

## **Chapter 27:**

### **Module 15 – Kincora Boys’ Home**

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## **PART ONE**

### **The Role of Social Services and the Police**

- 1 In this Chapter we focus on the role of the Belfast Welfare Authority and its successor the Eastern Health and Social Services Board (EHSSB) in setting up, staffing and running the Kincora Boys’ Hostel, as well as their roles in investigating complaints of sexual abuse of the boys who were resident in Kincora. As part of that process we examine the history of the hostel, the philosophy behind it during the 22 years of its operation, the way it was staffed and run, and the extent to which it was inspected by the Ministry of Home Affairs (MoHA) and its successor the Department of Health and Social Services (DHSS).
- 2 The way in which several complaints were dealt with by the Belfast Welfare Authority in 1967 and 1971, and by the EHSSB and the RUC on a number of other occasions during the 1970s, are closely interlinked. It therefore seemed sensible to consider all of these issues together. Although it will be necessary to make some reference to the role of the RUC Special Branch when examining the material relating to the RUC, because of the complex relationship between the RUC Special Branch and the Secret Intelligence Service (SIS), or MI6 as it is commonly called, the Security Service or MI5, British Army Intelligence, the Ministry of Defence, the Northern Ireland Office, and the Cabinet Office, it will be necessary to examine the actions of the RUC Special Branch in greater detail in the next chapter as well, and to that extent there will necessarily be some overlap between the two chapters.

### **The Hughes Inquiry**

- 3 As we explained in a previous chapter, a committee under the chairmanship of His Honour William Hughes was set up in 1984 to examine allegations of sexual abuse of residents in a number of children’s homes in Northern Ireland. Those Terms of Reference were somewhat different to ours. Nevertheless, the Hughes Inquiry thoroughly and comprehensively examined many of the issues relating to Kincora, and, as will become apparent, we have made considerable use of those parts of the transcripts of the relevant 60 days of public hearings of the Hughes Inquiry containing the evidence of witnesses which related to Kincora, as well as drawing heavily on those parts of the Hughes Inquiry Report dealing with Kincora.

- 4 More than thirty years have elapsed since the Hughes Inquiry. Many of the individuals who gave evidence to that Inquiry and whose evidence is relevant to Kincora are no longer alive, or were unfit to give evidence to us. In any event, the recollections of the witnesses to events in the 1960s and 1970s may be expected to be better when they gave evidence to the Hughes Inquiry than they would be now. The evidence of witnesses to the Hughes Inquiry was in many cases subjected to vigorous cross examination, and so the transcripts of their evidence provide an extremely valuable source of information on many matters. This is subject to the qualification that a ‘cold’ transcript cannot completely convey those nuances that may be gleaned from the demeanour of the witness while giving evidence, such as firmness of recollection or uncertainty, evasiveness, or the transparent conviction of a witness trying to do their honest best, to name only some considerations.
- 5 Although the analogy between this Inquiry and an appeal court sitting in an appeal from a judge conducting a trial without a jury is not an exact one in many respects, our approach to the evidence given to the Hughes Inquiry, and to its factual findings and the conclusions based on those findings as contained in its Report, has been to follow the approach of an appeal court to the findings of a trial judge sitting without a jury. Lord Lowry, then the Lord Chief Justice of Northern Ireland, in giving the decision of the Northern Ireland Court of Appeal in Northern Ireland in the case of *Northern Ireland Railway Company v Tweed* [1982] 15 Northern Ireland Judgement Bulletin at pages 10-11 gave an authoritative exposition of the relevant law and principles.
- 6 Adapting Lord Lowry’s principles to the position of this Inquiry when considering the evidence given to, and the Report of, the Hughes Inquiry we have applied the following principles:
  - (1) The findings of the Hughes Inquiry on primary facts should rarely be departed from by this Inquiry if there is evidence to support those findings. This principle applies strongly to assessments of credibility, accuracy, powers of observation, memory and general reliability of the witnesses.
  - (2) This Inquiry is in as good a position as the Hughes Inquiry to draw inferences from documents and from facts which are clear, but even here must give weight to the conclusions of the Hughes Inquiry.

- (3) This Inquiry can more readily depart from the findings of fact and conclusions of the Hughes Report if the Hughes Inquiry misunderstood or misused the facts, and may thereby have reached a wrong conclusion.
- (4) This Inquiry should not resort to conjecture or to its own estimate of the probabilities of a balanced situation as a means of rejecting the conclusions of the Hughes Inquiry on a disputed matter.

## **Ages of residents in Kincora**

- 7 Kincora Boys’ Hostel was opened by Belfast Welfare Authority on 6 May 1958, and until it finally closed in October 1980, 370 young people resided in Kincora.<sup>1</sup> As the name ‘hostel’ implied, Kincora was not a children’s home. As a report of 28 February 1958 by the Belfast City Welfare Officer explained, it was intended from the outset to be:

“a hostel used to provide accommodation for boys over school age and particularly those who it has not been possible to Board out [that is to foster] i.e. those who may have a parent who wishes to visit, and any that are difficult socially”.

- 8 It was recognised from the outset that whilst the boys would normally pass out of care when they reached the age of eighteen:

“It may be necessary to permit some to remain in the hostel until they are 21. In those circumstances, the necessary approval will be sought from the Ministry of Home Affairs”.<sup>2</sup>

This reflected the requirements of S. 96 of the Children and Young Persons Act (Northern Ireland) 1950, and its successor, S.121 of the Children and Young Persons Act (Northern Ireland) 1968. That Kincora was a hostel for boys and not a children’s home was, as Mr Bunting pointed out when he gave evidence to this Inquiry, emphasised by the title of “warden” given to the officer in charge, something that was, “more like a youth hostel term”.<sup>3</sup>

- 9 The school leaving age was fifteen in 1958, and was raised to sixteen in 1973. This meant that between 1958 and April 1973 the hostel was intended for boys who were over fifteen and under 21, and from 1973 to 1980 between the ages of sixteen and 21. However, as the City

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1 KIN 1086.

2 KIN 1129.

3 Day 218, pp.87 and 88.

Welfare Officer explained in 1958, “boys would normally pass out of care on reaching the age of eighteen years”; in practice the older males in Kincora at any given time were up to eighteen years old. Therefore the position was anticipated as being that between 1958 and 1973 the residents would be between fifteen and eighteen years of age, and from 1973 to 1980 between sixteen and eighteen years of age. However, it was frequently the case that boys under school age were resident in Kincora, sometimes for lengthy periods.

- 10 As part of its closing submissions after the completion of the public hearings into Kincora the HSCB carried out an analysis of the Kincora admissions register.<sup>4</sup> The HSCB concluded that between 1958 and 1973:

“The vast majority of admissions were for boys over fifteen, which was the relevant age for compulsory school age at that time. Admission of boys under fifteen were, in the main, of a short-term nature with long-term admissions of boys aged under fifteen relating to those that [were] aged fourteen years six months or older”. (Emphasis added)<sup>5</sup>

Dealing with the position after the raising of the compulsory school age to sixteen in April 1973 the HSCB observed that:

“The change seen, however, is that the majority of admissions to the Hostel were now made up of admissions of boys aged under compulsory school age”.<sup>6</sup>

- 11 Although these statements are correct as far as they go, in our view they do not address the reality that throughout its existence an unacceptable number of boys were resident in Kincora when they were too young and were there for too long. This can be demonstrated by the histories of four boys under fifteen who were admitted between 1960 and 1967 considered at 4.12 of the HSCB submissions. For example, HIA 199 was only fourteen and two months when admitted to Kincora in February 1960. He remained there for fifteen and a half months until June 1961, so for ten months of that period he was well under the minimum age at which he should have been admitted. HIA 199 was subsequently readmitted on other occasions. Others were also admitted who were

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4 KIN 143205-143216.

5 KIN 143149.

6 KIN 143151.

aged up to fourteen and four months of age, and whose subsequent stays until they passed the age of fifteen ranged from six months in the case of KIN 24, to eight months in the cases of KIN 136 and KIN 127, and ten months in the case of KIN 2.

- 12 There were also a significant number of children who were well under the age of fifteen when they were admitted, even though they were only admitted for a few nights.<sup>7</sup> For example one child aged thirteen and two months was admitted for three nights, and in September 1968 a boy aged ten and eleven months was admitted with his brother aged nine and ten months for six nights whilst their mother was in hospital.<sup>8</sup> In 1975, of a total of twelve boys admitted that year, six were under sixteen. Three of the six were brothers, two of whom were aged nine, and the third was aged ten and ten months. These three boys were in Kincora for eleven nights before being discharged to Corrymeela.<sup>9</sup> This pattern continued. In 1977, out of thirteen admissions, eleven were under sixteen, including three brothers aged eleven, twelve and thirteen and a half.<sup>10</sup> In 1978, of twelve admissions, seven were under sixteen, and of those, three were under fifteen; one of the three was only fourteen and three months on the date of his admission.<sup>11</sup> In 1979 six out of eight admissions were under sixteen and one who was fourteen and three months remained in Kincora for almost three months.<sup>12</sup> The last boy to be admitted to the home was thirteen and five months old when he was admitted in January 1980.
- 13 Whilst many of those were just under “the cusp” of fifteen, or sixteen when the school leaving age was raised, throughout Kincora’s existence there was a consistent pattern of the admission of young boys who were well under school leaving age, even if in many cases those boys only spent a few nights in Kincora. Whilst the onset of severe civil unrest, and subsequent community violence and terrorism after October 1968 undoubtedly placed severe strains on social services, the practice of placing young boys in Kincora pre-dated 1968 and was to become more pronounced in the late 1970s. Whilst the intention was that this was something to be avoided if at all possible, and only resorted to in the

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7 KIN 143209.

8 KIN 143210.

9 KIN 143213.

10 KIN 143214.

11 KIN 143215.

12 KIN 14216.

most exceptional circumstances, in practice that was ignored on many occasions. In our opinion that should not have happened as frequently as it did, and the absence of contemporary comment, or steps being taken to prevent it happening, suggest that in practice it was accepted as a necessary evil.

- 14 As the HSCB recognised, the facilities at Kincora were not designed for young children. Mr Bunting, who was Children’s Officer in the Belfast Welfare Authority, accepted when he gave evidence on Day 218 that children’s officers would have been aware that younger children had to be accommodated in the hostels, usually in an emergency and on a short-stay basis because of the inadequacy of the residential provision, particularly for Protestant children during the 1950s and the 1960s. He also made the point that there was an increased demand for residential care in the EHSSB area, which extended into the 1980s.<sup>13</sup>
- 15 Whist we recognise that it would not have been possible to completely avoid placing young boys in Kincora in emergencies for very short periods of time, this should always have been regarded as something that should never have lasted for more than two or three days at most, because Kincora was not a children’s home. It had no recreational activities for young children other than watching television; the staff were not trained or experienced in looking after young children; and, most important of all, this was an environment for young men who were working and approaching manhood. It was therefore a completely unsuitable environment for young children, with the risk of bullying and introducing younger boys to undesirable habits such as drinking and smoking, not to mention the risks of peer sexual abuse that we have referred to in the previous chapter.
- 16 In later years it also seems to have been the position that a practice developed of placing boys in Kincora who were disturbed and could not be placed elsewhere, such as Richard Kerr whose accounts of life in Kincora we considered in the previous chapter. There were clearly no grounds for moving boys presenting difficult behaviour in other homes to Kincora because of better staffing levels or better trained staff, and it is possible that social workers felt that the boys’ patterns of behaviour were more suited to an older peer group, where the other residents would be more capable of coping with the situation than the younger

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13 Day 218, pp. 88 and 89.

children in the other homes. On occasions, children were placed there because more suitable accommodation was unavailable, as when places at the Palmerston Assessment Centre were unavailable. Whilst some of these problems may have been exacerbated by the dramatic increase in demand due to the civil unrest in Belfast and surrounding areas, that the problems persisted led us to conclude that **there was a systemic failing because of a lack of a strategic, co-ordinated overview of the problem.**

## Staffing numbers and accommodation

- 17 It is axiomatic that a hostel or children’s home must have sufficient staff to enable it to meet the requirements of the institution. The issues of the number of staff, and the quality of staff, are interrelated to a considerable degree, but before we consider these complex matters, it is necessary to examine what was contained in the concept of the Kincora Hostel for Working Boys, and the term working boys includes those who were trying to get work.
- 18 Although the number of boys in Kincora fluctuated slightly, with as many as thirteen in the hostel in October 1964,<sup>14</sup> until the use of attic accommodation was discontinued the hostel normally accommodated eleven residents, and this was reduced to nine once the attic was taken out of use. The building is a Victorian, detached structure with two floors and an attic; the attic being reached by a narrow, steep, staircase from the first floor landing. The attic contained two rooms which seem to have been used as sleeping accommodation in the early years of the hostel. When the hostel was opened, a contemporary newspaper report said that it had accommodation for nine residents, the sitting room for general use, and an additional reading and study room.<sup>15</sup> A sketch of the floor plan for each part of the building which seems to have been prepared during the Caskey Phase One investigation in 1980 shows that by that time there were three rooms on the first floor each described as a ‘dormitory’, one bedroom, two bathrooms and a toilet. On the ground floor there was a third bathroom and a second toilet, and a fourth bedroom. At the front of the house there was an office, a kitchen, a dining room and another large room which, together with the dining room, opened off the hall and faced the Upper Newtownards

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14 KIN 140533.

15 KIN 1118.

Road. In 1967 a single-storey extension had been added at the rear of the building containing a bedroom and an office. The bedroom was occupied by Mains, but until the extension was built Mains occupied a room on the first floor where he shared the toilet and washing facilities with the boys.

- 19 As well as being responsible for the control and management of the hostel, attending to the general welfare of the boys living in the hostel, and carrying out any other duties required of him from time to time, the warden had four other specific duties contained in the conditions of appointment which are worthy of mention:

- “(c) To make contacts with reputable industrial firms, which afford opportunities for apprenticeships.
- (d) To encourage the boys to have savings accounts.
- (e) To encourage the boys to attend evening classes pertaining to their trade.
- (f) To encourage the boys to develop any handy craft abilities in their leisure time”.<sup>16</sup>

- 20 The conditions of appointment stipulated that remuneration included full board, lodging and laundry free of charge, with an entitlement to 21 days annual leave (including statutory holidays). In particular they stated that:

“The position is a full time one and the person appointed shall devote his entire time to the duties of the office. The hours of duty will be a 96 hour fortnight (exclusive of meal times).”

Given that the only other member of staff for the first four years of Kincora’s existence was a cook, this meant that in practical terms Mains could never have any time off. It seems that, apart from a period of approximately six weeks in September of 1958 when he was ill,<sup>17</sup> or was absent in December 1960 for two weeks when he was on annual leave and when a gardener/handyman was seconded to cover his duties,<sup>18</sup> he was on duty all the time.

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16 KIN 1146 and 1147.

17 KIN 140016.

18 KIN 140318.

- 21 It was not until March 1962 that a second member of the care staff was appointed as assistant warden, but he only remained in post until late October that year. A replacement was not secured until July 1963, and he only remained in post until the end of May 1964. Semple was then appointed as assistant warden and served in that capacity from September 1964 until he resigned in February 1966. Some assistance was given between May and September 1966 for up to twenty hours a week. It was not until Semple was re-appointed as assistant warden in June 1969 that the post was filled, having been unsuccessfully advertised on five occasions in 1968.
- 22 The lengthy periods when there was no assistant warden to help Mains resulted in the Welfare Committee being given permission by the Ministry of Home Affairs to make two payments, one of £100 in July 1968 and one of £125 in May 1969, in recognition of the, “additional responsibility and hours worked”, and his inability to take leave, “owing to the post of assistant warden being vacant the greater part of the last few years”. Given that for the first period of 1968 the Welfare Authority did not have to pay £825 in salary for the vacant post, an honorarium of £100 was hardly generous when:
- “He has had to be available on duty each day [i.e. 7 days a week every week] for the whole of twenty months. Consequently, he has not only been working under a considerable strain, but has had to give service considerably in excess of what would normally be expected”.<sup>19</sup>
- 23 In 1971 it was recognised that the complement of two care staff was insufficient, and McGrath took up employment at Kincora as a house-father. Thereafter the care staff complement remained with Mains as the officer in charge, with Semple as his assistant, and McGrath as a house-father until all three were suspended on 4 March 1980.
- 24 In addition to the cook who was continuously employed at Kincora throughout its existence, a second domestic member of staff was added in November 1966, and she remained in post until the hostel closed. She initially worked from 7.00am until 12.30pm, although her hours were reduced to 8.00am to 12 noon after McGrath was appointed. Some two years later she reverted to her previous hours, and resumed the practice of waking the boys as she had done before, in addition to her main cleaning and laundry duties.<sup>20</sup>

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19 KIN 1158.

20 KIN 143157.

- 25 In its written submission the HSCB accepted that the staffing establishment in Kincora between March 1958 and December 1961, “was unacceptably low”.<sup>21</sup> It recognised that, as Fionnula McAndrew said:
- “there were enormous challenges in terms of recruiting and getting staff for the hostel. Clearly it is not a satisfactory position that you have somebody who is working alone with a group of boys...”<sup>22</sup>
- 26 The whole issue of staffing numbers in homes and hostels is complex, but in our view there were serious deficiencies in the care staff complement at Kincora throughout its existence, and not just between March 1958 and December 1961. If Kincora was intended to provide accommodation akin to someone being in lodgings, making their own meals and doing their own laundry, with a staff member present to support after-care, then appointing only one member of staff as warden would be understandable. Such a person would not be expected to remain on the premises all the time, and the boys would essentially be living independently.
- 27 As we have already seen, the warden was expected to be on duty for long hours, and to perform various administrative and other tasks such as helping the boys to find work, tasks that cumulatively required a considerable period of time. In addition (a) a significant proportion of the boys at various times were of school age, (b) some were moved there because children’s home staff could not cope with them, (c) they were in dormitories, rather than having independent flats, (d) they were provided with pocket money, food and laundry, such that Kincora was essentially run as if it was a children’s home, and (e) it was run in accordance with the Children’s Home Regulations.
- 28 From the very beginning Kincora represented a hybrid model of institution, and as such it needed a higher level of staffing from the start. In England the Castle Priory Report in 1969 gave worked examples for a 12-bed working boys’ or girls’ hostel, and suggested two levels of staffing, depending on whether a ratio of one member of staff to every five residents was applied, or one to six. They also provided examples for both a 40-hour working week and a 45-hour week. We have applied the more generous 40-hour week and the less generous ratio of 1:6 to the circumstances of Kincora.

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21 KIN 143158.

22 Day 215, p.161.

- 29 In our view, for Kincora with nine beds and staff working a 40-hour week, the necessary staffing applying the Castle Priory recommendations would amount to the following:

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| Head and deputy                                      | 1.50 posts providing 60 hours per week  |
| Day time weekday office cover                        | 0.75 post providing 30 hours per week   |
| Weekend care cover<br>2 days x 18 hours x 1.5 staff) | 1.35 posts providing 54 hours per week  |
| Weekday care cover<br>5 days x 12 hours x 1.5 staff) | 2.25 posts providing 90 hours per week  |
| Holiday Relief                                       | 0.40 post providing 16 hours per week   |
| Total  | 6.25 posts providing 250 hours per week |

We consider these figures to be reasonable, especially if they were offset by reducing some of the domestic hours.

- 30 Our view is that the staffing level when Kincora was opened in 1958 was grossly inadequate, and the appointment of a deputy warden in March 1962, although welcome, meant that the staffing level was still woefully insufficient. When McGrath was appointed as a house-father in 1971, the staffing cover became more realistic, but still fell short of the level required. Had the Castle Priory recommendations been applied, the establishment required was 6.25 full-time equivalents, which might have been offset by some reduction in ancillary staff. The significance of the inadequate number of staff was that it placed undue stress on individual members of staff, and created a set of circumstances that permitted those who wished to abuse boys to work for long periods as the sole member of staff on duty without the likelihood that they would be observed or disturbed.
- 31 In arriving at these conclusions we have not overlooked that Bob Bunting said that Castle Priory recommendations for a Group 3 home were met, however, as Kincora was re-graded to Group 2 and it was a hostel, rather than a home, its staffing did not meet Castle Priory levels. It appears that the DHSS issued staffing guidelines in April 1974 to the effect that one member of staff was required for every 3.5 young people in a hostel.<sup>23</sup> This would only have resulted in a staffing establishment of 2.6 staff, but assuming that Kincora was serving nine young people at this time, and the numbers at times exceeded that, this was still inadequate

23 KIN 199.

because it was lower than the Castle Priory standards. Irrespective of the Castle Priory recommendations we consider that there should have been at least three care staff provided for at Kincora from its inception. **The failure to provide adequate care staff represented a systemic failing.**

- 32 The result of the wholly inadequate staffing was that Mains worked for very long periods of time without any relief. Indeed on one occasion he was reprimanded for not being on duty on one day. Working at that pressure and without the opportunity for rest and recreation increases the risk of inappropriate behaviour on the part of staff, such as excessive drinking and seeking emotional or sexual solace from the boys. Even when the complement did increase to three, we consider that it was still inadequate. The way it was operated in practice meant that often there was only one adult male in the building at a time, and this meant that the opportunity for abuse was greatly increased. As the evidence of the residents we examined in the previous chapter showed, this was something that McGrath was able to exploit in his abuse of the boys in Kincora.

## PART TWO

### Qualifications of care staff

- 33 Semple and McGrath did not have any formal childcare experience or training when they were appointed to their posts of assistant warden and house-father in 1964 and 1971 respectively. This was commonly, indeed predominantly, the case throughout the United Kingdom in the 1960s. Although the standards of professionalism were improving, particularly in the late 1960s and early 1970s, as late as the early 1970s it was still often the case that care staff such as house parents lacked any formal qualifications or previous experience when they were appointed. The hours for such staff were very long and the remuneration low, and as a result there was a high turnover of staff. Social workers who had, or acquired, professional qualifications often left residential childcare for field social work where the hours were shorter and remuneration better. We have referred to many such examples of unqualified staff in other institutions we have examined elsewhere in our Report, and it was only as a result of the recommendations of the Hughes Report that the overall level of qualified staff in Northern Ireland was improved. This meant that where there had

been fewer professionally qualified staff in residential childcare in Northern Ireland before the 1980s than the rest of the United Kingdom, after the Hughes Report the proportion of professional staff in residential childcare in Northern Ireland became higher than elsewhere in the United Kingdom.

## Joseph Mains

- 34 When Mains applied for the position of warden in 1958 the conditions of employment required candidates to have:

“Suitable working knowledge of the running of a children’s home and preference will be given to a person having had experience in the care of boys in the age group 14-21 years”.<sup>24</sup>

Of the four candidates for the post, two did not meet that criterion,<sup>25</sup> whereas Mains and the remaining candidate did. Mains was 28 and had been a male nurse at Purdysburn Hospital for seven years before he was appointed resident warden at Park Lodge Boys’ Home for fourteen months until February 1957. When Park Lodge closed, Mains was transferred to work in an old people’s home, and worked there for a further nine months until appointed warden of Kincora.<sup>26</sup> The Hughes Inquiry found nothing in his background that might have alerted either the Belfast Welfare Authority or the MoHA to possible homosexual tendencies on his part at that time. A MoHA inspector who knew him from his previous childcare work was complimentary in recommending his appointment to the Ministry. We do not consider that the decision to appoint Mains as warden can be criticised.

## Raymond Semple

- 35 Semple applied for the post of resident assistant warden at Kincora when it became vacant in 1964. He was 42 and had worked as a store-man in the Harland and Wolff shipyard for seventeen years. He had no childcare experience, but had been an officer in the St John’s Ambulance Brigade for fifteen years with Mains. Mains provided Semple with one of his two references, saying that he had:

“Found [Semple] to be a man of good character, honest, reliable and indeed very keen on all aspects of youth work”.

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24 KIN 1146.

25 KIN 1145.

26 KIN 1140.

As the Hughes Inquiry said in its Report at 3.16<sup>27</sup> in retrospect:

“It may just be possible to feel some uneasiness in the fact that Mr Mains and Mr Semple were single, were known to each other and that Mains acted as referee for Mr Semple in his application for a post involving the care of teenage boys.”

We considered it poor practice that the recruitment processes were such that it was acceptable for Mr Mains to provide a reference for an applicant for a post for which he was the line manager. Nevertheless, we agree with the Hughes Inquiry when it said that it would not be realistic to suppose that these matters were suggestive of a pattern of homosexuality on the part of Mains and Semple in 1964. To do so would be acting with the advantage of hindsight, as would saying that because both were unmarried males working in a boys home, those facts alone should have raised a suspicion that both were, or might be, capable of sexually abusing boys in their care.

- 36 We now know that Mains pressured Semple into resigning as assistant warden in February 1966 because he knew of Semple’s homosexual behaviour with R 1. That knowledge was not revealed by Mains to his superiors, who therefore had no reason to doubt the explanation Semple gave in his letter of resignation in 1966 that he had applied for a better-paid job which would enable him to assist his family more.<sup>28</sup> When he applied again for the post of assistant warden in May 1969, Semple explained in his application form that his elderly mother was not in good health at the time he resigned and was living alone.<sup>29</sup> When Semple was reappointed assistant warden in 1969, although he did not have a childcare qualification, he had working knowledge of the childcare requirements of the post from his previous experience working in Kincora. In his earlier employment he had also attended a two-week residential refresher course in Manchester University in 1967 on the emotional problems of adolescent boys.<sup>30</sup>
- 37 Mains concealed his knowledge of Semple’s homosexual behaviour with boys in Kincora, and, at this time there were no known contemporary allegations against Semple. To all appearances he had been a satisfactory employee in the past, and he had shown his commitment to Kincora by doing some voluntary work there during the six months before his application in 1969.

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27 KIN 75219.

28 KIN 1190.

29 KIN 1195.

30 KIN 1192.

38 By this time the Belfast Welfare Authority had been attempting to fill the assistant warden’s position since January 1968. The post had been publicly advertised five times before a candidate was appointed, but the successful candidate failed to take up the post. As can be seen from a memorandum of 4 April 1969 giving brief details of the nineteen candidates considered in 1968, even after the salary was increased it was extremely difficult to attract suitable staff who were prepared to live in when required.<sup>31</sup> It is not unreasonable to infer that when Semple reapplied in 1969, and there was no apparent reason why he should not be reappointed, the Belfast Welfare Authority was relieved to find someone who they had reason to believe had been a suitable person in the past who was willing to take the job. In those circumstances, like the Hughes Inquiry, we consider there is no basis upon which to criticise the Belfast Welfare Authority for re-employing Semple in 1969.

