

dramatic change of attitude and we do not criticise Miss McIntosh for failing to elicit a complaint against Mr McGrath. The fact that R14 was discharged to foster parents in June 1975, only six months after admission to the hostel, demonstrated that a more acceptable placement was being actively sought.

- 4.39 R14's grandparents lived in Belfast but he did not complain to them because of his disgust at what had happened to him. He gave evidence to similar effect in relation to the possibility of telling friends outside the hostel or his doctor even though Mr McGrath's activities caused anal bleeding on occasions. He ruled out a complaint to the police because he alleged that he had been beaten up by the police on an occasion prior to his admission to Kincora. We referred this allegation to the RUC who subsequently informed us that R14 did not wish to make a complaint against any police officer.
- 4.40 R14's evidence that he was ashamed and disgusted by his experiences with Mr McGrath rang true and we believe that to have been the prime cause of his not making a complaint. He may also have been apprehensive of Mr McGrath's political or possible paramilitary connections but we are inclined to the view that he overstated this in the light of the publicity of 1980 and afterwards. Given the absence of a complaint or of any identifiable change in his attitude while at Kincora, we find that the authorities could not reasonably have been expected to detect directly the offences against R14. The possibility that other events, such as the complaints against Mr McGrath by R15's parents (see paragraphs 4.58-4.69), might have ultimately led to their detection cannot be ruled out.

Anonymous telephone call January 1974

- 4.41 On 23 January 1974 an anonymous telephone call was received by Mr Colin McKay, a Senior Social Worker in the Holywood Road Office of the Eastern Board's East Belfast and Castlereagh District. The substance of the telephone call, as recorded in Mrs Wilson's near contemporaneous notes, was that Mr McGrath:-
- a. "had made improper suggestions to the boys;
 - b. had gone to live in the hostel for this purpose; and

c. had written a note to one of the boys making improper suggestions".

The anonymous telephone caller was male.

- 4.42 Mr McKay, whose responsibility lay in the fieldwork area and who had no management responsibility for Kincora, contacted the District's Residential and Day Care office in Purdysburn. Mrs Wilson was not available so Mr McKay spoke to Mr Brian Todd, the Assistant Principal Social Worker (R&DC) and informed him of the anonymous call. Mr Todd telephoned Mrs Wilson at home to relay this information to her. Since Mr McGrath's duties as Housefather did not involve staying overnight, Mrs Wilson telephoned Mr Mains to confirm that Mr McGrath did not sleep in the hostel at any time, even as a relief measure, and was assured that he did not. As she was going on a four day course outside Belfast, she arranged to see Mr McGrath on her return.
- 4.43 On 29 January Mrs Wilson went to Kincora where she told Mr Mains that she wished to see Mr McGrath about the anonymous call. Her notes record that Mr Mains informed her that similar anonymous allegations had previously been made to the police and also to the Orange Order, of which Mr McGrath was a member; that the police had contacted Mr Mains about an anonymous call to them and that the police believed that "someone was trying to get at Mr McGrath because of his connection with the Orange Order". Mr Mains told Mrs Wilson that he was quite sure the allegations were untrue and that there was a political reason for them. Since Mr McGrath was off-duty, Mrs Wilson arranged to see him on his return to work. Mrs Wilson then contacted Mr Scoular, the DSSO for East Belfast and Castlereagh, and notified him of the anonymous call and her forthcoming interview with Mr McGrath. Mr Scoular suggested that she should have Mr McKay with her during the interview as the actual receiver of the call and this was arranged.
- 4.44 Mrs Wilson interviewed Mr McGrath in Kincora on 4 February, with Mr McKay present. Her notes indicate that Mr McGrath was not surprised when she told him the reason for their visit as he had received a copy of an anonymous letter alleging that he was a homosexual which had been sent to an organisation with which he was connected and that he was "probably in danger because of his association with the Orange Order and his attempts

to prevent anyone from breaking the law which (was) not always well received by his companions in politics". Mr McGrath also referred to the anonymous telephone call to the police which Mr Mains had mentioned on her previous visit. He denied making any improper suggestions to the boys or writing any note to any of them. Mrs Wilson gave evidence that Mr McGrath did not convey the impression of trying to hide anything and that she believed his explanation. She said that, as she had not got the name of the telephone caller or of any boy, she was satisfied that there was nothing further that she could do.

4.45 Mrs Wilson reported her interview and conclusions to Mr Scoular on the same day, 4 February. There is no record of their discussion but it is clear that they agreed that no further action was possible or necessary. Mrs Wilson gave evidence that she would have told Mr Scoular at this time about the earlier complaint against Mr Mains (see paragraphs 3.125-3.132) which she had also mentioned to Mr McKay, but did not remember precisely what she said at the time. Mr Scoular, who had not worked for the Belfast Welfare Authority and was not aware of the "Mason File", had no recollection of Mrs Wilson mentioning any previous complaints involving Kincora staff or of her referring to the anonymous telephone call to the police. We take the view, however, that it is most unlikely that Mrs Wilson would have omitted reference to the police call and the letter to the Orange Order when reporting to Mr Scoular.

4.46 We sought an explanation as to why neither Mr Scoular nor Mrs Wilson considered it necessary or appropriate to contact the police in connection with these allegations, since they at least hinted at a propensity to criminal behaviour. Both gave evidence that they believed the allegations to be untrue rather than merely unproven, though Mr Scoular was rather less definite about this in attempting to recall his state of mind at the time. Mrs Wilson was aware that Mr McGrath was a married man in late middle age with a family and she was sceptical due to the inaccuracy of the allegation about Mr McGrath living in the hostel. In addition, anonymous communications do not inspire confidence in their credibility and there was a lack of supporting detail in the allegations. We are satisfied that these considerations, along with the reassurances of Mr Mains and the calmness with which Mr McGrath dealt with the allegations, persuaded Mr Scoular and Mrs Wilson that no further action was necessary.

4.47 It would, in our view, have been prudent for Mr Scoular and Mrs Wilson to have contacted the police once they were told by Messrs Mains and McGrath that a similar telephone call had been made to them, to ensure that the police were acquainted with the additional information. The police had, indeed, received an anonymous telephone call in May 1973 alleging inter alia that Mr McGrath was homosexual, was involved in a militant organisation called "TARA" and stating that he worked in Kincora. As a result, a police constable from the Strandtown RUC station had interviewed Mr Mains and submitted a report, which was accepted by his superiors, dismissing the information as malicious. Whether the police would have made more extensive enquiries if the January 1974 anonymous call had been brought to their attention, and what these might have disclosed, is a matter of conjecture. In reaching our finding that this matter should have been referred to the police, we were conscious that the information directly available to Mr Scoular and Mrs Wilson was limited and the criticism of them implicit in our finding is qualified on that score. Mr Scoular had no knowledge of the "Mason File" and at best only second hand knowledge of Mrs Wilson's earlier involvement in an investigation of Mr Mains. Mrs Wilson had no direct knowledge of or access to the "Mason File". In addition this was the first complaint against Mr McGrath and this would not have been as alarming to Mrs Wilson as a further allegation against Mr Mains.

4.48 As to the method of Mrs Wilson's investigation, it was probably unfortunate that there was a time-lag between her discussion with Mr Mains and her interview with Mr McGrath since this may have given the latter time to compose himself and prepare his explanations. While it might be said that Mrs Wilson was unwise to alert Mr Mains, who had himself been under some degree of suspicion earlier, we do not consider that she could properly have taken up the allegations with Mr McGrath while keeping Mr Mains in ignorance of them. She had accepted Mr Mains' explanation of the earlier complaint and stated that she had no doubt at all in her mind about Mr Mains at that time. Mrs Wilson's trust in Mr Mains might have been diminished if she had had direct knowledge of the contents of the "Mason File" but we have already noted that this was regrettably not the case. Mr Scoular, who had been in post only since October 1973, inevitably relied heavily on the experience and judgement of Mrs Wilson in matters relating to the conduct and character of residential staff.

4.49 Other possible steps, such as interviewing the boys then resident in Kincora, were not taken. This might have produced some positive result, but our view is that this allegation, of a criminal nature but deficient in detail, could only have been investigated properly by the police. It is our view that the non-specific nature of the allegation and the anonymity of the call meant that this matter could not have been dealt with as a complaint. We have indicated, in any case, that it is doubtful whether the Eastern Board had introduced a relevant procedure before March 1974.

4.50 An article published in "Social Work Today" dated 12 January 1982 created a postscript to this incident. This referred, inter alia, to Mr Todd relaying information:-

- a. from an anonymous female complainant;
- b. that she had seen a member of the Kincora staff interfering with a boy inside the hostel; and
- c. about a call made in 1976.

Mr Todd was also referred to in the "Irish Times" of 13 January 1982 as having relayed this information, but the call was dated in late 1975.

4.51 In evidence to us Mr Todd accepted that these details were erroneous and that Mrs Wilson's notes accurately represented the source, substance and timing of the anonymous call of which he had knowledge. There is, therefore, no possibility that the incident referred to in the article was distinct from the January 1974 call. Mr Todd gave evidence that he realised that the article was inaccurate when he read it but that he did not ask for a correction to be published. Given that Mr Todd had a letter to the editor published in the same edition of "Social Work Today" calling for a form of inquiry which would bring out the "full facts" of the Kincora affair, we are compelled to suggest that he might have paid more scrupulous attention to ensuring factual accuracy in his own account of this matter.

4.52 There was some doubt as to whether Mr Todd made and filed a note of his involvement in the January 1974 incident. In his March 1980 police statement, Mr Todd had stated that he had no recollection of any anonymous telephone call. He gave evidence, however, that this statement was made entirely from memory and that the interviewing officer then produced a

copy of notes which he had made in January 1974 relating to his involvement in the incident. However when Mr Todd was interviewed in 1982, following publication of the "Social Work Today" article, he was informed that the police had no record of any notes in Mr Todd's handwriting and that Mrs Wilson's manuscript notes were the only extant record. Nonetheless, Mr Todd readily accepted the accuracy of Mrs Wilson's notes and we refer to this matter merely to establish that the issue is of no material importance.

A possible further anonymous telephone call

4.53 A person, who was not at any time a resident of Kincora and who was referred to in evidence as Informant B, made at least two anonymous telephone calls concerning Mr McGrath. Informant B had had an association with Mr McGrath since the middle 1950s which had ended on bad terms in the early 1970s. From that time he made various efforts to have Mr McGrath exposed as a homosexual.

4.54 Informant B made a statement in March 1982 to the Terry Inquiry investigators in which he referred to having called the police anonymously on the confidential telephone. The text of the May 1973 telephone call was read over to him and he indicated that its content was consistent with information he had passed to another quarter (see paragraphs 4.102-4.104) but dissociating himself from one of the allegations recorded. The following day he made a further statement to the Terry Inquiry investigators in which he dissociated himself from another of the allegations recorded. He agreed that the remainder was similar to what he knew about Mr McGrath.

4.55 Informant B also made a statement in December 1984, at our request, in which he referred to having made an anonymous telephone call to social workers at the Hollywood Road office. His attention was then drawn to the papers in our possession relating to the anonymous call received by Mr McKay and recorded, third hand, by Mrs Wilson. Informant B told us that he concluded that the call taken by Mr McKay was not that made by him because, although he had no record of its date, he believed that his anonymous call was made in 1972 or early 1973. He also told us that he had not suggested that he knew that improper behaviour had taken place, only that this was likely; also that he recalled saying that Mr McGrath

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

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

March 1974

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

May to September 1974

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

was able to continue with his activities because of his loyalist and paramilitary connections.

- 4.56 We made contact with all available staff who had been employed in the Hollywood Road office in 1972 and early 1973, during the time of the Belfast Welfare Authority, with negative result.
- 4.57 While we cannot entirely rule out the possibility that there were two anonymous calls each to the police and to the Hollywood Road office, we are inclined to the view that this coincidence is unlikely. Informant B's December 1984 statement indicated that he believed that his anonymous call to the police pre-dated his call to the Hollywood Road Office. This is consistent with the chronology of the two documented cases. The documentary record of the May 1973 police message was a precis of a tape recording, although a full one, and Mrs Wilson's notes were a third hand summary. It is, therefore, conceivable that details could have been omitted or slightly distorted. For example the reference in Mrs Wilson's file to Mr McGrath making improper suggestions in a note to one of the boys might reflect the fact that Informant B was himself in possession of letters from Mr McGrath which he considered to demonstrate homosexual tendencies (see paragraph 4.102). This would be consistent with Informant B's evidence that he did not know that improper behaviour had actually taken place at Kincora. The difficulty faced by Informant B in recalling details and precise chronology over some eight to ten years must also be acknowledged.

Further allegations against Mr McGrath May & September 1974

- 4.58 The next allegation against Mr McGrath was made by a resident of Kincora, referred to in evidence as R15. R15 was admitted to Kincora in November 1973 when he was thirteen and discharged from there in September 1974. Mr McGrath was convicted on one count of indecent assault involving R15.
- 4.59 R15 gave evidence that Mr McGrath had grabbed him by the genitals when he was in the kitchen a short time after he went to live in the hostel in November 1973. He told his brother about the incident the same day and Mr Mains the following day. Mr Mains said that he would speak to Mr McGrath and deal with the matter. When R15 and his brother were staying at their sister's house for a weekend, one or other told their mother (now deceased) and father about the incident. R15's father gave

evidence that he and his wife thought that R15 was making up a story to get out of the hostel and they took no further action. Some time later, however, a similar incident occurred when Mr McGrath grabbed R15 by the genitals in the TV room of the hostel. R15 told his brother about this and he informed R15's mother. It was after this second incident that R15's mother made a complaint about Mr McGrath to the Eastern Board.

