

## Contents

Chapter	Page
29     Module 15 – Kincora Boys’ Home . . . . .	2

## **Chapter 29:**

### **Module 15 – Kincora Boys’ Home (Part 2)**

#### **Summary of Conclusions**

- 1 In the preceding chapters we examined in detail:
  - the experiences of the residents in Kincora;
  - the way in which the Belfast Welfare Authority and the Eastern Health and Social Services Board responded to complaints and concerns made known to them about the actions of Mains and McGrath in Kincora;
  - the way in which the RUC responded to the complaints and concerns relating to Mains and McGrath made known to it;
  - what the intelligence agencies knew of abuse of residents in Kincora during the 1970s; and
  - the response of the Government in later years to those allegations.
- 2 In this chapter we draw together in summary form our conclusions on the various matters relating to Kincora that we examined in the preceding chapters. These conclusions are intended to be read in conjunction with our detailed examination of the evidence, and subject to the fuller reasons for our conclusions that we expressed in those chapters.
- 3 Despite the convictions of Mains, Semple and McGrath in 1981 allegations have persisted that state agencies were either complicit in, or turned a blind eye to, the sexual abuse of residents in Kincora. As we have explained, during the 1980s there were four major RUC investigations into various allegations about Kincora. The first of these investigations (Caskey Phase One) resulted in the convictions of Mains, Semple and McGrath. Because the three defendants pleaded guilty this meant that only a relatively brief explanation of the facts relating to their offences was outlined in court.
- 4 Because the Caskey Phase Two, Three and Four investigations did not result in prosecutions, the details of those extremely comprehensive investigations have not been publicly disclosed until this Inquiry. Although Sir George Terry, D/Supt Harrison and D/Supt Flenley from the Sussex Constabulary reviewed the way in which the Caskey Phase One investigation had been carried out, and oversaw the Caskey Phase

Two and Phase Three investigations, the detailed work done by D/ Supts Harrison and Flenley has never been publicly examined until now because Sir George Terry only published his conclusions.

- 5 In 1984 and 1985 the Hughes Inquiry thoroughly examined some of the allegations relating to Kincora as part of its wider examination of the sexual abuse of children in a number of local authority homes and hostels. However, its restricted Terms of Reference confined its examination to the actions of Social Services. The actions of the RUC were only touched upon in that Inquiry in the context of what the EHSSB officials were told in 1976 in connection with the Cullen/Meharg investigation. The Hughes Report was published in 1985, but copies are scarce and it is not readily available. In addition, the transcripts of the evidence given largely in public in over 60 days of hearings, much of which related to Kincora, were not publicly available.
- 6 A great deal of relevant information about Kincora has therefore never been disclosed before, nor has it been examined, over the 36 years since the sexual abuse of residents in Kincora came to public attention. During those 36 years many allegations have been made by journalists, writers, public representatives and others about what they say did happen, or believe may have happened, in relation to the involvement in, or knowledge of, sexual abuse of residents at Kincora by people other than Mains, Semple and McGrath.
- 7 As a result the subject of Kincora, and what did or did not happen to the residents there, and what was or was not known about that abuse before it was exposed in 1980, came to resemble a deserted building so completely overgrown that it was extremely difficult to identify any parts of the original building apart from the outline of the structure and some of its principal features. This Inquiry carried out the first public examination of a mass of evidence that has hitherto not been publicly revealed, some of which came from sources which have not hitherto been examined by any person outside government and the intelligence agencies.
- 8 As a result of our examination of all of this material we believe that we have stripped away the overgrowth of decades of ill-informed comment, half truths and deliberate misrepresentations which have all too often masqueraded as established facts because they have been constantly repeated without critical analysis by, or real knowledge on the part of,

those who have offered public comments about the nature and extent of the sexual abuse of residents in Kincora, and what state agencies did or did not know about that abuse during the 1970s. We have established that the sources of many of the allegations were untruthful, inaccurate or mistaken in what they said had happened.