### **The Appointment of William McGrath in 1971**

39 In 1971 it was decided to augment the care staff at Kincora by appointing a house-father to assist the warden and the assistant warden. Unlike them the house-father was not required to do sleeping-in duties. At that time McGrath was working as a clerk in a firm of estate agents at a salary of £600 a year.<sup>32</sup> The House Parent Grade II position had a salary scale starting at £663, rising to £867 per annum, together with a further £219 per annum in place of “emoluments”, (that is full board, lodging, light, fuel and laundry all provided free of charge),<sup>33</sup> although in due course the MoHA only approved his appointment at what was described as the “minimum point of MJC Asst House Parent Grade I scale”.<sup>34</sup>

40 At that time McGrath was 54, married with three teenage children,<sup>35</sup> and the prospect of a significant increase in his income, together with the security which the position would involve, must have been very attractive to him. This would be particularly the case given the financial difficulties he was in following the dispute with Roy Garland to which we refer later. McGrath had no relevant qualifications or experience, but had favourable references from two ministers of religion, although, as

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31 KIN 1175.  
32 KIN 1209.  
33 KIN 1215.  
34 KIN 1221.  
35 KIN 1209.

the Hughes Inquiry observed, those references were of limited value in determining his suitability for work in residential childcare.<sup>36</sup> As with Mains and Semple, there was nothing in his background that could have alerted the Belfast Welfare Authority to McGrath’s predilection for homosexual abuse of adolescent boys.

- 41 We therefore agree with the Hughes Inquiry that at the time all three appointments were made, there was nothing to alert either the Belfast Welfare Authority as the prospective employer, or the MoHA whose approval was required for such appointments, to their homosexual and sexually abusive tendencies. Whilst we agree that it is regrettable that none had any formal childcare qualifications, and only Mains had any previous relevant childcare experience, as we have already pointed out these deficiencies were typical of many who worked in residential childcare at that time in Northern Ireland and in Great Britain. Pay levels for residential child care workers at this time were very low. Pay was negotiated nationally and there would have been limited discretion for welfare authorities in applying the national rates. The authority had attempted to improve the pay of Kincora staff by regrading the home, but the rates of pay would still have been lower than those of care staff in training schools. Yet the demands on Kincora staff were very similar to those of training school staff. There would have been some discretion in appointing staff higher on the incremental scales, but it may have been policy always to appoint on the lowest increment, as was the case with McGrath. It is hardly surprising, therefore, that there were difficulties recruiting staff to Kincora. We do not consider that the appointments of Mains, Semple and McGrath to their respective positions at Kincora involved any systemic failings on the part of either the Belfast Welfare Authority or the MoHA. However, later in this chapter we will consider the question of how it was that three homosexual abusers of young males came to occupy all three care staff positions in Kincora.

## **The Effectiveness of Kincora as a boys’ hostel**

- 42 We have already drawn attention to the requirement that the warden helped boys to find apprenticeships. It was clear that this was an important part of Mains’s duties as warden, and one which the evidence before us

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36 KIN 75220.

suggests he took seriously. HIA 199, who was in Kincora between 1961 and 1963, appreciated that the purpose of Kincora “was to get us into the work environment...It was to ready you for what was ahead”.<sup>37</sup> Mains seems to have gone to some lengths to find jobs for boys in Kincora to judge by the records he kept for HIA 199, although that may have been influenced to some extent at least by his sexual relationship with HIA 199 at that time. However, Dr Hilary Harrison, then Hilary Reid, was a frequent visitor to Kincora as a young and newly qualified social worker in the 1970s. She considered that this was a task that Mains performed very well. Her evidence was that some of these boys “were not the easiest to place in employment, Mains probably had more employment networks than social workers at the time”.<sup>38</sup>

- 43 Dr Harrison’s description of Kincora during Mains’s stewardship was:
- “that it was a very efficiently run home with an officer in charge or superintendent who gave the impression of being extremely competent. He was very good at communicating with social workers in relation to what was happening with the boys in his care”.

Despite Mains’s lack of professional training, she described Mains as “extremely competent”.<sup>39</sup>

## Preparation for life after care

- 44 By the 1970s it was becoming apparent that Kincora, like many other residential institutions for children and young people, was not preparing them for independent living, with the result that when the children left the home, or the hostel in the case of Kincora, they were ill-equipped for the challenges brought by independent living. This was, in part at least, because they were being fed, their laundry was being done for them, and they did little, if anything, to help with household cleaning duties. This led the Social Work Advisory Group (SWAG) inspector to report on his visit in August 1979 that he doubted that there was any systematic instruction in Kincora of independent living skills and how to acquire a general capacity to cope with issues in daily living. He observed that, “If all or nearly all the domestic and social needs of the adolescent are being met by the adults around him, he is actually being taught to be dependent”.<sup>40</sup>

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37 Day 209, p.71.

38 Day 223, pp.90 to 91.

39 Day 223, p.92.

40 KIN 1136.

- 45 We consider it was another significant flaw in the way Kincora actually functioned that such a criticism could justifiably be made after the home had been functioning for more than twenty years. We have already described Kincora as a “hybrid” between a children’s home and a hostel. In our opinion one of the reflections of that “hybrid” institution was inadequate preparation of the boys for independent living when the time came to leave the hostel for those who were not going to return home but who would live elsewhere, **something we regard as a systemic failing.**

### **Systemic failings to date**

- 46 In those matters we have so far considered we find that **there were the following systemic failings in the way Kincora operated:**
- (1) Too many children were admitted into Kincora who were too young to be placed in such an environment.**
  - (2) Too many of these children spent too long in an unsuitable environment when they were admitted.**
  - (3) There were insufficient care staff throughout its entire existence, and in particular to deal with the younger children who were placed in Kincora from time to time.**
  - (4) The way the adolescents were looked after in Kincora created an attitude of dependence, exacerbated by inadequate preparation for independent living after they left Kincora.**
  - (5) Inadequate pay and poor terms and conditions of employment for care staff.**

## **PART THREE**

### **Monitoring and inspections 1958 to 1973**

- 47 In this part of the chapter we first of all examine the extent to which the hostel was monitored and inspected. There were several ways in which the day-to-day running of Kincora, and the welfare of the boys resident there, could be supervised. These were considered by the Hughes Inquiry during two periods, the first being from 1960 to 1973, and the second being from 1973 onwards, when the EHSSB took over responsibility for Kincora on the reorganisation of local government. The Hughes Inquiry dealt with these in some detail from 3.23 of their Report onwards, and

as we are in general agreement with their comments it is unnecessary for us to cover the same ground in the same amount of detail.

- 48 The first level of monitoring was through the monthly visits to the hostel required by Regulation 5 (2) of the Children and Young Persons (Welfare Authorities Homes) Regulations (Northern Ireland) 1952 (The 1952 Welfare Authorities Homes Regulations). This required the Children’s Officer to visit the hostel once a month. The Hughes Inquiry found that from 1960 to 1962, when Miss Brown was the Children’s Officer, only about 50% of the required reports were minuted. In February 1963 the monitoring visits were delegated to Mrs Wilson, the Homes Officer, who completed the visits except for minor omissions until September 1965 when responsibility reverted to Miss Brown. From September 1965 to the end of 1967 the visits were undertaken with occasional omissions by either Miss Brown or her assistant Mr Moore. Mrs Wilson resumed the visits from January 1968 on her appointment as Assistant Children’s Officer. The Hughes Inquiry found that Mrs Wilson’s records from January 1968 to September 1973, when the Belfast Welfare Authority ceased to exist, demonstrated almost full compliance with the statutory requirements except for very occasional gaps during the summer holiday periods.<sup>41</sup>
- 49 The next level of monitoring was provided by the monthly visits made by a member of either the Welfare Committee or of the Children’s sub-committee of the Welfare Committee. These visits were required by Regulation 5 (1) of the 1952 Welfare Authorities Homes Regulations. The Hughes Inquiry found that whilst this requirement was largely met between 1960 and 1965, the frequency of visits declined thereafter, with several three-month breaks in 1967 and 1968. In 1971 the pattern again deteriorated, and between January 1972 and September 1973 only two visits were minuted. Whilst it may be that some visits were not recorded, nevertheless we are satisfied that there were many occasions when, as the Hughes Inquiry put it at 3.37, “it is nonetheless unsatisfactory that the Committee should have substantially neglected its statutory duty in this respect”.<sup>42</sup>
- 50 The Hughes Inquiry only found records of two inspections by the Ministry of Home Affairs between 1960 and 1973, and these were carried out in

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41 KIN 75221.

42 KIN 75223.

1965 and in 1972. However, the Kincora record book showed that there were twelve other occasions when MoHA inspectors visited. However, it is likely that these other visits involved less formal contacts between the MoHA inspectors and the hostel staff.<sup>43</sup> The Hughes Inquiry was unequivocal on this level of frequency of inspections, saying, “we do not believe that there can be any defence of the Ministry’s record of formal inspections of Kincora”, and that two inspections between 1960 and 1973, “was insufficient to discharge central government’s responsibilities for ensuring the well-being of the children”. We agree, and **we consider this was a systemic failing.**

- 51 The period following the reorganisation of local government in 1973 until 1980 was more satisfactory in some respects. The post of Children’s Officer no longer existed after 1973, and from 1 December 1975 a Direction was given by the DHSS which required a social worker to visit homes and hostels at least once a month. In the EHSSB the task had already been delegated to members of the R&DC (Residential and Day Care) management team from October 1973. The Hughes Inquiry examined the EHSSB records and found that the monthly inspections were carried out in full from October 1973 until late 1979, although the requirement to “sign in” to show that an inspection had taken place was only very occasional after the retirement of Mrs Wilson in July 1975. The reports themselves were often short and stereotyped.
- 52 In addition, all homes and hostels, including Kincora, were required to submit a weekly report to the District Management. The Hughes Inquiry found that observance of these administrative requirements was good.
- 53 The final layer of inspection was provided by the monthly visiting and reporting requirements inherited from the 1952 Welfare Authorities Homes Regulations. From December 1975 these visits were placed on a quarterly basis by the 1975 Direction from the DHSS to which we have already referred. These visits were performed by members of the Personal and Social Services Committee (PSSC) of the EHSSB. From the third quarter of 1977, the Hughes Inquiry found at 4.13 that the pattern of quarterly visits was; “of less than full compliance of the statutory requirements”, but concluded at 4.14 that, “visiting was regarded as more than a purely formal exercise”.<sup>44</sup>

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43 KIN 75224.

44 KIN 75254.

## The 1979 SWAG Report

54 As we already mentioned, the first inspection after the 1973 reorganisation of local government by the DHSS came with a SWAG Report following an inspection on 20 June 1979. The Department of Health (which replaced the DHSSPS during the course of our Inquiry) advanced a hypothesis through Dr Harrison that this was the result of the change in emphasis towards advising those responsible for homes or hostels, rather than inspecting them. In its closing submissions on the Kincora module the DoH adopted its submissions regarding Bawnmore where it said:

“that [the DoH] feels the Hughes Inquiry did not have the benefit of a clear exposition from the witnesses [that] the Seebohm Report played in the apparent change of practice post the 1973 reorganisation of social services”.

It went on to submit that:

“the retraction of inspection activity was not a gradual lapse into complacency, but a change of focus to supportive and advisory relationships with social care providers and an emphasis on visits rather than regimented inspections”.<sup>45</sup>

55 We explain elsewhere in this Report why we do not accept this general proposition. In the context of inspections of Kincora, it is sufficient to point out that this hypothesis is completely at variance with what the Hughes Inquiry recorded in its Report at 4.17 as being the case. We consider it appropriate to set out the relevant paragraph in full:

“In February 1976 SWAG also introduced a policy objective of annual inspection of all day care and residential facilities for children and young persons. Mr Patrick Armstrong, then Deputy Chief Social Work Advisor and from August 1983 the Department’s Chief Social Work Advisor, gave evidence that it had not been possible in practice to meet this objective. This was partly because it took a year to recruit a suitable replacement for a Social Work Advisor who had retired in December 1976 and partly because the newly-recruited officer had to go through a period of induction before taking up the full range of duties, including the inspection of children’s homes and hostels. Mr Armstrong also stated that SWAG tended to devote more attention

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45 KIN 143105.

to voluntary homes than to statutory homes because it was felt that voluntary organisations, with exceptions such as Barnardo’s, did not have such well defined structures for the administration and management of homes and that they needed more professional attention. In connection with the introduction of the annual inspection policy from February 1976 an additional Social Work Advisor was allocated to childcare from August 1975, bringing SWAG’s childcare complement to three Social Work Advisors. This complement was maintained until 1980 except for the period December 1976 to December 1977 when the retirement referred to above reduced the complement to two”.

56 At 4.18 the Hughes Inquiry reinforced this conclusion:

“The Department’s evidence satisfied us that the low frequency of inspections arose more from constraints of professional resources than from inspections being given a deliberately low priority by the Social Work Advisors. Given these constraints, the annual inspection target introduced in February 1976 could not be achieved. It is regrettable that the Department did not establish accurately the resource implications of annual inspections before adopting such a policy objective. Nor did it react to its own subsequent experience, which demonstrated clearly that the objective was not being met, either by adjusting SWAG’s priorities or increasing its resources.”

57 As the evidence given to the Hughes Inquiry on behalf of the Department was given by the Chief Social Work Advisor at the time, someone who had previously been the Deputy Chief Social Work Advisor, in our view the implication 30 years after the event that, “the backdrop of the policy content [had not] been properly explored”, in Mr Armstrong’s evidence is unsustainable. Had the Seebohm Report provided an explanation when Mr Armstrong gave evidence we are sure he would have relied upon it. We explain in Chapter Two why we did not accept the **Department’s argument, and we consider that the Department’s failure to maintain an adequate inspection regime, and the same failure by its predecessor the MoHA, were systemic failings on the part of both.**

### **The effect of the failures to properly inspect Kincora**

58 Whilst we regard the failure of Belfast Welfare Authority and the EHSSB to have regular monthly inspections, and the failure of the MoHA and then SWAG to have regular inspections, as systems failures by each of

these bodies, the most important question is whether these failures caused, or at least contributed to, a continuing failure to detect the sexual abuse of residents that was taking place in Kincora. We accept, as did the Hughes Inquiry, that while more regular and perceptive inspections might have helped the children to establish a sufficient relationship of trust with visitors to encourage the children to confide in persons of authority that they were being abused, that cannot be assumed for a number of reasons. First of all, their experiences were seen by the boys as shameful and that made it very hard for them to confide in anyone. Secondly, to disclose what happened meant doing so to individuals such as councillors or inspectors who the boys regarded as remote and unsympathetic. Thirdly, many assumed that if they did complain they would not be believed. Tragically that perception was entirely justified by the repeated failures to take complaints seriously that we will consider later in this chapter. Finally, as confirmed by the evidence of sexual abuse in other institutions we have examined, and the evidence relating to the sexual abuse in Kincora, conduct of that sort is invariably carried out in secret and is extremely hard to detect until a child has the courage to complain to someone who takes what they have to say very seriously.

- 59 It is noteworthy that despite Mrs Wilson having been known to, and liked by, a number of Kincora residents who had been in her care when she had previously been matron of the Brefne Children’s Home, no-one felt sufficiently emboldened to complain to her of abuse. By the same token, neither of the domestic staff, nor many boys who were resident in Kincora but who were not abused, realised what was happening. There were no obvious signs of tension or unhappiness evident to visitors or inspectors. For example, Dr Hilary Harrison recalled how when the allegations surfaced a former resident whose social worker she had been rang her from England to say that he was completely amazed that this could have happened, something he repeated when he returned later to Northern Ireland and discussed this with her.<sup>46</sup>
- 60 We have therefore concluded that although there were a number of systemic failings by the Belfast Welfare Authority, by the EHSSB, by the members of the Welfare Committee and by the DHSS in failing to properly supervise and inspect Kincora throughout its existence, we cannot say that if these failures had not occurred that would have prevented any further sexual abuse taking place.

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46 Day 223, p.87.

- 61 Before turning to consider the sexual abuse that did occur, we must observe that the outward appearance of Kincora in general was that the material standards in the hostel were high, and that Mains was in other respects an effective, hard working, conscientious officer in charge, properly discharging his duties to the adolescent boys under his care. However, as is now known, he abused the trust placed in him by his superiors in order to abuse some of those in his care, and certainly in the case of Semple turned a blind eye to the risks to boys created by other staff.

## **PART FOUR**

### **Investigation of complaints of abuse by Social Services**

- 62 In this section we examine a number of occasions when the Belfast Welfare Authority and the EHSSB investigated complaints or rumours of sexually inappropriate behaviour towards Kincora residents by staff. There were at least fourteen such occasions (treating two occasions in 1974 involving R 20 as a single episode), and there were two further occasions when Mains did not report matters relating to the behaviour of Semple and McGrath. Almost all of these occasions were considered in great detail by the Hughes Inquiry, and it is therefore unnecessary for us to set out the relevant evidence in similar detail. Our Terms of Reference are different to those of the Hughes Inquiry, and so we have examined those occasions in the context of our Terms of Reference, although in almost every instance our conclusions and those of the Hughes Inquiry are effectively the same. In the following paragraphs we consider each of these fourteen occasions in turn, and, as will become apparent, in respect of almost every aspect of each occasion the HSCB accepts that there were systemic failings on the part of either the Belfast Welfare Authority or the EHSSB.

### **The 1966 letter written by R 6**

- 63 R 7 told the Hughes Inquiry that in 1966 he and three other residents were suspicious that Mains was having a homosexual relationship with R 4, and that R 6 wrote a letter about this to the College Street headquarters of the Belfast Welfare Authority. R 7 said that he saw R 6 post the letter in the post box on the corner of North Road opposite the hostel. No such letter has ever been traced. As the Hughes Inquiry observed at 3.95 of its Report, given that R 6 was barely literate, “whether this

had a bearing on the letter’s actual arrival at its destination, or on what weight attached to it if it did arrive at College Street, is a matter of speculation”.<sup>47</sup> The Hughes Inquiry did not suggest that R 7’s evidence about the letter being composed or sent was unreliable, and we therefore accept it was written. We agree that whether it arrived, or if it did, what weight was attached to it, can only be a matter of speculation.

## The 1967 complaints by R 5 and R 6

- 64 In the previous chapter we set out the nature of the allegations made by R 5 in the “statement” he wrote when he went to the headquarters of the Belfast Welfare Authority in College Street in early 1967. In this document R 5 made three allegations about Mains. The first was that he had been drinking on a summer camp attended by the Kincora boys, and was getting drunk every Friday and Saturday night when he left the hostel. The second allegation was that he had asked R 5 for a kiss, feeling his body and putting his hands down R 5’s underpants while R 5 was washing. The third was that Mains had made a number of approaches to R 6, (a) by coming to his bed and feeling around R 6’s body; (b) telling R 6, “you look lovely in the water” when R 6 was taking a bath; (c) calling R 6 for work whilst Mains was only wearing his underpants; and (d) saying, “give me a kiss” to R 6.<sup>48</sup>
- 65 Robert Moore told the Hughes Inquiry he could not recall taking the statements of R 5 and R 6, but accepted it was quite likely he did. However the boys told the police Mr Ross took the statements. Mr Mason, who had been the City Welfare Officer, and hence the chief officer in the Belfast Welfare Authority, since 1960, interviewed Mains about these allegations on 8 September 1967. Mr Mason recorded the answers Mains gave to each of the allegations in typewritten notes he prepared on 11 September 1967. Mains denied drinking excessively, either at the camp or when he went out from Kincora on Fridays and Saturdays. Mr Mason appeared amused by these allegations, adding that to his knowledge Mains, “was a very light drinker of intoxicating liquor”, although he did not explain how he came by that knowledge. This is at least open to the inference that Mr Mason had been present with Mains on social occasions. Mr Mason noted that Mains was uneasy and apprehensive early in the interview but as it progressed became more confident and self assured.

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47 KIN 75234.

48 KIN 75236.

- 66 Mains said that both R 5 and R 6 wore their hair long, and he asked them both for a kiss to get them to cut their hair. He said that he put his hand down R 5’s underpants to check that R 5 had changed his underpants because he was inclined not to do so. He said that he washed R 6’s long hair because R 6 would not bath himself. He said he checked R 6’s clothing in bed because R 6 was one of the worst of those boys who would wear their day clothing (presumably meaning their vest and/or underpants) under their pyjamas. He said he woke R 6 as soon as he (Mains) got up because R 6 was a bad riser, and he might have forgotten to put on a dressing gown. Finally, he said that both R 5 and R 6 had been troublesome, and he had to chastise R 5 the day before R 5 had gone to College Street.
- 67 Mr Mason concluded that R 5 and R 6 had stated, “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”. He went on to conclude that, “taken as it stands it does not present prima facie indication of wrongful conduct”. He then made a number of recommendations to which we shall refer shortly. The Hughes Inquiry accepted that he referred the matter to the then Town Clerk, John Dunlop. Mr Dunlop had retired by the time of the Hughes Inquiry, and it would seem that it was only discovered that he was still alive at a late stage of the Inquiry. He did not give oral evidence, but submitted a written statement saying he had no recollection of the papers.<sup>49</sup>
- 68 We accept that Mr Mason took these complaints seriously, and they were investigated carefully and thoroughly by him as the chief officer of the Welfare Authority. In our view there were clearly possible sexual overtones when Mains’s admissions were taken together. Whilst asking two long-haired boys for a kiss could have been explained as an example of a type of banter common at that time, we do not accept that Mains’s explanation for putting his hands down R 5’s underpants can be regarded as plausible. At the very least this should have raised a suspicion of a sexual motive on Main’s part for behaving in this way, and which was therefore capable of putting the remainder of his admitted actions in a different light. Whilst we accept that Mr Mason’s judgement was a genuine one, we consider that he made the wrong assessment of Mains’s behaviour. In reaching this conclusion we have given very careful consideration to the views of the Hughes Inquiry

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49 KIN 75237.

on these events, and their conclusion at 3.117 of their report that Mains’s explanations “were individually plausible”, and that they could understand Mr Mason’s conclusion that the evidence did not constitute prima facie indication of wrongful conduct.<sup>50</sup> In our view, the evidence did constitute prima facie indication of wrongful conduct on the part of Mains.

- 69 That is not to say that we consider that the matter should have been referred to the police. Mains was a hitherto reliable employee against whom there were no previous allegations. We cannot exclude the possibility that Mr Mason may have been influenced to some degree by a concern that if Mains was reported to the police, or subjected to disciplinary action, finding a suitable replacement may not have been easy in the light of the difficulty in filling the assistant warden’s post, to which we have already referred. On balance, and not without some hesitation, we do not consider that Mr Mason’s wrong assessment of the possible significance of Mains admitted conduct, and the consequent failure to consider reporting the matter to the police, amounted to systemic failings. This was a borderline case, and one in respect of which views could legitimately differ when it came to reporting the matter to the police.
- 70 Mr Mason put the documents relating to this matter into a file which became known as “the Mason file”, and we shall refer to it in that way. As we shall see, the contents of the Mason file were to be highly significant on a number of occasions during the 1970s. Mr Mason told the Hughes Inquiry that he gave Mains the benefit of the doubt, and that he sent the file, including his recommendations, to the Town Clerk’s department. In his report Mr Mason made three recommendations:
- (1) “Mr Moore [should] interview the boys again and explain to them the reason for the incidents;
  - (2) A closer supervision of Kincora;
  - (3) A careful sifting of any further information which might come our way”.<sup>51</sup>
- 71 When Mr Mason was asked at the Hughes Inquiry why he directed the careful sifting of information, he said he had a doubt in his mind about Mains’s supervision of the boys and how Mains saw his role as a supervisor. He ultimately accepted that to some degree he suspected

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50 KIN 75238.

51 KIN 75237.

that Mains was a homosexual, and that was a dangerous possibility as he was in charge of boys.<sup>52</sup> In our view, Mr Mason’s decision to give the benefit of the doubt to Mains, and to make his recommendations as he did, should not have been the end of the matter. On any showing, Mains’s admitted behaviour was not just unwise, but required formal censure. Whilst we do not consider that such censure should have gone as far as dismissal, at the very least Mains should have been given a formal and strong warning about his actions and his further conduct, coupled with clear instructions as to how he should behave in the future. None of these steps were taken. Mr Mason’s warning to Mains that, “all staff in charge of boys have to be extra careful as they were vulnerable to these forms of complaints” did not go far enough.<sup>53</sup>

- 72 It is clear from the Welfare Committee minutes that we have seen that the Committee closely supervised the operation of its homes and hostels, and we consider that the chairman of the Committee should have been kept informed, although the approval of the chairman for the action taken would not have been necessary. The Committee was the elected body responsible for Kincora, and as such its chairman should have been made aware of these matters even if his approval for the action taken was not necessary.
- 73 The last of the three recommendations made by Mr Mason, namely that there should be, “a careful sifting of any further information which might come our way”, implied that steps should have been taken to ensure that any further allegation, or other relevant information, was placed on the Mason file, so that it could be considered in the light of these allegations and not simply as an isolated matter. To be effective, that required a clear procedure to be put in place for reporting such allegations, not just from Kincora but from other homes and hostels, and in the case of Kincora adding them to the Mason file. Such a procedure should not have been confined solely to Kincora, but should have required all such allegations relating to any staff in any home or hostel run by the Belfast Welfare Authority to be reported by staff to Mr Mason or the current holder of his office so that the complaints could be centrally collated and then considered for appropriate action. No such procedure was put in place.

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52 KIN 71589.

53 KIN 75237.

- 74 **We consider the following amount to systemic failings on the part of the Belfast Welfare Authority and the Town Clerk’s department in the way in which they addressed the 1967 complaints.**
- (1) Mr Mason should not have decided that Mains’s conduct did not constitute prima facie indication of wrongful conduct.**
  - (2) The Town Clerk’s department should have given a clear response to Mr Mason’s recommendations, and the response should have been properly recorded.**
  - (3) Clear procedures should have been devised and put in place to ensure that any further complaints in relation to Kincora were reported to the City Welfare Officer.**
  - (4) Clear instructions should have been issued in written form to Mr Moore, setting out the steps he was to take, especially to ensure closer supervision of Kincora in the future.**
  - (5) Mains should have been given a strong and formal warning as to his conduct on this occasion, together with explicit instructions as to how he was and was not to behave in future.**

### **Comments said to have been made by KIN 66**

75 As we have already explained, KIN 66 was employed as the assistant warden at Kincora for five and a half months in the second half of 1967. KIN 14 was a resident in Kincora at this time, and in his RUC statement of 1980 said that KIN 66 was like a father to him, and he got on very well with KIN 66. In this statement he said that KIN 66 told him to be careful of R 2 or Mains when he was having a bath or a shower, or when he was changing. He incorrectly believed that R 2 worked for the Welfare, and he knew that R 2 stayed in Mains’s room at weekends, where there was only a double bed.<sup>54</sup> The RUC were unable to trace KIN 66. If KIN 14’s allegation about what KIN 66 said to him were correct then it would seem that in 1967 KIN 66 entertained suspicions about Mains’s behaviour, suspicions that he should have passed to his superiors. However, as KIN 66 was never traced, and consequently was never asked whether he did give such a warning, and, if so, what his reasons were for not doing so, we do not consider that we can take this matter any further.