- 4.60 This complaint was made on 17 May 1974 to Miss Sharon McClean (now Mrs Grey), a Trainee Social Worker in the College Street office of the North and West Belfast District of the Eastern Board. Miss McClean's notes indicated that R15's mother alleged that Mr McGrath had interfered with her son on two occasions. Miss McClean undertook to consult Mr Mains about the allegation and to talk to R15 with a view to hearing his story.
- 4.61 On 20 May Miss McClean discussed the allegation with Mr Ronald Orr, her supervising Senior Social Worker, and it was decided that further discussion would take place following her talk with R15. The effect of the Ulster Workers' Council strike prevented Miss McClean from visiting Kincora but she contacted Mr Mains by telephone. He told her that he had received an identical complaint from R15's mother, had questioned Mr McGrath about it and felt that there was no truth in the allegation. Although there is no reference to it in her notes, Miss McClean gave evidence that she saw R15, in the presence of his mother, in College Street. The date of this meeting is uncertain but Miss McClean's notes would suggest that this could not have taken place before mid June when R15 was discharged after a brief stay in hospital. Miss McClean's recollection was that she was unable to get any information from R15.
- 4.62 While no specific conclusion was recorded, Mr Orr's evidence made it clear that the complaint was discounted. Mr Orr stated that there was a certain amount of scepticism on his part because the background of the family was one of lack of co-operation with the Social Services and other agencies such as Public Health and he considered the family to be resistant to any attempt to improve its circumstances. In this context it should be mentioned that R15 and his brother were committed to care under Fit Person Orders, physical conditions in the family home being the major factor in the Board's decision to seek these Orders. R15's father agreed in evidence that it would be reasonable to describe his wife as having had a running battle with the Welfare Services for many years. Mr Orr gave

evidence that he was strongly of the opinion that R15's mother's complaint was motivated by her desire to have the boys discharged from care and that he accepted Mr Mains' assurance that there was no truth in the allegation.

- 4.63 On 16 September 1974 R15's mother called at the College Street office and made an allegation against Mr McGrath to a female member of staff who has not been positively identified. R15's father gave evidence that this member of staff was told that R15's mother wanted to go to the police but that she told her not to do so since she would take the matter up with her superiors. Miss McClean's notes referred to R15's mother calling at College Street on the morning of 16 September, when Miss McClean was not in the office, and the Duty Officer arranging for her to call back in the afternoon. We take that to be the occasion on which referral to the police was mentioned. Miss McClean's notes for the afternoon of 16 September stated that R15's mother "covered the same ground as always" and said that Mr McGrath had again tried to interfere with R15. This note implied a third assault, but R15's evidence referred to only two assaults, the second a considerable time before he left Kincora. Miss McClean then arranged for R15's mother to meet Mr Orr on the morning of 17 September. The note of the 17 September interview made no reference to the allegation against Mr McGrath but dealt with the case in general terms. Then on 20 September a decision was taken that R15 and his brother should be discharged from Kincora on that date on condition that they lived with their sister.
- 4.64 The handling of these allegations raised a number of issues, the first of which was whether Mr Orr's doubt about the allegations was reasonable in the circumstances. The records and the evidence which we heard clearly established that R15's mother never accepted the decision that her sons should be committed to care although the evidence as to the physical conditions of the family home conclusively supported the rightness of that decision, notwithstanding the strong bonds of affection which obviously existed within the family. The frequency and tenor of her contacts with the Social Services diminished her credibility. Against this it must be said that Mr Orr relied almost exclusively on information from a Trainee, Miss McClean, and other agencies in forming his assessment of R15's family and had no direct contact with it until he met R15's mother in September, almost a year after the boys were committed to care. He was, however, in charge of a team of ten social workers with heavy caseloads and had made

attempts to visit the family home without gaining admittance. On balance we consider that Mr Orr was entitled to be sceptical about the allegations against Mr McGrath, particularly since he was not aware of any previous allegations or suspicions.

- 4.65 Secondly there was the mode of investigation in this case. Mr Orr delegated direct action on the first complaint to Miss McClean, a recently recruited Trainee Social Worker. In evidence he described her as a person of limited experience but a very competent worker and the notes revealed that he was aware of her proposed approach, which he implicitly endorsed, namely to consult Mr Mains and interview R15. We consider that Mr Orr should have participated in the interview of R15 however sceptical he felt about the allegations. His greater experience might have enabled him to encourage a more positive statement from R15 and his involvement would certainly have ensured that the interview was recorded, an omission for which Miss McClean must be considered at fault.
- 4.66 We also consider that Mr Orr should have brought the May 1974 complaint to the attention of Residential and Day Care management in East Belfast and Castlereagh, as Mr McGrath's superiors, as a matter of normal practice. He could have communicated his doubts about the allegations and the basis for them at the same time. Although he could not have known this, it would surely have had the effect that the January 1974 anonymous allegations against Mr McGrath, only recently dealt with by Mrs Wilson, would have been corroborated and given more weight. Mr Orr should, indeed, have dealt with the matter under the provisions of the March 1974 complaints procedures (see paragraphs 2.41-2.45), which would have had the effect of bringing it to the attention of the East Belfast and Castlereagh District. He gave evidence, however, that he had no recollection of being aware of complaints procedures at the time.
- 4.67 Mr Orr should similarly have referred the September 1974 complaint to East Belfast and Castlereagh management. Although the immediate problem was solved in that the boys were removed from Kincora, there remained a potential danger to other residents and Mr Orr's scepticism should not have closed his mind entirely to this possibility. In making this finding, we wish to make it clear that the major significance which these

complaints might have assumed if brought to the attention of Mrs Wilson, Mr Scoular or Mr Bunting could not have been known to or foreseen by Mr Orr.

4.68 We do not criticise Mr Orr for not making a direct referral to the police since it would have been irregular for him to do so without consulting Mr McGrath's District management. Nor do we make any criticism of the unidentified Duty Social Worker who appears to have discouraged R15's mother from going to the police. This last finding rests on the explicit assumption that her intention was to ensure that R15's Social Worker was aware of the allegations before they were taken to the police rather than to prevent his mother from exercising her right to take that course. The request that she discuss the matter with R15's Social Worker was, in itself, reasonable in the circumstances.

4.69 The fact that R15 and his brother were allowed home on trial to their sister's house so soon after the second complaint was also considered. We accept that this was the consistent objective which Mr Orr and Miss McClean had for the boys from an early stage; also that the decision to discharge them from Kincora was based on the capacity of their sister to look after them rather than on a desire to defuse the situation created by the second complaint. This conclusion was supported by references in Miss McClean's notes from June onwards which indicated that this course and its financial implications were under active consideration.

Document dated 8 November 1974

4.70 Mr Colin Wallace was a Senior Information Officer at Army Headquarters in Lisburn until February 1975. In 1981 he was convicted of manslaughter. He is currently serving his sentence in HM Prison, Lewes.

4.71 Mr Wallace first came to the notice of this Committee when we examined the papers relating to the RUC and Sir George Terry investigations. He had declined to be interviewed by the Terry Inquiry investigators. The RUC interviewed him in 1982 but he declined to make a statement and provided no information of relevance to the RUC investigation. There was nothing in the papers examined by us which indicated that Mr Wallace would have anything to contribute to the present Inquiry.

4.72 Mr Wallace next came to our attention on 24 January 1985 when the RUC informed us that Captain Frederick Holroyd (retired) had submitted a number of documents to the Essex Police which had subsequently been passed to the RUC. The RUC drew our attention to one of these documents as being potentially relevant to this Inquiry.

4.73 The document in question was a photocopy of a four page typescript report dated 8 November 1974, purporting to be an Army intelligence report entitled "Tara: Reports regarding criminal offences associated with the homosexual community in Belfast" and purporting to be compiled and signed by Mr Wallace. The names of the addressees on the document are handwritten and two names in the text are obliterated. It includes several passages which, if true, would be directly relevant to the Inquiry:-

- a. it refers to Messrs Mains and Semple, and later Mr McGrath as "known homosexuals";
- b. it mentions the 1967 investigation and Mr Mason's report;
- c. it states that there is evidence that assaults may have taken place as early as 1959, soon after Mr Mains was appointed;
- d. it suggests that Mr McGrath was the subject of an internal Belfast Welfare Department investigation in 1972/73 following allegations of homosexual assaults on Kincora residents;
- e. it states that a source confirmed in 1972 that a number of complaints had been received about Mr McGrath and that "This would appear to be confirmed, to some extent, by Mr Orr in 1973";
- f. it refers to "similar allegations relating to Bawnmore, Westwinds, Burnside etc";
- g. it refers to a claim by a person, whose name has been obliterated from the document, that "key individuals in the Welfare Department were themselves homosexuals and not only appointed homosexuals but also covered up the offences and protected the offenders".

4.74 On 28 June 1985 the "Irish Times" published a report which quoted extensively from a document which was indistinguishable from that examined by us save that one of the obliterated names was included and a number of other names had been deleted.

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

March 1974

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

May to September 1974

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

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

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

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

[HIA 775, paras 4.66 and 4.67]

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

November 1974

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

document. He told us that he had not suggested that improper behaviour had actually occurred, whereas the 1974 document refers specifically to "allegations of more homosexual assaults on the inmates of Kincora".

- 4.84 The RUC also interviewed Mr Ronald Orr, in 1974 a Senior Social Worker in the Eastern Board (see also paragraphs 4.58-4.69) about the reference to "Mr Orr" in the November 1974 document. Mr Orr said that he had no contact with the police or military authorities about Kincora before he was interviewed by the RUC in 1980.
- 4.85 The RUC investigation attempted, inter alia, to validate the authenticity of the document dated November 1974. The statements of MOD personnel, including purported addressees, did not establish its authenticity. A Forensic Report raised the possibilities that the first page had been tampered with and that two typewriters had been used, but was inconclusive as to authenticity.
- 4.86 Early in December 1985 we were made aware that Mr Wallace had, in correspondence with his solicitor, indicated that he was prepared to answer questions from the Committee on one document in the file of papers submitted to the Prime Minister's Office. This appeared to be the document mentioned in paragraph 4.75. We considered it necessary, even at this late stage of the Inquiry's proceedings, to interview Mr Wallace, and made arrangements for him to be seen on 13 December. Mr Wallace denied that the documents were the same, but admitted that he had been approached by a female Social Worker in 1972, that he knew of complaints made to Welfare authorities during 1972-74, and had made an anonymous phone call in 1975 to the Welfare Department. He was asked if he would be prepared to answer questions about each allegation. He said that he was not prepared to answer questions in the narrow context proposed by the Committee, and that therefore he had nothing further to say.
- 4.87 Since Mr Wallace declined to be interviewed by the RUC or to answer our questions, he has never authenticated or repudiated the papers which we have seen. They have therefore no probative value to this Inquiry. Even if Mr Wallace was prepared to authenticate them, they would in themselves be of very limited use to the Inquiry since they consist of bald or

generalised allegations without supporting detail or confirmation. It would have required his testimony to remedy this and that was not forthcoming.

Rumour concerning Mr Mains: 1975

- 4.88 The possibility that rumours linking Mr Mains and homosexuality may have achieved some currency during the mid 1970s was indicated by the evidence of Mr Michael Maybin. Mr Maybin was Assistant Principal Social Worker (Fieldwork Services) in East Belfast and Castlereagh District from March 1975 until November 1977, working in the Castlereagh Road office. He gave evidence that, sometime in 1975, he heard a rumour to the effect that Mr Mains was a homosexual. There was no suggestion that criminal offences involving Kincora residents were taking place. He could not recall the specific source or context, but his impression was that he heard the rumour in social work circles and that he only heard it once. Mr Maybin regarded it as "low-level gossip", by which he meant that there was no supporting evidence of any kind and no additional information as to times, dates, places or people.
- 4.89 Mr Maybin, who had worked briefly in Kincora in 1966, stated that he found the rumour difficult to believe and that he had no recollection of making a connection between the rumour and the remarks of R7 in 1968 (see paragraphs 3.96-3.99). He referred in evidence to the fact that he had seen Mr Mains in the company of a lady friend on social occasions. Mr Maybin did not take any action in relation to the rumour.
- 4.90 Before considering what action might have been appropriate on hearing this rumour, we should like to make one important point. Mr Maybin's conduct in this context came under scrutiny solely because he was sufficiently frank to refer in his police statement to having heard it. This rumour was patently known to others who were not prepared to admit it to the police or to this Inquiry. Mr Maybin was, therefore, unfortunate to be singled out for attention and must be commended for his willingness to assist the Terry Inquiry in 1982.

not? What was the Area Board being told about Kincora in the aftermath of the anonymous call?

26. The Board has accepted this was a failing at paragraph 91(b) of the statement dated 23rd May 2016.

27. In the aftermath of this anonymous call the Area Board would have continued to receive the monitoring reports on the hostel. The Board accepts that this process did not ensure any concerns arising in respect of actions by staff were communicated to the Area Board.

In relation to paragraph 75 is the HSCB position that, to the best of its knowledge and belief, it never received an anonymous telephone call in respect of Kincora in 1975?