- 9 Kincora was established as a working boys’ hostel in 1958. Although the concept of a working boys’ hostel was an excellent one, and there were positive aspects to the way it operated, such as the efforts made by Mains to find employment for the boys, there were several systemic failings in the way it operated. It was never adequately staffed, and this meant that for significant periods only one member of the care staff was on duty in the building. Although some residents were under school leaving age, most had left school and so were usually in work. If a boy was unemployed, or absent from work due to illness or for some other reason, this often meant that he would be on his own in the hostel during the day.
- 10 Because most of the residents were boys of working age they were able to come and go with much greater freedom than would have been the case if they were younger residents in a children’s home. Many residents went out socially at night or weekends, whether to go to pubs or to go home to their families in some cases. For all of these reasons it was not uncommon for a resident to be on his own in the house at some point during the day or at night before everyone retired to bed.
- 11 Kincora was a hostel for boys who had reached school leaving age, but too many children were admitted to Kincora when they were under school leaving age. These children were too young to be placed in such an environment, and too many of them spent too long in that environment when they were admitted. In addition, there were insufficient staff with appropriate training or experience to deal with such young children.
- 12 Understaffing also meant that staff had to work very long hours, particularly in the case of Mains during the early years, when he was the only member of the care staff for a very long period of time. This meant that he was effectively expected to be on duty all the time. This was very poor practice, and the long hours and low pay put significant pressure on staff, and meant that recruitment of suitable staff was very difficult. This was demonstrated when Semple resigned in 1966 and the Belfast Welfare Authority were unable to find a long-term permanent

replacement for him. This meant that when Semple applied for the vacancy created by his own resignation he was reappointed because a suitable person could not be found, despite Mains’s knowledge of Semple’s sexual abuse of residents. The insufficient levels of staff provided Mains, Semple and McGrath with opportunities which they exploited to target their victims when no one else was about to see what was happening, or to suspect what was happening.

- 13 Whilst Mains and Semple knew each other before Semple was appointed as deputy warden, and Mains definitely knew of Semple’s sexual abuse of residents before Semple was reappointed, there is no evidence either knew McGrath before he was appointed.
- 14 The evidence suggests that by the time McGrath was appointed Mains had stopped sexually abusing residents, and was engaged in a long-term homosexual relationship with an ex-resident. Semple did not engage in sexual abuse of residents after he was reappointed, and found outlets for his sexual urges elsewhere. This meant that McGrath was the only member of staff who abused residents between his appointment in the summer of 1971 until the home was closed in 1980.
- 15 The way the adolescent boys in Kincora were looked after meant that far too much was done for them by the domestic staff. We consider this created an attitude of dependence by the boys on the staff, and this dependency was exacerbated by inadequate preparation of the residents for independent living when they left Kincora.
- 16 The Ministry of Home Affairs, and then the DHSS, failed to maintain an adequate inspection regime of the hostel.
- 17 Kincora opened in 1958 and closed in 1980. During that time 309 boys resided in the hostel. In their investigation in 1980 the RUC took 1963 as the starting point for their investigation. Of the 245 boys who resided in Kincora between 1963 and 1980, 104, (42% of the total), were traced and interviewed by the police. We now know that 38 boys were abused at some point during Kincora’s existence. Although not all the surviving former residents could be traced, or have since come forward, it can be seen from these figures that the great majority of those who were traced were not sexually abused during their time in Kincora.

- 18 Indeed the great majority of residents of Kincora who were interviewed by the police were unaware at the time of what was happening in the hostel, and were very surprised to learn of the allegations that emerged afterwards. For example, of 92 former residents of Kincora between 1966 and 1980, 76 (that is 88.33%) told the police they were surprised by the allegations of the extent of sexual abuse that took place during their time in Kincora, even though some of them described how they themselves were abused, or had engaged in homosexual activity with others, whether with McGrath or other residents.
- 19 It may seem strange that so many of those who were in and out of Kincora in various capacities, not just the residents but the domestic staff and visitors, were unaware of what was happening, but there was a consistent pattern of concealment of their behaviour by Mains, Semple and McGrath.
- 20 They approached boys who were vulnerable, or who they thought might be easily intimidated. If their initial approaches were firmly rebuffed they generally did not approach that person again. If they did, they went to considerable lengths to approach the boy when others were not around.
- 21 During McGrath's time at Kincora he appears to have often worked in the evenings and in the mornings, when Mains or Semple was not about, because the duties involving the supervision of the residents were distributed between all three. Mains had other administrative duties as well, and our impression was that more of the direct supervision of the residents in the 1970s was carried out by Semple or McGrath, and because of the way their duties were arranged McGrath was often on duty on his own.
- 22 When complaints were made by residents, first of all to the Belfast Welfare Authority, and later to the EHSSB, these were not properly dealt with. In 1967, when the first complaints were received, Mr Mason decided that Mains's conduct did not amount to a prima facie indication of wrongdoing. We consider that he was wrong to do so. The Town Clerk's Department was wrong not to implement Mr Mason's recommendations that clear procedures be put in place to ensure that any further complaints about Kincora were properly reported to the City Welfare Officer. Written and clear instructions should have been given to relevant managers for the closer supervision of Kincora in the future.