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54 KIN 10147.

## R 7 and the “funny” remark to Mr Maybin

- 76 As we have seen in the previous chapter, R 7 said that he was abused during two of the three periods he spent in Kincora, in the first by Mains and in the second by Semple. He was discharged at the end of the third and last period in January 1968 when he was nineteen and a half. Because of his experiences in Kincora he was concerned that his younger brother was going to be moved from the children’s home that he had been in to Kincora when he reached the school-leaving age. R 7 was one of the clients of Mr Maybin, who was appointed a social welfare officer in the South Belfast division of the Belfast Welfare Authority based in their offices at Lower Crescent. Mr Maybin’s recollection was that R 7 came to Lower Crescent and told him that he, “had not had a particularly good experience in Kincora himself”, and made a comment that Mains was “funny”. When asked by Mr Maybin what he meant, Mr Maybin said that R 7 did not elaborate. Mr Maybin told the Hughes Inquiry that he did not pursue the matter any further because he had already decided that R 7’s brother would not be placed in Kincora but be fostered.
- 77 R 7 told the Hughes Inquiry that he did not say to Mr Maybin that Mains was “funny”,<sup>55</sup> but even if he did use that expression, as Mr Maybin had already decided to foster R 7’s brother, we agree with the Hughes Inquiry that it was not surprising that Mr Maybin did not pursue the matter further and we agree that he could not be criticised for not doing so. He could not have been expected to report the matter to Mr Mason, because he knew nothing of the 1967 complaints and therefore had no reason to attach any great significance to such a remark. We consider that he cannot be blamed for not passing the matter upwards. That Mr Maybin had not been told of the need to report anything of a suspicious nature regarding Mains is, we believe, an illustration of the failure of Belfast Welfare Authority to put in place a proper system whereby its officers were alerted to the need to make such reports. If such a system had been in place after 1967, or had Mr Maybin been alerted to the 1967 complaints, or both, then it is at least possible that he might have been more concerned by the “funny” comment, if it was made. However, to infer that this was an opportunity to uncover the behaviour of Mains and Semple would, in our view, be speculation.

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55 KIN 75234.

## Mr McCaffrey and the buttock slapping episode

- 78 From December 1969 Anthony McCaffrey was the Assistant Children’s Officer with responsibility for field work services. Sometime thereafter he was asked by Mr Moore to investigate a complaint that Mains had slapped a boy on the buttocks, either the previous evening or two nights before. The Hughes Inquiry dealt with this episode at 3.133 and following of its Report. Mr McCaffrey spoke to Mains who said there had been some misbehaviour or horse play in the dormitory or upstairs, and a slap on the buttocks had been administered. Mr McCaffrey accepted this explanation for what the Hughes Inquiry described as a minor breach of the statutory regulations regarding corporal punishment in children’s homes. It went on to consider in considerable detail how the incident was investigated, and we do not wish to add anything to their comments.
- 79 The significance of this episode was that Mr McCaffrey was unaware of the 1967 complaint, and Mr Moore, who was, did not make any connection with the 1967 complaint. Whilst we agree with the Hughes Inquiry that the slapping incident contained no obvious homosexual colour, and that Mr Moore should not have been expected to have linked it to the 1967 episode, it is significant that Mr McCaffrey was unaware of the 1967 episode. That is yet a further indication that proper procedures were not put in place after the 1967 complaints as they should have been. Had they been, then we would have expected an officer of his rank to have been made aware of such procedures following his appointment.
- 80 It would be wrong to imply that no steps were taken in respect of all of the recommendations Mr Mason made in his report on the 1967 complaints. It appears that steps were put in place for closer supervision of Kincora to be exercised thereafter. In his evidence on Day 218, Mr Bunting confirmed that when Mrs Wilson returned from undergoing professional training she was appointed to carry out this task from 1 January 1968. She made weekly visits to Kincora, the evenings being chosen because that was when the working boys would be there. With the civil unrest from October 1968 onwards there were occasions when the disturbed state of the city meant that she could not get to Kincora, and the Hughes Inquiry Report recorded at 3.129<sup>56</sup> that some of these

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56 KIN 75240.

visits were carried out by Mr Mason because she was not able to do them herself for that reason. We consider the introduction of weekly evening visits was a suitable, and well resourced, level of monitoring, and one which was particularly commendable given the greatly increased pressure on the Belfast Welfare Authority due to the consequences of the civil unrest, such as a displacement of large numbers of families. Evening visits were appropriate because this provided an opportunity to develop relationships with the residents. However, none of these visits resulted in further allegations about Mains, or about Semple, coming to light.

## **PART FIVE**

### **The 1971 complaints by R 8**

- 81 In the previous chapter we referred to the experiences of R 8, who left Kincora on 22 August 1971 aged eighteen, having been a resident in Kincora for almost three and a half years. Shortly afterwards he wrote two letters about Kincora. One was addressed to his social worker and bore the legend, “to be handed in at Central Police Station”.<sup>57</sup> That was never done. This letter was delivered by him by hand on 12 August 1971 to the Townsend Street office of the West Belfast Division of the Belfast Welfare Authority where Mrs Robinson, his social worker, was based. The Hughes Inquiry considered how that letter was dealt with at 3.144 to 3.147, and it is unnecessary for us to go over that ground again. It is sufficient to say that Mrs Robinson informed her superior, Miss Nicholl, and Miss Nicholl told her superior, Mr Bunting, when he returned to the office from leave. Mrs Robinson was informed by headquarters at College Street that she was not to do anything with the letter because a similar letter had been received at College Street and was being dealt with by Mr Mason, and so no further action was taken on the matter by the Townsend Street office.
- 82 It would seem that on 12 August 1971 R 8 delivered the other copy to the College Street headquarters of the Belfast Welfare Authority addressed to Mr Moore. He had been the Children’s Officer, but had left in June to take up the post of Deputy Welfare Officer with the Down County Welfare Office. He was not replaced until Mr Bunting took up

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57 KIN 10947.

the post of Children’s Officer in October 1971. As the Hughes Inquiry explained at 3.148, although the letter was addressed to Mr Moore, it was passed to Mr Mason because Mr Moore had left. It is probable that this occurred on 12 August, although the first documentary record relating to it was not created until 23 August, the day the Town Clerk returned to his office after two weeks leave. The letter from R 8 which made its way to Mr Mason consisted of five large, hand-written sheets. It seems that R 8 was studying for, or had studied for, A-Levels to judge by his comments in a letter to KIN 342 written around the same time.<sup>58</sup> The letter to Mr Moore was well written and clear. In it he made no allegations about McGrath, who had only just started work at Kincora in June 1971, but he made a number of detailed allegations about both Mains, and to a limited degree, about Semple.

- (1) They were incompetent.
- (2) He and another boy R 38 had been sexually approached by another boy R 34 when they were in bed.
- (3) When they told Mains about the behaviour of R 34 Mains only laughed, saying R 34 would grow out of it and didn’t mean any harm.
- (4) Mains had asked him to rub cream into his back whilst lying on his bed wearing only his underpants in return for five shillings.
- (5) Mains persuaded him to sleep in his bed, but when he felt Mains’s arm around him he fled to his own room.
- (6) He implied that money he had earned at work had been misappropriated.
- (7) He said Mains was regularly visited overnight by a friend R 2 with whom he had shared a bed in Mains’s room in Kincora.
- (8) R 8 concluded by saying:

“I think his [Mains’s] open approach to homosexuality is disgusting, he has a filthy mind, and a mind like that is not fit to look after growing boys”.<sup>59</sup>

83 On 23 August Mr Mason spoke to the Town Clerk who directed his deputy William Johnston to take part in an investigation. R 8 was interviewed the same day by Mr Johnston, Mr Mason and Mr McCaffrey in Mr

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58 KIN 11008.

59 KIN 11019.

Johnston’s office at the City Hall. On 25 August Mr Mason prepared a memorandum, which he sent to the Town Solicitor Mr Young. In the memorandum Mr Mason commented that while R 8 did not appear a convincing witness he had reaffirmed the allegations contained in his letter. He also said that R 34, one of the boys referred to in the letter as having been the subject of similar approaches, had been interviewed on 24 August, and said he had experienced similar approaches. No statements had been taken from either boy, but Mr Mason sent with the memorandum the file relating to the 1967 complaints later described as “the Mason file”. The memorandum contained the following crucial paragraph:

“No other investigations have been carried out regarding the rest of the statements made, but it is thought that 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. A copy of the results of the departmental Inquiry into these allegations is contained in the file.”<sup>60</sup>

- 84 It appears that a decision was made that the allegations were not to be referred to the police. This is a matter of inference because no record was made of any of these matters at the time the decision appears to have been made not to accept the recommendation that the 1971 allegations, taken together with the 1967 allegations, should be reported to the police. How and why that decision was made, and how it was communicated to Mr Mason, were the subject of exhaustive investigations by the RUC, by the Sussex Police and by the Hughes Inquiry. Despite these investigations, the absence of any written record explaining why the matter was not referred to the police means that it has been impossible to establish why that decision not to report the matter to the police was taken.
- 85 No evidence has emerged from our investigation to throw any new light on this crucial question, and we do not consider it necessary to review in detail the evidence given to, and the conclusions of, the Hughes Inquiry which had the advantage of hearing the evidence of those involved, apart from Mr Young, the Town Solicitor, and Mr Jamison, the Town Clerk. By the time of the Caskey Phase One investigation both Mr Young

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60 KIN 11006.

and Mr Jamison were dead. That Mr Young and Mr Jamison did discuss Mr Mason’s recommendation seems probable. The Town Clerk’s diary records that the two were to meet on 28 September 1971 (and not 1970 as erroneously stated in the Caskey Phase One Report),<sup>61</sup> but the Caskey Phase One investigation found no indication that the meeting took place, or if it did, which subject(s) were discussed. Mr Mason conceded to the Hughes Inquiry that although he could not remember when, or how, or in what manner it happened, he must have been made aware by someone in authority in the City Hall that a decision had been made not to report the matter to the police.<sup>62</sup> We consider it reasonable to infer that Mr Jamison and Mr Young must have discussed the Mason file for such a decision to have been made. It is also reasonable to infer that any such discussion ought to have involved an assessment by the Town Solicitor as the senior legal officer of the City Council of the significance of the allegations made in 1967 and 1971, and whether they were capable of amounting to criminal offences.

86 Had such an assessment been made and discussed, in our opinion the only decision that could properly have been made would have been to refer the allegation to the police for further and more detailed investigation. The allegations suggested:

- (1) Homosexual acts were occurring between Mains and R 2, when R 2 stayed overnight in Kincora.
- (2) An indecent assault may have been committed by Mains on R 5 in 1967 when Mains put his hand down R 5’s underpants.
- (3) An indecent assault on R 8 may have been committed when Mains put his arms round R 8 when R 8 was sharing Mains bed.
- (4) Possible indecent assaults had been committed by Mains when he persuaded R 8 and R 38 to massage his back with cream in circumstances that suggest Mains was sexually stimulated by this.

87 Although the views of the Town Solicitor would be of great weight in such discussions, we consider that the ultimate decision whether or not to refer the allegations to the police was one which ought to be taken by the Town Clerk as the chief executive of the Council, although he might have sought the views of the chairman of the Welfare Committee before he reached a final decision. Mr Mason’s evidence to the Hughes

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61 KIN 10077.

62 KIN 71915.

Inquiry suggests that, whatever the reasons were for not accepting his recommendation that the allegations be reported to the police, those reasons were never explained to him, although he does appear to have been made aware of the decision. In the absence of any such explanation, and in the absence of any contemporary documentation to explain the reasons for not reporting the allegations, we are left to speculate as to what the reasons might be. We should make it clear that the Hughes Inquiry considered whether there may have been an informal discussion with the police, but considered that the circumstantial evidence was not sufficiently strong to enable it to be inferred that the police were consulted in that way, and we see no reason to take a different view.

- 88 One reason advanced by Chris Moore in his book *The Kincora Scandal*, was that the Mason file “disappeared with no evidence of any response, let alone action from the Town Solicitor’s office”.<sup>63</sup> The Mason file did not “disappear”, because, as the Hughes Inquiry established, and as we shall see, it remained in existence and was to play an important part in later events. Moore then speculated:

“Indeed there may be a very simple explanation for this apparent “inaction”, on the part of the Town Solicitor. The late John Young was a practising homosexual active in a small coterie of men which included Joe Mains. As the police were to discover, the third member of this group was a Unionist Councillor, Joshua ‘Joss’ Cardwell.

With John Young, Semple and Mains formed a homosexual triumvirate that was undoubtedly able to keep complaints from the young male residents under wraps, at the same time safeguarding its own dark secret.”

- 89 No evidence was given for the assertion that Mr Young was a practising homosexual, or active in a coterie consisting of himself, Mains and Councillor Cardwell. We shall refer to Councillor Cardwell later. Mr Young and Mr Cardwell are dead and we have seen no evidence that supports Mr Moore’s assertion that any advice given by Mr Young, or action taken by him in this matter, may have been due to any improper motive on his part. Other possible reasons that could have contributed to the decision not to refer the allegations to the police were (1) a mistaken belief that the allegations were insufficient to constitute criminal matters suitable to be referred to the police; or (2) a desire

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63 KIN 5051.

to avoid the embarrassment that the Welfare Authority could face if a criminal investigation were to be launched, something that could lead to the prosecutions of one of its employees. Our experience with other institutions in this Inquiry has shown that at that time it was a common view taken by institutions of all sorts that such allegations should not be referred to outside agencies including the police.

90 However, all of these explanations, including Mr Moore’s, are speculative because of the absence of other evidence, and the absence of evidence means that we cannot account for the decision not to refer the matter to the police. What can be said is that we can conceive of no justifiable reason for not referring the matter to the police, and we are satisfied that **the failure to do so was a systemic failing by the Town Clerk and the Town Solicitor. Other systemic failings relating to the 1971 allegations were:**

- (1) The failure to record the initial interviews of R 8 and R 38 so that these could be added to the Mason file before it was sent to the Town Solicitor;**
- (2) The failure to record the reasons for not referring the matter to the police; and**
- (3) The apparent failure to inform the chairman of the Welfare Committee of the allegations and the decision not to refer them to the police.**

### **The approach of the Belfast Welfare Authority after the decision not to refer R 8’s allegations to the Police**

91 Considerable attention was devoted at the Hughes Inquiry to exploring with Mr Mason and Mr Johnston why they did not challenge, or at least ask for an explanation for, the decision not to refer the allegations to the police. In essence their response was that it was not their decision but that of their superiors, and it was not for them to challenge their superiors. We accept they cannot be criticised for not doing so, but there were steps which we consider Mr Mason should have taken as head of the Welfare Authority after he learnt of the decision not to refer the matter to the police. The first should have been to reiterate what he should have told Mains in 1967, but did not, namely that Mains should avoid doing anything with the residents that could lead to allegations of impropriety on his part. Secondly, he should have informed Mrs Wilson

and Mr Bunting, who had now succeeded Mr Moore as Children’s Officer, of the allegations and instructed them to keep a very close eye on both Mains and Kincora. Thirdly, he should have put in place a formal procedure within the department in order to ensure that any further allegations about Kincora, and indeed any home or hostel that was the responsibility of the Welfare Authority, should be collated and referred to him, or in his absence to his deputy, for immediate attention. **We regard the failure to take each of these steps as systemic failings on the part of the Belfast Welfare Authority, and they replicate the inadequate steps taken by Mr Mason after the 1967 complaints.**

### The transfer of the Mason file in 1973

- 92 Mr Mason retired on the reorganisation of local government in 1973 when the Belfast Welfare Authority disappeared and its responsibilities were subsumed into the new EHSSB. The EHSSB had a significantly wider geographical remit than its predecessor, because it took in large areas adjoining Belfast in Co. Down and Co. Antrim, and became responsible for hospitals and other aspects of medical services that were now combined for the first time with social services. Mr Bunting became an Assistant Director of Social Services in the EHSSB. He explained to us that this was not a managerial post because the District Social Services Officers, who were the rank below Assistant Director and now responsible for all of the personal social services, reported directly to the Director of Social Services.<sup>64</sup> His role, and that of his colleagues, was to be a professional advisor monitoring the work of the programme planning teams whose task it was to plan and deliver services.
- 93 Mr Bunting’s recollection was that on the day Mr Mason retired he gave Mr Bunting the Mason file, and advised him to retain it in case anything further came up about Kincora. Although Mr Bunting had been told about the letter received in Townsend Street in 1971, he had not been otherwise engaged because the matter was being dealt with at headquarters. When he took over the post of Children’s Officer in October 1971, despite being now responsible for all children’s services in Belfast including Kincora, he had not been briefed on the 1971 allegations by Mr Mason, and he knew nothing about the previous allegations in 1967. He did know that Mrs Wilson was continuing the supervision of Kincora, and so the Mason file was not of any particular

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64 Day 218, p.114.

significance to him in 1973. He therefore put it in a drawer and forgot about it until he was approached by DC Cullen of the RUC in 1976, something we deal with later in this chapter.

- 94 With the advantage of hindsight it is tempting to find that Mr Bunting should have familiarised himself with the Mason file when it was given to him in 1973. If he had done so, then no doubt he would have realised that procedures needed to be put in place to ensure that complaints and concerns about Kincora in general, and Mains in particular, were passed to the appropriate level of senior management, and then devised and put such procedures in place. However, we consider that would have been to ask too much of Mr Bunting, and we do not criticise him for not doing any of these things. He had no knowledge of the 1967 complaints, and only limited knowledge of the 1971 allegations. He had not been briefed about the outcome of the 1971 allegations, and in 1973 when handing over the file Mr Mason did not enlighten him in any way about what had occurred. Mr Bunting was in the midst of the creation of a completely new and complex organisation, which had a significantly different geographical and organisational remit. In all the circumstances we do not consider that he can be criticised for failing to enquire further into the significance and contents of the Mason file. If he had, because he did not have operational responsibility for Kincora in the new structure, the appropriate step would have been to pass it to the District Social Services Officer responsible for the East Belfast & Castlereagh Unit of the EHSSB within which Kincora now fell.

## **PART SIX**

### **The anonymous 1974 phone call about McGrath**

- 95 On 23 January 1974 an anonymous phone call was received by Mr Colin McKay in the Holywood Road office of the EHSSB. He was a senior social worker in that fieldwork office, which, although not far from Kincora, was not responsible for Kincora because the hostel was the responsibility of a different department of the EHSSB. In 1982 Roy Garland told D/ Supt Caskey that he made an anonymous call to Holywood Road Social Services, and we are satisfied that it was probably he who made the 23 January 1974 call. Later in this chapter we examine Mr Garland’s role in these events. Mr McKay reported the call to his superior, Brian Todd, who then telephoned Mrs Mary Wilson. It appears that she was

the first person to make a note of what had been said by the anonymous caller, to judge by the outcome of subsequent police enquiries following remarks Mr Todd made in an interview carried in the Social Work Today issue of 12 January 1982. We shall have occasion to refer to that publication later in this chapter.

- 96 Mrs Wilson was at home when she received the call from Mr Todd, who recounted to her what Mr McKay had told him the anonymous caller had said to him. Because the details were being recounted third hand to Mrs Wilson they may have become somewhat distorted, but her note of what she was told was as follows:

“Mr McGrath (house-father) had made improper suggestions to the boys; had gone to live in the hostel for this purpose and had written a note to one of the boys making improper suggestions”.<sup>65</sup>

- 97 These allegations were significant for a number of reasons. Firstly, they were the first allegations received by the EHSSB or its predecessor relating to McGrath. Secondly, they did not allege homosexual acts by McGrath involving any of the boys in Kincora, but “improper suggestions”. Thirdly, McGrath was said to have made such improper suggestions in a note to one of the boys, suggesting the caller had specific information about the existence of such a note. Fourthly, the caller alleged McGrath was living in Kincora to enable him to make such improper suggestions. Mrs Wilson immediately phoned Kincora and checked with Mains to be told that McGrath did not sleep in the hostel at any time.

- 98 It was not until 29 January that Mrs Wilson went to Kincora. McGrath was not there because he was not due to work at that time and she spoke to Mains. He told her that the allegations were untrue, and there was a political reason for them. She recorded, “apparently the police had a similar call about Mr McGrath a few months ago and told Mr Mains about it, and their opinion was that someone was trying to get at McGrath because of his connection with the Orange Order”.<sup>66</sup>

- 99 She and Mr McKay went to Kincora on 4 February 1974, when they spoke to McGrath. Her notes of that occasion record that McGrath was not surprised when she told him why they were there. That might suggest that he had already been told what the allegations were by Mains. In any event, he said that he had received a copy of an anonymous letter

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65 KIN 114014.

66 KIN 114015.

saying he was a homosexual. This information was a new element in what was being recounted to Mrs Wilson and Mr McKay. He then went on to attribute the allegations to “an organisation he was associated with”, presumably meaning Tara. He said he was probably in danger because of his connection with the Orange Order, and denied making any improper suggestions to boys in the hostel.

- 100 Mr McKay and Mrs Wilson both accepted his explanation, and felt there was no need to pursue the matter any further. Mr McKay had visited Kincora on several occasions in the course of his work and everything appeared normal to him on those occasions. Mrs Wilson said to the Hughes Inquiry that this was her first experience of an allegation of sexual impropriety in a boys’ home, although she went on to explain she had investigated an “unspecified” complaint about Mains previously, but she thought this was a coincidence. It did not occur to her that two different members of staff would be involved in the same practices within the same home. She trusted Mains, and this was the first time she had heard anything about McGrath, who was a family man that seemed concerned about the boys in his care.
- 101 Before she went to visit McGrath, Mrs Wilson had spoken to her superior, Mr Scoular, and she reported back to Mr Scoular after the visit. Neither she nor Mr Scoular knew anything about the 1967 or 1971 allegations against Mains, nor did they know anything about the Mason file. Despite McGrath’s admission that there had been an anonymous letter alleging he was a homosexual, and Mains telling Mrs Wilson that there had been an earlier phone call to the police, no significance appears to have been attached by either of them to the conjunction of a number of different allegations at this time. Nor did Mr Scoular report any of this to his superiors, presumably because neither he nor Mrs Wilson felt that there was any substance to the allegations, especially in the light of the incorrect allegation that McGrath had been sleeping in the hostel. Had they known about the earlier allegations and about the Mason file, as they should have if a procedure had been put in place by Mr Mason for allegations or concerns about Kincora to be reported to the senior official responsible for the hostel, we accept a very different approach may have been taken. This is a further illustration of the way in which matters were being dealt with by officials of the EHSSB in ignorance of the 1971 allegations, and an example of the significance of the failure to put proper reporting procedures in place. We agree with the Hughes

Inquiry that the allegations should have been referred to the Director of Social Services, and then reported to the police. No matter how plausible McGrath appeared, the allegation that he had written a note containing improper suggestions to a boy, taken with the realisation that there had already been a complaint to the police about McGrath, was sufficient to require the allegations to be reported to the police, even though they were from an anonymous source, something which creates considerable difficulties for the police when seeking to investigate any form of allegation. Notwithstanding that difficulty, **we regard the failures to report the matter to the Director of Social Services, and to the police, to be systemic failings on the part of the EHSSB.**

### **The complaints by R 15 in May and September 1974**

- 102 R 15 and his brother had been placed in care under Fit Person Orders. The Hughes Inquiry recorded that conditions in the family home were poor, and there had been a lack of cooperation with Social Services and other agencies such as other agencies dealing with Public Health. R 15’s father gave evidence to the Hughes Inquiry and agreed that it would be reasonable to describe his wife as “having had a running battle with the Welfare Services for many years”.<sup>67</sup> This difficult background undoubtedly influenced the way in which complaints made by R 15 in May and September 1974 were viewed by the EHSSB staff.
- 103 R 15 was grabbed by the genitals by McGrath in November 1973, and in 1981 McGrath pleaded guilty to a single charge of indecent assault on R 15. R 15 told his brother about the incident the next day, and told Mains about it the day after that. Mains said he would do something about it, but he did not report the matter to his superiors as he should have done. It is unclear whether it was R 15 or his brother who told their mother about the incident, but R 15’s father told the Hughes Inquiry that he and his wife thought R 15 had made the story up and so did not pursue the matter. Following a second incident where McGrath again grabbed R 15 by the genitals, which R 15 also told his brother about, his brother told their mother, and she then made a complaint about McGrath to the EHSSB.
- 104 Her complaint was made to the local office of the North and West Belfast District of the EHSSB at College Street on 17 May 1974. It was received by Miss Sharon McClean (later Mrs Grey), who was a

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67 KIN 75262.

trainee social worker. She said she would speak to Mains about the allegations. She consulted her supervising senior social worker Ronnie Orr, and some days later she telephoned Mains. This was during the Ulster Workers’ strike when there was widespread disruption in Belfast and other areas, and travel across the city was difficult. Mains told her that R 15’s mother had made an identical complaint to him; he had questioned McGrath and decided there was no truth in the matter. It seems that Miss McClean saw R 15 sometime later in the presence of his mother, but was unable to obtain any more information from him.

- 105 Nothing further was done until R 15’s mother called again at College Street in September 1974, probably on 16 September. Miss McClean saw her and recorded that his mother, “covered the same ground as always”, and said that McGrath had tried to interfere with R 15 again. While this would suggest a third assault, R 15 told the Hughes Inquiry that there were only two episodes. On 17 September Mr Orr met R 15’s mother, but it would seem from notes made of that meeting that there was no reference to the McGrath complaints, but the case of R 15 was discussed in general terms. On 20 September the decision was made that R 15 and his brother would be discharged from Kincora provided they lived with their sister.
- 106 The Hughes Inquiry concluded that the complaints were treated with scepticism by Mr Orr because of the history of difficult relations between the family and Social Services. We agree, and we also agree that he should have taken part in the interview of R 15 and his mother by Miss McClean in May 1974. He was much more experienced, and that experience might have enabled him to draw out more information from R 15. **We consider his failure to be more closely involved was one of several systemic failings in the way these complaints were dealt with. The other systemic failings were:**
- (1) Mains did not make a written record of the complaint to him by R 15;**
  - (2) Mains did not report R 15’s complaint, nor the complaint made to him by R 15’s mother, to his line management; and**
  - (3) the College Street office did not refer the complaints it received from R 15’s mother in May and September to Residential & Day Care Management in the East Belfast & Castlereagh District, as the district responsible for Kincora.**

## The anonymous phone call by Colin Wallace in 1975

107 In the next chapter we examine a claim by Colin Wallace that in 1975 he made an anonymous phone call about Kincora to the Welfare Department. It is sufficient to say at this stage that no trace of any such call has been found.