28. Having regard to the contemporaneous documentation of its predecessor that is now available to the Board, to the best of its knowledge and belief, the Eastern Health and Social Services Board did not receive an anonymous telephone call in respect of Kincora in 1975.

In relation to paragraph 97, does the HSCB accept that it was a systemic failing for Mr. Scoular to fail to inform the Board representatives of all that the District by then knew so that the Board could decide what of that information also should be passed to the RUC. If not why not?

29. The Board has accepted that this was a failing at paragraph 91(g) of the statement dated 23rd May 2016.

Does the HSCB accept that it was a systemic failure for members of staff in Kincora (Joseph Mains and Raymond Semple) to have failed to pass on complaints they acknowledge they received from boys in their care in respect of behaviour by William McGrath (see for example KIN 10388 KIN 328, R 17, R 9 & 10413 - HIA 533). What should have happened to these complaints? Should the individual social workers have been informed?

STATEMENT OF: James Michael MAYBIN.CONTINUATION PAGE NO: 2.

In 1975 I transferred to the East Belfast and Castlereagh District of the EHSSB as Assistant Principal Social Worker in charge of a field work office. It was at about that time that I became aware of a rumour circulating within social work circles to the effect that MAINS was a homosexual. I cannot now recall who passed the rumour to me. During the late seventies I heard another rumour about MAINS suggesting that he was sexually interfering with the boys in his custody at Kincora. Again I cannot recall from whom I heard the rumour. In relation to the insinuations made by [REDACTED] R7 in the late 1960's, the rumours I heard in 1975 of MAINS' homosexuality and the rumour of his interfering with boys at Kincora which I heard in the late seventies, I cannot recall passing this information to any of my seniors in the Social Services nor to any other person.

(signed) J. Maybin.

4.91 We consider that Mr Maybin should have brought the existence of the rumour and its nature to the attention of Residential and Day Care management. We appreciate the basis for his scepticism about any suggestion that Mr Mains was a homosexual and accept that he did not make a significant connection between this rumour and R7's extremely cryptic remark seven years earlier. It is also quite clear that the primary duty to notify R&DC management lay not with Mr Maybin but with those in social work circles who were much closer to the source of the rumour. Those persons placed Mr Maybin in an invidious position and our comments should be seen in that context.

Rumour concerning Mr Mains: early 1976

4.92 At some point between January and August 1976, almost certainly between January and March, a rumour concerning Mr Mains came to the attention of Mrs Elizabeth Fiddis, who was employed as a Health Visitor in the East Belfast and Castlereagh District of the Eastern Board. Mrs Fiddis gave evidence that her recollection was that she was visiting someone's home, socially rather than professionally, when she heard a rumour concerning interference with boys at a home near North Road in East Belfast.

4.93 Mrs Fiddis drew this rumour to the attention of Miss Marion Reynolds, a Social Worker in the Hollywood Road office of the Eastern Board. Although there is no record of the conversation, Miss Reynolds suggested that it took place in February or March on an occasion when Mrs Fiddis called at the Hollywood Road office to see another Social Worker who was not in. Miss Reynolds was Duty Social Worker and she had a conversation with Mrs Fiddis during which the rumour was discussed. Miss Reynolds was also able to be more specific about the nature of the rumour. She told us that although Mrs Fiddis may not have mentioned Mr Mains or Kincora by name to her, she, Miss Reynolds, was able to identify both. She also said that Mrs Fiddis told her that she had obtained information that a boy had received in-patient treatment at Purdysburn Hospital for depression which he associated with his experiences at Kincora. Miss Reynolds' February 1982 police statement indicated that, as far as she could recall, Mrs Fiddis had heard the rumour in the house of either an aunt or mother of an ex-Kincora boy, but emphasised that this was conjecture about which she was not confident. Mrs Fiddis gave evidence that she could not

recollect any reference to psychiatric illness or depression; nor could she be more specific than to say she heard the rumour at the home of one of her female acquaintances; and that it had been said at that time that the matter had been raised by Miss Valerie Shaw. Miss Shaw, whom Mrs Fiddis had never met, was an associate of "Informant B" (see paragraphs 4.53-4.57). Miss Shaw's July 1982 police statement established that she did not know Mrs Fiddis and was not aware of the rumour which reached Mrs Fiddis, and we conclude that Miss Shaw was not the source in this instance.

4.94 We were sufficiently impressed by the clarity of Miss Reynolds' evidence to conclude that her recollection of the matter was substantially correct as to the means by which it was brought to her attention, the nature of the rumour and the timescale. The fact that the rumour related to Mr Mains rather than Mr McGrath and the reference to a former resident who had undergone psychiatric treatment possibly point in the direction of R2. R2 had undergone psychiatric treatment in Purdysburn Hospital in 1973 and was admitted again in March 1976.

4.95 Miss Reynolds, whose knowledge of Kincora was limited to a brief visit during her period of induction at Hollywood Road, suggested that Mrs Fiddis should speak to Miss Hilary Reid, also a Social Worker at Hollywood Road. Miss Reid was known professionally and personally to Mrs Fiddis and had a greater familiarity with the hostel. Miss Reynolds told us that she also suggested that Mrs Fiddis should speak to Miss Lorna McGrath, Principal Social Worker (Residential and Day Care) for East Belfast and Castlereagh District, and that she gave Mrs Fiddis directions to Miss McGrath's office and her telephone number. Immediately after her conversation with Mrs Fiddis, Miss Reynolds telephoned Miss McGrath. No record of this telephone conversation was made, but Miss Reynolds gave evidence that she told Miss McGrath about the conversation and that Mrs Fiddis was to be in touch with her about it. This telephone call was made in the presence of Miss Reid, who by that time had come into the office. Miss Reid corroborated Miss Reynolds' recollection concerning the nature and source of the rumour. Her recollection, however, was that Miss McGrath was to contact Mrs Fiddis rather than the other way round.

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

1975 Rumour Evidence

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

January – March 1976

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

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

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

87. The Hughes Inquiry determined:

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

[HIA 786, para 4.98]

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

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

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

February – March 1976

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

4.110 D/Con Cullen reported the existence of the "Mason file" to ACC Meharg and was directed to obtain a copy. Mr Bunting had informed him on 19 February that this would require clearance by the Director of Social Services, Mr Edward Gilliland, and this was forthcoming. On 15 March D/Con Cullen met Messrs Gilliland and Bunting in University Street and was given the "Mason file". He made a copy of the file and returned the original by hand on 16 March. He also requested and received, at some subsequent date, a list of Kincora residents who had been discharged from the hostel during the 1971-1976 period, that is from the time of Mr McGrath's appointment.

4.111 No documents relating to Informant B's allegations against Mr McGrath were made available by D/Con Cullen to Messrs Gilliland and Bunting at their 19 February and 15 March meetings. Messrs Gilliland and Bunting gave evidence that D/Con Cullen sought confirmation that Mr McGrath was employed in Kincora, indicated that a confidential informant had alleged that Mr McGrath was a homosexual and had paramilitary connections, and referred to a letter or letters from Mr McGrath to Informant B which indicated homosexual tendencies. D/Con Cullen told them that Informant B's allegations related to some time in the past and there was no allegation of homosexual activities at Kincora. They were also told that D/Con Cullen's inquiries were extremely confidential, that "prominent people" were involved, and that D/Con Cullen was reporting direct to ACC Meharg on these matters. Both Mr Gilliland and Mr Bunting agreed that D/Con Cullen expressed concern that Mr McGrath should be working in Kincora in the light of Informant B's allegation of homosexuality. Mr Bunting also gave evidence that D/Con Cullen implied that his informant might be in some danger. Messrs Gilliland and Bunting gave evidence that the 15 March meeting concluded with an agreement that D/Con Cullen was to make them aware of any information which would enable them to take action in regard to the hostel staff.

4.112 D/Con Cullen's evidence was broadly consistent with that of Messrs Gilliland and Bunting. In particular, he agreed that he was asked whether he had any information which would enable them to take action in relation to Mr McGrath. He stated that on 19 February he gave Mr Bunting a general outline of the nature of his inquiries but did not disclose the full details of his information to him. He also said that he would not

have gone into great detail about personalities but would have told Mr Bunting about the type of behaviour in which Mr McGrath had been involved in the past. Messrs Gilliland and Bunting gave evidence that the only information which D/Con Cullen gave relevant to homosexuality related to the letters which Mr McGrath had written to Informant B.

4.113 We are inclined to accept the evidence of Messrs Gilliland and Bunting as regards the amount of information given to them by D/Con Cullen. He was clearly successful in conveying his concern about Mr McGrath's alleged homosexuality and its possible implications for his employment in Kincora to them, and it is likely that he exercised a proper discretion against disclosing details of unsubstantiated allegations which were being dealt with in the context of a confidential investigation.

4.114 D/Con Cullen gave evidence that, after he copied the "Mason file", he attached a short report to it, addressed it directly to ACC Meharg and put it in the RUC's internal mail system on 15 March. In doing so he made no record in the Donegall Pass station's correspondence register and stated that this was because of the confidential nature of the documents and because he had been in direct contact with Mr Meharg in relation to these matters. D/Con Cullen had no further contact with ACC Meharg in this connection until January 1980. Mr Meharg gave evidence that D/Con Cullen told him about the "Mason file" but that he took it for granted that it related to Mr McGrath. He also stated that he did not receive the "Mason file" at that time and saw it for the first time when it was produced to him by the RUC investigators in 1980 and that he took no steps to follow up his direction that the file should be obtained in 1976. D/Con Cullen stated that he could not say that he emphasised that there were two distinct persons involved, namely Mr McGrath and Mr Mains, but that he would assume that that was the case. In any event, no further police inquiries into Informant B's allegations or the "Mason file" were made subsequent to D/Con Cullen's meeting with Messrs Gilliland and Bunting on 15 March 1976. In particular, the ex-residents who had been discharged from 1971 to 1976 were not interviewed and, as in 1974, no formal crime file was opened.

4.115 Mr Bunting told us that he made three or four telephone calls to D/Con Cullen subsequent to the 15 March meeting. No record of these calls was made but Mr Gilliland, who was aware of them at the time, suggested that they occurred over a period exceeding eighteen months. D/Con Cullen agreed that he received several telephone calls from Mr Bunting on this subject. Mr Bunting's recollection was that, on his last contact with D/Con 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. He also got the impression that D/Con Cullen's informant was unable to substantiate what was being said or had ceased to contribute information. If Mr Gilliland's recollection of the timescale was correct this last call would have been made in autumn 1977 or later and contact was not re-established until after the 24 January 1980 "Irish Independent" article was published.

4.116 At the 15 March meeting Messrs Gilliland and Bunting informed D/Con Cullen that Mr Scoular, as DSSO for the District in which Kincora was situated, would have to be notified of what had transpired between them. Mr Gilliland instructed Mr Bunting to brief Mr Scoular on D/Con Cullen's inquiries and to make the "Mason file" available to him, and Mr Bunting subsequently went to Mr Scoular's office in Purdysburn for that purpose. No written direction or advice was given to Mr Scoular as to any action which he was to take or initiate in connection with the information now made available to him. Mr Scoular gave evidence, however, that the information passed to him was as described in Messrs Gilliland and Bunting's evidence to us, that his senior Residential & Day Care management staff were also to be briefed, and that he arranged for a list of Kincora discharges 1971-1976 to be prepared for transmission to D/Con Cullen, along with the addresses to which the residents had been discharged. Mr Scoular was given custody of the "Mason file" at this time.

4.117 A survey of relevant information on Kincora within the Eastern Board at this time provides the background to our consideration of action taken by the Board subsequent to March 1976:-

- a. the "Mason file" had remained with Mr Bunting since the inception of the Board in October 1973 until Detective Constable Cullen's visit on 19 February 1976 and had thus been unavailable to the

East Belfast and Castlereagh District staff directly responsible for the management and supervision of the hostel. This included Mr Scoular and Mrs Wilson, who had dealt with the anonymous telephone call of January 1974, although Mrs Wilson was aware of a previous investigation of Mr Mains;

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

4.118 We have already commented on Mr Bunting's retention of the "Mason file" and on the communication aspects of the handling of the complaint involving R15, but two other aspects of the position in or shortly after March 1976 are worthy of comment. Firstly, it is remarkable that Miss McGrath did not realise the potential significance of the rumour about Mr Mains, which seems to have been brought to her attention in late February or March, when she was told about the Meharg/Cullen investigation. Her recollection was that the latter came to her attention at some time between April 1976 and the middle of the year. Even taking the latest date as correct, the interval was not such as would satisfactorily account for a simple failure of memory. Miss McGrath's

failure to tell Mr Scoular or Mr Bunting about this when told about the Meharg/Cullen investigation was a significant omission since, if passed on, it would have provided the police with a more up to date line of enquiry about Mr Mains than the "Mason file".

4.119 A similar lack of communication appears to have occurred in light of Mr Bunting's evidence that he was not made aware in March 1976 by Mr Scoular of the 1974 anonymous call. Mr Scoular stated that he could not recall telling Mr Bunting. He said that he did not think that he had forgotten about it, but that it had been an anonymous matter, was fairly low key and that it did not occur to him to mention it to Mr Bunting. We consider that this was an error of judgement. Mr Scoular should have drawn this matter specifically to Mr Bunting's attention during their discussion subsequent to 15 March. While an anonymous allegation may not have been of great evidential value to the police, it might well have added impetus to the Meharg/Cullen investigation and there was an obvious obligation on the Board to alert the police to matters of this kind following D/Con Cullen's approach. It would also, coincidentally, have drawn together D/Con Cullen's investigation with the Strandtown investigation of the May 1973 anonymous call to the police.

