**August 1977**

110. R18 was placed in Kincora from 12 May 1977 for weekends only. He was then resident in the hostel full time from June 1978 to May 1980. Mr McGrath was convicted of one count of gross indecency involving R18. [HIA 806, para 4.145]
111. On 19 August 1977 R18's Social Worker, Miss Anna Hyland, met him for a routine visit. She was concerned about his presentation, noting that it was different from what she had normally come to expect, describing him as "*embarrassed and reticent and fidgety*". [KIN 72982, at G] She later made a note that R18 had indicated he was concerned about the attitude of Mr McGrath because:
- a. He had been having long and intimate conversations about sex with Mr McGrath;
  - b. Mr McGrath had, to use R18's term, embraced him on two separate occasions.
- [HIA 807, para 4.147]
112. Ms Hyland raised this complaint with Mr Mains on 20 August 1977. He already knew about it. When asked by Ms Hyland whether he intended to tell his management, Mr Higham, she formed the view that he was indecisive. [HIA 808, para 4.149]
113. In September 1977, following a further visit to R18 and discussion with her Assistant Principal Social Worker, Ms Hyland made direct contact with Mr Higham. Her concerns were two-fold – the original complaint and Mr Mains' failure to pass information on.
114. Mr Higham, Ms Hyland and Mr Mains met on 12 October 1977. Reports had also been submitted by Ms Hyland, on 9 September 1977, and by Mr Mains, on 11 October 1977. The report by the latter contained more detail than had previously been shared with the fieldwork Social Worker. [HIA 808, para 4.150]

115. Mr Higham sent a memo to Mr Scoular enclosing the reports and detailing his own views on 18 October 1977. [HIA 810, para 4.153]

116. On 20 October 1977 Mr Scoular replied by Memo thus:

*“I have read the reports you sent to me concerning R18.*

*I am still unhappy about Mr McGrath’s relationships with the boys in the hostel. Whilst I appreciate that his “extra curricular” activities have probably some bearing on the situation, I feel we will have to “grasp the nettle” and some way discuss the whole situation with Mr McGrath in the near future. I well appreciate the situation is further complicated by Mr Mains’ reticence about freely discussing what goes on in Kincora with you. I think it would be valuable for Miss McGrath and yourself to have an early discussion with me.*

*As I mentioned to you yesterday, I find the contents of Ms Hyland’s report and the content of that prepared by Mr Mains to be almost two different stories. I will try and make some discreet enquiries and see what I can find out.”*

[HIA 811, para 4.154]

117. The Hughes Inquiry considered that Mr Scoular’s perception of the Kincora situation had been influenced by the nature of DC Cullen’s contacts with Mr Bunting and how these were represented to him. Those briefs were not, however, in writing. It was however considered that Mr Scoular was on notice of the allegations of paramilitary activity and the involvement of prominent people. [HIA 812, para 4.156]

118. The overall conclusions in relation to these concerns by the Hughes Inquiry were:

*“We believe that R18’s disclaimers, the absence of any reference to positive sexual activity in his complaint, and the possibility that he might have had a guilt complex about his previous homosexual experience combined to outweigh the suspicion created by the decidedly dubious nature of Mr*

*McGrath's approaches. We accept that this was not an unreasonable position for Mrs Hyland to hold at the time.... [HIA 816, para 4.164]*

*We do not believe that R18 intended his remarks to Mrs Hyland to be construed as a complaint of the kind which would be dealt with under the formal procedures.... As such, its handling was a matter of judgment by the staff concerned' [HIA 816, para 1.65]*