## Mr Maybin’s evidence about rumours in 1975

108 In 1975, and for sometime thereafter, Michael Maybin was an assistant principal social worker with the EHSSB in fieldwork services in East Belfast and Castlereagh. He had worked in Kincora in the summer of 1966 for a short period helping Mains in the evenings because Kincora was short staffed at the time. He had also been the social worker of R 7 in the 1960s after R 7 reached school-leaving age. R 7 had been in Kincora for several periods in the mid-1960s. When Mr Maybin was interviewed by the Sussex Police in September 1982 he told them that on a number of occasions after he transferred to the East Belfast and Castlereagh District in 1975, he heard a rumour within social work circles that Mains was a homosexual. He also said that in the late 1970s he heard another rumour that Mains was sexually interfering with the boys in his custody at Kincora. He said he could not recall passing any of this information to his seniors or anyone else.<sup>68</sup> He told the Hughes Inquiry he regarded the 1975 rumour as “low level gossip” with no detail or supporting evidence.<sup>69</sup>

109 We agree with the Hughes Inquiry that these rumours should have been passed to senior management within the East Belfast and Castlereagh District. The HSCB accepts this should have been done. We consider that **the failure by any of those in social work circles, whether in the EHSSB or elsewhere, who were privy to such rumours to report them to their senior managers or to an appropriate person in the EHSSB if they themselves were not employed by that Board, amounted to a systemic failing.** Whilst of limited value in themselves, had these rumours been reported they would have provided an element of additional material showing that there were concerns about Kincora. We also agree with the Hughes Inquiry that as these rumours only came to light because Mr Maybin disclosed them to the Sussex Police he is to be commended for doing so.

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68 KIN 40920.

69 KIN 75267.

## The information received from Elizabeth Fiddis in 1976

- 110 Mrs Elizabeth Fiddis was a health visitor employed by the EHSSB in the East Belfast & Castlereagh District. As such, her work and her responsibilities did not extend to childcare matters relating to Kincora. Sometime in the first half of 1976 during a social occasion unconnected with her professional duties she heard a vague rumour which she understood emanated from Valerie Shaw, a lady she had never met but knew to be a Christian missionary to the Jews. Miss Shaw was also connected with the late Dr Ian Paisley MP at one time, and in later years there was a dispute between them as to what she did or did not say to him about Kincora. That dispute is not relevant to our investigations as we are concerned with what Social Services, the police and the security agencies knew, or did not know, about sexual abuse in Kincora. As we shall see, Miss Shaw also appears in another context relevant to Kincora.
- 111 The rumour that Mrs Fiddis heard on this occasion was that there was some unspecified form of sexual malpractice going on at a home in East Belfast, although she did not know the name of the home.<sup>70</sup> The rumour was supposed to have come from Valerie Shaw, and because Mrs Fiddis knew of Valerie Shaw this gave added weight to the concern Mrs Fiddis felt about this vague rumour from both a moral and professional prospective. She decided that she should pass the rumour to colleagues in the EHSSB, and so she went to the Hollywood Road office where she spoke to Marian Reynolds, who was the duty social worker in the office on that day. The Hughes Inquiry concluded that this was in either February or March 1976. There were some differences between the recollection of Mrs Fiddis and Miss Reynolds as to what was said on that occasion, and the Hughes Inquiry concluded that Miss Reynolds’s recollection was substantially correct. Although Mrs Fiddis may not have mentioned either Mains or Kincora by name, Miss Reynolds was able to identify both from what Mrs Fiddis told her. Miss Reynolds said that Mrs Fiddis told her she had obtained some information that a boy had received some inpatient treatment for depression at Purdysburn Hospital. The Hughes Inquiry concluded that this person was possibly R 2, who did receive psychiatric treatment there in 1973 and again in March 1976.

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70 KIN 72782.

- 112 At this stage, Miss Reynolds had only limited knowledge of Kincora and so she suggested Mrs Fiddis speak to Hilary Reid (now Dr Hilary Harrison) who Mrs Fiddis knew both professionally and socially. Miss Reid arrived in the office later and was present when Miss Reynolds rang Miss McGrath. Miss McGrath was the newly appointed Principal Social Worker (Residential & Day Care) for East Belfast & Castlereagh and as such was responsible for Kincora. She was based in the offices at Purdysburn Hospital. There was some confusion as to whether it was left that Miss McGrath was to contact Mrs Fiddis or Mrs Fiddis was to contact her. That is of no significance, because Miss McGrath accepted that she received Mrs Reynolds’s phone call. Miss McGrath told the Hughes Inquiry that the information she received related to sexual impropriety, but she had no clear recollection of the detail. She did not make a note of what she was told, and did not take the matter any further because the call went out of her mind. She explained that she was new in her post and was under extreme pressure at the time; the office was under staffed and she accepted that she may not have allowed enough time to talk to Miss Reynolds, and she did not appreciate the importance of what she was being told.<sup>71</sup> Because she did not remember to do so, the matter was never taken forward, and so she did not inform her superior, Mr Clive Scoular, of the call.
- 113 We consider **there were a number of systemic failings in the way Mrs Fiddis’s report was dealt with by the EHSSB.**
- (1) **No written record was made of what she had to say.**
  - (2) **Miss McGrath did not follow the matter up by contacting Mrs Fiddis to see whether she could add anything to the account she had given to Miss Reynolds.**
  - (3) **Miss McGrath did not tell Mr Scoular about the call.**

## PART SEVEN

### March 1976 and the visit by DC Cullen

- 114 DC Cullen contacted the EHSSB in March 1976 and spoke to Mr Bunting about allegations that had been made about McGrath to DC Cullen. We shall return to this when we consider the way the RUC dealt with the information it had received about McGrath, but at this stage we examine how the EHSSB responded to what it was told by DC Cullen. To put

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71 KIN 75269.

the matter in context it is necessary to explain briefly that in 1974 Roy Garland made a number of allegations about McGrath to DC Cullen, who immediately contacted Assistant Chief Constable Meharg, who was the head of the Crime Department of the RUC at the time. We examine later in this chapter why these allegations were not properly investigated in 1974. Roy Garland spoke to DC Cullen about the matter again in 1976; DC Cullen again consulted ACC Meharg who instructed him to contact the EHSSB.

- 115 As a result of ACC Meharg’s instructions, DC Cullen contacted the EHSSB and met Mr Bunting on 19 February 1976. Mr Bunting was the Assistant Director in charge of Family Child Care Services in the EHSSB. During their meeting DC Cullen gave Mr Bunting a general outline of the nature of his enquiries into McGrath, and in the course of the discussion he referred to Mains as the senior member of the residential staff at Kincora. The reference to Mains prompted Mr Bunting to recall the Mason file, which he then produced to DC Cullen and allowed him to read it. DC Cullen asked him for a copy. Mr Bunting explained that he considered he did not have authority to provide that but he would seek instructions. He subsequently contacted Mr Gilliland, who was the Director of Social Services, and told him about the meeting with DC Cullen.
- 116 At this point in the sequence of events we emphasise the following aspects of what the EHSSB and the RUC learnt as a result of the meeting between Mr Bunting and DC Cullen. Until then Mr Bunting and Mr Gilliland had no reason to believe that there were any concerns about Kincora, because none of the matters to which we have referred that occurred after 1971 had been communicated to them. When Mr Bunting received the Mason file from Mr Mason in 1973 he put it in a drawer in his office where it lay until Mr Bunting produced it to DC Cullen during the meeting. The comments by DC Cullen revealed that there were also concerns about McGrath who was the subject of a police investigation. This meant that the EHSSB were now made aware of fresh allegations post-dating the 1971 allegations, although at that point DC Cullen had revealed very little detail about the more recent allegations. It is clear that Mr Bunting immediately appreciated that the Mason file could be relevant to the matters being investigated by DC Cullen because he remembered the existence of the file, produced it and showed it to DC Cullen. DC Cullen, and the RUC in the broader sense, learned for the first time that there

had been more allegations about Kincora that were known to the EHSSB but which had not been revealed to the police. These related to Mains, and so DC Cullen now knew that there were allegations about a second member of the staff at Kincora. This information was clearly relevant to, and added a new dimension to, his investigations into McGrath.

- 117 Mr Gilliland and Mr Bunting met DC Cullen on 15 March 1976. They agreed DC Cullen could copy the Mason file and he took it away for that purpose, returning the original in due course. By the end of both meetings the EHSSB had only limited information about the nature of DC Cullen’s investigations. He had told them that these were extremely confidential, that his senior officers were not aware of the investigation but he was reporting to ACC Meharg at RUC Headquarters. During their first meeting he told Mr Bunting that he was inquiring into homosexuality and paramilitary activities, and that “prominent people” were involved. At some stage he also referred to a letter, or letters, written by McGrath which indicated homosexual tendencies. He expressed concern that McGrath should be working in Kincora, because of the allegations made to him by his informant about McGrath’s homosexuality. It is unclear whether DC Cullen went into detail about what that may have involved. DC Cullen, unfortunately was not in a condition to be interviewed for the purposes of our Inquiry and sadly has since died. He told the Hughes Inquiry that he would have told Mr Bunting about the type of behaviour in which McGrath had been engaged in the past, but Messrs Gilliland and Bunting said the only detail they received was about the letters, and the Hughes Inquiry was inclined to accept their evidence.<sup>72</sup> We therefore proceed on the basis that the recollection of Messrs Gilliland and Bunting is to be preferred.
- 118 It was common ground that DC Cullen accepted that Mr Gilliland and Mr Bunting would have to inform Mr Scoular of the allegations because he was the District Social Services Officer responsible for Kincora. Either at the second meeting, or subsequently, but more likely afterwards, DC Cullen was provided with a list of all the boys who had been discharged from Kincora from the time McGrath started working there until that date.<sup>73</sup> At the end of the 15 March meeting it was agreed that DC Cullen would inform them of any information that would enable them to take action in relation to the staff at Kincora.<sup>74</sup>

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72 KIN 75272.

73 KIN 72409.

74 KIN 75272.

## The EHSSB actions after the meeting with DC Cullen

- 119 Mr Bunting briefed Mr Scoular on the Cullen/Meharg investigation when he went to Mr Scoular’s office, and he gave Mr Scoular a copy of the Mason file. Mr Scoular was asked to prepare the list of those discharged from Kincora during McGrath’s time, and he did so. It therefore seems the list was provided to DC Cullen after the 15 March meeting. Mr Scoular told the Hughes Inquiry that although he was not given any written directions or advice as to the action to take with the information he was given, he was told that he was to brief his senior residential & day care management staff about the matter. However, Mr Scoular did not tell Mr Bunting about the anonymous phone call received by Mr McKay at the Holywood Road office on 23 January 1974, nor did he make any reference to Mrs Wilson’s subsequent investigation. Whilst an anonymous call is by its very nature difficult to assess, and may, depending on the detail of its content, be of little or no value to the person to whom it is made, had Mr Bunting been told about that call it would have provided another piece of evidence to be added to the Mason file. Whilst it is unlikely that it would have been regarded as significant by itself, had it been added to the information from DC Cullen it may have caused some additional concern to Mr Bunting and Mr Gilliland. We consider that **it was a systemic failing by Mr Scoular not to tell Mr Bunting about the January anonymous call when Mr Bunting briefed him on the Cullen/Meharg investigation.**
- 120 We examine later what happened afterwards so far as the RUC and the Cullen/Meharg investigation was concerned. We are satisfied that the EHSSB was in a difficult position after the meeting on 15 March. Mr Gilliland and Mr Bunting had provided DC Cullen with the Mason file and he had made a copy. They also provided him with a list of residents of Kincora that he requested. They knew that a police investigation of a highly confidential nature was underway which was being overseen by an assistant chief constable. Whilst this investigation concerned one of their staff at the hostel he was apparently not the only person, because they had been told that others were involved but were given no information about the others, other than they were “prominent people”. Nor were they told what the involvement of these “prominent people” with McGrath or Kincora might be, other than the investigation was into homosexuality and paramilitary activities. It would seem that they were told nothing more about the alleged homosexuality other than McGrath had written letters which indicated homosexual tendencies, although

DC Cullen had expressed concern that McGrath was working in Kincora. This concern was presumably to suggest at least that a homosexual male could pose a threat to the boys in his care. Although this might be a concern shared by many at the time, it was not something that was justifiable, or which a responsible employer in the childcare field could regard as sufficient in itself to take action against the employee concerned. In any event, DC Cullen also told them that the allegations related to some time in the past and that there was no allegation of homosexual activities at Kincora.<sup>75</sup>

- 121 If the EHSSB were to take independent and overt action to question McGrath or other staff or residents at Kincora about homosexuality, this might well interfere with the police investigation, which clearly should have taken precedence. However, there were some steps that could have been taken, and as we have already explained, Mr Bunting briefed Mr Scoular, but no written directions were given to Mr Scoular as to what was to be done. Mr Gilliland told the Hughes Inquiry he gave a verbal direction through Mr Bunting that closer supervision of Kincora should take place. Mr Higham was an assistant principal social worker who was appointed Mains’s line manager in the Residential & Day Care management team in August 1976. After his appointment, the frequency of inspections of Kincora increased and exceeded the statutory requirement of monthly visits. The Hughes Inquiry noted it was not unusual for three or four visits to be recorded in a single month.<sup>76</sup> However, as we now know, these visits did not deter McGrath from committing further offences.
- 122 The usefulness of such visits may have been reduced, because it is unclear exactly how much information Mr Scoular did pass on to his subordinates, who were directly responsible for Kincora. Miss McGrath was responsible until she was succeeded by Mr Higham in August 1976. Mr Scoular told the Hughes Inquiry that Miss McGrath was made aware of the Cullen/Meharg investigation and shown the Mason file in the spring of 1976. She said she learned of the Cullen/Meharg investigation through Mr Bunting, and her recollection was that she was shown the file after Mr Higham read it. Mr Higham said he had no information about suspected homosexual activity at Kincora before October 1977, and did not become aware of the Cullen/Meharg investigation, or see

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75 KIN 75272.

76 KIN 75253.

the Mason file, until then.<sup>77</sup> Whatever the correct position was, we accept the situation was a delicate one, and that care needed to be taken to ensure that information about the Cullen/Meharg investigation should not be widely or loosely disseminated. Nevertheless, we regard it as unacceptable that there was any confusion or uncertainty about who had seen what. This should not have occurred if clear written instructions had been issued to the Residential & Day Care management team explaining exactly what was to be done and why.

- 123 These were not the only unsatisfactory aspects of the handling of the information from DC Cullen on the part of the EHSSB. At least the chair of the Personal Social Services Committee (PSSC) of the Board, and the chair of the Board should have been informed on a confidential basis. Secondly, the Department of Health and Social Services should have been informed. It was unsatisfactory that none of these individuals or bodies were alerted to what was happening, even if that was done on a very limited basis without mentioning Kincora itself, or referring to McGrath or Mains. Depending upon the outcome of the Cullen/Meharg investigations this was potentially a very serious matter for the Board, and both the chair of the PSSC and the chair of the Board and the Department should have been informed on a confidential basis of at least the outline of what was happening at that stage.
- 124 Mr Bunting told the Hughes Inquiry that following the 17 March meeting he made three or four telephone calls to DC Cullen, who agreed that was the case. Mr Gilliland, who was aware of them, suggested the calls may have extended over more than eighteen months. If that was the case, it would suggest that the last call may have been made in the autumn or early winter of 1977. No record was made of these calls. Mr Bunting's evidence to the Hughes Inquiry, which we infer it accepted, was that in the last conversation he had with DC Cullen he was told that a report had gone to ACC Meharg, and that there was no evidence on which the Board could take action. Mr Bunting also got the impression that either DC Cullen's informant could not substantiate what he had said, or had ceased to provide information.
- 125 As we shall see, there is no evidence that any final report was ever submitted to ACC Meharg, or anyone else in the RUC, by DC Cullen. ACC Meharg is dead, and DC Cullen was unfit to give evidence and has

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77 KIN 75274.

since died. It is therefore impossible for us at this remove to resolve how Mr Bunting came to be given such information or impression, because such information as is now available suggests the Cullen/Meharg investigation simply petered out without ever being brought to a formal or final conclusion.

- 126 We are satisfied that more should have been done by the EHSSB to find out from the RUC what stage their investigation had reached, and when the outcome might be known. Despite the sensitivity of that investigation, Mr Gilliland and Mr Bunting had been told that it was being overseen by ACC Meharg, and we consider that it was not enough to phone DC Cullen from time to time once an extended period had elapsed. We consider a formal written enquiry should have been made to ACC Meharg by Mr Gilliland as the Director of Social Services asking what the position was, and at the very latest such a letter should have been sent in March 1977 when a year had gone by.
- 127 Once Mr Bunting learned from DC Cullen that there was no evidence on which the Board could take action it is unsurprising that the EHSSB did not take further steps. All it had been told was that McGrath was suspected of being homosexual on the basis of letters written to someone in the past. There was no suggestion that that person had been a resident of Kincora and, as the Hughes Inquiry explained, DC Cullen did not transmit any allegation that McGrath was engaging in homosexual activity with residents at Kincora.<sup>78</sup> In our view the end result of the Cullen/Meharg investigation so far as the EHSSB was aware was that the only allegation was that McGrath was suspected of being a homosexual. The Board had never seen the letters on which the suspicion was based. Other than to take steps to ensure that McGrath and Kincora were closely monitored and that any further suspicions or concerns about McGrath’s behaviour, or indeed the behaviour of Mains, were reported to senior management at Board headquarters there was nothing they could do. This was because there was nothing on which an internal investigation, let alone possible disciplinary action, could be based because an allegation of homosexuality alone would not justify such an internal investigation unless there was a sustainable allegation of improper behaviour of some sort by McGrath or Mains, and so far as the Board’s officers were aware there was none. Had the Board officers been told of the rumours and anonymous phone calls received

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78 KIN 75276.

by their subordinates in recent years that might well have increased their concern, but they needed more than rumours lacking specific detail before they could take disciplinary action.

128 Nevertheless, as we have indicated, there were a number of unsatisfactory aspects to the response of the EHSSB to the news of the Cullen/Meharg investigation, **and we consider that there were the following systemic failings in their response.**

- (1) The Director of Social Services should have given clear written instructions to Mr Scoular to (a) increase supervision of Kincora, McGrath and Mains; and (b) to share the Mason file with Miss McGrath and Mr Higham when he succeeded her.**
- (2) Mr Scoular should have told Mr Bunting about the January 1974 anonymous phone call.**
- (3) (a) The Chairman of the EHSSB, (b) the Chairman of the Personal Social Services Committee, and (c) the DHSS, should all have been informed of the existence of the Cullen/Meharg investigation on a confidential basis, and that it involved a member of the EHSSB staff working in a residential hostel.**
- (4) Written approaches should have been made by the Director of Social Services to ACC Meharg at regular intervals, starting no later than 17 March 1977, in order to find out what was happening to the Cullen/Meharg investigation.**
- (5) All communications within the Board relating to these matters should have been properly minuted or recorded and added to the Mason file.**

## **Valerie Shaw and Rita Johnston**

129 In 1976 Rita Johnston was employed by the EHSSB and was in charge of the St Martin’s Day Centre in East Belfast, which provided occupation for adults through various crafts. Although employed by the Board, Mrs Johnston was a handicrafts instructress and not a social worker. The Day Centre was also the responsibility of the East Belfast & Castlereagh District Residential & Day Care management team. The Hughes Inquiry established that in October or November 1976 Mrs Johnston was introduced to Valerie Shaw at a prayer meeting in the home of a mutual friend. Mrs Johnston was told by Miss Shaw that the wife of R 36, who was an outpatient at the Day Centre, was distraught because her

husband was suicidal as a result of a previous homosexual relationship with McGrath. This man had never been a resident in Kincora, and the relationship, which developed elsewhere, related to the 1940s and 1950s. Significantly, there was no allegation of homosexual misconduct occurring at the hostel.<sup>79</sup> Miss Shaw also told Mrs Johnston about the letters from McGrath which DC Cullen had described to Mr Bunting, but she did not show them to Mrs Johnston. Miss Shaw said McGrath was employed in a boys’ home somewhere on the Newtownards Road, but it was not clear to the Hughes Inquiry whether she mentioned Kincora by name.

- 130 Mrs Johnston suggested to Miss Shaw that Miss Shaw contact the management at Purdysburn, although she could not remember if she gave Mrs McGrath’s name as the person to contact there. In any event, Miss Shaw did not follow up that suggestion. However, Mrs Johnston checked with R 36’s social worker in the psychiatric unit at Purdysburn Hospital because she was concerned that R 36 had access to dangerous tools in her Day Centre. His social worker reassured her that R 36 was not a danger to himself or others. Miss Shaw and Mrs Johnston met again at a subsequent prayer meeting in February 1977; their recollections as to what was said on that occasion differed. Mrs Johnston said she received very little information from Miss Shaw, and in our view she acted entirely properly by suggesting to Miss Shaw that she should approach management in Purdysburn. As we have already recorded, Miss Shaw decided not to do that. We do not consider that Mrs Johnston should have taken any further steps.

## **The Reverend Martin Smyth MP**

- 131 The Reverend Martin Smyth told the Hughes Inquiry in a written statement that in 1976 he telephoned the EHSSB because of concerns he had about McGrath as a result of what both Miss Shaw and another (unnamed) source said to him. He said he believed that he spoke to a Mr Jackson at the University Street office of the Board, but as there is no record of such a call, and the police enquiries at the time failed to identify anyone called Jackson who could have been the person concerned, we cannot take the matter any further.

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79 KIN 75277.

## Anna Hyland and R 18

- 132 In the previous chapter we examined R 18's experiences in Kincora. Although it was later established that McGrath engaged in sexual activity with him, and McGrath subsequently pleaded guilty to a charge of gross indecency involving him, in August 1977 R 18 gave a much less explicit account to Mrs Hyland. She was his social worker at the time, and during a discussion on 16 August 1977 when asked how he was getting on with the staff at Kincora R 18 was very hesitant. After some probing on her part, he said he was concerned about the attitude of one staff member towards him. Although she did not name McGrath as the person in her memorandum of 9 September 1977 it is common cause that the staff member was McGrath. R 18 told her that McGrath had been having long and intimate discussions with him about sex, and had "embraced" him on a number of occasions. R 18 said that he had told Mains about this, and emphasised to Mrs Hyland that he did not want there to be any unpleasantness about it, or for McGrath to lose his job. She gave R 18 advice as to how to deal with the matter if this should happen again. She spoke to R 18 again on 1 September, and he told her there had been no more incidents, he had had little contact since with McGrath, and was no longer worried about the situation.
- 133 Although her memorandum of 9 September 1977 does not say so, Mains later accepted he had been told these things by R 18, but had done nothing about it until Mrs Hyland spoke to him. She discussed these matters with Mains on 17 August, and he said he would consider whether he should discuss the matter with Mr Higham, who, it will be recalled, had succeeded Mrs McGrath as the line manager for Kincora the previous year. Mrs Hyland did not leave the matter there because she discussed it with her principal social worker. They agreed that McGrath's actions could simply have been an affectionate response, and that the evidence from R 18 was not sufficient to suggest any kind of improper assault. They agreed she should mention the matter informally to Mr Higham.<sup>80</sup>
- 134 A meeting took place between Mrs Hyland, Mr Higham and Mains on 12 October 1977. Mains produced a report dated 11 October 1977 in which he referred to the "embracing", but added some significant detail about the second incident, which he said happened in the bathroom

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80 KIN 11047.

while R 18 was only wearing pyjamas. Mains referred to that embrace as R 18 being “caressed”, which implies more significant physical contact than a mere “embrace”. Even more significantly, Mains recounted a different episode when R 18 alleged that McGrath approached him in the bathroom whilst R 18 was applying medical cream to his body, saying to R 18 that he would look better without the towel around his waist, and that he (McGrath) had been a qualified masseur. R 18 also alleged that McGrath then attempted to massage R 18’s shoulders.<sup>81</sup>

135 Mr Higham sent a report of the meeting of 12 October, together with the memoranda from Mrs Hyland and Mains, to Mr Scoular. In his covering memorandum, Mr Higham described what happened between R 18 and McGrath as “questionable”. He concluded that, “nothing of a sexual nature appeared to happen at any time” which seems a surprising conclusion in the light of Mains’s reference to McGrath’s alleged action in saying R 18 would look better without the towel round him and massaging R 18’s shoulders. Mr Higham recommended that whilst no, “direct action should be taken against Mr McGrath”, Mains and Mrs Hyland, “would keep a particularly close eye on the whole situation”.<sup>82</sup> Nowhere in Mr Higham’s memorandum did he suggest that Mains had been asked why he had not drawn these episodes to Mr Higham’s attention. In his response to the Inquiry Warning Letter Mr Higham explained that at the time he assumed Mains was fulfilling his duties as the officer in charge and could be trusted with regard to his dealings with McGrath. Therefore there seemed no need to question Mains’s actions which appeared to be appropriate. Mr Higham observed “It was assumed that Mains was a watchdog in the situation and not a perpetrator himself.” We accepted this explanation.

136 Mr Scoular responded in a memorandum dated 20 October 1977. In view of its content this deserves to be quoted in full:

“I have read the reports you sent me concerning [R 18]. 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 in some way discuss the whole situation with Mr McGrath in the near future. I well appreciate that the situation is further complicated by Mr Mains’s reticence about freely discussing

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81 KIN 10960.

82 KIN 10958.

what goes on in Kincora with you. I think it would be valuable for Mrs McGrath and yourself to have an early discussion with me.

As I mentioned to you yesterday I find the content of Mrs Hyland’s report and the content of that prepared by Mr Mains to be almost two different stories. I will try and make some discrete enquiries and see what I can find out.”<sup>83</sup>

137 We consider the following aspects of this memo to be significant:

- (1) Mr Scoular was unhappy about McGrath’s “relationship with the boys in the hostel”, implying McGrath’s relationship with others apart from R 18.
- (2) He appears to have recognised, albeit in an oblique fashion, that Mains was not prepared to freely discuss what was going on in Kincora with Mr Higham, which was presumably an acknowledgment that Mains had not reported these matters as he should have done to Mr Higham.
- (3) That it was necessary to, “grasp the nettle”, that is to discuss the whole situation with McGrath in the near future.
- (4) His reference to McGrath’s “extra curricular activities” appears to be a reference to his paramilitary involvement with Tara, and we return to this shortly.

138 By this time Mr Scoular was aware of the Mason file and the Cullen/ Meharg investigation, and had been instructed to keep a close watch on McGrath and Kincora. In our view he should have immediately referred this matter to Mr Bunting, together with the memoranda from Mrs Hyland and from Mains. He did not do so, nor did he “grasp the nettle” as he had accepted was necessary. We are satisfied that a contributory factor to his failure to do so, if not the entire reason, lies in his reference to McGrath’s “extra curricular activities”. The Hughes Inquiry concluded 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 [R 18] and [Richard Kerr] cases were unsubstantiated, clouded his judgement as to whether Mr McGrath should be interviewed or these cases should be referred to Board Headquarters”.<sup>84</sup>

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83 KIN 10965.