4.120 We have already indicated that Mr Bunting followed-up D/Con Cullen's investigation with a number of telephone calls over an extended period from March 1976. We have also established that no written directions were given to Mr Scoular as to what action was to be taken within the Board. Mr Gilliland told us that he gave a verbal direction through Mr Bunting that Mr Scoular should ensure that closer monitoring of Kincora should take place, in the sense that the officer directly responsible for supervising the hostel would be aware that there had been allegations and that their visits would thereby be more purposeful. He did not, however, specify for Mr Scoular's benefit what closer monitoring should consist of and did not contact Mr Scoular directly. Mr Gilliland also gave evidence that he is sure that he also would have asked Mr Bunting, through whom he was dealing with the District, whether there was anything to add to the information which was being passed down. Mr Bunting stated that the object of alerting senior R&DC management staff was so that a close eye could be kept on the hostel and that he checked that there had been no

complaints from the residents. Mr Scoular's evidence was that he regarded the information which he had been given about the Meharg/Cullen investigation and the "Mason file" as something that he and his management staff needed to be aware of in their supervision of Kincora and that he wanted Miss McGrath to pay particular attention to anything that might come to light concerning Kincora. He said that Miss McGrath was made aware of the Meharg/Cullen investigation and that she was shown the "Mason file" in the spring of 1976. He also said that Mr Higham was apprised of the situation and was made aware of the "Mason file" after he took up appointment in August 1976. Miss McGrath agreed that she became aware of the Meharg/Cullen investigation at some stage in 1976 through Mr Bunting but could not recall whether she was told about the existence of the "Mason file" at that time. She remembered, however, being shown the file prior to a meeting and believes that this was after Mr Higham had read it. Miss McGrath stated that her recollection was that Mr Bunting said that she should bear in mind the Meharg/Cullen investigation but not take any additional steps because the matter was in the hands of the police. Mr Higham's evidence was that he had no information about suspected homosexual activity at Kincora before October 1977 (see paragraph 4.174) and that he did not become aware of the Meharg/Cullen investigation or see the "Mason file" until about that time.

4.121 As with the transmission from Messrs Gilliland and Bunting to Mr Scoular, no documentary record of the transfer of information was made and we were left with the conflicting recollections of the parties concerned. We believe that the evidence establishes that Miss McGrath was briefed on the Meharg/Cullen investigation by mid 1976 but it is not possible to state with certainty when she was shown the "Mason file". There is a direct conflict between Mr Scoular's and Mr Higham's evidence as to when the latter was made aware of suspicions about Kincora and we did not find Miss McGrath's evidence sufficiently clear and specific to resolve this conflict. Accordingly we find ourselves unable to express a safe view on this point of which version is correct.

4.122 The documentary records indicated that the frequency of inspections of Kincora from about the time of Mr Higham's appointment to the R&DC management team was substantially in excess of the statutory requirement of once per month. We referred to this, and to certain deficiencies in

relation to the reporting of these inspections, in paragraphs 4.6-4.10 above. We regard the evidence as sufficient to support the proposition that a close supervision of Kincora was maintained by R&DC management from at least the summer of 1976, subject to the limitations which we have suggested apply to that form of supervision as a method for detecting homosexual offences. In this defined sense, therefore, we consider that the Board did initiate a closer supervision of Kincora in response to the Meharg/Cullen investigation and to the potential danger, acknowledged by Messrs Gilliland, Bunting and Scoular, to the residents of the hostel. The conflict of evidence to which we have referred prevents us from reaching a view on whether Mr Higham's monitoring was carried out with the benefit of all the information currently available.

4.123 Before considering what other action might have been taken by the Board, it is necessary to stress an important point. In the course of their evidence Mr Meharg and D/Con Cullen made it clear that no crime file was opened in connection with Informant B's allegations and thus no formal police investigation was put in train. Mr Meharg went further in stating that it would surprise him if the Board had thought that there was a police investigation into Mr McGrath prior to 1980. However we do not see how the Board's officials could have gathered any impression other than that Informant B's allegations and the "Mason file" were the subject of a police investigation. The niceties of internal police procedure would not have been familiar to them but the police request for the list of residents discharged from Kincora between 1971 and 1976, with addresses, clearly implied active enquiries. We proceeded on the assumption, therefore, that the Board was entitled to take the view that these matters were formally under investigation by the police.

4.124 In terms of additional action by the Board, therefore, we asked ourselves whether the Board's officers might have been more vigorous in following up the progress of the Meharg/Cullen investigation. Our view is that the Board, in the person of Mr Gilliland or Mr Bunting, should have made an official approach to ACC Meharg in order to find out what stage the investigation had reached. When doing so, the Board should also have made the matter the subject of a formal record since its seriousness required a clear record of the Board's conduct. In reaching this finding we were conscious of Messrs Gilliland and Bunting's evidence that D/Con Cullen had

undertaken to inform them of any developments which would have enabled them to take disciplinary action against Mr Mains or Mr McGrath.

Mr Bunting's telephone calls, some of which appear to have been inspired by Messrs Gilliland and Scoular, were an indication of unease felt by the Board as time passed and nothing materialised from the police. In those circumstances, it would have been prudent and appropriate to approach the senior police officer direct. A more definitive knowledge of the state of the police investigation would also have facilitated a decision on whether there were sufficient grounds to issue precautionary suspension notices to Mr Mains and/or Mr McGrath. In fact the evidence available to Messrs Gilliland and Bunting in 1976 was, in our view, insufficient for this purpose. If however, Mr Scoular and Miss McGrath respectively had caused the 1974 telephone call about Mr McGrath and the 1976 rumour about Mr Mains to be brought to the attention of the police, the possibility of invoking precautionary suspensions would have been significantly greater. The Board's responsibilities in the circumstances of 1976 were to satisfy themselves whether the police had information on which the Board could take action, to pass on to the police any further relevant information, and to supervise the hostel and its residents closely.

4.125 We examined the possibility that the Board should have made the Meharg/Cullen investigation and the "Mason file" known to staff beyond the senior R&DC management in East Belfast and Castlereagh, and in particular to those field Social Workers with clients currently resident in Kincora. The object of this would have been to put them on the alert to any sign of homosexual misconduct by the staff or of any anxiety or distress in the boys which might have resulted from it. Had this been done, it would have been by the direction of Mr Gilliland since the confidentiality of the Meharg/Cullen investigation and the sensitivity of the matter generally would have ruled out an independent initiative by Mr Scoular or Miss McGrath. Mr Gilliland gave evidence that, on reflection, it would have been helpful if more junior staff, with more frequent contact with the residents, had been made aware of the investigation. While we acknowledge the potential value of such a course of action, we have no doubt that Mr Gilliland would have been very reluctant to give a wide currency to allegations of a most sensitive nature which were contemporaneously subject to police investigation. We do not consider

that he could have had any degree of confidence that this information would not have leaked and we do not find it possible to criticise him for not taking this course of action.

4.126 In our judgement it would have been appropriate for Mr Gilliland to have informed the Chairmen of the Personal Social Services Committee and of the Board proper on a confidential basis, because they certainly fell within the category of persons with a "need to know", notwithstanding the unresolved nature of the allegations. The same applies to the Department of Health and Social Services, in view of its overall responsibility and accountability for the Personal Social Services. In making these findings, we do not suggest that either the respective Chairmen or the Department were in a position to take action over and above what we have suggested was open to the Board's officers, merely that they were entitled to know about a serious matter for which they might ultimately be called to account.

4.127 Finally there is the question of whether the Meharg/Cullen investigation should have been dealt with through the Board's formal complaints procedures (see paragraphs 2.41-2.45). We concluded that the information conveyed to Messrs Gilliland and Bunting did not constitute a complaint within the terms of those procedures, and that the handling of the information was a matter within the discretion of the Board's management.

4.128 For the avoidance of doubt we would like to deal with a matter which arose in the context of the Meharg/Cullen investigation. It was established that D/Con Cullen did not at any time receive or transmit any allegation that Mr McGrath was engaging in homosexual activity with residents of Kincora. D/Con Cullen's evidence and our examination of his papers also established that there was no suggestion that the "prominent people" who were involved in his investigation of Mr McGrath were connected in any way with Kincora or its residents. The term was loosely coined by D/Con Cullen and did not, in our view, convey an accurate description of those named.

The evidence of Miss Valerie Shaw

4.129 Miss Valerie Shaw, who had no connection with the Social Services, came into contact with Informant B in or around late 1973. She subsequently

made efforts to expose Mr McGrath as a homosexual by bringing Informant B's allegations against Mr McGrath to the notice of a large number of acquaintances and others to whom she was introduced through her religious activities. In 1980 Miss Shaw made a statement to the police listing her contacts. We established that only two of these proved material to this Inquiry. The police statements and public pronouncements of Miss Shaw's other contacts and certain of our own enquiries made it clear that they did not bring the concerns of Miss Shaw or Informant B to the attention of the authorities relevant to this Inquiry. We refer to these contacts only where it is necessary to our narrative of events. Some of Miss Shaw's activities received widespread publicity in 1982 and afterwards. We are aware that her detailed version of events was publicly contradicted in part by at least one of her contacts, the Reverend Doctor Ian Paisley, MP, MEP. We mention this in order to put it on record that it is common ground that nothing relevant to this Inquiry arose from Miss Shaw's dealings with Dr Paisley.

4.130 At this point it is also appropriate to deal with another of Miss Shaw's contacts who was mentioned in evidence in terms which caused us to make enquiries as to his possible relevance to this Inquiry. In about May 1974 Superintendent John Graham (now retired) was put in touch with Miss Shaw and was told that Mr McGrath was allegedly a homosexual and that he worked in Kincora. Superintendent Graham's April 1982 Terry Inquiry statement indicated that he went to Mountpottinger police station and reported verbally to a member of the CID, but he could not recall which member. The RUC and Terry Inquiry investigators had been unable to identify the alleged contact and there was, therefore, no evidence that the matter had subsequently come to the attention of the Social Services. In the course of her evidence, however, Miss Shaw intimated that Superintendent Graham might not have been entirely satisfied with the efforts made to identify his 1974 contact. We wrote to Superintendent Graham listing the six police officers who had been interviewed with negative result in relation to his 1982 statement and seeking any possible additional names. Superintendent Graham replied that to suggest further names would be beyond his memory and that he would rather be sure than uncertain about naming officers. He also said that, while he was disappointed that police enquiries had not revealed the identity of the officer to whom he spoke, he was never in a position to criticise police investigations into the

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

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

February – March 1976

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

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

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

[HIA 794, para 4.117]

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

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

Late 1976

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

that he could have had any degree of confidence that this information would not have leaked and we do not find it possible to criticise him for not taking this course of action.

4.126 In our judgement it would have been appropriate for Mr Gilliland to have informed the Chairmen of the Personal Social Services Committee and of the Board proper on a confidential basis, because they certainly fell within the category of persons with a "need to know", notwithstanding the unresolved nature of the allegations. The same applies to the Department of Health and Social Services, in view of its overall responsibility and accountability for the Personal Social Services. In making these findings, we do not suggest that either the respective Chairmen or the Department were in a position to take action over and above what we have suggested was open to the Board's officers, merely that they were entitled to know about a serious matter for which they might ultimately be called to account.

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The evidence of Miss Valerie Shaw

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made efforts to expose Mr McGrath as a homosexual by bringing Informant B's allegations against Mr McGrath to the notice of a large number of acquaintances and others to whom she was introduced through her religious activities. In 1980 Miss Shaw made a statement to the police listing her contacts. We established that only two of these proved material to this Inquiry. The police statements and public pronouncements of Miss Shaw's other contacts and certain of our own enquiries made it clear that they did not bring the concerns of Miss Shaw or Informant B to the attention of the authorities relevant to this Inquiry. We refer to these contacts only where it is necessary to our narrative of events. Some of Miss Shaw's activities received widespread publicity in 1982 and afterwards. We are aware that her detailed version of events was publicly contradicted in part by at least one of her contacts, the Reverend Doctor Ian Paisley, MP, MEP. We mention this in order to put it on record that it is common ground that nothing relevant to this Inquiry arose from Miss Shaw's dealings with Dr Paisley.

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to the Psychiatric Unit. This apparent misunderstanding was unfortunate since Miss Johnston's advice was clearly correct in the circumstances. Given the purely social context in which Miss Shaw approached her and her understandable reluctance to discuss a client in that setting, it is not surprising that Miss Johnston did not take a more active part in furthering the matter. Nor may it be entirely without significance that Miss Johnston was aware that Miss Shaw's agitation against Mr McGrath had not persuaded others, including persons of influence, to take action.