- 23 Again in 1971 the Town Clerk and Town Solicitor did not report the allegations to the police as they should have done. Following the decision not to report the allegations to the police the following steps ought to have been taken.
- 1 It should have been re-emphasised to Mains that he should avoid doing anything that could lead to allegations of impropriety.
  - 2 Instructions should have been given that a very close eye was to be kept on both Mains and Kincora.
  - 3 Procedures should have been put in place to ensure further allegations about Kincora were properly collated and then referred to the City Welfare Officer, or to his deputy, for immediate attention.
- 24 After 1971 and throughout the remainder of the 1970s, anonymous phone calls and rumours that appear to have circulated about Kincora amongst staff and other social workers were not made known to senior staff in the EHSSB as they ought to have been.
- 25 When the RUC told the EHSSB in 1976 of the allegations against McGrath, the EHSSB did not give clear written instructions to ensure that there would be increased supervision of Kincora, of Mains and of McGrath, and staff did not pass to the EHSSB management important information about allegations against McGrath. EHSSB management did not take sufficient steps to press the RUC to find out what was happening with the RUC investigation.
- 26 In 1974 when the RUC became aware of the allegations made by Roy Garland against McGrath, about which he reminded them in 1976, the Cullen/Meharg investigation was inept, inadequate and far from thorough. The response in 1974 by D/Supt Graham to what he was told by Valerie Shaw about McGrath was wholly inadequate.
- 27 It was not simply the case that over these years there were a small number of missed opportunities by the Belfast Welfare Authority, by the EHSSB and by the RUC. There were so many failings by all of these agencies that they amount to a catalogue of failures by each. Had the 1971 allegations been reported to the RUC, as they should have been, or if an effective investigation had been carried out by the RUC in later years, it is reasonable to infer that a thorough and competent investigation by trained detectives may have been successful in exposing the abuse in 1976, and possibly even in 1974. This would have meant

that those who were sexually abused after 1976, and possibly after 1974, would have been spared their experiences.

- 28 Over the years, much attention has been devoted to what the RUC, MI5, the Secret Intelligence Service and Army Intelligence knew about the sexual abuse in Kincora, when they knew and what they did with that knowledge. We are satisfied that the interest of the RUC Special Branch, of MI5, of SIS and of Army Intelligence in William McGrath was solely because he was the commanding officer of Tara. Their interest in Tara came about because there were indications that this clandestine organisation, although it claimed to be a peaceful organisation designed to function only if there was a complete breakdown of law and order, might turn into another armed Loyalist terrorist organisation. There were reports that members of Tara were trying to obtain, or had obtained, quantities of arms, and that many of its members were members of the Ulster Volunteer Force, a Loyalist terrorist organisation.
- 29 We are satisfied that the RUC Special Branch first learned of William McGrath in July 1966 when he was reported as present as one of the platform party at a rally led by the Reverend Ian Paisley in the Ulster Hall in Belfast. McGrath was otherwise an unknown figure. In 1971 MI5 learned that a man named McGrath was reported to be the OC of Tara. However, despite efforts to establish who this person was, and gathering much information about him that was inaccurate, it was not until April 1973, 20 months later, that RUC Special Branch identified the Commanding Officer of Tara as the William McGrath seen on the platform in 1966. It seems that it was not until November 1973 that MI5 learned that the OC of Tara and McGrath were one and the same person, probably as the result of a letter sent to MI5 in November 1973 by RUC Special Branch.
- 30 The intelligence agencies soon concluded that Tara was not a significant force, and they only paid intermittent attention to it and to McGrath in succeeding years.
- 31 By May 1973 both RUC Special Branch and other RUC officers knew that McGrath was reputed to be homosexual, but they had no proof of this. It was not until Roy Garland spoke to Detective Constable Cullen on 1 March 1974 that the RUC received an allegation that McGrath had engaged in homosexual conduct of a grooming nature in the past with Roy Garland when Roy Garland was a teenager. For understandable



reasons Roy Garland was not prepared to come forward to give evidence at that time, and the result was that the RUC had a witness who would not appear in court and who was describing events involving homosexual acts that had occurred a considerable number of years before.