84 KIN 75291.

- 139 We are satisfied **that Mr Scoular’s failure to “grasp the nettle”, and to report these matters to Board headquarters, was a systemic failing.** Had he done so then, in our view, his superiors would have had no option but to report the matter to the police. Whatever view might be taken of R 18’s allegations against McGrath, we consider that there were clear sexual overtones to these allegations, and the matter should have been reported to the police. Had it been, then at the very least it would have provided a reason to consider the point reached by the Meharg investigation, and reactivate that investigation if necessary. It should also have prompted the Board to consider disciplinary action against Mains for his failure to bring R 18’s complaints to the attention of Mr Higham.

### **The concerns of DC Scully in October 1977**

- 140 DC Scully was the investigating officer for the burglary offences that led to Richard Kerr being brought before the Juvenile Court in October 1977. In the last chapter we recorded that DC Scully spoke to Sgt Sillery of the Juvenile Liaison Branch at Strandtown RUC about his suspicion that there might be some connection of a homosexual nature between Mains and Richard Kerr. DC Scully told Mrs Helen Gogarty, Richard Kerr’s social worker, of his suspicions and she told Mr David Morrow, her senior social worker. As a result Mr Morrow went to the next remand hearing and spoke to DC Scully. Mr Morrow and Mrs Gogarty then went to the Purdysburn offices of the Residential & Day Centre management where they discussed DC Scully’s concerns with Mr Higham. It will be recalled that Mr Higham was also involved around this time in the discussions with Mrs Hyland, which we have already considered. Although Mr Higham’s manuscript note of that meeting was dated 2 October, the Hughes Inquiry explained that date was a mistake, and the meeting probably took place on 21 October, which was the day of Richard Kerr’s next court appearance. The note makes it clear that the meeting discussed several matters that might be relevant to the question as to whether there might be a homosexual relationship between Mains and Richard Kerr:

- (1) Mains was a friend of R 2, who was a known homosexual.
- (2) Mains had shown a preference for Richard Kerr.
- (3) There were references to the drinking of sherry, something Richard Kerr had disclosed when explaining his threat to “tell all” about Mains if Mains did not attend the hearings in the Juvenile Court.

- (4) Richard Kerr was friends with two middle-aged men, a comment that appears to relate to KIN 340 and KIN 341 who had been with Richard Kerr on the expedition to Larne.
- (5) An entry “Mr X/nights” appears to refer to one of these two men.
- (6) Other police officers consulted by DC Scully were also of the opinion that Mains was homosexual.
- (7) Mr Lindsay Conway, who it will be recalled was the social worker at Rathgael Training School to which Richard Kerr had been remanded by the Juvenile Court, had concerns about the lack of control over the criminal behaviour of Kincora residents such as Stephen Waring.<sup>85</sup>

141 Two further meetings were held to discuss these issues, both taking place on 14 November. The first was at the Purdysburn offices of the Residential & Day Care section and was attended by Mr Scoular, Mrs McGrath, Mr Higham, Mr Morrow and Mr Conway. There was some dispute before the Hughes Inquiry as to what was actually decided at this meeting, but later that day Mr Scoular and Mr Higham went to Strandtown RUC Station where they spoke to Sgt Sillery. Mr Sillery later produced a note which he said was made contemporaneously. This was quoted by the Hughes Inquiry, and it is sufficient to note that it recorded the following points:

- (1) Mains was thought by certain CID officers to be homosexual and had been seen in the company of known homosexuals.
- (2) It could be inferred that some of the staff at Kincora were homosexual, which would suggest at least one other staff member apart from Mains.
- (3) Sgt Sillery had a good opinion of Mains, and was of the view “that if [Mains] was homosexual he would have had the sense not to let his desire take him in the direction of the boys”.
- (4) Since there had been no allegations for fifteen years (since Kincora came into existence), “the chances are that there was no story to break”.
- (5) Sgt Sillery had no knowledge of the Cullen/Meharg investigations, and neither it nor the Mason file appear to have been mentioned during the meeting. No doubt if he had been told about either, or

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85 KIN 75285.

both, his opinion as to the likelihood of Mains sexually interfering with the residents of Kincora might have been significantly different.

- 142 The existence of the Mason file and the Cullen/Meharg investigations were of course known to both Mr Scoular and Mr Higham by this stage, and by 14 November Mr Scoular had responded to Mr Higham’s memorandum about R 18. Nevertheless it would seem that he did not mention that matter either to Sgt Sillery on that occasion, although the Hughes Inquiry inferred that Mr Scoular did refer to it at a later meeting with Sgt Sillery and DC Scully on 5 December.<sup>86</sup>
- 143 Although Mr Scoular spoke to Mr Bunting by phone about these matters, the Hughes Inquiry concluded that Mr Scoular did not tell Mr Bunting about Richard Kerr, nor about R 18. We are satisfied that he should have done so. As we have seen, in October he clearly recognised there were important issues about McGrath’s behaviour and the failure of Mains to inform Mr Higham about R 18’s reference to McGrath’s behaviour. Mr Scoular’s failure to pass on information relating to Richard Kerr and in relation to R 18 was indefensible. He did institute a daily monitoring report that was to be submitted to Residential & Day Care on a weekly basis, but the Hughes Inquiry concluded this was directed at the disciplinary problems, such as coming in late or getting into trouble with the police, that were a matter of serious concern at the time.<sup>87</sup> We consider that **the failure by Mr Scoular to report the matters relating to R 18 and Richard Kerr to Board Headquarters amounted to a systemic failing.**

## January 1978

- 144 On 11 January 1978 Mrs Hyland telephoned Mr Higham to tell him that R 18 had told her Mains had come in drunk the previous Friday night, wakened him and asked him if anything was wrong. Mr Higham questioned Mains, who denied being inebriated, but he said that R 18 had not been asleep and that he had asked him how R 18 was getting on with McGrath. We consider this matter was properly investigated, and in the absence of any corroborating evidence for R 18’s account would not have justified any disciplinary action against Mains.

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86 KIN 75289.

87 KIN 75290.

## Speculation about Richard Kerr and Kincora by social services staff in 1979

145 When dealing with Richard Kerr's experiences after he was discharged from Borstal in February 1979 in the previous chapter we referred to a memorandum written by Mrs Judith Kennedy. By that time she had succeeded Mrs Helen Gogarty as Kerr's de facto social worker, although he was also the responsibility of the Probation Board because he remained on licence following his discharge from Borstal. We now consider why Mrs Kennedy felt that Kincora was unsuitable for Richard Kerr at that time. She confirmed to the Hughes Inquiry that as Richard Kerr was now nearly eighteen Kincora was the obvious place for him to reside after he left Borstal, but as we have seen in the previous chapter he went to live in Williamson House for several weeks. In her memorandum of 14 March 1979 Mrs Kennedy dealt with the issue of his accommodation in the following passage, which we take from 4.200 of the Hughes Inquiry Report, because part of the original was obliterated for reasons we shall discuss shortly. Relating to accommodation for Richard Kerr, Mrs Kennedy wrote:

"We all felt he needed a sheltered environment. Kincora Hostel was ruled out because apparently Kincora is under investigation because of the Warden's alleged involvement with a homosexual circle. This investigation has apparently been going on for several years and Kincora is still admitting boys. The indications that [Richard Kerr] has homosexual tendencies are tenuous, indeed (Borstal) reported that throughout his stay there was no sign of homosexual inclinations."  
(emphasis added)<sup>88</sup>

146 The words underlined in this passage, and the reasons for their inclusion and for the later deletion of them, were examined in great detail by the Hughes Inquiry at 4.200 to 4.213 of their Report, not just for their significance in their own right but as part of a wider examination of what Mrs Kennedy and Mrs Gogarty believed to be the position at Kincora as the result of what they were told by Mr Morrow. That was significant because it was Mrs Kennedy and Mrs Gogarty who approached Mr McKenna through a third party, and his article in the *Irish Independent* of 24 January 1980 was instrumental in the establishment of the Caskey Phase One investigations which resulted in the imprisonment of Mains,

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88 KIN 75293.

Semple and McGrath. As well as hearing from Mrs Kennedy and Mrs Gogarty, the Hughes Inquiry heard from Mr Morrow, and other relevant witnesses, and as we agree with the analysis and conclusions of the Hughes Inquiry on this matter, it is sufficient to refer to their findings in general terms.

- 147 The Hughes Inquiry concluded that the underlined passage represented the views of Mrs Kennedy’s superior, Mr Morrow, who saw the hostel as unsatisfactory and suspected (correctly as it turned out) that Richard Kerr was homosexual. Mrs Kennedy told the Hughes Inquiry that Mr Morrow told her that Kincora was under police investigation, and referred to his involvement in a previous case concerning a resident of the Valetta Park Hostel in Newtownards. She told the Sussex Police in 1982 that there was some link between that case and Mains. Mr Morrow accepted to the Hughes Inquiry that he was mistaken in his belief that the boy in the Valetta Park case had been resident in Kincora, and he accepted that the connection between that case and Mains had been pure speculation on his part.<sup>89</sup>
- 148 Mrs Kennedy’s report was considered in its original form by Mr Blair, who was the Principal Social Worker (Fieldwork Services) for the North & West Belfast District which had responsibility for Richard Kerr at that time. Although the exact sequence of events was not clear, Mr Blair queried the underlined passage about Kincora with Mrs Kennedy, and it seems that she accepted that these words should be deleted because it would be unfair to include them as they came from one or two people talking in the office and she did not wish to name them. In fact, Mrs Kennedy’s only source was Mr Morrow. Mr Blair then deleted the offending passage from the Report, although the original version remained unaltered in his office. He accepted that Kincora would be an unsuitable placement for Richard Kerr owing to his homosexual susceptibilities and the undesirability of putting him among other young men of his age.<sup>90</sup>
- 149 Mr Blair had no knowledge of any previous concerns about the Kincora staff, and Mr Morrow had not told Mr Blair about his concerns.<sup>91</sup> We accept that Mr Blair did not make these deletions from Mrs Kennedy’s report for any improper reason. He had asked Mrs Kennedy what the basis

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89 KIN 75293.

90 KIN 75294.

91 KIN 75295.

for them was, and when she said it was only rumour he understandably concluded that it would be wrong to give the rumours credence by allowing the passage to remain in a document that would inevitably have a fairly wide circulation. However, we agree with the Hughes Inquiry that Mr Blair should have insisted that Mrs Kennedy reveal to him the information she had, and her sources, so that any relevant information could be passed to the East Belfast and Castlereagh Residential and Day Care management and to Board Headquarters if necessary, for their consideration. He should also have contacted the East Belfast & Castlereagh Residential and Care management directly to ask them whether there was any substance in what Mrs Kennedy had said to him, even though after his discussion with her he regarded the references as based on rumour and did not believe that there was anything in it.<sup>92</sup>

150 Had Mr Blair done so, that would have been an additional fragment of information that could have been added to the other rumours and allegations that had come to the attention of the management of East Belfast and Castlereagh Residential and Day Care. We consider **Mr Blair’s failure to find out more about the basis of Mrs Kennedy’s concerns, and to tell the East Belfast and Castlereagh Residential and Day Care management about them, were systemic failings.**

151 By late 1979 it is clear that Mrs Kennedy and Mrs Gogarty had become concerned that something was amiss with Kincora, that police had investigated it in the past, but despite concerns that Mains was homosexual he remained in charge of Kincora. In December 1979 Mrs Gogarty and Mrs Kennedy met socially and discussed Kincora. As a result they decided to approach the press, and Mrs Gogarty did so through a friend, and this culminated in Mr McKenna’s article in the Irish Independent. Their concerns consisted largely of what Mr Morrow said to them. He was their superior, and, as the Hughes Inquiry recorded, he acknowledged to them in evidence that he, “speculated freely about matters for which he had no evidence in fact”.<sup>93</sup> The Hughes Inquiry went on to say that because Mrs Gogarty “was an impressionable and inexperienced officer [she] accepted Mr Morrow’s speculations at face value and retailed them on that basis”.<sup>94</sup>

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92 KIN 75295.

93 KIN 75297.

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- 152 Mrs Gogarty was asked at the Hughes Inquiry what led her to approach a journalist, and she agreed that it was because of the events involving Richard Kerr in the autumn of 1977, which involved the concerns about a relationship between Mains and Richard Kerr, and their feeling in 1979 that although Richard Kerr was no longer in Kincora, “there were other boys there and we both felt that if you had been at risk then other boys were at risk as well”.<sup>95</sup> When asked why she did not take her concerns to Mr Gilliland, who was the Director of Social Services, or to Mr Bunting as an Assistant Director of Social Services, she explained, “... I was afraid to do that because I had been told that the decision to remove [Richard Kerr] from Kincora was taken from the very top. I didn’t know what that meant”.<sup>96</sup> It became clear that Mrs Gogarty felt at the time that Mr Gilliland might have been involved in some way in the decision to prevent Richard Kerr going to Kincora, but she conceded to the Hughes Inquiry that on the basis of her greater experience by that time it would be most unlikely that Mr Gilliland made any recommendation in respect of Richard Kerr.<sup>97</sup>
- 153 The Hughes Inquiry concluded that Mr Gilliland’s involvement was limited to the question of where legal responsibility for Richard Kerr’s accommodation rested once he was released from Borstal.<sup>98</sup> It will be recalled from the previous chapter that there was a serious dispute between the Probation Board and the EHSSB about where Richard Kerr should live in the weeks after his release from Borstal and before he was discharged from care. Whilst it is clear Mrs Gogarty and Mrs Kennedy were mistaken when they believed that there was a homosexual connection between Mains and another boy in Kincora as had been suggested by Mr Morrow, or that Richard Kerr had been removed from Kincora for some improper reason, it is likely that their concerns were also influenced by the events of October 1977 when Richard Kerr was committing offences and when DC Scully expressed concerns at that time about the relationship between Mains and Richard Kerr. It is also clear that they were strongly influenced by Mr Morrow’s “speculating freely about matters for which he had no evidence in fact”. However, despite their mistaken beliefs, it would be wrong to criticise Mrs Kennedy or Mrs Gogarty for taking their concerns to the press. Had they not done so, then it is likely that the highly unsatisfactory way

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95 KIN 73274.

96 KIN 73274.

97 KIN 73287.

98 KIN 75294.

the EHSSB had approached concerns brought to it by residents and others about Mains and McGrath would have continued for some time because of the many failings by the Board to properly evaluate the information the Board’s employees had received, and after 1971 the repeated failures to pass information to the proper authorities, all of which contributed to the continuation of unchecked sexual abuse of residents of Kincora. We agree with the conclusion of the Hughes Inquiry that Mrs Kennedy and Mrs Gogarty acted with integrity, and their approach was prompted by their genuine concern for the welfare of the children in care, and was crucial in bringing about a long overdue and thorough police investigation of Kincora.

## **PART EIGHT**

### **Roy Garland and the RUC involvement with Kincora in the 1970s**

154 In this chapter, and in the previous chapter, we have referred to suspicions expressed by DC Scully in 1977 about a possible homosexual connection between Mains and Richard Kerr; suspicions that were supported at the time by Sgt Sillery, and which were considered by Mr Scoular and others at that time. Unknown to DC Scully and Sgt Sillery, there had been no fewer than four previous occasions when other RUC officers had been alerted to concerns about Kincora.

- (1) An anonymous Robophone message on 23 May 1973.
- (2) The meeting between Roy Garland and DC Cullen on 1 March 1974, and DC Cullen’s subsequent meetings with ACC Meharg in 1974.
- (3) A meeting between Valerie Shaw and D/Supt John Graham in June 1974.
- (4) Another meeting between Roy Garland and DC Cullen in January 1976, which led to further contact between DC Cullen and ACC Meharg resulting in DC Cullen’s contact with Mr Bunting on 19 February 1976. We have already considered the response of the EHSSB to that meeting, and in the remaining parts of this chapter we examine the response of the RUC to each of these events.

155 Although in chronological sequence the meeting between Valerie Shaw and D/Supt Graham occurred between (2) and (4) above, we shall refer to (2) and (4) as the Cullen/Meharg investigations for the sake of

convenience. It is easier to follow what were in many respects separate events if we examine the Robophone message first, then Valerie Shaw’s meeting with D/Supt Graham, followed by the two stages of the Cullen/Meharg investigation. Although these four episodes were distinct in many ways in so far as the RUC were concerned, each had a common link to the actions of Roy Garland. It is therefore appropriate to examine his connection with these matters first because his actions were central to each of them, and that was due to his connections with William McGrath.

## Roy Garland

- 156 Because of his involvement in the matters we are about to consider, the Inquiry invited Roy Garland to be a core participant in the Inquiry, and offered to provide him with legal representation at the Inquiry’s expense, subject to his means. He was also requested to provide a witness statement to the Inquiry dealing with questions we considered could assist our work. He declined the offer to become a core participant, and did not provide a witness statement. As will be apparent, the Inquiry obtained a considerable volume of material relating to Roy Garland, and we therefore considered it unnecessary to exercise our power to compel him to provide a witness statement and/or documents, or to give evidence. The correspondence between Roy Garland and the Inquiry about these matters in which he gave his reasons for not co-operating with our Inquiry can be found on the Inquiry website in the Module 15 section at Day 204.
- 157 On 31 May 2016, Day 204 of the Inquiry’s public hearings, the Chairman stated that even though Roy Garland and others had decided not to accept the invitation to be core participants, and had not provided witness statements, the door was still open to them if they wanted to change their minds. He said:
- “If they change their minds and are prepared to provide the witness statements and answer the questions we have posed to them by close of business on Friday 10 June, then we will allow them to take part in the remainder of the Module as core participants. After that it will be too late for the Inquiry to receive, consider, and investigate whatever they wish to say, and to give sufficient time for the other core participants to respond.”

- 158 Roy Garland did not take that opportunity. On 28 September 2016, more than two months after the end of the public hearings into Kincora on 8 July 2016, the Inquiry received a 33-page document signed by Roy Garland, and two additional pages dated 27 September 2016 (whilst the document was dated 26 September on the first page). Despite the disruption to the Inquiry’s programme by the provision of this document at such a late stage, despite the fact that Mr Garland did not accept the Inquiry’s invitation to become a core participant, and despite his failure to provide a witness statement as requested, the Inquiry has considered and taken into account the contents of all 35 pages of the document.
- 159 We note that when compiling his document Mr Garland appears to have had access to, and made use of parts of, a lengthy document sent to the Inquiry by Colin Wallace, which the Inquiry received on 12 September 2016. The final section of Mr Garland’s document under the heading “Conclusion” is identical to the final section of Colin Wallace’s document under the heading “Request to the HIA Inquiry”, and it therefore seems that although both had the opportunity to be core participants and to provide statements to the Inquiry, and did not do so, they have been in touch with each other at some stage since. Brian Gemmell also declined to engage with the Inquiry, and Roy Garland’s reference in his letter to Brian Gemmell having “recently commented through emails” suggests that he and Brian Gemmell have discussed matters relating to the Inquiry’s work.<sup>99</sup> Roy Garland’s document has been added to the Inquiry evidence bundle and included in that part of the Inquiry website dealing with Kincora.
- 160 Roy Garland again wrote to the Inquiry on 14 October 2016, and repeated a number of points he had made before. He also said that he had taken legal advice and is now willing to be interviewed by the Inquiry:
- “....should the Tribunal now feel that the information I have given and concerns I have expressed would best be tested at interview I will be willing to present myself for that purpose”
- 161 The Inquiry did not invite Roy Garland to be interviewed. Had he engaged with the Inquiry and provided a witness statement as requested almost six months earlier the Inquiry would have called him to give evidence in public during its public hearings. It was no longer possible to do that as

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99 KIN 130022.

the last date by statute and the Inquiry’s Terms of Reference by which public hearings could be held was 18 July 2016, and the Inquiry was in the final stages of preparing its report in order to submit it by mid January 2017 in accordance with its Terms of Reference. The Inquiry provided Mr Garland with a copy of parts of the draft report and invited him to make any response that he wished. He provided a twenty-two page unsigned response dated 30 November 2016. The Inquiry has nevertheless taken the letter of 14 October 2016 and the response of 30 November 2016 into account when preparing its Report.

- 162 When considering the weight to be given to the points Mr Garland made in all three documents he submitted to the Inquiry we take into account that by refusing to participate in the Inquiry, submitting these documents some months after the deadline set by the Inquiry, and then making a belated offer to be interviewed he has not fully engaged with the Inquiry as others have done. As a result, the Inquiry has not had the benefit of his oral evidence on matters that the Inquiry considers relevant, as opposed to being presented by him with his views in a manner that prevents his account being examined by the Inquiry in the way that the evidence of those who have come forward and given evidence on oath has been examined. We do not consider it necessary to refer to every point made by Roy Garland in his documents. They will be available on our website and those who wish to do so can consider their contents for themselves.
- 163 Nevertheless, we wish to make a number of observations about some specific matters he raised. First of all, Roy Garland was not being “accused” of anything by the Inquiry as he has alleged.<sup>100</sup> As our examination of the events relating to McGrath and Kincora shows, Roy Garland was an important figure in those events, and that is why the Inquiry offered him the opportunity to be a core participant. Because he was closely involved in many of the events we have to consider it was necessary for the Inquiry to examine what he did or did not say, or did or did not do. In doing so it was necessary for the Inquiry to refer to many documents relating to him, such as intelligence reports or statements by others. Inquiry counsel made it clear that allegations in such documents should not necessarily be taken as being true; they were referred to in order to see what light, if any, their contents shed on the matters we were investigating.

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100 KIN 130024.

164 In the Appendix to his letter he refers to his not attending the Inquiry in the following passage:

“I did not attend the Historical Institutional Abuse Inquiry (HIA) firstly because the Government did not give the same legal powers to the HIA Inquiry as to the Goddard Inquiry in London – yet both Inquiries were charged with investigating historical child sexual abuse. To me, this seemed wrong as a matter of principle and unfair to the victims in Northern Ireland. Secondly the HIA would not examine Faith House, an evangelical institution that provided William McGrath with opportunities for the abuse of young Christians.”<sup>101</sup>

165 Roy Garland had not previously suggested that we investigate Faith House, and in any event it was not within our Terms of Reference. If this was among Roy Garland’s reasons for not engaging with the Inquiry he did not put it forward before.

166 We will have occasion to refer to Roy Garland again in the next chapter, but at this stage it is necessary to examine the nature of his relationship with William McGrath in order to explain the actions Roy Garland took, and why he took them, in the 1970s. In doing so it is necessary for us to refer to the sexual aspect of that relationship, because that was inextricably intertwined with the events we will consider and because the reaction of the RUC has to be viewed against the detail of what they were told. The detail is central to an understanding of the RUC response and so it had to be included. We appreciate that Mr Garland found it distressing for these matters to be examined, and we tried to avoid unnecessary detail of the sexual aspect of their relationship as much as possible. However, some details had to be given if a distorted picture of that relationship were not to be created by omitting details that were essential to an understanding of what it was that Roy Garland said, or did not say, or did, or did not do, about McGrath on the occasions we proposed to examine.

167 Roy Garland came from a strongly religious and Protestant background. In one of three articles he wrote for the *Irish Times* in April 1982 he said his father was the associate pastor of a mission on the Shankill Road in Belfast, as well as being a member of an Orange Lodge that only admitted “saved” men. In this context “saved” is generally taken in Northern Ireland to mean that the person has undergone a form of religious experience or conversion leading him or her to dedicate their

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101 KIN 130047.

lives to Jesus Christ, irrespective of which Christian denomination, if any, they had been members of. Roy Garland said he was saved at a mission, meaning in this context a religious meeting held in his father’s lodge in 1948 when he was aged seven. He described how he came to further dedicate his life to Christ’s service at a religious crusade in 1955, and a few months later heard McGrath preach in the mission hall, presumably meaning his father’s mission hall. McGrath invited Roy Garland to meet him at Faith House in Finaghy in South Belfast, which Roy Garland did a few months later when he was aged fifteen. He had left school the previous summer aged fourteen. McGrath explained to him on this occasion that Faith House was a “fellowship” where men lived a form of communal life, pooling their wages, “to be used for the salvation of Ireland”. McGrath was the full-time secretary of a body known as, “The Christian Fellowship Centre and Irish Emancipation Crusade”. The description by Roy Garland of the religious and political beliefs which McGrath expounded to him as a teenager suggests that these were a potent mixture of anti-Catholic Protestant fundamentalism mixed with anti-communism and homosexuality.

- 168 McGrath evidently became a significant figure in Roy Garland’s life in succeeding years, lending him books and suggesting that he attend Bible college. Roy Garland described going to England to a Bible college near Windsor in September 1960, by which time he was presumably nineteen or thereabouts. During his time in Windsor they kept in touch, meeting in London in January 1961 while McGrath was carrying out a religious campaign in mission halls and churches in England. McGrath wrote to Roy Garland on several occasions between 1960 and 1962. Some of these letters survived and Roy Garland gave them to DC Cullen in 1974. In the Irish Times article Roy Garland explained that when his father died in September 1962 McGrath suggested that he should return to Northern Ireland and carry on his father’s small business. Roy Garland did not return to the Bible college, and thereafter devoted his efforts to trying to build up the business, as well as delivering religious tracts for McGrath.

### **The business and political relationship of Roy Garland and William McGrath in the 1960s**

- 169 According to a report compiled by DC Cullen at a later stage of these events, Roy Garland purchased a small business in 1964 on the basis that McGrath would contribute half the purchase price. However,

McGrath did not do so. Whilst DC Cullen recorded that the business did quite well, Roy Garland told him that McGrath had borrowed £2,000 from him and incurred debts in his name. It would seem that during this time McGrath carried on a business selling carpets, but his business ventures do not seem to have been successful, no doubt in part at least due to the amount of time he devoted to his religious and political activities. As we have seen in the previous chapter, before McGrath joined the staff at Kincora in June 1971 he had been working as a counter clerk in a Belfast estate agent’s office. By February 1972 the financial relationship between Roy Garland and McGrath had deteriorated to such an extent that Roy Garland obtained a court judgment against McGrath for £1,280.40.<sup>102</sup> In today’s values this may not appear a significant amount, but it was a substantial amount at that time, and would be worth more than £16,300 today, (£16,345.60 according to [www.thisismoney.co.uk](http://www.thisismoney.co.uk) accessed 16 September 2016). It is clear from Roy Garland’s *Irish Times* article of 15 April 1982 that he and McGrath fell out in an extremely acrimonious fashion at that time because of this debt.<sup>103</sup>

170 In the mid-1960s that acrimonious ending to their business relationship lay several years in the future. It is clear that until then the relationship between the two men remained extremely close throughout the latter part of the 1960s, not least because of their shared interest in Northern Ireland politics from a Unionist perspective. As we shall see in greater detail in the next chapter, both were active in one of the many political groupings that emerged on what might be called the Unionist spectrum of political activity in Northern Ireland in the 1960s, an extremely tense period in the history of Northern Ireland.

171 In his *Irish Times* article of 15 April 1982 Roy Garland described how McGrath invited him to become a member of a “Cell”, which he described in the article in the following passage:

“A private ginger group of Orange men chaired by a Church of Ireland minister. Members of District, County and Grand Orange Lodges took part. The objective seemed to be to encourage leadership in Orangeism...In November 1966 the name of the group was changed to [Tara] and McGrath became Chairman”.<sup>104</sup>

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102 KIN 1684.