4.137 We considered whether Miss Johnston should have taken the initiative and alerted R&DC management to the allegations against Mr McGrath. While Miss Shaw's evidence was that she regarded her approach as a request for action to be taken, Miss Johnston stated that she did not understand that to be the case and that Miss Shaw did not press her. We take the view that, in her state of knowledge and having directed Miss Shaw to R&DC management, Miss Johnston would not have felt it necessary to do so and we make no criticism of her on this point. Nor did the information given to her constitute a complaint within the terms of the Board's procedures. This is not to say that communication with R&DC management would have been valueless. While the allegations originating from Informant B were already known to the Eastern Board at Headquarters and District levels by virtue of the Meharg/Cullen investigation, the allegation concerning R36 would have been an additional piece of evidence which could have been usefully passed to the police.

4.138 Miss Shaw's evidence also threw some further light on the currency of rumours about the homosexual inclinations of the Kincora staff. She explained her reluctance to make a direct approach to the Eastern Board partly by the fact that, by 1975 or 1976, Informant B had told her that he had heard that not only Mr McGrath, but one or possibly two other members of the staff were homosexually inclined. This would fit in with the rumours about Mr Mains which came to the attention of Mr Maybin (see paragraphs 4.88-4.91) and Mrs Fiddis (see paragraphs 4.92-4.100), but the suspicion about a third member of staff, presumably Mr Semple, was a new element. However Miss Shaw told us that as these were only rumours she did not pass on any allegations to her various contacts other than those relating to Mr McGrath. In her evidence Miss Shaw said that, in retrospect, she had gone to the wrong people in her attempts to expose Mr McGrath's alleged homosexuality.

The evidence of Reverend Martin Smyth MP

4.139 One of the persons with whom Miss Shaw had been in touch prior to her approach to Miss Johnston in October 1976 was the Reverend Martin Smyth. Reverend Smyth made a statement to the police in April 1980 referring to Miss Shaw having expressed concern to him in late summer 1975 about Mr McGrath's alleged homosexual activities. Nothing relevant to this Inquiry resulted from that meeting. Mr Smyth's statement, however, went on to say that later in 1976, having heard from another source that Mr McGrath was employed in a boys' hostel, he telephoned the Eastern Health and Social Services Board, spoke to a Mr Jackson, drew his attention to the allegations which he had heard, and suggested that it was possible that the police could confirm or deny them. Following this statement, the RUC interviewed four persons named Jackson. Two of these were employed by the Eastern Board, one in a professional capacity by the Central Services Agency and one by the Confederation of Health Services Employees. All four stated that they had not received any report from Reverend Smyth. A further person named William Jackson, who had been Assistant Matron in an Old People's Home had recently died. Another Eastern Board employee, Mr Girvan Jackson, was known to Reverend Smyth and had been ruled out by him as his 1976 contact.

4.140 In an effort to clarify some of the details of Reverend Smyth's 1980 statement, we asked for and received a further statement from him in September 1984. This included the following points:-

- a. Reverend Smyth could not recall who told him in 1976 that Mr McGrath was employed in a boys' hostel;
- b. to the best of his recollection, Reverend Smyth telephoned the University Street office of the Eastern Board;
- c. Reverend Smyth asked for the head of the Personnel Department and was put through to a Mr Jackson. He thought that this officer was called William Jackson;
- d. Reverend Smyth explained to Mr Jackson that he had no firm evidence to support the allegations against Mr McGrath; and
- e. Mr Jackson said that he would look into the matter but did not give any indication of what specific steps he proposed to take.

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

Late 1976

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

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

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

August 1977

4.141 We received a statement from Miss Joan Tombe, who had been Administrative Officer in the Personnel Department in Eastern Board headquarters since 1973. She stated that she was not aware of any member of staff called Jackson ever working in University Street and that at no time had there been a Personnel Department in University Street.

4.142 Our inquiries revealed that the RUC enquiries in 1980 had been based in part on a list of Jacksons provided by the Department of Health and Social Services, but that the list had been derived from a microfiche record relating to staff employed in the Eastern Board in 1980. The Department, however, was able to locate a computer tape of staff in post in the Eastern Board between April 1975 and April 1977, and produced a print-out of fifty-five Jacksons employed during that period. We scrutinised this list and excluded all females and others who, by virtue of the nature of their employment, could not have received a telephone call from Reverend Smyth. This, in fact, brought us back to the two Jacksons, employed by the Eastern Board, who had been interviewed by the RUC in 1980. One was a District Fire Prevention Officer based in North Down and Ards and the other was an Assistant District Administration Officer based in the City Hospital complex in South Belfast. Neither had the forename William.

4.143 We unhesitatingly ruled out the late Mr William Jackson on the grounds that in his employment as Assistant Matron of an Old People's Home he could not have taken such a telephone call. Nor could the District Fire Prevention Officer, for similar reasons. The two persons interviewed by the RUC in 1980 who were not employed by the Eastern Board also fell clearly outside the consideration. This left the Assistant District Administrative Officer in South Belfast. We ruled him out because of his 1980 police statement in which he indicated that he had no recollection of any such call; because he is not called William; and because he did not work in the University Street office.

4.144 In the circumstances outlined above, we make no finding.

Complaint against Mr McGrath by R18 August 1977

4.145 Suspicion next fell on a member of the Kincora staff in August 1977. The complainant was a resident of Kincora, referred to in evidence as R18. R18 was admitted to Kincora in May 1977 when he was fifteen years of age

but stayed at the hostel only at weekends as he was resident in a special school for maladjusted pupils during the week. In June 1978 he became resident full-time in the hostel until he was discharged from it in May 1980. Mr McGrath was convicted on one count of gross indecency involving R18. Nolle prosequi was entered for one count of buggery involving R18.

4.146 R18 made a statement to the police in March 1980 which revealed that he had had a homosexual experience, involving oral sex, in the toilet of a Dublin cinema when he was about eleven years of age. It also referred to homosexual relationships, involving masturbation, with unnamed men whom he had met at the toilets in Ward Park, Bangor when he was about twelve or thirteen. R18 stated that he went to the Ward Park toilets every weekend when he was at home and had relationships with a number of different men, but that he was never given money for homosexual acts. These experiences pre-dated his admission to Kincora. No person was charged in respect of these alleged offences. We noted that the approximate date of these alleged offences ie 1974/75 was similar to a single offence alleged by a resident of Valetta Park (see Chapter 5) arising from a contact also made at Ward Park. We received no evidence to establish any connection between the offences other than the coincidence of location and broad coincidence of date.

4.147 On 16 August 1977 R18 was visited at Kincora by Mrs Anna Hyland (now Phillips), a Senior Social Worker based in the Down District of the Eastern Board. Mrs Hyland's 9 September summary of her contacts with R18 during July and August included a reference to the effect that he was hesitant when asked how he was getting on with the Kincora staff but after a certain amount of questioning he said that he was concerned about the attitude of one of the staff. The staff member in question was Mr McGrath and R18's concern arose because:-

- a. he had been having long and intimate conversations about sex with Mr McGrath;
- b. Mr McGrath had, to use R18's term, embraced him on two separate occasions.

Mrs Hyland's summary went on to say that she questioned R18 fairly closely about this; that it seemed clear that he had not encouraged it; and that he seemed worried about how to cope with the situation. R18 told her,

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Summary on R 18 for July & August, 1977.

During this period R 18 has made quite a good adjustment to the hostel. I took his mother over to see the hostel and she was greatly reassured which stopped some of the antagonism about the arrangement coming from the house. The first 2 weeks of the school holidays R 18 went with his parents to relatives in Dublin and although he had been dreading this because they were so annoyed with him about the way he treated his mother the visit turned out to be a great success. I have spent quite a lot of time before hand giving R 18 advice on how to cope with the relatives and the feelings that arose in him when he met them. At an interview with R 18 towards the end of the holiday she made it quite clear that she felt it would be better if R 18 remained at the hostel and towards the end of August I had a long talk with R 18 about this and he himself also feels that the present arrangement should remain undisturbed, although we recognise it is difficult with him being between the Technical School, Ardmore and Kincora. R 18 himself feels confident that he can cope with this situation. He shows signs of having grown up already and on the few occasions he has gone home simply for a day visit or perhaps staying one night there has been no difficulty and R 18 feels much less anxious about the situation than she did formally. All in all the placement at Kincora has worked remarkably well. However there was one situation that caused me some concern during my interview with R 18 on the 16.8.77. He was very hesitant when I asked him how he was getting on with the staff. After a certain amount of probing from me he said he was rather concerned about the attitude of one member of staff to him; he had been having long and fairly intimate conversations about sex with this member of staff and on a couple of occasions this man had embraced R 18 to use R 18's own term. I questioned R 18 fairly closely about this and it seemed clear to me that R 18 did not encourage this or responded to it in any way nor had he enjoyed this situation in fact he seemed to be quite nervous about it and worried about how to cope with it. It impressed me that he told the Warden about this situation, Mr. Mayne and I spent sometime with R 18 suggesting ways of how he might cope with this situation should it arise again. R 18 quite anxious about it he does not want the man to

loose his job nor does he want there to be any unpleasantness as a result of what he told me, he had not originally intended to tell me but found it 'just came out'. I suggested to R 18 that if there should be anymore approaches of this kind it would not be sufficient to simply ignore what was happening but to make it very clear to the member of staff in question that he was having no contact of this kind. R 18 promised to let me know anything more of this kind that happened in the coming week and that I would then see him again.

On the 17th of August I had an interview with Mr. Mayne and we discussed the whole situation. We both felt that R 18 was quite capable of coping with this adequately but I expressed concern about the affect on other boys should anything like this happen again with this particular member of staff. Mr. Mayne decided to consider whether or not he would discuss this matter with Gordon Higham.

On the 1st of September I had an interview with R 18 at Ardmore after his first day at the Technical School which he seems to be enjoying very much. I discussed the situation in Kincora and Mark was quite relaxed about the whole affair. He said that he no longer has long conversations with this particular member of staff and R 18 the very briefest of contact with him and there have been no more incidents and R 18 is no longer worried about this situation.

Later that day I discussed the whole situation with Alan Chard, Principal Social Worker. We agreed that I would informally mentioned the matter to Gordon Higham but that the evidence from R 18 was not sufficient to suggest that any kind of improper assault had taken place and the gesture of this member of staff towards R 18 could well be regarded as simply an affectionate response. However, in view of our doubt about this member of staff following on from information given to me about Mr. Mayne I also feel that an informal word to Gordon Higham would be advisable. In general I was very impressed about the way R 18 handled the whole affair. He seems to me to be maturing fast now and although I still do not feel sufficiently confident for him to return home I think a great deal of pressure in the situation has now been removed. R 18 is also making new relationships with other boys and in general is expanding his horizon.

Annallyland
Mrs. A. Hyland
Senior Social Worker - 9th September, 1977.

KINCORA

11/10/77

Ref: Complaint Mark Todd

Several weeks ago ^{6/8/77} Mark Todd approached me to have a Confidential talk. He complained that while he was applying his medication creams to his body in the bathroom. Mr. M^r. Lynch suggested that he would look better without the towel being tied around his waist. He then told Mark that he had been a qualified masseur and attempted to massage Mark's shoulders. This action was rejected by Mark and he told Mr. M^r. Lynch to take his "Hands off". I don't want you to touch me at all.

On another occasion Mark stated that Mr. M^r. Lynch had massaged him by placing his arms around his waist. This apparently happened again while Mark was strapped in the Bathroom only wearing his Pyjama trousers. Mark assured me during this conversation that there had never been any sexual contact the only contact made was physical. During this conversation Mark has assured me that he is able to handle this situation.

Due to the above I feel that Mark has developed an intense dislike to this particular member of staff

PERSONAL AND CONFIDENTIAL

R 18

Kincora

Please find enclosed photostat copies of reports given to me by Mr. Mains, Officer in Charge of Kincora and Mrs. A. Hyland, S.S.W., Downpatrick. After discussing with Mrs. Hyland and Mr. Mains on Wednesday, 12th October I have reached a conclusion at this point in time that R 18 should not be moved from Kincora, nor should any direct action be taken against Mr. McGrath, Third Officer in Charge.

The whole question of what actually happened between Mr. McGrath and R 18 is questionable and a lot of what was discussed between Mrs. Hyland and Mr. Mains, and myself evolved around R 18 feelings about what had happened. As can be seen from the attached reports, R 18 felt something alien was happening when Mr. McGrath "embraced" him. However, nothing of a sexual nature appeared to happen at any time.

Some light was shed on the whole situation when it was discovered that R 18 had a previous homosexual experience when he was younger. His guilty feelings about this would appear to be still apparent and thus this may be what he felt when Mr. McGrath made some comments and came close to him.

Although I believe that nothing directly should be said to Mr. McGrath I have suggested that perhaps Mr. Mains should discuss the question of younger boys and how they are settling in Kincora with Mr. McGrath. He will obviously emphasise R 18 apparent change in attitude towards Mr. McGrath and enquire how this should be. I believe this is all that can be done at present and the Social Worker, Mr. Mains and myself have arranged to discuss this matter in a month's time. During the intervening period Mr. Mains and Mrs. Hyland will keep a particularly close eye on the whole situation. I would appreciate your views on this matter if contrary to what I have suggested.

Copy / Miss McGrath
Mrs Hyland.

EASTERN HEALTH AND SOCIAL SERVICES BOARDPRIVATE and CONFIDENTIALMEMORANDUM

From: Mr. C.W. Scoular,
District Social Services Officer.

To: Mr. S.G. Higham,
Assistant Principal Social Worker.

Ref. P.C.
CWS/MR. 20th October, 1977.

Ref. GH/CH.
Copy: Miss L.M. McGrath, P.S.W.