- 32 Although in 1973 the RUC Special Branch were aware of the allegation that McGrath was homosexual from another source they did not pass the information relating to the other source to their RUC colleagues as they should have done. Had Special Branch passed on that information then their RUC colleagues, whether in CID or in uniform departments, could have added it to the information that they had already received from the anonymous Robophone message.
- 33 Despite Roy Garland’s commendable efforts to alert Social Services and the RUC to the risk he accurately identified that McGrath might be taking advantage of his position in Kincora to sexually assault residents there, just as he had sexually assaulted Roy Garland when a teenager, Roy Garland’s efforts to do so were unsuccessful through no fault of his own.
- 34 Although the RUC (SB), MI5, SIS and Army Intelligence were all aware of allegations that McGrath was homosexual, such allegations were common at the time against various political and other figures. In the absence of positive evidence of homosexual acts there was little that could be done by these agencies.
- 35 We are satisfied that it was not until 1980 that the RUC Special Branch, MI5, the SIS and Army Intelligence became aware that McGrath had been sexually abusing residents at Kincora, and they learnt of that when it became the subject of public allegations and a police investigation was launched. All four agencies, whilst aware that McGrath was alleged to be homosexual, had no proof of that. They were aware that he worked in a boys’ hostel where he was in a position of authority.
- 36 However, by November 1973, MI5, unlike the other three agencies, were also aware that the person who had by then been identified as William McGrath had been accused of “assaulting small boys” in April 1972. By virtue of Section 5 (1) of the Criminal Law Act (Northern Ireland) 1967 MI5 officers were subject to the same legal obligation as everyone else in Northern Ireland to report the commission of an “arrestable offence” (that is an offence punishable by five years imprisonment) to the police where they knew or believed that such an offence, or some

other arrestable offence, had been committed. An alleged assault on small boys could, depending on the nature of the alleged assault, have been an arrestable offence which ought to have been reported to the police.

- 37 With the benefit of hindsight, and in the light of what is now known about McGrath’s abuse of residents in Kincora, it might be argued it was the duty of MI5 to bring to the attention of RUC Special Branch that MI5 had received a report that McGrath had been accused of assaulting small boys, and that by not doing so the MI5 officers who had this information were in breach of that duty. However, we consider that to take that view would be unjustified for several reasons. First of all, although the information was known to MI5 because it had been received eighteen months before, eighteen months separated the receipt of that information and the information confirming the identity of William McGrath as the leader of TARA. Secondly, the information came to MI5 in a letter from James Miller who was simply reporting what an unidentified source said at a time when unsubstantiated allegations of discreditable behaviour by TARA members about each other were commonplace, and the report was therefore assessed as being of dubious reliability. Thirdly, the MI5 officers were concentrating on establishing what sort of organisation TARA was, and whether it could be a possible Loyalist terrorist group in the context of the extremely volatile political and security circumstances of that time. In all of those circumstances we do not criticise them for failing to appreciate the significance of this information.
- 38 We consider that had this information been passed to the RUC Special Branch, and by it to their CID and uniformed colleagues, that information may still not have made a significant difference to the approach of the RUC. The RUC had received, and was to receive, much more detailed allegations from the Robophone message, from Valerie Shaw’s conversation with D/Supt Graham, and from Roy Garland’s conversation with DC Cullen that brought about the Cullen/Meharg investigation. An anonymous allegation of assault on small boys in an unspecified context and at an unknown point in time that had been passed by MI5 might not have added much, if anything, to that information. On the other hand, we consider that if it came from MI5 it might have prompted the RUC to look at the existing information it held about McGrath and to investigate it more robustly.