103 KIN 55015.

104 KIN 55012.

172 As can be seen from his letter to the Inquiry, it is clear that Roy Garland was politically active in the increasingly volatile and turbulent political and social period in the late 1960s in Northern Ireland. He was the publicity officer of the Young Unionist Council in 1969-1970,<sup>105</sup> and in the *Irish Times* article of 14 April 1982 described one event of those turbulent times in the following passage:

“Many loyalists felt under considerable threat during the violence of August 1969 and it is not surprising that McGrath and Paisley were talking about the need for a ‘Peoples Militia’. What is surprising is that at the height of this violence McGrath, Paisley, myself and a man called Black from Armagh were talking to the Prime Minister, Major James Chichester-Clark about it. This was during the early hours of Thursday, 14 August, 1969 at Knock RUC Headquarters. We were demanding that the “B” Specials be mobilised and a ‘Peoples Militia’ be formed.”<sup>106</sup>

173 Roy Garland refers to that meeting in his letter to the Inquiry,<sup>107</sup> and it is clear from his letter, and his account of his activities in his *Irish Times* articles, that McGrath and he were close political associates, as can be seen from the preceding passage, and from his description of the development of Tara from a political “ginger group” to a very different organisation. It developed a paramilitary structure with McGrath as commanding officer and Roy Garland as second in command, with “Platoons” led by “Sergeants”, who attended central meetings, although Roy Garland said there was little liaison. He said in the same *Irish Times* article:

“There were said to be weapons stockpiled though I saw none of these. For the most part the objective was to prepare and wait for the appropriate moment when, if the right political leadership existed, Tara could be offered to the Security Forces to work alongside them. I felt that officers should be trained as well. It did not seem right that we should expect men to train to fight without being prepared to use guns ourselves. This idea got little support.”<sup>108</sup>

174 Although he did not refer to the UVF in his *Irish Times* articles, in his letter to the Inquiry Roy Garland described how the UVF, a proscribed Loyalist

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105 KIN 55011.

106 KIN 55014.

107 KIN 130028.

108 KIN 55013.

terrorist organisation, was closely involved with Tara at that stage:

“The UVF was an intrinsic part of Tara from its formation in late 1969 until summer/early autumn of 1971 when I left Tara, and the UVF followed shortly afterwards when told of my reasons for leaving.”<sup>109</sup>

- 175 In the third of the *Irish Times* articles on 15 April 1982 Roy Garland said he stopped attending Tara meetings in early August 1971:

“I knew that this was putting me in an extremely dangerous situation but I felt there was no other course. I visited a man who had been in the Tara group in 1968 but who had left in mysterious circumstances. What he had to say confirmed that I was making the right decision, but it also made me feel very angry and disillusioned. Many Loyalist leaders had known of McGrath’s homosexual activities for years and had done little or nothing about them.

I decided that it was my duty to warn young men I had introduced to Tara, to McGrath’s prayer meetings and to Ireland’s Heritage Lodge. Most of them confirmed my worst fears that McGrath had been attempting to corrupt them, although none of them had, to my knowledge, been corrupted in the sense of becoming homosexuals.

McGrath appeared to be able to exert a strong influence over these young men. I felt that he was using sex to brainwash them into his political ideas.”

The reference to “Ireland’s Heritage Lodge” was to an Orange lodge with this title founded by McGrath. From Roy Garland’s comments it implies that he was himself a member of this lodge.

- 176 In his letter to the Inquiry he confirmed that he left Tara and the Young Unionists in 1971, saying he also drifted away from the senior Unionist Party and had stopped attending the Free Presbyterian Church. He left the Orange Order a few months later.<sup>110</sup> In these articles Roy Garland described McGrath’s views about homosexuality at some length, and in the first of them said that at one point in his discussion with McGrath during his first visit to Faith House in 1955, McGrath had twice touched him on the leg, asking him what this meant; he felt shocked and replied to McGrath that it meant nothing.
- 177 It can be seen from this necessarily brief summary of Roy Garland’s longer descriptions of the relationship between himself and McGrath

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109 KIN 130028.

110 KIN 130031.

from 1955, when he was a boy of fifteen, until 1971, when he was thirty or thereabouts, that the relationship between himself and McGrath was extremely close financially, politically and personally for many years until they fell out and Roy Garland distanced himself from McGrath from the summer of 1971 onwards. As we shall see, after McGrath and Roy Garland fell out, Roy Garland spoke to many people expressing his concerns about McGrath.

- 178 These concerns are only relevant to this Inquiry in so far as he expressed himself anonymously to the police and to social services, and as we shall see in the next chapter to Brian Gemmell, and in person to DC Cullen and to Valerie Shaw. As we have seen and will see, Valerie Shaw conveyed her understanding of them to social services through Mrs Fiddis and Mrs Johnston, and directly to D/Supt Graham. Roy Garland was directly or indirectly the source of all of these contacts, whether they were conveyed anonymously or directly by him, and in the next portion of this chapter we examine what he actually said on these occasions and in what form he conveyed his concerns about McGrath, and McGrath’s position in Kincora, to social services and to the police.
- 179 In chronological terms the first occasion we know of that Roy Garland tried to convey these concerns to social services was when he made the anonymous phone call to the Hollywood Road office of the EHSSB, which was received by Colin McKay on 23 January 1974. As we have already noted in our earlier consideration of this episode, the only contemporary record of what was actually said in that anonymous phone call was the third-hand account recorded by Mrs Wilson. This was to the effect that McGrath had made “improper suggestions” to boys in Kincora, including writing a note containing such “improper suggestions” to one of the boys, and had gone to live in Kincora for that purpose. What the “improper suggestions” may actually have been does not appear, but the overall tenor of this note is that the caller was implying that McGrath may have been making homosexual approaches of some sort to the boys in his care at Kincora. It does not seem that an allegation was being made that he had gone further than that and actually sexually abused any boy, and as we shall see on the numerous occasions when Roy Garland conveyed his concerns to others he does not appear to have ever alleged that he knew of any actual sexual offences being committed by McGrath against boys in Kincora, nor has he suggested in his letter to the Inquiry that he knew of offences committed by McGrath

against any residents of Kincora. His concern was that such offences were being committed by McGrath against boys in Kincora, because of Roy Garland’s own experiences. We therefore consider it likely that the details of Roy Garland’s allegations in the anonymous phone call of 23 January 1974 were as Mrs Wilson recorded them.

- 180 Roy Garland also expressed his concerns to those directly in authority when he made the Robophone call on 23 May 1973. The Robophone system was a confidential phone line that allowed individuals to bring matters to the attention of the police, and to do so anonymously if they wished. This was a widely used facility and this particular call was numbered 2024 of 1973. In his letter to the Inquiry, Roy Garland criticised the Inquiry for revealing that he made this confidential phone call:

“However to name me in this way after making a telephone call to a secure line was a breach of my confidentiality. In addition it is wrongly suggested that I am an informer. This is untrue and a dangerous assertion because...There was a serious danger to my life for years and even today this is still possible given that some hard line paramilitaries will be reading these transcripts.”<sup>111</sup>

- 181 This phone call was a very important occasion in the events relating to Kincora, and, as Roy Garland confirmed in his letter, he went to great lengths to alert various individuals, and through them the authorities, to the danger he correctly believed McGrath posed to the residents of Kincora. As he said about Valerie Shaw and Jim McCormick, “almost everything they knew came from me”.<sup>112</sup> We make clear in our conclusions that we commend him for his efforts to ensure that police and social services were alerted to the risks posed by McGrath to the boys in Kincora. Were the Inquiry to conceal that Roy Garland made this call, that would be to create an incomplete and significantly misleading account of his actions at that time.

- 182 In view of the importance of this call we set it out in full:

“There appears to be a vice ring which is centred in Wm. McGrath, 188 Upper Newtownards Road, who is employed as a Social Worker at Kincora Boys’ Hostel, 236 Upper Newtownards Road. McGrath practices various kinds of homosexual perversion, but is known to be indulging in other kinds of perversion as well. He is deeply

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111 KIN 130017.

112 KIN 130020.

involved in underground politics and boys of his are involved in all shades of Unionist Politics, most of these young men would have been involved in perversion with him personally and he is not adverse to pressurising them into adopting policies according to his political objections [sic] which are unknown. He has contact with certain local MPs who are known for their homosexuality and it is thought that this is the lever used to obtain his job as a Social Worker. He has contacts throughout N. Ireland and also in London and beyond. He is constantly in financial difficulty. He leads a secret Militant Organisation known as “Tara”, he is widely known among Loyalists and others, but mainly because of the shame and danger attached to exposing him and the repercussions he is allowed to continue. His methods of dealing with boys is to suggest homosexual activities will cure a variety of complaints. McGrath claims the boys are suffering. Once they allow McGrath to get his hands on them they are wide open to exploitation, sexually, politically and financially.”<sup>113</sup>

- 183 Whilst the record is a précis of the call, and therefore not a verbatim transcript of what was said, it is clear from the references to McGrath working in Kincora at number 236, and living at 188, Upper Newtownards Road that Roy Garland knew where McGrath was working and living by this time. As the author of the call, Roy Garland also refers at length to McGrath’s membership of Tara and to his political activities. He also alleged that there appeared to be a vice ring centred on McGrath, and that, “boys of [McGrath’s] are involved in all shades of Unionist Politics”. Whilst the reference to “boys” on its own would be capable of being interpreted as referring to residents at Kincora, the expression is clearly qualified by the reference to them being involved in politics. This qualification might suggest that the people concerned are adults, as indeed the following words make clear when the anonymous caller is recorded as saying that “most of these young men would have been involved in perversion with him personally”. (emphasis added) As we shall see, these allegations echo what Roy Garland was to say to others subsequently.
- 184 The anonymous call was received at RUC Headquarters at 3:05pm on 23 May 1973, and forwarded to the Divisional Commander at E Division the next day with the instruction:
- “Please cause this information to be investigated and report successful results”.

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113 KIN 30343.

E Division at RUC Mountpottinger was the headquarters for the area including Kincora, and as Kincora lay within the sub-division at Strandtown RUC the Divisional Commander sent the message through his chain of command to that station.

- 185 Ultimately Constable Long of Strandtown was instructed to investigate. Constable Long was not a detective but a uniformed officer. He visited Kincora on 4 June 1973 and spoke to Mains about the allegations. From his report it does not seem that he confronted McGrath with the allegations. By this time it is probable that McGrath had already started to sexually approach boys in Kincora. As we explained in the previous chapter, HIA 532 who entered Kincora for the first time in April 1972, later described to the police how McGrath attempted to masturbate him when he woke HIA 532 in the mornings. It is therefore probable that McGrath had done this to him before Constable Long came to Kincora on 4 June 1973. Of the four former residents who were in Kincora by 4 June 1973 and who later alleged McGrath made sexual approaches to them, only R 10, who arrived on 23 March 1973, and HIA 145, who arrived on 30 April 1973, definitely dated their experiences of abuse as happening before 4 June. Their experiences were similar to those of HIA 532, as R 10 awoke to find McGrath fondling his genitals, and HIA 145 awoke to find McGrath fondling his inner thigh. It would therefore seem that by the date of Constable Long’s visit, McGrath’s approaches to the residents had not progressed to the severity they did later. It is also relevant to recall that by June 1973 Mains and Semple were no longer engaging in sexual activity with boys in Kincora, although as we have seen they had done so in the past before McGrath arrived.
- 186 Because the investigations into Mains’s behaviour in 1967 and 1971 had never been referred to the police, the uniformed police at Mountpottinger and Strandtown had no reason to suspect that Mains had been engaged in sexual behaviour when Constable Long spoke to him on 4 June 1973. He told Mains about the telephone allegations, and Mains said that he was unaware of any “perversion” going on, and if there was he would be sure to know of it. Mains clearly knew something of McGrath’s previous financial difficulties because he told Constable Long that McGrath had lost £2,000 in the carpet business. He described McGrath as a very decent type of chap of deep religious convictions who was high up in the Orange Order. He said that he had no idea who might have passed on this information over the phone, and he was satisfied the information came from a crank, and was convinced

no one at the hostel would be capable of this, presumably meaning no one at the hostel made the call.

- 187 It is unclear whether anything relating to McGrath had come to the attention of Mains by then, and so it may be that Mains’s response to these allegations was accurate within his knowledge at that time so far as McGrath was concerned. Of course Mains was lying when he said he was unaware of any perversions at Kincora, because he had engaged in such behaviour with several boys in the past, and his homosexual relationship with R 2 was continuing during R 2’s overnight visits to Kincora. Mains also knew about Semple’s behaviour in the past, but no doubt felt a considerable degree of relief as it appeared Constable Long was only making enquiries about McGrath, and that there were no allegations relating to either Semple or himself. Constable Long reported his enquiries to his inspector, who duly reported up the chain of command back to the Divisional Commander, and none of the superior officers through whose hands the report progressed suggested that any further action should be taken.
- 188 The Robophone message did not specifically allege that homosexual offences were being perpetrated in Kincora, although, as we have seen, it referred to “boys”. However, its tenor plainly related to McGrath’s homosexual activity with “young men” who were his political associates. We are satisfied that the RUC should have gone further and contacted the EHSSB at a higher level than Mains, as was eventually done by DC Cullen when he spoke to Robert Bunting in 1976. It has to be remembered in this context that 1973 was the most violent year of the entire period of violence in Northern Ireland, during which there were 250 deaths, 2,651 injuries, as well as huge numbers of shootings, bombings and other forms of terrorist violence.<sup>114</sup> The intensity of the violence placed a great strain on the RUC at the time, and in addition there was not then the practice of sharing information and having a multi-agency approach to investigating abuse.
- 189 This was an anonymous report with no specific allegations about Kincora as opposed to those about McGrath. Despite the limitations of any anonymous allegation and the pressures on the police at this time **we consider that the failure of the RUC to approach the EHSSB at a higher level than Mains was a systemic failing on the part of the police in the**

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114 Cmnd 7009, the Standing Advisory Commission on Human Rights’ Report The Protection of Human Rights by Law in Northern Ireland, p.6.

**RUC division to whom the anonymous call was referred for investigation.**

We have not so far referred to the information held by RUC Special Branch on McGrath by this time and we shall do so in the next chapter.

## **Valerie Shaw and D/Supt John Graham**

- 190 Miss Shaw explained to the Sussex police in 1982 that a Mrs Greenwood told her that she had been told by a Mr McCormick of the activities of a man in the Orange Order, in Christian circles and in political circles who was a homosexual, who had used his position to corrupt or attempt to corrupt young men and boys into homosexual practices and who was extending his activities into the Free Presbyterian Church. Miss Shaw had been a member of that church for many years and was concerned about this. She spoke to Mr McCormick on a number of occasions, and he ultimately told her that the man was McGrath and that his information came from Roy Garland. She then approached Roy Garland. She said that he told her about Faith House in Finaghy, about McGrath’s political views, that McGrath was homosexual and that he was employed in a boys’ home called Kincora. It would appear from her 1982 statement that Roy Garland did not explain to her why he thought McGrath was homosexual. She then approached Dr Ian Paisley MP who was also the Moderator of the Free Presbyterian Church and Minister of the Martyrs Memorial Church where she worked at the time. She claimed she spoke to Dr Paisley about her concerns on at least seven occasions, but he disputed this. Be that as it may, and as we have already explained we are not concerned with what others apart from the police and social services did or did not know, Miss Shaw failed to make progress in that way and mentioned her concerns about McGrath to others. Although it is not entirely clear how the contact came to be brought about, there is no doubt that she spoke to D/Supt Graham not long before he retired from the RUC on 30 June 1974.
- 191 At that time he was head of the CID in Belfast. It would seem from what D/Ch/Supt Clarke told the Inquiry that in that capacity he did not report to ACC Meharg, to whom we shall refer again shortly, but was responsible to the ACC for Belfast. D/Supt Graham did not give oral evidence to the Hughes Inquiry, unlike Valerie Shaw, although he did respond in writing to a request for information from that Inquiry. He did give a statement to the RUC in 1980 and to the Sussex Police in 1982. Mr Graham is now dead. From his statement to the Sussex Police,

and from Valerie Shaw’s accounts, it is clear that they met in his car and spoke about McGrath for some time. She told him McGrath was homosexual, was employed in Kincora and that she was concerned by that. He told her the police would need to obtain evidence, and that one way of obtaining that evidence would be to maintain observation on Kincora or on McGrath’s house. She said that she mentioned Roy Garland’s name during that conversation<sup>115</sup> although Mr Graham, as he was by that time, did not refer to Mr Garland, either in his RUC statement in 1980<sup>116</sup> or in his 1982 statement to the Sussex Police.<sup>117</sup> As it is common ground that there was a reference to the need for surveillance, it may be that Roy Garland’s name was not mentioned, because that would have been a crucially important piece of information. However, whether Roy Garland’s name was mentioned or not, D/Supt Graham accepted that he was concerned about what he was told, and he said that he reported the matter to the CID at Mountpottinger RUC Station.

- 192 No trace of any such report by him was found. In the subsequent RUC investigation in 1980, and in the Sussex Police investigation in 1982, the relevant CID officers in Mountpottinger denied ever receiving any report, either oral or written, from D/Supt Graham. In the event, if he did make such a report the matter was never followed up, and so nothing came of this initiative by Miss Shaw who had attempted to bring her concerns, supported as they were by what Roy Garland had told her, to the attention of the RUC at a high level. As in the Robophone call in 1973, there is nothing to suggest that Roy Garland revealed to Miss Shaw his own experiences with McGrath in the past. Her concerns reflected his stated concern that McGrath was homosexual, had corrupted young men or boys in the past, and because of that past corruption it was believed that he now posed a risk to the boys in the hostel. However, on the face of it that risk was being represented as a possibility, because it was not an allegation that McGrath was believed to have committed a sexual offence on any resident of Kincora.
- 193 So far as D/Supt Graham was aware at the time, he was the highest ranking police officer to whom these concerns had been expressed. He knew nothing of either the anonymous phone call made by Roy Garland in 1973, nor Roy Garland’s discussions not long before with DC Cullen,

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115 KIN 40713.

116 KIN 10795.

117 KIN 40718.

discussions which resulted in the Cullen/Meharg investigation which had started earlier in 1974. D/Supt Graham’s own accounts leave no reason for doubt that he accepted what Miss Shaw told him, and on the basis of that concluded that the matter needed to be pursued. He said he gave instructions to that effect to Mountpottinger CID. However, nothing was done, and the PSNI concede that D/Supt Graham’s response to what Miss Shaw told him amounted to a significant personal failing and neglect of duty on his part.<sup>118</sup> We are satisfied that was the case for the following reasons:

- (1) D/Supt Graham was an extremely experienced and very senior detective, yet he failed to keep any record of his meeting with Miss Shaw or what she told him, or of his subsequent actions.
- (2) He clearly recognised that these were allegations of possible homosexuality, child abuse and paramilitary involvement all relating to McGrath, yet he failed to take adequate steps to launch an investigation by him giving a formal instruction to one of his CID subordinates to institute an immediate police investigation.
- (3) An oral instruction was not enough. It would not have been difficult for him to give a brief written instruction to the D/Ch Inspector in Mountpottinger, supporting this with a brief statement of what Miss Shaw had told him and where she could be contacted. Such written instructions need not have been very detailed and could have been supplemented by a more detailed oral briefing of the officer or officers instructed to carry out the investigation.
- (4) Having failed to take these steps, he then failed to follow the matter up or ensure that instructions were left for his successor so that his successor could be informed and could take the matter up. D/Ch/Supt Clarke said in his statement to the Inquiry that the failure of D/Supt Graham to do anything with the information he received from Valerie Shaw was inexplicable.<sup>119</sup> In his evidence to the Inquiry in Day 219 at page 154 he summarised the failings of the D/Supt when he said that the D/Supt “makes no provision and takes no steps to ensure that it [Miss Shaw’s allegation] is dealt with...and I don’t think as a senior detective that is the level of professional drive or vigour I would expect”.

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118 KIN 1854.

119 KIN 1854.

194 The steps which should have been taken by D/Supt Graham were simple and elementary. We consider a possible reason why he did not show the necessary drive or vigour was because D/Supt Graham was due to retire from a very demanding post in a few weeks time, and for whatever reason did not give the matter the attention it deserved. Had these elementary steps been taken to institute a proper investigation by trained detectives, such an investigation should at least have discovered the record of the 1973 anonymous call. Whether such an investigation, even with that added information conveyed by the 1973 call, would have led the investigating police to contact the EHSSB at a higher level is speculative. Had they done so, those officers would have been provided with the Mason file and learnt for the first time of the 1967 and 1971 allegations against Mains. **The failure to take these steps amounted to systemic failings.**

### **The Cullen/Meharg investigation in 1974**

195 We now turn to consider the events of 1973 and 1974 which resulted in DC Cullen of the RUC Drug Squad at Belfast Donegall Pass RUC Station informing ACC Meharg, the head of “Crime” Branch of the RUC between 1971 and 1981, of what he had been told by Roy Garland, which resulted in what has been called the Cullen/Meharg investigation. As we explained in an earlier chapter, the Cullen/Meharg investigation had a second stage in 1976. ACC Meharg died in 2011. Mr Cullen, who retired from the RUC in 1988 after 30 years service, was still alive during our public hearings, but unfortunately his mental condition was such that he was unable to assist the Inquiry. Sadly he died in September 2016. Both gave oral evidence to the Hughes Inquiry, and were cross examined about what they said to each other, and what each did, or did not, do. Whilst there was considerable common ground in their accounts, there were also disagreements about a number of matters. Whilst we have the transcripts of their evidence, the Hughes Inquiry had the advantage of reaching its views having seen and heard both witnesses.

196 Before we consider the Cullen/Meharg investigation we wish to make it clear that the only reason the Inquiry was concerned with whatever happened between Roy Garland and McGrath of a sexual nature was because what happened was the most important aspect of the material that became known to DC Cullen. The Inquiry had to investigate these matters in order to establish as far as possible what information was

conveyed to DC Cullen, because the nature and extent of that information led to the Cullen/Meharg investigation, and in order to establish how that investigation came about, and was conducted, the Inquiry had to examine these matters.

- 197 Contrary to Roy Garland’s assertion in his letter, the Inquiry has sought to understand why McGrath’s activity was not stopped at an earlier stage.<sup>120</sup> As part of that process, the Inquiry had to examine in detail what Roy Garland did, or did not, say to the police. In his letter to the Inquiry Roy Garland emphasised that he was not homosexual at any stage:

“It is misleading to suggest I was involved in homosexual activity...I was not and never was at any stage homosexual. I was abused in a limited way and one that was neither continuous nor prolonged as has been suggested because I rejected it. William McGrath tried desperately to convince me that relations between males were normal...In truth he was deeply attracted to young boys and men. I was never attracted to homosexuality, which greatly annoyed him.”<sup>121</sup>

- 198 The Inquiry does not suggest that Roy Garland was a homosexual or was attracted to homosexual activity, but it is clear from what Roy Garland said to the Sussex Police in 1982 that McGrath engaged in sexual acts involving him on more than one occasion over a number of years. He said to the Inquiry in his letter:

“As far as I was concerned the attempts were infrequent and lasted for relatively few years...I rejected McGrath’s approaches, which were usually minor and not necessarily homosexual”.<sup>122</sup>

In his Response to the Inquiry of 30 November 2016 he was rather more specific as to how long this lasted, saying:

“The abuse, such as it was, had stopped at an early stage in the early 1960s”<sup>123</sup>

The relevance of these matters to the Inquiry is the light they shed on McGrath’s actions, and what the RUC learnt about them, because the extent of McGrath’s behaviour is crucial to any examination of what led to the Cullen/Meharg investigation, and how that investigation should have been conducted.

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120 KIN 130025.

121 KIN 130025.

122 KIN 130042.

123 KIN 130058.

- 199 Roy Garland said in his letter to our Inquiry that while he agreed to appear at the Hughes Inquiry he was not invited.<sup>124</sup> He was not called to give evidence to the Hughes Inquiry, something that caused considerable controversy at that Inquiry. He was asked to provide our Inquiry with a written statement addressing a number of questions posed to him by the Inquiry, but declined to do so. In his letter to the Inquiry Roy Garland refers to two matters he was asked to address by the Inquiry in a witness statement,<sup>125</sup> although, as can be seen from the correspondence between him and the Inquiry at Day 204, the Inquiry posed several other questions as well. Whilst Roy Garland spoke to the RUC in March 1980 during the Caskey Phase One investigation he was not willing to make a written statement at that time. He did make two statements to the Sussex police in 1982. There are a number of areas where we are dependent upon notes made at various times by DC Cullen when we seek to establish exactly what Roy Garland did tell DC Cullen about the extent and nature of the relationship between himself and McGrath, compared to more limited accounts Roy Garland gave on various occasions in the past. Roy Garland has since given some further information about what he did, or did not, say to DC Cullen in his letter to the Inquiry, and we consider what Roy Garland said in his letter to our Inquiry in due course.
- 200 By late 1973 DC Cullen had almost fifteen years service in the RUC. Since 1970 he had been attached to the Drugs Squad, which was based in Donegall Pass RUC Station, and he was a part-time dog handler with the drug squad. Although he was a DC it seems that he had little or no formal detective training until he went on the Hendon CID Initial Training Course between 3 December 1973 and 9 February 1974.<sup>126</sup> His contact with Roy Garland came about as a result of a meeting DC Cullen had with William McCormick in November 1973. We have already referred to Mr McCormick and will have occasion to do so again in the next chapter. Mr McCormick was a veterinary surgeon who lived on the outskirts of Belfast in Carryduff, County Down, although he told the Sussex Police in 1982 that he considered his vocation to be that of a Christian evangelist.<sup>127</sup> In that capacity he provided counselling for a number of people of all ages who came to him for advice on a wide variety of matters. One of these was Mrs Greenwood, to whom

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124 KIN 130024.

125 KIN 130017.

126 KIN 72124 and 40113.

127 KIN 40702 and KIN 721123.

reference has already been made. It would seem that he told her about McGrath, and as we have already explained it was Mrs Greenwood who then told Valerie Shaw about McGrath. As we shall see in the next chapter, Brian Gemmell was also in contact with Mr McCormick, and through him with Roy Garland. Mr McCormick died in August 1989.