119. The HSCB considers that there were matters of concern arising from this report, most particularly the lack of communication from the Officer-in-Charge regarding matters that should have been reported to the resident's fieldwork Social Worker. However the information received was not of a nature that would have indicated the extent of abuse that was occurring at Kincora.
120. However what is also clear, is that despite Mr Higham being involved in investigating the issues in relation to R18 in October 1977, these were not matters that would have been apparent from his report to the Board for that period pursuant to the 1975 Direction. In his evidence to the Hughes Inquiry he was asked about this by Senior Counsel to the Inquiry [beginning at **KIN 73058**]. That exchange highlights: the report in relation to visits in October and November 1977 was provided dated 6 January 1978; the report provided would have led the reader to believe that all was well at Kincora and there were no concerns. Senior Counsel, Mr Kennedy, noted that this time Mr Higham would have been aware of the Mason file and allegations against Mr Mains and made recently about Mr McGrath. He suggested that the report was "*deceptive in the sense that it seems to convey that all was well, whereas it was not?*", to which Mr Higham responded: "Yes". Mr Higham was also asked: "*Yet in the light of that, you sent this report to Mr Gilliland with no indication of what should have been a cause for real concern.*" He responded: "*I was under the impression that those matters were being dealt with within my district, and that those monthly reports were to give a bed situation, of how many beds were available, what was there, and a generalised thing. To my knowledge, they did not go into specifying specific things that were put down on record and sent to the Board....*" [**KIN 73061**] before agreeing that did not know whether information of this nature should or

should not go into the report [KIN 73062]. The HSCB considers that through a lack of full reporting there was a **missed opportunity** to ensure the Board was fully appraised of further developments in relation to this hostel. Further the Board may have identified the potential use this information may have been to the police.

### October 1977

121. In addition to the information that had reached District headquarters in relation to R18, concerns had been raised in relation to R20 in early October 1977.
122. R20 was placed in Kincora from 27 June 1975 to 16 July 1976 and from 25 July 1976 to 7 November 1977. [KIN 114026]
123. R20 did not make any complaint of homosexual abuse to police in 1980, and no person was charged with any offence relating to his time in Kincora.
124. On 4 October 1977 DC Scully of the RUC attended at Kincora at 9.45am to arrest R20 and R37 in connection with burglaries in the area. During the course of that day he noted that R20's mannerisms were what he considered effeminate. He had also been suspicious of Mr Mains, whom he had known from around 1966, as he had often seen him in the company of R2, a man that DC Scully considered to be "*a very well known homosexual*". [HIA 817, para 4.171]
125. R20's behaviours over that day and the next were such that DC Scully directly asked him whether he had any sort of a relationship with Mr Mains, R20 laughed at this suggestion. [HIA 818, para 4.172]
126. On either 5 or 14 October 1977 DC Scully shared his suspicions that R20 was involved in a homosexual relationship with Mr Mains with R20's Social Worker, Ms Helen Gogarty. She shared same with her Senior Social Worker, Mr David Morrow. A meeting was subsequently held with Mr Higham, which

was most likely to have been on 21 October 1977. [HIA 818, paras 4.173 and 4.174]

127. The HSCB notes, as did the Hughes Inquiry, that this is occurring at the same time as the liaison in respect of concerns regarding R18 detailed above.
128. Residential Day Care and Management considered the issues again on 1 and 9 November 1977. A further meeting was then convened on 14 November 1977 to include: Mr Scoular, Miss McGrath, Mr Higham and Mr Morrow. Mr Lindsay Conway was also in attendance as R20 was then placed in Rathgael Training School on foot of the criminal proceedings. This also involved discussion about some previous complaints. The outcome was not clear: Mr Morrow recalled that Mr Bunting was to be informed, but Mr Scoular disputed that. [HIA 820, para 4.177]
129. On the afternoon of the same day, 14 November 1977, a meeting was attended at Strandtown RUC Station by Detective Sergeant Sillery, Mr Scoular and Mr Higham. This meeting focussed on the general crime problem and on DC Cullen's suspicions. [HIA 822, para 4.179]
130. A further meeting was held on 5 December 1977 between Mr Scoular, DS Sillery and DC Cullen. Following this meeting daily monitoring forms were introduced for Kincora from January 1978 (which were to be submitted on a weekly basis) and it was agreed that the police would keep a close eye on Kincora. [HIA 827, para 4.189]
131. By December 1977 the Hughes Inquiry found that *"knowledge of a considerable number of incidents, complaints and suspicions which suggested the possibility of homosexual misconduct at Kincora had come into the possession of the Eastern Board"*. They summarised that Mr Scoular was aware of:
  - a. *"the January 1974 anonymous telephone call alleging that Mr McGrath was homosexual but making no allegation about misconduct involving the residents. This was drawn to Mr Scoular's attention at the time;*