- 39 Based on our extensive examination of a very large number of files held by RUC Special Branch, by MI5, by SIS and by the Ministry of Defence, we are satisfied that McGrath was never an agent of the State, although he may have enjoyed creating an air of mystery about his activities, part of which may well have involved him hinting at, or implying in an oblique fashion, that he was an agent of the State.
- 40 Not only have we found no evidence to indicate that McGrath was an agent of any of the four agencies, we have found many documents and references which very strongly indicate that he was not an agent. For example, the discussion in early 1977 between MI5 and the SIS that it might be worthwhile penetrating Tara. Why would this be necessary if the Commanding Officer of Tara was already an agent? Another indication that McGrath was not an agent was the way he was named in a number of Daily Intelligence Summaries, some of which at least were intended to be read by a large number of individuals. To broadcast an agent’s name in that way would be contrary to all intelligence practice, and that McGrath’s name was circulated in this fashion strongly suggests he was not an agent or even a source.
- 41 No doubt there will be some who argue that such considerations can be explained away as Machiavellian cunning to conceal his status as an agent by placing him in full sight. However, the reality was that William McGrath was a sexual pervert who had political and religious views of an extreme and bizarre type who managed to trick gullible young men who were interested in political matters into regarding him as an important political figure. In reality we consider that William McGrath was never more than a minor player on the wider political stage who managed to create a spurious air of self-importance through Tara at a time of great political instability, communal violence and terrorist activity. Tara was never more than an organisation of occasional interest to the intelligence agencies.
- 42 There have been frequent allegations that various individuals, including Sir Maurice Oldfield, a former head of the Secret Intelligence Service who was later the Security Coordinator in Northern Ireland, and a number of named and unnamed Northern Ireland Office Civil Servants, and unnamed business men and other prominent figures, resorted to Kincora for sexual purposes. We are satisfied there is no credible evidence to support any of these allegations. Kincora was a small hostel and for most of its existence had only nine or fewer residents

at any one time. As we have already pointed out, the great majority of all of those residents who were interviewed by the Sussex Police were very surprised at such allegations and did not believe them to be of any substance.

- 43 There were a small number of former residents of Kincora who returned to Kincora as visitors and who engaged in consensual homosexual activity with Mains, or on a small number of occasions, with some of the residents. A number of residents engaged in consensual homosexual activity with each other, or did so with others away from Kincora in circumstances which were completely unconnected with Kincora. We are satisfied that Kincora was not a homosexual brothel, nor used by any of the intelligence agencies as a “honey pot” to entrap, blackmail or otherwise exploit homosexuals.
- 44 Both the Belfast Town Clerk and the Town Solicitor died before the Hughes Inquiry investigated the sexual abuse at Kincora. The reasons why the Town Clerk and the Town Solicitor decided not to accept the recommendation made by Mr Mason in 1971 that the complaints against Mains should be reported to the RUC were never recorded. There are a number of possible reasons why they took this step. One was that they did not agree that the information contained in Mr Mason’s report was sufficient to justify the matter being reported to the police. If that was their reason then that was a wrong decision. Another reason may have been to protect the Belfast Welfare Authority from the embarrassment that would flow from a police investigation into a boys’ hostel under its control. Another explanation may have been that either or both were determined to protect Mains from exposure as a homosexual. That would only be a possible consideration were there evidence to show that either the Town Clerk or the Town Solicitor knew that Mains was a practising homosexual. In the absence of any evidence, each of these possible reasons is no more than speculation.
- 45 Apart from that unexplained decision, we are satisfied that there were no attempts by the Belfast Welfare Authority or the EHSSB to engage in a “cover-up”, that is concealing from relevant individuals or authorities their knowledge of, or information about, wrongdoing by Mains, Semple or McGrath.
- 46 We are satisfied that Mr Wallace was moved from his post in the Army Information Service at HQNI, and subsequently dismissed, solely

because there was very strong circumstantial evidence that he had been engaged in, and was still engaged in, the unauthorised disclosure of classified documents and information to journalists. We are satisfied that whatever he claims to have known about Kincora had nothing whatever to do with his posting to Preston or his subsequent dismissal.