- 201 It would appear from what Mr McCormick told the Sussex Police that his knowledge of McGrath’s activities came from Roy Garland who spoke to Mr McCormick shortly before the events we are about to examine, which would suggest that it was sometime not long before November 1973 that Roy Garland told Mr McCormick of his concerns about McGrath.<sup>128</sup> In his statement of 10 March 1982 to the Sussex Police Mr McCormick recounted that Roy Garland explained McGrath’s seduction technique in the following way:

“...McGrath operated by having Garland arranging for boys to see him individually. McGrath after telling the boy of his potential would then convince him that he had an emotional block. He would demonstrate by inviting the boy to touch his private parts and then use the refusal as evidence of the block. McGrath would then suggest that the boy needed liberating and in that manner induce them into homosexual acts. Garland said he had arranged for some twenty boys to be seen by McGrath for this purpose during the 60s.”<sup>129</sup>

- 202 It is clear from the following quotation from his letter to the Inquiry that Roy Garland denies saying any of these things to Mr McCormick, and does not believe Mr McCormick said them:

“I never said any of this and it did not happen. Neither do I believe Jim McCormick made such a hurtful and disgusting suggestion.”

- 203 He also said that Brian Gemmell had written to him that:

“I am certain Jim McC would never have said such a thing. He was a man concerned with the truth and would not have made up things or embellished a story”.<sup>130</sup>

- 204 It is clear that Mr McCormick did say these things in his police statement, and far from being “an obscure document” as Roy Garland described it, this was a statement which the maker said was true and acknowledged could render him liable to prosecution if he had “wilfully stated anything

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128 KIN 40702.

129 KIN 40702.

130 KIN 130022.

in it which I know to be false or do not believe to be true”. We see no reason to believe that Mr McCormick made up his account of what he said Roy Garland said to him, or embellished the truth. The reference by Mr McCormick to being told that about twenty boys had been introduced to McGrath by Roy Garland, and by implication the suggestion that some of them at least may have become involved in homosexual acts with McGrath, accords with Roy Garland’s reference in his *Irish Times* article of 15 April 1982 to his having warned young men he had introduced to Tara, and McGrath, although he said, “none of them had, to my knowledge, been corrupted in the sense of becoming homosexuals”.<sup>131</sup>

- 205 DC Cullen explained to the Hughes Inquiry that at this time a lot of allegations about the occult were emerging in the drug scene, and he had been given Mr McCormick’s name as someone who had knowledge of the occult and exorcism. He asked for an appointment with Mr McCormick to see if he could gain any information that would be of assistance to the police.<sup>132</sup> The meeting took place in November 1973. Roy Garland was not present at that meeting, but Mr McCormick told DC Cullen the information that Roy Garland had given to him about McGrath, presumably because Mr McCormick felt this was information which should be passed on to the police. DC Cullen did not pursue the matter at that time, but after he returned from his Hendon CID course in February 1974 he thought about what he had been told. He decided that he would contact Mr McCormick again to see if Mr McCormick would put him in contact with the person who had given the information about McGrath, “to see if there was any substance in it”, as he put it to the Hughes Inquiry.<sup>133</sup> A meeting was arranged with Roy Garland, and it took place in Mr McCormick’s house on 1 March 1974.
- 206 DC Cullen was accompanied by DC Duff, a colleague from the Drug Squad at Donegall Pass. DC Cullen explained to the Hughes Inquiry that Roy Garland had been very reluctant to speak to the police at all, and had to be persuaded to come to speak to him. By now Roy Garland was in his early thirties, married with children, and a mature student at Queen’s University.<sup>134</sup> It would appear that he explained his relationship with McGrath to DC Cullen in some detail, saying it ceased when they parted company because of a business dispute. DC Cullen told the Hughes Inquiry that Roy Garland told him that McGrath:

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131 KIN 55015.

132 KIN 72187 and KIN 72188.

133 KIN 72124.

134 KIN 72130.

“...had interfered with him as a teenager, homosexually, and these meetings took place as a result of attending religious meetings and other organisations”

in the early 1960s.<sup>135</sup>

207 It would seem that Roy Garland never made any allegations that there had been any incidents in Kincora, or related to anyone who was at Kincora, either at that meeting or at any stage of his lengthy involvement with DC Cullen.<sup>136</sup>

208 DC Cullen explained to the Hughes Inquiry that Roy Garland was, “very concerned about his family, his children, and the stigma that would be attached to any investigation to which his name would be attached.”<sup>137</sup> He was also concerned for his safety because he believed McGrath, “had some association with subversives”.<sup>138</sup>

209 Roy Garland said in his letter to the Inquiry that he believed he was not asked if he was prepared to be a witness if necessary:

“I was never to the best of my knowledge asked, ‘to step forward’...I am quite confident that I was not asked to ‘step forward’”.<sup>139</sup>

“To the best of my knowledge I was never asked by DC Cullen to make a statement. I probably would have given him one if asked even though this would have been very risky.”<sup>140</sup>

210 DC Cullen also told the Hughes Inquiry that Roy Garland was reluctant to give evidence:

“...at that stage he wasn’t prepared to come out into the open and give evidence, that’s where the difficulty arose. If he had been prepared to give evidence I think a different situation would have arisen...because we had a witness then who could have given evidence about Mr McGrath’s homosexual behaviour.”<sup>141</sup>

211 All the evidence of Roy Garland’s actions in the 1970s shows that whilst he was making considerable efforts to draw the attention of social services and the police to McGrath, on every other occasion he did so in a way that would not require him to be publicly identified, as when he

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135 KIN 72124.

136 KIN 72126.

137 KIN 72138.

138 KIN 72130.

139 KIN 130036.

140 KIN 130041.

141 KIN 72202.

spoke to Valerie Shaw and Jim McCormick, or made anonymous phone calls to the police and social services. We prefer DC Cullen’s evidence on oath to the Hughes Inquiry that Roy Garland was not willing to be a witness in 1974, supported as it is by Roy Garland’s unwillingness to make a formal witness statement to DS Elliott in 1980.

- 212 It is clear that at that first meeting DC Cullen had reservations about some of the things that he was being told. He said to the Hughes Inquiry that some of the background associations and activities of McGrath, “sounded a bit bizarre, something that you would read in a novel somewhere”,<sup>142</sup> and, he had to keep:

“an open mind because [Garland] had run afoul of Mr McGrath in the past, ...there were court proceedings in relation to money and things. I had to keep an open mind in the whole situation”.<sup>143</sup>

He said:

“... I wasn’t sure, even at that time, if his allegations were meant to hurt Mr McGrath and cause him some more problems out of spite, or whether the facts were true. That is why I sought advice; that is why I furthered my inquiries in relation to the information and tried to do a bit more ground work on it.”<sup>144</sup>

- 213 DC Cullen said there were a number of other matters that caused him concern, namely, “the involvement in paramilitary activities and alleged homosexuality”, and he was also concerned about Roy Garland’s safety or security, and that of his immediate family, “because of his association with McGrath”.<sup>145</sup>
- 214 The next day, 2 March 1974, DC Cullen requested and was given a meeting with ACC Meharg at RUC Headquarters. It is one of several unsatisfactory features of the Cullen/Meharg investigation that no notes seem to have been made of any of his meetings at the time by DC Cullen, whether with Roy Garland or ACC Meharg. Nor were any notes made, or written directions given, by ACC Meharg. There are a number of typewritten documents which appear to have been prepared by DC Cullen at various stages, as well as what seemed to be hand-written drafts of the typewritten documents, but it is not easy to establish exactly when all were written, or in what sequence. DC Cullen produced

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142 KIN 72132.

143 KIN 72139.

144 KIN 72139.

145 KIN 72132.

these, and later documents dated 1980, during subsequent police investigations. The contents of the 1980 document suggest that some parts were taken from the earlier documents, whilst other information was added later. The origins of these typed and hand-written documents were explained by DC Cullen during his evidence to the Hughes Inquiry, but what he told ACC Meharg, and what ACC Meharg said to him, on 2 March and on later occasions was disputed.

- 215 In those circumstances we do not intend to seek to reconcile any discrepancies between the various documents; rather we examine what we regard as the salient matters that occurred during the 1974 stage of the Cullen/Meharg investigation. What followed was by any showing an extraordinary and inept series of events, and to describe them as an “investigation” is to imply that whatever took place followed a systematic and conventional course whereas, as we shall see, what transpired was neither conventional nor systematic, nor was it competently organised or executed.
- 216 The typewritten document later referred to as DBE 16 was addressed to ACC Meharg and refers to the meeting on 2 March 1974 in the first paragraph. This document was plainly compiled by DC Cullen and is dated 21 March 1974. In it he refers to their meeting of 2 March 1974, but does not say in any detail what was said to him at that meeting. For that, we are dependent on his evidence and that of ACC Meharg to the Hughes Inquiry, which is reviewed at 4.102 and subsequent passages of their Report.
- 217 It would seem that there was at least one further meeting between DC Cullen and Roy Garland after the meeting of 1 March 1974 at which Roy Garland gave him a number of letters that he had received from McGrath in the early 1960s. He appears to have done so to support his allegation that McGrath was homosexual. In his response of 30 November 2016 to the Inquiry Roy Garland confirmed that there were more meetings, saying “most were informal and took place in the street”.<sup>146</sup> When that second meeting took place is not known, nor is the date of a second meeting between DC Cullen and ACC Meharg at which ACC Meharg was given the letters. He read them and returned them later to DC Cullen, which would suggest that there may have been a further, third meeting between himself and DC Cullen

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146 KIN 130061.

- 218 Although the DBE 16 document is dated 21 March 1974, its contents do not throw any light on when the other meetings occurred between DC Cullen and ACC Meharg, or between DC Cullen and Roy Garland. The DBE 16 document may only have been a draft, because there are several blank spaces in its 23 paragraphs which appear to have been left to enable names and other relevant personal details of identifiable individuals to be inserted later.<sup>147</sup> JC 2 is a hand-written document also dated 21 March 1974 and is almost identical to the typed document DBE 16, except it contains three extra numbered and typed paragraphs.<sup>148</sup> JC 2 is undated, and bears the handwritten inscription, “Intelligence Log William McGrath”. The typed first paragraph referring to the meeting of 2 March 1974 of ACC Meharg and DC Cullen has been replaced by a hand-written first paragraph, “Intelligence of an unconfirmed nature relating to William McGrath, 50/60 years, 188 Upper N’Ards Road, Belfast, and other people who have associated in some measure with subject”.<sup>149</sup> These alterations suggest that DC Cullen adapted the DBE 16 document to produce a second related, and largely identical, document, in the form of an “Intelligence Log” intended for ACC Meharg.
- 219 JC 3 was a third document and was hand written. It was undated, and followed the text and layout of DBE 16 up to paragraph 23. It also contained the three numbered paragraphs 24, 25 and 26 to be found in JC 3, but is a significantly longer document. It runs to 54 numbered paragraphs with a great deal of additional information about McGrath’s political activities, his associates and his sexual proclivities. It is noteworthy that the references to McGrath’s sexual proclivities are more detailed than in the other two documents, although the reference to a sexual device in paragraph 14 of JC 2 does not appear in Paragraph 14 of JC 3, or for that matter in paragraph 14 of DBE 16. JC 3 also refers to pornography held in a locked filing cabinet accessible only to McGrath. It also includes a reference to Roy Garland being asked by McGrath to write letters to girls about sexual matters.<sup>150</sup>
- 220 DC Cullen’s evidence to the Hughes Inquiry was that all the information he received had been gathered by him by July 1974, when his enquiries lapsed after he received no further instructions from ACC Meharg.<sup>151</sup>

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147 KIN 114098-114100.

148 KIN 114068.

149 KIN 114066.

150 KIN 114069 to 114083.

151 KIN 75270.

Apart from the letters he had given to ACC Meharg, DC Cullen was unable to say to the Hughes Inquiry that all these documents had been shown to ACC Meharg, but he said the information contained in them was made known to the ACC. Crucially, he maintained he told ACC Meharg that McGrath had attempted to touch Roy Garland’s genitals when the latter was a teenager.

- 221 ACC Meharg accepted he was told that Roy Garland alleged that McGrath was homosexual, worked in Kincora, was possibly connected with paramilitary activities, and that he had read the letters given to him. He was not satisfied that the letters were of a homosexual nature. However, he said he was told by DC Cullen that no homosexual acts had taken place between McGrath and Roy Garland, saying that if he had been told he would have had no hesitation in having the matter fully investigated.<sup>152</sup>
- 222 The Hughes Inquiry did not refer expressly to this conflict between ACC Meharg and DC Cullen, saying only that, “we accept that all of the information contained in the documents produced by DC Cullen was available to him in 1974, and these included allegations that McGrath had been involved in homosexual activity with young men some considerable number of years previously”.<sup>153</sup>
- 223 In his letter to the Inquiry Roy Garland denied saying things that are recorded in these notes, stating that they “are so ridiculous they should have been laughed out of court”.<sup>154</sup> We note that some of the details were recounted by Roy Garland to DS Elliott on 6 March 1980 in the interview referred to below, when Roy Garland said McGrath kept vibrators and the like at his house in a locker with drawers.<sup>155</sup>
- 224 Roy Garland also referred in his letter to introducing DC Cullen to a “young victim who talked freely about being seriously abused”.<sup>156</sup> However, DC Cullen never suggested to the Hughes Inquiry that he received information from anyone other than Roy Garland. So far as we are aware, Roy Garland’s statement that he introduced another victim to DC Cullen, someone who might therefore have provided some or all of the evidence of abuse recorded by DC Cullen, has never been made before, and as we explain below none of the material we have examined supports Roy Garland’s assertion that he introduced such a person to DC Cullen.

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152 KIN 75271.

153 KIN 75271.

154 KIN 130018.

155 KIN 12192.

156 KIN 130036.

- 225 Roy Garland was interviewed by DS Elliott of the RUC on 6 March 1980, and DS Elliott makes no reference to such a person in his witness statement.<sup>157</sup> DS Elliott later prepared a seven-page resumé of that meeting of 6 March in preparation for McGrath’s interview by the RUC on 1 April 1980. Whilst the resumé refers to “a source” who wishes to remain anonymous it is clear from the reference to 6 March, and from the detail in the document, that the source was Roy Garland. There is no reference to Roy Garland mentioning another potential witness in the resumé.<sup>158</sup>
- 226 Roy Garland did not refer to any such individual in his statement to the Sussex Police in 1982.<sup>159</sup> DC Cullen’s references in these documents to “my informant” when giving details that clearly came from Roy Garland, such as the details of Roy Garland’s business and financial relationship with McGrath,<sup>160</sup> support his evidence to the Hughes Inquiry that the information he passed to ACC Meharg came from Informant B, that is from Roy Garland.
- 227 Mr McCormick did not refer to any other person being present at Roy Garland’s meetings with DC Cullen, which Mr McCormick also attended, in his 1982 Sussex Police statement to which we referred earlier, nor did he do so in his 1980 statement to the RUC.<sup>161</sup> In his response to the Inquiry of 30 November 2016 Roy Garland made a number of references to a meeting between “a young man and DC Cullen”, and pointed to his reference to introducing a twenty-year-old friend to DC Cullen in his statement to the Sussex Police. However, the only reference to such a person being introduced to DC Cullen comes from Roy Garland, and is not supported by any other evidence, nor has any such person ever come forward.
- 228 These details were of crucial importance to establishing what DC Cullen told ACC Meharg, because the details were fundamental to any decision by the police to start an investigation into what Roy Garland had told the police. A single episode when McGrath was alleged to have put his hand on Garland’s leg many years before was unlikely to have been considered something worthy of a police investigation. An allegation of sexual activity between males that occurred on more than one occasion was a very different matter. We are satisfied ACC Meharg did ask DC Cullen what the extent of any contact had been for that reason, and so

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157 KIN 10762.

158 KIN 12188-12194.

159 KIN 40688 to 40691.

160 KIN 114066 and 114067.

161 KIN 10761.

the account of that sexual activity recorded at the time by DC Cullen, which Roy Garland disputes, would have been a very important area to be explored by DC Cullen with Roy Garland at the time.

- 229 Whilst we took into account Roy Garland’s denials that he said these things attributed to him by DC Cullen, from the material we have examined we saw no reason to conclude that DC Cullen made up, misunderstood or distorted what he recorded at the time as coming from Roy Garland.
- 230 We have very carefully considered the conflict between the recollections of ACC Meharg and DC Cullen as to whether the latter told the former that homosexual acts had occurred between Roy Garland and McGrath in the 1960s. Although Roy Garland had not said so expressly, and his accounts in his *Irish Times* article of 13 April 1982 said only that McGrath touched him on the leg,<sup>162</sup> he gave a different account to the Sussex Police of McGrath’s approach to him during their first meeting in Faith House. In his Sussex Police statement of 1982 he said that after McGrath touched him on the leg McGrath then opened, “the front of my trousers and touched my private parts”, adding that McGrath, “continued to make this type of approach to me throughout my teens until I went to the All Nations Bible College, Maidenhead, in 1962”.<sup>163</sup>
- 231 We are satisfied the detail given in the 1974 documents of McGrath’s sexual activity with Roy Garland could only have come from Roy Garland and is consistent with what Roy Garland told the Sussex Police in 1982, although the account in the 1974 documents was more detailed and explicit. A single act of touching of the leg would not have been sufficient to justify any discussion with, let alone an approach to, an ACC. Any discussion between ACC Meharg and DC Cullen would, in our opinion, have inevitably included the key question as to whether any explicitly homosexual acts had occurred between McGrath and Roy Garland. We consider it probable that DC Cullen did tell ACC Meharg that actual homosexual contact had taken place between McGrath and Roy Garland.
- 232 The 1974 documents show that DC Cullen accumulated considerable information about McGrath and all his activities, by far the greater part of which must have come from Roy Garland, probably over more than one meeting. DC Cullen certainly saw Roy Garland at least once more after the initial meeting of 1 March 1974 when he was given the letters he showed to ACC Meharg. The title of the JC 2 document as

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162 KIN 55012.

163 KIN 40689.

an “Intelligence Log” relating to McGrath, and its contents, show that this was indeed the case. As DC Cullen had gone to see ACC Meharg, we consider it most unlikely that he continued to have contact with Roy Garland after 1 March 1974 and gathered so much information, unless he believed that this was what ACC Meharg wanted him to do.

- 233 Why then was the “investigation” effectively no longer being pursued by July 1974? DC Cullen told the Hughes Inquiry he had approached the ACC several times and felt that as a DC perhaps he was overstepping the mark, so he left it to the ACC to make a decision and come back to him.<sup>164</sup> It is clear the ACC never did so, and ACC Meharg told the Hughes Inquiry it was his understanding that if there were any developments DC Cullen would keep him informed.<sup>165</sup>
- 234 We consider the information given to DC Cullen by Roy Garland in 1974 was sufficient to require a thorough investigation to be started at that time. We accept that DC Cullen was told by Roy Garland that he had been subjected to a homosexual assault many years before. The suspicion that McGrath was homosexual by itself did not justify a police investigation. That McGrath committed at least one and possibly several homosexual assaults on Roy Garland when Roy Garland was a teenager was a crucial difference from a police perspective. Because there was now a sexual crime or crimes being alleged, even though they happened years before, the necessity for an investigation was surely strengthened by McGrath’s position as an employee in a boys’ hostel, because that gave him the opportunity to sexually assault other boys. Although Roy Garland seems never to have suggested that he knew of any such assaults, his experiences as recounted to the police clearly indicated that there was a substantial risk that such sexual assaults might have taken place in Kincora. The tragedy is that we now know that this suspicion was fully justified.
- 235 However, according to DC Cullen’s evidence to the Hughes Inquiry, to which we have already referred, the matter was further complicated by Roy Garland’s stated reluctance to assist the police further by being prepared to be a witness. The absence of a willing witness creates considerable practical difficulties for the police when considering whether or not to launch an investigation. If there is no other evidence, then a witness who is not prepared to give evidence may not have provided

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164 KIN 72187.

165 KIN 72229.

sufficient information to justify starting an investigation, no matter how strong the suspicion.

- 236 It also has to be remembered that at this time the police did not know of the existence of the Mason file. Had ACC Meharg placed the matter in the hands of a more senior and experienced detective, and not left the matter in the hands of DC Cullen, then at the very least it is reasonable to surmise that a more experienced officer might well have approached the EHSSB and been told of the existence of the Mason file, as did happen in 1976. In that eventuality the situation in 1974 would have been transformed because the RUC would have learned also of the allegations against Mains that gave rise to concern in 1967 and 1971.
- 237 We are satisfied there are a number of unsatisfactory aspects of this first stage of the Cullen/Meharg investigation. First of all, why did DC Cullen react to the information given to him on 1 March 1974 by contacting a very senior officer the next day instead of going through the normal reporting chain by first reporting this matter to his immediate superiors, if necessary by seeking out his DCI in the absence of his DI?
- 238 In his letter to the Inquiry, Roy Garland said that he suggested to DC Cullen that he should avoid giving anything to the RUC at Donegall Pass because he believed McGrath had contacts there:
- “The reason why DC Cullen went straight to ACC Meharg was because I told him to avoid giving anything to the RUC at Donegall Pass because I believed McGrath had contacts there. I did not expect senior police officers to be involved with him at that time so it was rank and file constables that I was concerned about.”<sup>166</sup>
- 239 If Roy Garland did make such a suggestion, and DC Cullen did not refer to such a suggestion in his evidence to the Hughes Inquiry, it does not explain why DC Cullen followed his advice and bypassed every one of his superiors to approach ACC Meharg in the fashion he did. DC Cullen’s explanation for this remarkable action on his part was that it was a very sensitive matter. We are satisfied that he considered it sensitive primarily because of McGrath’s political connections. The longer intelligence log, the JC 3 document, is replete with details of McGrath’s political activities and associates, and we agree with the conclusion of the Hughes Inquiry “that the connection between [McGrath’s] alleged homosexuality and his employment at Kincora was not their sole or main preoccupation”.<sup>167</sup>

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166 KIN 130038.

167 KIN 75271.

In our view that conclusion is reinforced by the remarkable way DC Cullen approached ACC Meharg. Mr Caskey, a former D/Ch/Supt of great experience, described that as “extraordinary”. We agree.

- 240 There is one more matter in Roy Garland’s letter to the Inquiry which it is appropriate to consider at this stage, and that is his statement that:

“...Jim McCormick was able to tell me earlier that there were three abusers employed at the Kincora Hostel. In desperation I agreed to speak to a policeman in 1973 followed by a member of Military Intelligence in 1975.”<sup>168</sup>

and:

“By the mid-70s I was informed that three abusers were employed there.”<sup>169</sup>

However, in his response to the Inquiry of 30 November 2016 Mr Garland said this about when he learnt of the three abusers.

“I did not know about three abusers at Kincora ‘Before (I) saw D.C. Cullen’ in March 1974. However, I may have learnt about the three abusers in the latter part of 1974”.<sup>170</sup>

This is material in two respects. First of all, he now says that he learnt about this after he spoke to DC Cullen on several occasions in the earlier part of 1974 and not in 1973 as his earlier account clearly implies. Secondly, he appears to indicate that he is uncertain when he learnt that there were three abusers.

- 241 Mr McCormick did not make mention of this in his police statements. He is now dead. Roy Garland never mentioned it to the RUC or to Sussex Police in later years. Roy Garland did not say that in his Robophone message in 1973, nor to anyone such as Valerie Shaw or DC Cullen, nor in his articles in the *Irish Times* in 1982. If Roy Garland was told this at the time it means Mr McCormick and he knew something that has never been revealed before. If Mr McCormick had said something of such importance to Roy Garland before he saw DC Cullen we find it very hard to understand why Roy Garland said this for the first time so many years after these events when he has described his actions on so many occasions in the past, and that he has significantly changed the dates on which he learnt this. We do not find his evidence on this matter persuasive.

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168 KIN 130048.

169 KIN 130048.

170 KIN 130064-130065.

## Roy Garland’s Contribution

242 Although Roy Garland never said to anyone that McGrath had abused boys in Kincora, because there is nothing to suggest that he ever said that he had evidence to that effect, he was concerned throughout that McGrath would abuse boys in Kincora based upon his own experiences with McGrath. He confirmed this in his response to the Inquiry of 30 November 2016 when he said:

“My allegation [to D/C Cullen] was that abuse was highly likely at Kincora and that this should be investigated.”<sup>171</sup>

Almost all of the complaints from January 1973 onwards emanated directly or indirectly from Roy Garland. Throughout, he was in an extremely invidious position. He had been involved in homosexual acts with McGrath from his teenage years for a considerable period of time. He had been very involved with McGrath for many years in both business and politics until their business and political relationship ended extremely acrimoniously. If he went to the police or to the newspapers with his suspicions of McGrath his sexual relationship with McGrath in earlier years would be examined, and he was clearly reluctant to fully disclose the extent of that relationship. For example, although in April 1982 he admitted to the Sussex Police that on their first meeting McGrath had opened his trousers and touched him on the genitals, when interviewed by D/Supt Caskey on 12 April 1982 he said the Sussex Police had got him to explain further about McGrath and himself than he would have liked, and that he would have preferred not to have this matter discussed in depth.<sup>172</sup>

243 Nevertheless, despite this reluctance, he told DC Cullen much more about what had occurred, as can be seen from DC Cullen’s 1974 documents. We accept that despite his reluctance to discuss the detail of sexual activity with others, Roy Garland disclosed much more relevant detail to DC Cullen.

244 We wish to emphasise that we do not criticise Roy Garland for his reluctance to disclose such detail, nor for his reluctance to be a witness when he spoke to DC Cullen. We repeat that he was in an extremely invidious position. By 1974 he had broken with McGrath, and was making a new life. He was then married with children and a mature student at

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171 KIN 130063.

172 KIN 20247 and 20248.

university. Were he to become a witness, this would inevitably require him to disclose the full extent of the homosexual acts, and in the atmosphere of the time that would undoubtedly have resulted in considerable stigma attaching to himself and probably to members of his family.

245 In those circumstances it required considerable courage on his part to speak to DC Cullen at all, and to do so in the way that he did, and we commend Roy Garland for doing so. We also commend him for his unsuccessful efforts before that to ensure that the police and social services were alerted to the risks posed by McGrath to the boys in Kincora. When it was obvious to him that his anonymous and indirect attempts through others to bring these risks to the attention of social services had failed, he was prepared to approach DC Cullen in the fashion that we have described. It was not Roy Garland’s fault that his efforts fell on stony ground.

246 We consider that **there were several systemic failings of the Cullen/Meharg investigation in 1974.**

**(1) ACC Meharg should never have taken personal control of the matter, but should have directed DC Cullen to report the matter to an officer of suitable rank. Whilst it may be that ACC Meharg made himself available to officers of all ranks who sought advice, as the Sussex Police acidly observed:**

**“In continuing to liaise with DC Cullen over this matter, he was acting not so much as an Assistant Chief Constable, but as a Detective Sergeant, with the disadvantage that unlike a Sergeant he had not worked sufficiently closely with Detective Constable Cullen to fairly assess the officer’s capabilities”.<sup>173</sup>**

**(2) ACC Meharg also failed to ensure that DC Cullen recorded everything said to him by Mr McCormick or by Roy Garland, and failed to ensure that DC Cullen submitted regular written reports on the progress of the investigation.**

**(3) ACC Meharg failed to properly assess the significance of the sexual allegations, and then failed to issue clear and specific instructions as to what steps should be taken by DC Cullen.**

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173 KIN 40126.