R 18

- Kincora Hostel

I have read the reports you sent to 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 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' reticence about freely discussing what goes on in Kincora with you. I think it would be valuable for Miss McGrath and yourself to have an early discussion with me.

As I mentioned to you yesterday, I find the 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 discreet enquiries and see what I can find out.


DISTRICT SOCIAL SERVICES OFFICER

6c 47, 81 7 944

R 18 - Transfer Summary

R 18 went on to complete the Pre-Catering Course at Downpatrick and in fact passed his exams with high marks. As a result he was offered a place on the Advanced Catering Course at Belfast College of Business Studies and he began this course in September and is enjoying it very much.

He is still at Kincorn Hostel and seems fairly well settled although still regards himself as a bit of a 'separate case' at times. He goes home about once a week for a visit but does not often stay the night except about once a month when he goes to confession after mass. I think it would be highly undesirable to increase visits to his parents in any circumstances and R 18 has made it clear how much she would dread R 18 returning home. He is still in care Under Section 103 and I would expect that arrangement to continue until he is 18.

In recent weeks he has hinted to worry about his sexual orientation and about his friendship with some older men (around 30) He has met at Helmsman in Bangor. He very clearly wants to talk to me but is inhibited because of my statutory responsibility for him. I have therefore, come to believe that R 18 could benefit most from a period of counselling where he can be completely frank. I have discussed with him seeing him in my role as marriage guidance counsellor at the M.G. Headquarters in Dublin Road; and at the same time transferring him to another social worker. He seemed very relieved and agreed to see me regularly on this basis. I have made a first appointment for 25.10.78, at 2.00p.m. He asked me what would be said to the new social worker. I told him that I would explain that he had problems with his sexual orientation which he needed specialist help with. R 18 was quite happy with this. I explained that he would eventually have been transferred anyway as he had left Ardmore School now.

I still have to explain the situation to R 18. This will be difficult as she knows nothing of R 18's sexual problems and I am very reluctant to tell her and I feel she would be totally unable to cope in any helpful way with this information. A further difficulty will be the degree of trust and dependence she has on me as undoubtedly she has come to rely on me very heavily at times. I therefore think a joint interview with the new social worker and myself is indicated, certainly to the R 18 household and possibly with R 18 also.

On the social work side R 18 has recently asked me if the care authorities would be prepared to help find him for a educational trip to Switzerland on January or February 1979 with the College of Business Studies. I am hoping to look into this before the case is handed over. If I do not have time the office responsible for financing R 18 in Kincora is East Belfast & Castlereagh (Mr. Gray Assessments Officer) Administration Buildings, Purdysburn. R 18's parents no longer have to contribute to his upkeep now that he is 16 years old.

Anna Hyland
Senior Social Worker

19th October, 1978.

OFFICIAL - SENSITIVE - PERSONAL

Kincora Corporate 3 Complete - [REDACTED] allegations (69) - HSCB - 20-05-16

R18 - Case Conferences at Kincora 12.10.77. and 9.11.77.Attended by Mr. Maines and Mr. G. Higham.

At the discussion on 12.10.77. the problems with R18 and staff members were discussed - it was felt that evidence was very inadequate and that what had happened could be construed as an affectionate gesture.

R18 seems to have coped well with situation although had expressed some strongly aggressive feelings towards this staff member. R18 has been talking in greater details about his violent impulses and his lack of control to Mr. Maines. There was some discussion about psychiatric referral - however, I am convinced myself that R18's problems would be described as 'Personality Problems'.

At the meeting of 9.11.77. Mr. Maines remarked that R18 often took his meals separately in the kitchen, ostensibly because he was interested in cooking. Mr. Higham, felt this was making him rather 'Special'. I added that R18 had told me that Mr. McGrath often tells R18 he is 'Special' i.e. a cut above the other boys etc. I said I did not think this was helpful as it fed into R18's fantasies about grand origins etc., It later came out that not only does R18 spend much time in the kitchen but he is heavily critical of Mrs. McCullough the cook as she rather resents it. I warned that it could be the beginnings of a repeat of the home pattern - Mrs. [REDACTED] is terrified even to cook an egg when R18 is around. He totally dislikes her. Mr. Higham and I suggested that he only allowed in the kitchen to do his experimental cooking at times when Mrs. McCullough is not cooking meals. In general we felt that R18 should not be singled out for special treatment.

Anna Hyland

Anna Hyland

Senior Social Worker - 10th November, 1977.

OFFICIAL - SENSITIVE - PERSONAL

C11

EASTERN HEALTH AND SOCIAL SERVICES BOARDPROGRESS REPORT ON CHILD IN CARE

Child's Name: R 18 d.o.b. R 18

Home Address: R 18 Section admitted/
committed to care: 103

Date: 12.5.77

Parental Rights Order
~~Yes~~/No: Date: No.

Previous placements in care:

Order	Placement	date	Reason for leaving				date
			Planned move	Break-down	Dis-charge	Other	
1							
2							
3							
4							
5							

Present Placement: *Children's Home/Foster Home/Home on Trial. (*Delete as appropriate)

Address:
(Include Name of Kincora Boys' Hostel,Foster Parents) R 18Date Placed: R 18

Dates of visits since last report. Identity to whom the visit was made, e.g. child, parents, and underline those on which the child was seen.

Nov. 78	Dec. 78	Jan. 79	Feb.	March	April	May	June	
<u>9th, 21st</u> <u>28th</u>	<u>13th</u> <u>20th</u>	24th	'Phone calls.	<u>20th</u>	-	<u>11th</u>	<u>4th</u>	

AP 2

CHILD:

Emotional and Social Development: (include relationships with Residential staff, S.W., Foster Parents, any other significant adults & peers).

R 18 continues to reside in Kincora Hostel. He is not particularly friendly with anyone there, except Mr. Mains, in whom he tends to confide. My relationship with him is somewhat distant, mainly due to pressure of work. R 18 has a boyfriend in Bangor, whom he sees twice a week. He continues to receive sexual counselling once a fortnight from Anna Hyland, Marriage Guidance Bureau.

Physical development and health: (include any recent visits to family doctor).

Health has been good.

Progress at School/Work: (include vocational plans and any S.W. contact with School/Employer).

R 18 recently informed me that he has given up the catering course, and hopes to do 'O' levels next summer. I have not had any recent contact with the college of Business Studies. R 18 does not know what he eventually intends to do with his life.

Interests and Special events: (include any religious observance and recreational activities).

Occasional religious observance - attends Holy Communion once per month. Main special event was the ski trip to Italy with the College in February, which he thoroughly enjoyed. Main recreational activities - going to discos, and pubs (Coahhman in Bangor).

Evaluate the following:

Family situation: (include frequency and quality of contact between the child and his parents). Until recently, R 18 would only go home overnight once per month. In the past couple of months, however, he has been staying at home two nights per week, getting his father to run him up to Kincora the following day. This is creating anxiety between his parents who continue to be pathetic and ineffectual. Relationships with his parents are very poor.

Current placement and plans for the child: (In the case of Foster Parents, include their relationship with the child, his family and social worker and physical conditions in the foster home).

Kincora would appear to be the most appropriate place for R 18 though he is not thinking constructively about future plans, either for his career or his accommodation. I feel that it would not be appropriate for him to return and live with his parents. Delusions of grandeur persist.

Social Work Input:

Periodic but infrequent visiting R 18 does not feel able to confide in me, indeed I do not wish him to confuse or prejudice his role with Marriage Guidance. Recent support has been financial in connection with his holiday and discussion about his relationship with his parents, and the dangers of too frequent contact with them.

Identify changes in relation to the child's family, Residential staff, Social Worker, Foster Parents, other important people in the child's life and the effect of change on the child.

I am not sure that R 18 realises that his life is likely to change quite markedly within the next year. He appears to be making little effort to prepare himself for increasing independence, continuing to rely quite happily on the structured regime in Kincora.

Present legal position and any proposed change:

No proposed change of Section 103.
Possible discharge when he reaches 18 years of age.

Date: 20.6.79.

Senior Social Worker.

Signature of Social Worker: PETER H. MARTIN.

Remarks of senior staff:-

Date: _____

Signature: _____

Date of 6 Monthly Review: _____

implied taking a risk and said that the "whole situation" to be discussed with Mr McGrath was the contents of reports on R18. Mr Scoular's attention was not directed towards the nature of the "discreet enquiries" mentioned in the final paragraph but he gave evidence of asking Mr Bunting about how the Meharg/Cullen investigation was going. Mr Higham assumed that the enquiries referred to were to be directed to the police. We noted that awareness of the R18 case did not prompt Miss McGrath to recall the 1976 rumour about Mr Mains. Consequently Messrs Scoular and Higham continued in ignorance of it.

4.156 At this point we consider it appropriate to set out our view of the meaning and significance of Mr Scoular's 20 October memorandum and in particular those references to which we have drawn attention. We consider it to be an important document insofar as it casts light on his state of mind and on how Mr McGrath was regarded by management at this time. Firstly, we interpret the memorandum as reflecting an apprehension that Mr McGrath might constitute a threat to the well-being of the Kincora residents because of his alleged homosexual inclinations. Secondly, that it referred implicitly to his alleged paramilitary connections and that Messrs Scoular and Higham saw this as introducing an additional difficulty into the handling of the case. It will be clear, therefore, that we read the memorandum as referring to matters over and above those directly relevant to R18's complaints to Mrs Hyland and Mr Mains. We also infer that these wider issues were discussed and appreciated by Messrs Scoular and Higham at some time between Mr Higham's 18 October submission of the R18 reports and Mr Scoular's 20 October response. The memorandum refers to prior discussion and some of the references in it would have been unintelligible to Mr Higham unless such wider discussion had taken place. Finally, we believe that Mr Scoular's perception of the Kincora situation had been influenced by the nature of D/Con Cullen's contacts with Mr Bunting and how these were represented to him. D/Con Cullen had stressed the sensitivity of his investigation, had made it known that "prominent people" were involved with Mr McGrath, had mentioned the paramilitary aspects and the fact that he was reporting directly to ACC Meharg. Unfortunately Mr Bunting chose not to brief Mr Scoular in writing, so we have no direct evidence of the tenor of his message, but the mere communication of these facts would have put Mr Scoular on notice that the situation contained elements which went beyond the normal ambit of Social Services management.

4.157 It is also relevant that, at about this time, Mr Higham was made aware of suspicions held by a Strandtown police officer about Mr Mains' relationship with another Kincora resident, referred to in evidence as R20. The close coincidence of R18's complaint and the suspicions regarding R20 was significant and the two cases must be considered together in some respects. For the sake of clarity, however, we will continue the narrative of the R18 case and deal separately with the R20 case later.

4.158 The next event relating to R18 was a meeting on 9 November 1977 attended by Mr Higham, Mrs Hyland and Mr Mains at Kincora. No further evidence about Mr McGrath's relationship with R18 emerged at that meeting and Mrs Hyland's summary of 10 November dealt with other aspects of his case. It did note, however, Mrs Hyland's mentioning that R18 had informed her that Mr McGrath often told him that he was special, meaning that he was a cut above the other boys. The summary indicated that Mrs Hyland did not think that this was helpful as it "fed into R18's fantasies about grand origins...".

4.159 On 11 January 1978 Mrs Hyland telephoned Mr Higham. She informed him that R18 had told her that Mr Mains had come into the hostel at about 1.00 am the previous Friday night, quite drunk, and had wakened him to ask how he liked Kincora and whether anything was wrong. R18 had also said that Mr Mains had come into the hostel in an inebriated state on several occasions. Mr Higham's note of the conversation indicated that it was agreed that he should mention the matter to Mr Mains by asking him about any discussions he had had with R18 about the hostel. Mr Higham gave evidence that he spoke to Mr Mains and that his recollection was that Mr Mains said that he had been off duty, that R18 had not been asleep, and that he had asked R18 how he was getting on with Mr McGrath. Mr Mains also denied that he had been drinking. Mr Higham told us that there was no indication that there were any sexual connotations in this incident.

4.160 The next milestone in the care history of R18 was his transfer from Mrs Hyland's caseload to that of Mr Peter Martin in October 1978. Mrs Hyland gave evidence that this resulted from R18 leaving the special school to which she was attached but that, after consultations with Mr Chard and Mr Martin, it was agreed that it would be an extra protection for R18 if, in addition to this social work supervision, he could have the

Mrs Hyland's record of the 9 November meeting indicated no change of view. We believe that R18's disclaimers, the absence of any reference to positive sexual activity in his complaint, and the possibility that he might have had a guilt complex about his previous homosexual experience combined to outweigh the suspicion created by the decidedly dubious nature of Mr McGrath's approaches. We accept that this was not an unreasonable position for Mrs Hyland to hold at the time. We have already indicated that the evidence as to Mr Higham's state of knowledge prior to October 1977 is inconclusive. His 18 October assessment would have been reasonable if, as he maintained, this was the first indication of suspicion which came to his attention.