- 47 We are satisfied that Mr Wallace was treated unjustly in two respects connected with the subsequent appeal he brought against his dismissal to the Civil Service Appeal Board. First of all the MoD did not reveal to the CSAB the full job description which had been prepared showing the true nature of his work. Secondly, the MoD briefed the Chairman, and then the Deputy Chairman, of the CSAB with information that was not made known to Mr Wallace, to his representative, or to the other members of the Board who sat on his appeal. That they did so, and that the gentleman concerned received the information, was thoroughly reprehensible and should never have happened.
- 48 These injustices were accepted by David Calcutt QC in his report to the MoD in which he recommended that Mr Wallace be paid £30,000 compensation. We understand that Mr Wallace eventually accepted this amount.
- 49 For the reasons we have given in the previous chapter we do not regard Mr Wallace as truthful in his accounts of what he knew about sexual abuse in Kincora, or of what he did with that knowledge, between 1972 and 1974. In particular, for the reasons we have given, we do not accept that the critical document of 8 November, 1974 was authored at that time.
- 50 During the Caskey Phase Three investigations MI5 consistently obstructed a proper line of enquiry by their refusal to allow the RUC to interview a retired MI5 officer, and by their refusal to authorise that retired officer to provide a written statement to the RUC answering 30 questions the RUC wished to ask him. We consider these questions were proper and relevant questions to the enquiry being conducted by D/Supt Caskey at that time.
- 51 While the Sussex Police carried out a thorough re-examination of the way the RUC carried out the initial Caskey Phase One investigation into the offences committed by Mains, Semple and McGrath, Sir George Terry was not justified in stating that military sources had been “very frank with me and perfectly open”.

- 52 The reliance by the NIO on the decision by the DPP that there should be no prosecution, and on Sir George Terry's Report, as adequate reasons for not setting up an Inquiry with Terms of Reference that would have enabled an investigation of the issues relating to the security agencies was not justified at the time. The decision failed to properly take account of the public disquiet at the time about issues which were deliberately excluded from the Terms of Reference of the Hughes Inquiry. This disquiet has persisted in certain quarters, but this Inquiry has now been able to investigate these matters.
- 53 The realisation by the MoD in 1989 that incorrect answers may have been given by Ministers to the House of Commons and to others led the MoD to carry out a wide ranging and detailed investigation to establish the correct position. When the correct position was known, the Ministry took the necessary action to place the correct facts before the House of Commons and to correct the errors that had occurred in the past. It appointed Mr Calcutt QC to consider the injustices suffered by Mr Wallace to which we have already referred. We are satisfied that once the MoD appreciated that incorrect information had been given, and that Mr Wallace had not been treated properly before the CSAB, it acted promptly and properly to establish the correct position, and to ensure that the injustices Mr Wallace suffered in the appeal process were remedied. The injustices were remedied by the payment of £30,000 to him as compensation.
- 54 Those residents of Kincora who were sexually abused by Mains, Semple and McGrath were let down by those three individuals who abused their positions of authority and committed numerous acts of sexual abuse of the gravest kind against teenage children in their care while they were living in this hostel. When their conduct was exposed, they were prosecuted, convicted and sentenced to appropriate periods of imprisonment.
- 55 In our investigations this Inquiry has examined hundreds of files held by Government and by the Police, MI5, the Secret Intelligence Service, the Ministry of Defence and other departments and agencies. We have also examined the police files relating to the earlier investigations that were carried out by the RUC and then by the Sussex Constabulary into what did or did not happen at Kincora. As we explained, those investigations by the RUC and the Sussex Police were extremely thorough and comprehensive. D/Supt Caskey and his officers went to great lengths

to identify every possible person who may have been in possession of information that could lead to the identification and possible prosecution of anyone else who had committed a criminal offence of whatever kind relating to Kincora, whether that was sexual abuse or the suppression of evidence.

- 56 Those investigations did not find, and our Inquiry has not found, any credible evidence to show that there is any basis for the allegations that have been made over the years about the involvement of others in sexual abuse of residents in Kincora, or anything to show that the security agencies were complicit in any form of exploitation of sexual abuse in Kincora for any purpose.
- 57 The reality of the situation was that it was because of the multitude of failings by officials of the Belfast Welfare Authority, of the Eastern Health and Social Services Board, and by the RUC, that the sexual abuse of residents at Kincora was not stopped earlier, and that those responsible for perpetrating these grave crimes were not brought to justice sooner.