- b. *the Meharg/Cullen investigation into allegations that Mr McGrath was homosexual, again with no allegation relating to the hostel itself. This was made known to Mr Scoular by Mr Bunting around the spring of 1976; as was*
- c. *the "Mason file" containing allegations against Mr Mains by R5, R6, R8 and R33 and referring to an alleged homosexual relationship with former resident R2;*
- d. *R18's complaint against Mr McGrath in August 1977; and*
- e. *D/Con Scully's suspicions of Mr Mains' relationships with R20 and R2; Conversely he was not aware of:*
- f. *The buttock slapping incident involving Mr Mains and investigated by Messrs Moore and McCaffrey in 1969/1970;*
- g. *The May and September 1974 complaints against Mr McGrath by the parents of R15 to Miss McClean and Mr Orr;*
- h. *The rumour concerning Mr Mains which came to the attention of Mr Maybin in 1975;*
- i. *The rumour concerning Mr Mains which came to the attention of Mrs Fiddis, Miss Reynolds, Miss Reid and Miss McGrath in early 1976;*
- j. *Miss Shaw's allegations about Mr McGrath to Miss Johnston in late 1976; or*
- k. *Rev Smyth's telephone call about Mr McGrath in 1976"*

[HIA 828, para 4.190]

132. The Hughes Inquiry found, and the HSCB agrees, that *"taken separately, it is possible to discount the significance of the various matters which came to Mr Scoular's attention"* [HIA 829, para 4.192] The committee were *"convinced, however, that the accumulation of these allegations, complaints and suspicions over the years should have been recognised as significant by Mr Scoular"*. In particular, there was a failure to notify the Area Board in 1977 of the issues arising in relation to R18 and R20. The Hughes Report describes this as a *"critical error"* [HIA 830, para 4.193]
133. The HSCB suggests that the failure to share information from District Level to Board Level in 1977 resulted in a **missed opportunity**. As noted by the

Hughes Report, if Mr Scoular had brought the cases of R18 and R20 to the attention of Mr Bunting, they could have been notified to DC Cullen as information additional to “the Mason File”. The Hughes Report notes “*the addition of these cases to the information already available to the police would probably have promoted an active police investigation some two years before the “Irish Independent” article had that effect*”. It was also suggested that precautionary suspensions of Mr Mains and Mr McGrath could have been implemented at that time. It is also noted that Mr Scoular did not follow the intentions of his memo of 20 October 1977, with the Hughes Inquiry finding “*we believe that Mr Scoular was apprehensive of Mr McGrath’s alleged paramilitary links to some degree, and that this, in conjunction with the fact that the homosexual implications of the R18 and R20 were, in his view, unsubstantiated, clouded his judgment...*” [HIA 830, para 4.194]

### January 1978

134. On 11 January 1978 Ms Hyland again telephoned Mr Higham. R18 had told her that Mr Mains had come into the hostel at about 1am the previous Friday night, quite drunk, and had wakened him to ask how he liked Kincora and whether anything was wrong. [HIA 813, para 4.159]
135. This was addressed by Mr Higham with Mr Mains, who denied that he was inebriated, and also said that R18 was not asleep and he had asked him about how he was getting on with Mr McGrath. There was no sexual connotation in this incident. [*ibid*]
136. This, of itself, would not have offered the EHSSB an opportunity to uncover or prevent the abuse occurring at Kincora.

### 1979

137. Throughout 1979 no further complaint came to the attention of the EHSSB that may have prompted action that could have detected abuse occurring at Kincora.



138. As the Inquiry will be aware it was in December 1979 that two Social Workers, Helen Gogarty and Judy Kennedy, spoke with a journalist.

**1980**

139. On 24 January 1980 the story was published in the Irish Independent.

140. On 4 March 1980 Mr Mains, Mr Semple and Mr McGrath were all suspended from their employment.

141. Following a decision to close Kincora, the last boys left the hostel in October 1980.

I believe that the facts stated in this witness statement are true.

Signed



Dated 29 April 2016