- 4.165 We do not believe that R18 intended his remarks to Mrs Hyland to be construed as a complaint of the kind which would have been dealt with under the formal procedures. The evidence of how the incidents came to light, and R18's subsequent concealment of his relationship with Mr McGrath, suggest that he would have been unwilling to press the matter. As such, its handling was a matter of judgement by the staff concerned.
- 4.166 In attempting to judge the quality of R18's social work supervision, we were hampered by Mrs Hyland's style of record-keeping. She did not keep a running record from which her visits to R18 could be identified, instead she filed typewritten summaries of periods of contact from which we were unable to derive precise information on the frequency of her visits. In the period after October 1978 we noted a six monthly progress report by Mr Martin dated June 1979, which indicated that Mr Martin's relationship with R18 was "somewhat distant, mainly due to pressure of work" and that visiting was "periodic but infrequent". Mr Martin in fact, had recorded visits to R18 for five of the preceding eight months so fairly regular contact was maintained.
- 4.167 We took a particular interest in the arrangement under which R18 received counselling from Mrs Hyland in her marriage guidance capacity while still in statutory care. The 19 October 1978 transfer summary alerted Mr Martin to R18's difficulty as to his sexual orientation and Mr Martin's 1980 police statement made it clear that he was told about the August 1977 complaint, so that he was fully briefed at the point of transfer. His June 1979 progress report, however, noted that "R18 has a boyfriend in Bangor, whom he sees twice a week. He continues to receive sexual

counselling once a fortnight from Anna Hyland, Marriage Guidance Bureau R18 does not feel able to confide in me, indeed I do not wish to confuse or prejudice his role with Marriage Guidance". This situation was exceptionally difficult. On the one hand, Mr Martin and Mrs Hyland were aware that R18 may have been engaging in unlawful acts outside the hostel; on the other, there was little they could do to restrain him without shattering any trust which existed and which was the basis for attempting to deal with R18's problems, social as well as sexual. Such restraint could only have been applied by removing R18 to a secure institution or by involving the police. While a strict interpretation of the Board's responsibility might have required such action, we recognise that the counselling arrangements were intended to protect R18's welfare by more indirect means.

- 4.168 As to the March/April 1979 complaint alleged in R18's police statement, we accept Mrs Hyland's evidence that no explicit complaint was made to her in the form described by R18. Nor could the "raised eyebrow" incident have formed the basis for decisive action in relation to Mr McGrath. We are satisfied that R18 had opportunities to complain about Mr McGrath's activities had he wished to do so.

Suspicion concerning Mr Mains and R20 October 1977

- 4.169 As previously indicated suspicions held by a Strandtown police officer regarding the relationship between Mr Mains and R20 had come to Mr Higham's attention on 21 October 1977.
- 4.170 R20 was received into care when he was five and was admitted to Kincora in June 1975, when he was fourteen years of age. R20's 1980 police statement contained no complaint of a homosexual nature and no person was charged with any offence involving him (see also paragraph 7.49).
- 4.171 On 4 October 1977 R20 was arrested and charged along with another Kincora resident, referred to in evidence as R37, with a large number of burglaries. When taken to Strandtown police station by Detective Constable John Scully, R20 asked for Mr Mains to be told of his arrest and said that he wanted to see him. D/Con Scully gave evidence that R20's mannerisms, which he considered effeminate, made him suspicious. He said that he had also been suspicious about Mr Mains, whom he had known since about 1966, for several years because he had seen him

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

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

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

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

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

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

[HIA 811, para 4.154]

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

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

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

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

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

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

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

October 1977

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

2/5/77Kincora

Phone call from J. Morrow stating that he had spoken to Richard Kern at Ratgail & has been told that Richard had been approached by Mr. McLaughlin. This had been a sexual approach. But he had never had any sexual dealings with the man or the temple.

Bygham

Suspicion concerning Mr Mains and R20 (continued)

4.187 The next significant issue in the R20 case arose from a manuscript note by Mr Higham dated 25 November 1977. This referred to a telephone call from Mr Morrow stating that he had spoken to R20 at Rathgael and been told that R20 had received a sexual approach from Mr McGrath, but that he had never had any sexual dealings with Mr Mains or Mr Semple. Mr Morrow gave evidence that he had visited R20 in Rathgael on two occasions subsequent to 14 November but that no allegation against Mr McGrath had been made although R20 repeated his "tell all" threats about Mr Mains. Mrs Gogarty, who accompanied him on these visits but did not sit in on the interviews, had no recollection of Mr Morrow referring to such an allegation. In fact R20's 1980 police statement, which said that Mr Mains never did or said anything to him of a homosexual nature, did refer to Mr McGrath wrestling with him and suggested that Mr McGrath was enjoying this in a homosexual way. Given that Mr Higham's note was filed, and that it attached the allegation specifically to Mr McGrath to the exclusion of Messrs Mains and Semple, we are inclined to the view that Mr Morrow made the telephone call but did not remember doing so. Certainly it would have been the proper action for him to take on receipt of such a suggestion, and consistent with his decision to alert R&DC management to D/Con Scully's suspicions in October. In any event, Mr Morrow's diligence in pursuing the suspicions deserves acknowledgement. Mr Higham also gave evidence that he interviewed R20 at Rathgael subsequent to Mr Morrow's telephone call but that he was unable to elicit anything from him. He said that he discussed this with Mr Scoular and Miss McGrath. Mr Scoular had no specific recollection of it but felt sure that Mr Higham would have mentioned the matter in the course of discussion.

4.188 We now return to the contacts between the Board and the police. On 5 December, as arranged, Sgt Sillery and D/Con Scully met Mr Scoular at Purdysburn. There is no documentary record of this meeting, so we had to rely on the recollections of the participants as to what information was exchanged and what decisions were reached. It is clear that the Kincora crime problem was on the agenda as Sgt Sillery brought with him a list of residents who had come to the notice of the police. D/Con Scully, however, was there specifically to outline his suspicions about Mr Mains to Mr Scoular at first hand. The three participants agreed that there was no actual evidence that Mr Mains was homosexually involved with either R20 or R2. D/Con Scully said in evidence that his suspicions were

insufficient for questioning Mr Mains, let alone arresting him. It was also accepted by all that no reference was made either to the "Mason file" or to the Meharg/Cullen investigation. D/Con Scully gave evidence to the effect that Mr Scoular intimated that there was no reason to suspect Mr Mains. His 1980 police statement recorded that Mr Scoular told them "that recently a complaint had been made by a boy against a Mr McGrath, but that had been investigated by his department and found to have no substance". In evidence to us, however, D/Con Scully stated that his recollection was that the previous complaint had related to harsh discipline. Sgt Sillery's 1982 Terry Inquiry statement also referred to Mr Scoular mentioning that in the past a complaint against a member of the Kincora staff had been investigated and found to be unsubstantiated. Sgt Sillery could not remember whether the previous complaint related to Mr McGrath but said that there was no suggestion of homosexuality. Mr Scoular gave evidence that he did not recall any investigation into Mr McGrath relating to harsh discipline and that, while he had no specific recollection of mentioning the R18 case on 5 December, that it was very likely that he did so. Given the nature of the RUC's 1980 investigation and the 1982 Terry Inquiry, with their explicit concentration on homosexual activity, we cannot accept that Mr Scoular's reference to a previous complaint was to the entirely unrelated matter of excessive or harsh discipline and carried no homosexual implication. No mention was made of discipline in the relevant references in D/Con Scully's 1980 and 1982 statements or in Sgt Sillery's 1982 statement. We infer that Mr Scoular did at least allude to the R18 case on 5 December. As on 14 November, however, he did not convey to Sgt Sillery all of the information about Kincora which was then in his possession (see paragraph 4.190). It is not clear whether the police suspicions regarding another member or members of the Kincora staff, not identified by name, were discussed on 5 December. However, Mr Scoular's evidence indicated that he was made aware of this at some point. This must have been either on 14 November or 5 December.

4.189 Having discussed these matters, it was agreed that the police would keep an eye on Kincora and that Mr Scoular would make arrangements for a closer supervision of the hostel. Sgt Sillery and D/Con Scully both recalled that Kincora was to be monitored on a daily basis and, indeed, a daily report form was introduced with effect from January 1978. This required the Kincora staff, either Mr Mains as Warden or whichever member of staff

was on duty in his absence, to keep a record on a daily basis of residents coming in late or getting into trouble with the police and any other untoward events. These daily reports were to be collated and submitted to R&DC management on a weekly basis. It is clear, both from the subject matter of the reports and the fact that they were prepared and submitted by the Kincora staff, that this initiative was directed primarily at the disciplinary problems which were properly a matter of serious concern at that time. This arrangement cannot have been conceived as a deterrent or detective measure in respect of homosexual activity. Mr Scoular gave evidence that, in addition to this daily reporting system plans were made at this time for the introduction of students on placement in the hostel and for Mr Higham to have more frequent meetings with the staff and the residents of the hostel. Mr Higham explained that the student placements were seen as a means of introducing females into the Kincora staffing structure. Mr Scoular also made a point of making unannounced visits to the hostel. The Kincora record book registered no visits by Mr Scoular between January 1978 and January 1980, but visits may have been made but not registered. Nothing of relevance to homosexual activity at Kincora emerged either from these managerial initiatives or from the continuing police interest. Mr Scoular also stated that he telephoned Mr Bunting, at various times, for an up-to-date report on the Meharg/Cullen investigation and was told that there was nothing further to go on but that enquiries were continuing. D/Con Scully visited R20 in May 1979, after his release from Borstal, but was unable to obtain any evidence of a homosexual relationship between R20 and Mr Mains.

4.190 By December 1977, knowledge of a considerable number of incidents, complaints and suspicions which suggested the possibility of homosexual misconduct at Kincora had come into the possession of the Eastern Board. Mr Scoular, for instance, was aware of:-

- a. the January 1974 anonymous telephone call alleging that Mr McGrath was homosexual but making no allegation about misconduct involving the residents. This was drawn to Mr Scoular's attention at the time;
- b. the Meharg/Cullen investigation into allegations that Mr McGrath was homosexual, again with no allegation relating to the hostel itself. This was made known to Mr Scoular by Mr Bunting around the spring of 1976; as was

- c. the "Mason file" containing allegations against Mr Mains by R5, R6, R8 and R33 and referring to an alleged homosexual relationship with former resident R2;
- d. R18's complaint against Mr McGrath in August 1977; and
- e. D/Con Scully's suspicions of Mr Mains' relationships with R20 and R2.

Conversely he was not aware of:-

- f. the buttock slapping incident involving Mr Mains and investigated by Messrs Moore and McCaffrey in 1969/70;
- g. the May and September 1974 complaints against Mr McGrath by the parents of R15 to Miss McClean and Mr Orr;
- h. the rumour concerning Mr Mains which came to the attention of Mr Maybin in 1975;
- i. the rumour concerning Mr Mains which came to the attention of Mrs Fiddis, Miss Reynolds, Miss Reid and Miss McGrath in early 1976;
- j. Miss Shaw's allegations about Mr McGrath to Miss Johnston in late 1976; or
- k. Rev Smyth's telephone call about Mr McGrath in 1976.

4.191 Mr Scoular told us that he could not recall whether he alerted the Eastern Board headquarters, in the person of Mr Bunting or Mr Gilliland, to the R18 and R20 cases. Messrs Bunting and Gilliland's evidence was that they did not become aware of these cases until 1980, after the publication of the "Irish Independent" article, and we accept their evidence on this point. Mr Scoular went on to say, with regard to the R18 and R20 cases, that they were matters which he and his staff had dealt with and that there was nothing of a criminal nature to refer to his colleagues at headquarters.

4.192 We are prepared to acknowledge that, taken separately, it is possible to discount the significance of the various matters which came to Mr Scoular's attention. The 1974 allegations were anonymous and were the first made against Mr McGrath; the Meharg/Cullen investigation was based on Mr McGrath's alleged activities outside the home and the police did not have sufficient evidence on which to act; the "Mason file" was presented to him as a "dead file" by Mr Bunting with the rider that the allegations it contained had been investigated and found to be unsubstantiated; the

evidence relating to the R18 complaint was not considered by Mr Higham and Miss Hyland sufficient to indicate that homosexual misconduct had occurred; and D/Con Scully had nothing more than his suspicions of Mr Mains and had received no complaint from R20. Mr Scoular was also a busy official carrying substantial responsibilities and he explained in evidence that he never marshalled the various items of information about Kincora which had come into his possession.

4.193 We are convinced, however, that the accumulation of these allegations, complaints and suspicions over the years should have been recognised as significant by Mr Scoular. In particular, the fact that R2 featured in the "Mason file" in 1967 and in D/Con Scully's suspicions in 1977 should have alerted Mr Scoular, and also Mr Higham, to an important element of consistency in the doubts surrounding Mr Mains. It follows that he should have drawn the R18 and R20 cases to the attention of his colleagues at headquarters, whose knowledge at this time was confined to the "Mason file" and the Meharg/Cullen investigation. If Mr Scoular had brought the R18 and R20 cases to the notice of Mr Bunting, they could have been notified to D/Con Cullen as information additional to the "Mason file". Alternatively clearance could thereby have been obtained from ACC Meharg or D/Con Cullen for a disclosure to Sgt Sillery at the 5 December 1977 meeting. This would have removed any possible constraint arising from the confidential nature of the Meharg/Cullen investigation, which was not known to the Strandtown police. We believe that Mr Scoular's failure to consult Mr Bunting was a critical error and that the addition of these cases to the information already available to the police would probably have prompted an active police investigation some two years before the "Irish Independent" article had that effect. The precautionary suspensions of Messrs Mains and McGrath would also have been justified and appropriate in those circumstances, pending the outcome of police investigations. While it could be argued that R18's case might have been dealt with under the complaints procedures, there is evidence that R18 did not wish to press his complaint to Mrs Hyland in a formal setting.