## PART NINE

### The 1976 stage of the Cullen/Meharg investigation

- 247 The Cullen/Meharg investigations remained dormant from July 1974 until January 1976. The Hughes Inquiry stated at 4.109 of their Report that Roy Garland (whom they referred to as Informant B) contacted DC Cullen in January 1976, and expressed his concern that McGrath was still employed at Kincora,<sup>174</sup> although again DC Cullen made no contemporary note of what was said. Roy Garland did not comment on this in his letter to the Inquiry, from which we infer that he confirms he did contact DC Cullen again at this stage. It is clear that DC Cullen was spurred into action by this further approach from Roy Garland because he contacted ACC Meharg on 21 January 1976, when he was instructed to report to RUC Headquarters, “and to bring file”.<sup>175</sup> The reference to bringing a file to the meeting implies that he may have told ACC Meharg something of what he had done since their previous meetings in 1974. It also suggests that DC Cullen had compiled some material by then.
- 248 In any event, they met on 24 January 1976. No record of what was discussed appears to have been made by either DC Cullen or ACC Meharg. We consider it reasonable to assume that because approximately eighteen months had passed since they last met or discussed this matter, ACC Meharg would have asked DC Cullen to remind him about the nature of the allegations, and to say what steps he had taken, and what information, if any, he had gathered. Whatever may have been said, ACC Meharg was sufficiently persuaded that the allegations should continue to be investigated to direct DC Cullen to approach the EHSSB, as McGrath’s employers. Why he decided at that time that this should be done cannot now be established. It was an obvious next step and one we consider should have been taken in 1974. That is because if DC Cullen did tell ACC Meharg in 1974 that McGrath had engaged in homosexual acts with Roy Garland in the past, none of the other information DC Cullen had gathered, to judge by the information in the three 1974 documents we have considered, added to that crucial aspect. On the other hand, it may be that it was not until January 1976 that ACC Meharg was told, or fully appreciated, that homosexual acts had occurred, because that might explain why he revived the dormant

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174 KIN 75271.

175 KIN 40950.

investigation by instructing DC Cullen to approach McGrath’s employers. However, as nothing was recorded by either officer we cannot take that any further.

- 249 Following ACC Meharg’s instructions, DC Cullen arranged to meet Mr Bunting and did so on 19 February 1976. We have already considered this meeting, and the subsequent events, when considering the response of the EHSSB to DC Cullen’s approach. It is therefore unnecessary to go over those matters again. It is sufficient to repeat that whilst the meeting was about McGrath, DC Cullen made a passing reference to Mains as being the warden or officer in charge of Kincora. That prompted Mr Bunting to remember the Mason file, retrieve it from a drawer and show it to DC Cullen. He read it, and asked if he could have a copy. Mr Bunting told him he felt that he did not have authority to provide a copy but would seek instructions.
- 250 At a later meeting on 15 March 1976 between DC Cullen and Mr Bunting, a meeting also attended by Mr Gilliland, DC Cullen was given the Mason file. He took it away, copied it and returned the original later. It would appear he also requested a list of those residents of Kincora who had been there since McGrath’s employment started, because he was provided with such a list. It would seem that the list was provided later, because Mr Bunting directed Mr Scoular to have it compiled, and that direction appears to have been given after the meeting on 15 March.
- 251 In any event, DC Cullen had now obtained significant new information. This was in addition to the allegation against McGrath, which was an allegation from a person who was not willing to be a formal witness. The new information was that a second member of staff at Kincora had sexually approached a number of named individuals. This created an entirely new situation and suggested that there was good reason to believe that another staff member had sexually approached individuals who were named and who should be regarded as important witnesses. Because they were named, they should be traced and interviewed if possible. As well, the police had obtained a list of other residents, past and present, who could be interviewed to see if they had been sexually approached by either McGrath or Mains.
- 252 ACC Meharg told the Hughes Inquiry that DC Cullen told him about the existence of the Mason file, and although he said he thought it related

to McGrath, he directed DC Cullen to obtain a copy.<sup>176</sup> It is therefore clear that DC Cullen must have reported to ACC Meharg after his first meeting with Mr Bunting on 19 February and before the second meeting on 15 March, although no contemporary record of such a report or meeting exists. ACC Meharg told the Hughes Inquiry that DC Cullen came to see him and discussed the Mason file, and at that meeting he directed DC Cullen to get a copy because he was very anxious to see that file.<sup>177</sup> ACC Meharg insisted to the Hughes Inquiry that although he was anxious to see the file he never received it from DC Cullen.

### Transmission of the Mason file to ACC Meharg

253 ACC Meharg told the Hughes Inquiry that he expected DC Cullen to bring the Mason file to him in his office.<sup>178</sup> DC Cullen on the other hand told the Hughes Inquiry that he did not take the copy of the Mason file to ACC Meharg in person, but sent it to him through the internal RUC mail system. He did not make a record of doing so because it was so sensitive. We do not find the implication that the Mason file was never received by ACC Meharg because it got lost in the internal mail system convincing. According to DC Cullen the envelope was addressed to ACC Meharg by name. The comment on this by the Sussex Police is significant:

“There is, of course, a question mark as to whether Detective Constable Cullen posted a copy of the Harry Mason file to Mr Meharg or not. His previous practice, after obtaining information, was to pass it personally to Assistant Chief Constable Meharg, but when he departed from this habit, the copy of the file went missing. Although papers can go missing in any postal system, in this instance I think it would be wrong to unquestioningly accept that the papers were lost in the internal mail. The envelope containing the copy of the Harry Mason file was addressed to an Assistant Chief Constable, whose name was familiar to everyone using the system. One can accept that letters can be delayed or misdirected, but within an internal system typical of the type commonly in use throughout the United Kingdom Police Forces, letters marked up for Assistant Chief Constables rarely go astray.”<sup>179</sup>

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176 KIN 72218.

177 KIN 72232.

178 KIN 72235.

179 KIN 40127.

- 254 Not only did ACC Meharg expect DC Cullen to bring him the Mason file; that DC Cullen would do so would be entirely in keeping with his procedure throughout, because he always communicated significant information to the ACC in person. We consider it improbable that DC Cullen entrusted the Mason file to the internal RUC mail system, or that it got lost in that system. We consider it probable that he did report in person to ACC Meharg that he had complied with his direction, obtained a copy of the Mason file and then gave a copy of that file to ACC Meharg.
- 255 ACC Meharg accepted to the Hughes Inquiry that although he expected to receive the Mason file, he never followed up when he had not apparently received it. The only explanation he could give for not following that up was that he was in charge of a very busy department.<sup>180</sup> He accepted that the police failed in their duty to investigate,<sup>181</sup> and that it was unfortunate that he failed to follow-up the allegation,<sup>182</sup> and that in neither 1974 or 1976 was there a proper investigation.<sup>183</sup>
- 256 We are satisfied that ACC Meharg’s concessions to the Hughes Inquiry were an acceptance by him that what we have described as the Cullen/Meharg investigation in 1974 and in 1976 was not a proper investigation. We have already expressed our view on the failings of the 1974 stage of the investigation, and it is clear that some of these failings were repeated at the 1976 stage. Proper records were not made by DC Cullen or by ACC Meharg as to what was reported by DC Cullen, nor of the directions that ACC Meharg gave orally to DC Cullen. The direction he did give was apparently limited to obtaining the Mason file, because no subsequent direction appears ever to have been given. He did not pursue with DC Cullen whether the file had been obtained and if so why it had not been passed to him.
- 257 Given our conclusion that it is probable that DC Cullen did give his copy of the Mason file to ACC Meharg, in those circumstances we consider that it was ACC Meharg’s responsibility to give further and adequate directions to someone to ensure that the investigation proceeded. ACC Meharg had taken personal responsibility for the investigation; he should not have done so, either in 1974 or again in 1976, because he should have passed the matter to a senior subordinate to pursue. That

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180 KIN 72234.

181 KIN 72378.

182 KIN 72385.

183 KIN 72363.

was particularly the case in 1976, because he should have passed the Mason file to a senior and competent person for further investigation.

- 258 We consider that the Cullen/Meharg investigation was inept and inadequate at both the 1974 and 1976 stages. **We are satisfied there were the following systemic failings: it was not properly directed nor supervised by ACC Meharg; it was not properly pursued when the existence and contents of the Mason file were made known to the police in 1976 it was not pursued properly in 1976 because no instructions to do so were given to DC Cullen or to anyone else by ACC Meharg.** We consider that the responsibility for these failures rests with ACC Meharg. We have only the explanation that he gave to the Hughes Inquiry why he did not take these steps, namely that it was in effect an oversight on his part because he was in charge of a very busy department. No other explanation has been advanced.
- 259 The HSCB, as the successor of the Belfast Welfare Authority and the EHSSB, and the PSNI, as the successor of the RUC, both recognise that there were a series of missed opportunities for the discovery of the sexual offences that are now known to have been perpetrated in Kincora against the residents of the hostel during its existence. The term “missed opportunity” can perhaps be applied to some of the failings when they are considered in isolation, such as the failure to take unsubstantiated rumours seriously, or to pursue the RUC more vigorously after learning of the Cullen/Meharg investigation in 1976. However, many of the failings were more serious, notably the failure to refer the Mason file to the police in 1971, the failure of D/Supt Graham in 1974, and the failures of ACC Meharg in 1974 and 1976. We consider a more accurate description of the events we have examined in this chapter is that they amounted to a catalogue of errors on the part of the Belfast Welfare Authority, the EHSSB and the RUC, the cumulative effect of which was to fail to bring the sexual abuse of residents in Kincora to an end. That was only achieved when a thorough police investigation was put in train following the revelations in the *Irish Independent* article of 24 January 1980. Whatever the inaccuracies of that article, and we consider some parts of the article in the next chapter, had the article not been written then these crimes could well have continued unchecked.

## PART TEN

### Other allegations

260 Some further matters were alleged in the *Irish Independent* article to which we now turn, although as they were examined by the Hughes Inquiry and found by it to be groundless we can deal with them briefly. The first was an allegation that reports on certain cases were destroyed under orders from a senior member of the “Social Services Department”. No evidence has ever been forthcoming to show that any such reports were destroyed. Mrs Gogarty told the Sussex Police in 1982 that Mr Morrow told her that Mr Higham told him that Mr Higham had been taken to Stormont and shown a file that “made his hair stand on end”. Mr Morrow told the Sussex Police he remembered Mr Higham saying something to the effect that he had seen a file on Kincora which would “make his hair stand on end”, but he had automatically assumed that a reference to headquarters meant the DHSS at Stormont. The Hughes Inquiry was satisfied that the DHSS never received the Mason file, and that:

“Mr Morrow embellished what he was told by Mr Higham when passing it on to Mrs Gogarty, who was thereby misinformed”.<sup>184</sup>

261 Another allegation related to a report in the journal *Social Work Today* on 12 January 1982 which said that Brian Todd, who was involved with the 23 January 1974 anonymous call received at the Hollywood Road office, claimed to have:

“Relayed in 1976 information from an anonymous complainant living near the home [i.e. Kincora] that she had seen a member of staff interfering with a boy inside the establishment”.<sup>185</sup>

The article went on to say that Mr Todd told Mrs Wilson, and filed a report on the incident which was now (i.e. in 1982) in the hands of the police, and which was one of two complaints that resulted in no prosecution.<sup>186</sup> There is no trace of any such complaint in 1976 ever being received by the EHSSB, or having been investigated by the police. This matter was thoroughly investigated in the Caskey Phase Two investigation. D/ Supt Caskey, as he was then, concluded that this was a reference to

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184 KIN 75287.

185 KIN 21072.

186 KIN 21073.

the 23 January 1974 anonymous call, and observed that Mr Todd said in an interview with DC Mack that he had a vivid imagination which sometimes ran wild with him.<sup>187</sup> This would appear to be a further example of a mistaken recollection of events from a number of years before being distorted in the account that that person then placed in the public domain.

- 262 The Hughes Inquiry established that there was no file on the allegations in Strandtown RUC Station, unless of course the investigation following the anonymous phone call in 1973 could be said to be such a file. Nor was there a file in Donegall Pass RUC Station, unless the papers put together by DC Cullen could be so described. No file on any of the allegations had been submitted to the DPP by this stage because no such files existed.

## Joss Cardwell

- 263 Joshua Cardwell, or “Joss” Cardwell as he was always known, was a Belfast councillor for many years. In that capacity he served on the relevant committees that were responsible for Kincora. Until the hostel became the responsibility of the EHSSB in 1973 he was the chairman of the relevant committee, and after 1973 continued his involvement with the hostel as a member of the EHSSB’s Personal Social Services Committee. Both these bodies were required by law to have regular visits to Kincora carried out by their members, and he therefore visited Kincora regularly in his official capacity. After 1973 he did so on a rota basis. His name therefore appeared in the Kincora visitors’ book on many occasions.
- 264 On page 101 of *“The Kincora Scandal”* Chris Moore claimed that Joss Cardwell was a member of a small homosexual coterie which included Mains and the late John Young, who was the Town Solicitor in 1971 when the decision was made not to refer the Mason file to the police. At pages 110-113 Mr Moore described in some detail the nature and reasons for his suspicions that Joss Cardwell had been sexually abusing children who were residents at Kincora. At page 113 he concluded:
- “It is difficult to avoid the conclusion that Cardwell, with his personal knowledge of Mains, must have been aware of some of the complaints about Kincora going back over the years he served as councillor. He

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187 KIN 20520.

must have seen Mains in homosexual activity with some of the more willing participants and as an elected representative his duty was certainly to the welfare of young men in care. Given that Mains was known to treat boys at Kincora by taking them out and about in his car, it is very difficult to believe that Cardwell did not have suspicions.”

- 265 No evidence was given to support the suspicions that Cardwell either sexually abused residents at Kincora himself, or was present when others did so. George Caskey, now retired from the police, gave evidence to our Inquiry in a written statement and in person on Day 217. He confirmed that Joss Cardwell was only questioned by the police because his name was brought up by a journalist, in other words by Mr Moore. He was interviewed by the then D/Supt Caskey and DI Mack on 23 March 1982. He explained that he visited Kincora on many occasions in his capacity as a councillor, but denied ever taking boys out, or having them in his home. He denied attending religious meetings held by McGrath, or knowing that Mains, Semple or McGrath were homosexuals. He recounted that some weeks before, Mr Moore called at his home and said he would like to discuss Kincora. Mr Cardwell also said that he had received a phone call from the representatives of a Dublin newspaper on the same subject. He told both members of the press he would not discuss the matter.<sup>188</sup>
- 266 On 25 April 1982 Mr Cardwell was found dead in his garage, and an inquest on 28 July 1982 found he died as a result of carbon monoxide poisoning from the exhaust of his car. When re-interviewed on 2 July 1982 by D/Supt Caskey as to the source of his remarks, Mr Moore would not reveal the source of his information, even though Joss Cardwell was now dead.<sup>189</sup>
- 267 No evidence was given to support the suspicions that Joss Cardwell may have sexually abused residents at Kincora, or been aware of such abuse. In his evidence to the Inquiry on Day 217, Mr Caskey confirmed that at no time during his investigations did anyone make any allegations against Mr Cardwell. So far as our Inquiry has been able to ascertain, no one has ever done so.

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188 KIN 20082.

189 KIN 20520.

## Concluding remarks

- 268 In this chapter we have examined the concept of Kincora, the way it was staffed, organised, supervised and inspected. We have also examined the manner in which the Belfast Welfare Authority, followed by the EHSSB and then the RUC responded to concerns that were made known to them about Kincora in various ways and at various times from 1967 onwards. We have expressed our conclusions on the way each of those organisations responded to what they were told. We repeat that it was not simply the case that there were missed opportunities, because we consider there was a catalogue of failure on the part of each of these organisations. It is inevitably speculation, to some degree at least, to try to assess after the event what might have been the result had each failure or missed opportunity been avoided.
- 269 Nevertheless we are satisfied that there were four major occasions when a thorough police investigation could and should have been brought about. These were the recommendation by Mr Mason in 1971 that the allegations be referred to the police, D/Supt Graham’s failure to give proper instructions to Mountpottinger CID, and the initiatives taken by Roy Garland in 1974 and 1976 in approaching DC Cullen that brought about the Cullen/Meharg investigation. We have explained why we consider that the investigation was inept, inadequate and fell far short of being thorough. Each of these occasions could have, and perhaps would have, led to investigations which exposed what had happened so far and as a consequence prevented other residents from being abused.
- 270 It is true that so far as McGrath was concerned he made no admissions when he was questioned by the police, but Mains and Semple did. Semple was arrested at his home at 8:20am on 1 April 1980, and questioned under caution from 9am onwards. The statement of D/Sgt Graham shows that after a few questions Semple admitted sexual activity with one of the residents. By the time the first interview finished some three and a half hours later, Semple had made a large number of admissions and incriminating remarks implicating Mains and McGrath. Mains was being interviewed at the same time, and by the end of his first interview had also made damaging admissions. Therefore within less than three months from the start of the investigation the RUC had traced, and obtained statements from, several former residents of Kincora, and two of the three members of staff questioned as a result had admitted sexual offences. Had a similar investigation been started

by competent and experienced detectives even as late as 1976, we see no reason to doubt that it would have been successful in exposing what had happened by then. That could have prevented the abuse that was perpetrated by McGrath after 1976 at the latest. Perhaps even in 1974 a similar investigation would have exposed what had happened by then, although McGrath had only assaulted some of the residents that it became clear he had assaulted in later years. Given that any such investigation in 1974 would have involved Semple, who was plainly the most likely of the three to have confessed as he did in 1980, we consider it reasonable to infer that even in 1974 a thorough and competent investigation may have been successful.

## **PART ELEVEN**

### **Communication from Councillor Jeffrey Dudgeon**

271 The Inquiry’s programme of public hearings concluded on 8 July 2016 at the end of Module 15. On 14 July 2016 Councillor Jeffrey Dudgeon sent an email to the Inquiry in which he referred to action by the RUC in January 1976 when he and a large number of other individuals were questioned on suspicion of homosexual offences and other matters. Councillor Dudgeon suggested that the RUC actions at that time may explain why ACC Meharg did not pursue the matters reported to him by DC Cullen in January 1976. Mr Dudgeon pointed out that he had been arrested on 21 January 1976 and had been driven home by an officer he thought was DC Cullen. He said this officer:

“...indicated he was unhappy with what was happening and could not understand why the gay aspect needed pursued in our case. He almost apologised.”

272 Mr Dudgeon said this at the end of his email:

“In conclusion, the RUC Gay Squad was in my opinion acting to stamp out what was felt to be a criminal conspiracy by gay organisations and it would appear that this was the view of ACC Meharg who presumably set the squad up and put the extensive process in train. Plainly it dominated his mind and endeavours over the months from January 1976 (and perhaps a littler [sic] earlier) and as a result, I would suggest, Kincora was not considered worth pursuing. If accurate, it would seem he was well aware and well informed of the subject matter and its complexities.”

- 273 Although the Inquiry concluded its public hearings into Kincora on 8 July 2016, further investigative work was carried out by the Inquiry after that date. Part of that involved a request from the Inquiry to the PSNI to provide a response to Mr Dudgeon’s email. The Inquiry subsequently received a further statement from Detective Chief Superintendent Clarke relating to these matters. We are satisfied that Mr Dudgeon is mistaken in his belief that the officer who drove him home on 21 January 1974 may have been DC Cullen. Police records show that it was a different officer, and there is nothing to suggest that DC Cullen, or indeed DC Scully to whom Mr Dudgeon also referred, were involved in any way in these events.
- 274 We are satisfied there was a police investigation in 1976 which was instigated following a complaint to the police. This investigation, and the manner in which it was carried out, was the subject of complaints by Mr Dudgeon and a number of the individuals involved, relating to matters which do not bear on this Inquiry’s consideration of Kincora. We are satisfied that none of those questioned had any connection whatever to Kincora. We are satisfied that ACC Meharg was kept informed of the progress of the investigation, supervised it, briefed colleagues on it, and that it was he who sought and received directions from the DPP.
- 275 We consider the only relevance of this investigation to the work of this Inquiry is that ACC Meharg supervised what appears to have been a substantial police investigation into alleged homosexual offences during the early part of 1976. The information provided to the Inquiry about that investigation suggests that it appears to have proceeded in a conventional fashion so far as police procedures were concerned; that is quite unlike the way the Cullen/Meharg investigation was conducted in 1974 or in 1976. As can be seen from the events we have examined earlier in this chapter, the Cullen/Meharg investigation was revived in January 1976 following Roy Garland’s renewed approach to DC Cullen. We see no reason to believe that the arrest of Mr Dudgeon and others on 21 January 1976, the same day that DC Cullen contacted ACC Meharg, were connected in any fashion. That ACC Meharg behaved in a conventional procedural fashion in relation to one investigation but did not do so in relation to the Cullen/Meharg investigation is clear from our examination of the way in which that was carried out. Events referred to us by Mr Dudgeon do not enable us to explain why there was such a difference in the way in which ACC Meharg dealt with the investigation involving Mr Dudgeon and others and the Cullen/Meharg investigation.

## Summary of systemic failings

### Belfast Welfare Authority and the EHSSB

276 There were the following systemic failings in the way Kincora operated.

- (1) Too many children were admitted into Kincora who were too young to be placed in such an environment.
- (2) Too many of these children spent too long in an unsuitable environment when they were admitted.
- (3) There were insufficient care staff throughout its entire existence, and in particular to deal with the younger children who were placed in Kincora from time to time.
- (4) The way the adolescents were looked after in Kincora created an attitude of dependence, exacerbated by inadequate preparation for independent living after they left Kincora.
- (5) There were poor terms and conditions of employment for care staff.

277 The way the 1967 complaints were addressed.

- (1) Mr Mason should have decided that Main’s conduct constituted prima facie indication of wrongful conduct.
- (2) The Town Clerk’s department should have given a clear response to Mr Mason’s recommendations, and the response should have been properly recorded.
- (3) Clear procedures should have been devised and put in place to ensure that any further complaints in relation to Kincora were reported to the City Welfare Officer.
- (4) Clear instructions should have been issued in written form to Mr Moore, setting out the steps he was to take, especially to ensure closer supervision of Kincora in the future.
- (5) Mains should have been given a strong and formal warning as to his conduct on this occasion, together with explicit instructions as to how he was and was not to behave in future.

- 278 **The way the 1971 allegations were addressed.**
- (1) The failure by the Town Clerk and the Town Solicitor to refer the 1971 allegations to the Police.**
  - (2) The failure to record the initial interviews of R 8 and R 38 so that these could be added to the Mason file before it was sent to the Town Solicitor.**
  - (3) The apparent failure to record the reasons for not referring the matter to the police.**
  - (4) The failure to inform the chairman of the Welfare Committee of the allegations and the decision not to refer them to the police.**
  - (5) The failure of Mr Mason to take each of the following steps after the 1971 decision not to refer the allegations to the police.**
    - (i) To reiterate that Mains should avoid doing anything with the residents that could lead to allegations of impropriety on his part.**
    - (ii) He should have informed Mrs Wilson and Mr Bunting of the allegations and instructed them to keep a very close eye on both Mains and Kincora.**
    - (iii) He should have put in place a formal procedure within the department in order to ensure that any further allegations about Kincora, and indeed any home or hostel that was the responsibility of the Welfare Authority, should be collated and referred to him, or in his absence to his deputy, for immediate attention.**
- 279 **The failure by Mr Scoular to report the investigation into the allegations against McGrath to the Director of Social Services, and to the police.**
- 280 **The failure by any of those in social work circles, whether in the EHSSB or elsewhere, who were privy to such rumours to report them to their senior managers or to an appropriate person in the EHSSB if they themselves were employed by the EHSSB.**
- 281 **The way Mrs Fiddis's report was dealt with by the EHSSB.**
- (1) No written record was made of what she had to say.**
  - (2) Miss McGrath did not follow the matter up by contacting Mrs Fiddis to see whether she could add anything to the account she had given to Miss Reynolds.**
  - (3) Miss McGrath did not tell Mr Scoular about the call.**

- 282 **The failure of Mr Scoular to tell Mr Bunting about the January anonymous call when Mr Bunting briefed him on the Cullen/Meharg investigation.**
- 283 **The response to the Cullen/Meharg investigation.**
- (1) **The Director of Social Services should have given clear written instructions to Mr Scoular to: (a) increase supervision of Kincora, McGrath and Mains; and (b) to share the Mason file with Miss McGrath and Mr Higham when he succeeded her.**
  - (2) **Mr Scoular should have told Mr Bunting about the January 1974 anonymous phone call.**
  - (3) **The Chairman and members of the EHSSB, the Chairman of the Personal Social Services Committee, and the DHSS, should all have been informed of the existence of the Cullen/Meharg investigation on a confidential basis, and that it involved a member of the EHSSB staff working in a residential hostel.**
  - (4) **Written approaches should have been made by the Director of Social Services to ACC Meharg at regular intervals, starting no later than 17 March 1977, in order to find out what was happening to the Cullen/Meharg investigation.**
- 284 **Mr Scoular’s failure to “grasp the nettle”, and to report R 18’s allegations about McGrath to Board headquarters.**
- 285 **All communications within the Board relating to these matters should have been properly minuted or recorded and added to the Mason file.**
- 286 **The failure by Mr Scoular to report the matters relating to R 18 and Richard Kerr to Board Headquarters.**
- 287 **Mr Blair’s failure to find out more about the basis of Mrs Kennedy’s concerns, and to tell the East Belfast and Castlereagh Residential and Day Care management about them.**

## **The Ministry of Home Affairs and the DHSS**

- 288 **There were insufficient inspections of Kincora by central government.**

## **The RUC**

- 289 **The failure of the RUC to approach the EHSSB at a higher level than Mains was a systemic failing on the part of the police in the RUC division to whom the anonymous call was referred for investigation in 1973.**

- 290 **The failures by D/Supt Graham to take the following steps.**
- (a) Make a record of his meeting with Miss Shaw.**
  - (b) Take adequate steps to launch a formal police investigation.**
  - (c) To give a written instruction for that to be done.**
  - (d) To follow the matter up and leave instructions for his successor.**

### **The Cullen/Meharg investigation**

- 291
- (1) ACC Meharg should never have taken personal control of the matter, but should have directed DC Cullen to report the matter to an officer of suitable rank.**
  - (2) ACC Meharg failed to ensure that DC Cullen recorded everything said to him by Mr McCormick or by Roy Garland, and failed to ensure that DC Cullen submitted regular written reports on the progress of the investigation.**
  - (3) ACC Meharg failed to properly assess the significance of the sexual allegations, and then failed to issue clear and specific instructions as to what steps should be taken by DC Cullen.**
  - (4) ACC Meharg did not properly direct or supervise DC Cullen.**
  - (5) The investigation was not properly pursued when the existence and contents of the Mason file were made known to the police in 1976 because no instructions to do so were given to DC Cullen or to anyone else by ACC Meharg.**