4.194 This leaves the question of why Mr Scoular did not "grasp the nettle" as envisaged in his 20 October memorandum to Mr Higham and why he omitted to alert Board headquarters to the R18 and R20 cases. He accepted that he regarded Mr McGrath as more sinister and dangerous than an ordinary person in light of his alleged paramilitary connections but denied that he was

afraid of him or that this was the reason why he did not process the complaints against Mr McGrath. Nonetheless the proposed discussion with Mr McGrath never took place and no convincing explanation was advanced for this omission. We believe that Mr Scoular was apprehensive of Mr McGrath's alleged paramilitary links to some degree and that this, in conjunction with the fact that the homosexual implications of the R18 and R20 cases were, in his view, unsubstantiated, clouded his judgements as to whether Mr McGrath should be interviewed or those cases should be notified to Board headquarters.

4.195 We regarded the steps actually taken from December 1977 onwards, additional to the regular inspections by R&DC management, as aimed largely at the disciplinary problems in the hostel and as being insufficient in themselves to deal with the risk to residents arising from the suspicion that Messrs Mains and McGrath were active homosexuals. We do not suggest that an internal investigation by Social Services staff, extending to the wholesale interviewing of residents and former residents, would have been an appropriate or sensible alternative to referral to the police. Social Services staff are not qualified to undertake such speculative inquiries.

Later contacts with R20

4.196 Eastern Board staff maintained contact with R20 after he was sent to Borstal on 21 December 1977. At some time on or after 9 May 1978, Mrs Gogarty prepared a report on R20 covering the period from October 1977. Mrs Gogarty prepared this report because she was concerned that R20, who in March 1978 had been transferred to the Psychiatric Wing of the Maze Prison, might succeed in one of his suicide attempts. This report chronicled his court appearances and also various occasions, including the 14 October 1977 remand appearance, when he inflicted injury on himself. The report did not, however, make any reference to D/Con Scully's suspicions of Mr Mains and R20 or to any of the meetings with him or Mr Higham or to any of the relevant interviews with R20. Nor were these matters mentioned elsewhere in the file maintained by Mrs Gogarty and Mr Morrow. The only possibly relevant reference in the report was to R20's attempt to slash his wrists on 14 October "possibly caused by the non-appearance of Mr Mains in court as R20 has a very strong attachment to Mr Mains and he seemed to regard this as a betrayal". Mrs Gogarty gave evidence that she discussed the inclusion of information about R20 and Mr Mains with Mr Morrow and that he told her to leave this

implied taking a risk and said that the "whole situation" to be discussed with Mr McGrath was the contents of reports on R18. Mr Scoular's attention was not directed towards the nature of the "discreet enquiries" mentioned in the final paragraph but he gave evidence of asking Mr Bunting about how the Meharg/Cullen investigation was going. Mr Higham assumed that the enquiries referred to were to be directed to the police. We noted that awareness of the R18 case did not prompt Miss McGrath to recall the 1976 rumour about Mr Mains. Consequently Messrs Scoular and Higham continued in ignorance of it.

4.156 At this point we consider it appropriate to set out our view of the meaning and significance of Mr Scoular's 20 October memorandum and in particular those references to which we have drawn attention. We consider it to be an important document insofar as it casts light on his state of mind and on how Mr McGrath was regarded by management at this time. Firstly, we interpret the memorandum as reflecting an apprehension that Mr McGrath might constitute a threat to the well-being of the Kincora residents because of his alleged homosexual inclinations. Secondly, that it referred implicitly to his alleged paramilitary connections and that Messrs Scoular and Higham saw this as introducing an additional difficulty into the handling of the case. It will be clear, therefore, that we read the memorandum as referring to matters over and above those directly relevant to R18's complaints to Mrs Hyland and Mr Mains. We also infer that these wider issues were discussed and appreciated by Messrs Scoular and Higham at some time between Mr Higham's 18 October submission of the R18 reports and Mr Scoular's 20 October response. The memorandum refers to prior discussion and some of the references in it would have been unintelligible to Mr Higham unless such wider discussion had taken place. Finally, we believe that Mr Scoular's perception of the Kincora situation had been influenced by the nature of D/Con Cullen's contacts with Mr Bunting and how these were represented to him. D/Con Cullen had stressed the sensitivity of his investigation, had made it known that "prominent people" were involved with Mr McGrath, had mentioned the paramilitary aspects and the fact that he was reporting directly to ACC Meharg. Unfortunately Mr Bunting chose not to brief Mr Scoular in writing, so we have no direct evidence of the tenor of his message, but the mere communication of these facts would have put Mr Scoular on notice that the situation contained elements which went beyond the normal ambit of Social Services management.

4.157 It is also relevant that, at about this time, Mr Higham was made aware of suspicions held by a Strandtown police officer about Mr Mains' relationship with another Kincora resident, referred to in evidence as R20. The close coincidence of R18's complaint and the suspicions regarding R20 was significant and the two cases must be considered together in some respects. For the sake of clarity, however, we will continue the narrative of the R18 case and deal separately with the R20 case later.

4.158 The next event relating to R18 was a meeting on 9 November 1977 attended by Mr Higham, Mrs Hyland and Mr Mains at Kincora. No further evidence about Mr McGrath's relationship with R18 emerged at that meeting and Mrs Hyland's summary of 10 November dealt with other aspects of his case. It did note, however, Mrs Hyland's mentioning that R18 had informed her that Mr McGrath often told him that he was special, meaning that he was a cut above the other boys. The summary indicated that Mrs Hyland did not think that this was helpful as it "fed into R18's fantasies about grand origins...".

4.159 On 11 January 1978 Mrs Hyland telephoned Mr Higham. She informed him that R18 had told her that Mr Mains had come into the hostel at about 1.00 am the previous Friday night, quite drunk, and had wakened him to ask how he liked Kincora and whether anything was wrong. R18 had also said that Mr Mains had come into the hostel in an inebriated state on several occasions. Mr Higham's note of the conversation indicated that it was agreed that he should mention the matter to Mr Mains by asking him about any discussions he had had with R18 about the hostel. Mr Higham gave evidence that he spoke to Mr Mains and that his recollection was that Mr Mains said that he had been off duty, that R18 had not been asleep, and that he had asked R18 how he was getting on with Mr McGrath. Mr Mains also denied that he had been drinking. Mr Higham told us that there was no indication that there were any sexual connotations in this incident.

4.160 The next milestone in the care history of R18 was his transfer from Mrs Hyland's caseload to that of Mr Peter Martin in October 1978. Mrs Hyland gave evidence that this resulted from R18 leaving the special school to which she was attached but that, after consultations with Mr Chard and Mr Martin, it was agreed that it would be an extra protection for R18 if, in addition to this social work supervision, he could have the

4.209 The second question was why R20 was not placed in Kincora on transfer from Williamson House, and instead was accommodated in an hotel, close to the hostel, at the Board's expense. He had previously been offered and refused bed and breakfast-type accommodation elsewhere. The evidence which we received indicated that this decision was taken by the North and West Belfast District staff on the basis of the information known to them. In the case of Mr Morrow and Mrs Kennedy the bias against Kincora arose from Mr Morrow's perception of the hostel and suspicion as to R20's sexual orientation; in the case of Mr Blair, from a received suspicion about R20's sexual orientation. Again we received no evidence to establish that officers in Board headquarters or East Belfast and Castlereagh took any part in that decision.

4.210 The third question was whether anything improper was implied in Mr Blair's deletion of the references to Kincora and homosexuality from the original of Mrs Kennedy's report. We accept Mr Blair's evidence that in March 1979 he had no knowledge of previous concerns about the Kincora staff and specifically that Mr Morrow had not briefed him on what he knew or suspected. In addition, Mrs Kennedy did not dispute the proposed deletion and did not give evidence that she informed Mr Blair in detail of the basis for her references. We do not, therefore, consider that Mr Blair's deletions were intended to suppress information for any improper motive. We do, however, consider that Mr Blair should have insisted that Mrs Kennedy reveal the information known to her and the sources of it, so that any relevant material could have been made available to R&DC management in East Belfast and Castlereagh District and to Board headquarters if necessary. He should also have contacted East Belfast and Castlereagh and Board headquarters to ascertain whether there was, in fact, an investigation into Kincora. We make these findings notwithstanding Mr Blair's evidence that, after discussion with Mrs Kennedy, he regarded the references as based on rumour and that he did not believe that there was anything more in it.

"Irish Independent" article of 24 January 1980

4.211 As we have said, R20 was never re-admitted to Kincora after he left on 7 November 1977 and he went out of care in May 1979. There was, however, to be an important postscript to the R20 case. At some time about December 1979, Mrs Gogarty and Mrs Kennedy met socially and Kincora was discussed. As a result of their discussion and their shared concern that

nothing appeared to have been done to resolve the suspicions about the hostel, they decided to approach the press. Mrs Gogarty explained that she did not seek an interview with Mr Gilliland or Mr Bunting, as an alternative to this course, "because I had been told that the decision to remove (R20) from Kincora was taken at the very top". The evidence is that she was mistaken in that belief. Mrs Gogarty made an approach to the press through a friend and this culminated in the "Irish Independent" printing its 24 January 1980 article. As we suggested in the opening paragraphs of this report, the real significance of its publication was that it resulted in the initiation of the RUC's investigation which eventually led to the convictions of Messrs Mains, Semple and McGrath.

4.212 Some comments on details included in the "Irish Independent" article are appropriate at this point, in the order as listed in Chapter 1 paragraph 1.2 of this report:-

- a. "allegations of an official 'cover-up' over the recruiting of boys at a Belfast children's home for homosexual prostitution."

There is no evidence of boys at Kincora being recruited for homosexual prostitution. The most compelling refutation of this allegation is the absence of any reference to homosexual prostitution in the statements of the 101 Kincora residents interviewed by the RUC and the Terry Inquiry, or in any statement made to this Committee. R2 (see paragraphs 3.63-3.71), whose relationship with Mr Mains and Kincora spanned nearly twenty years, said in response to his Counsel's questioning that he had no knowledge of homosexual prostitution involving himself or any other boy in the hostel. The only evidence which we received of any possible relevance related to the suspicion arising from R20's journey to an hotel in Larne on 3 October 1977 though this did not entail an overnight stay; and the suspicion that R20 may, on his own initiative, have been receiving money from men for homosexual activity during his short stay at Williamson House in February/March 1979. Alternatively, this might refer to the homosexual experiences of R18 in Bangor, which predated his admission to Kincora although there is no evidence that these were known to the Social Services at any time or that prostitution was involved. We believe, however, that this allegation reflected

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

October 1977

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

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

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

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

[HIA 828, para 4.190]

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

4.225 Finally, there was the question of whether precautionary suspensions could have been applied earlier than 4 March. Dr Hayes' note of the 3 March meeting would suggest that that was the first point at which the police felt able to indicate that the evidence available was sufficient to justify the removal of the staff from the hostel and Mr Gilliland gave evidence that he had been waiting for such an indication. He did, however, accept on reflection that action could have been taken and sustained at an earlier date. We agree and consider that the information available to Board headquarters in early February 1980, taken in conjunction with the fact that a large scale police investigation was under way, was sufficient to warrant, indeed to require, the precautionary suspension of Messrs Mains and McGrath at that time. The RUC's assessment of their fitness to have the care of children was not a prerequisite for that action.

Was there a "cover up"?

4.226 The first point to establish is that there is no evidence that allegations or suspicions about the Kincora staff reached either the Personal Social Services Committee, the Eastern Board proper or the Department before January 1980. Knowledge of these within the Social Services field was confined to officers in the Eastern Board.

4.227 There is also a substantial body of evidence which points to a lack of communication and co-ordination between the various officers who became aware of allegations and suspicions. For instance:-

- a. the "Mason file" was retained by Mr Bunting at headquarters from June 1973 until March 1976 when it was first made known to Mr Scoular;
- b. the 1974 complaints from R15's mother were dealt with by the North and West Belfast District and not made known to East Belfast and Castlereagh or to Board headquarters;
- c. the 1974 telephone call to the Hollywood Road office was not made known to Messrs Gilliland and Bunting by Mr Scoular when the "Mason file" was given to him in 1976;
- d. the early 1976 rumour about Mr Mains was made known to Miss McGrath in East Belfast and Castlereagh but not passed on to Mr Scoular or Board headquarters;
- e. the late 1976 rumour about Mr McGrath did not reach Board management due to a misunderstanding;

f. the R18 and R20 cases were not passed on by Mr Scoular to Board headquarters in 1977.

4.228 We have commented on these individually and made certain criticisms in some cases. While the overall effect was certainly to delay the detection of offences and the convictions of Messrs Mains, Semple and Mc Grath, the evidence against a concerted "cover up" is overwhelming. In our view only two aspects of the affair required serious consideration in the context of a possible "cover up".

4.229 The first was Mr Bunting's retention of the "Mason file" until March 1976. We have criticised him for this and for a relative lack of vigour in following up the Meharg/Cullen investigation. We do not propose to add to those criticisms. He did not play an active part in the events recorded in the "Mason file" which predated his appointment as Children's Officer and we received no evidence whatever that he had any reason to suppress knowledge of them. He quite properly brought the file to the attention of the police in 1976. We conclude that Mr Bunting was guilty of an oversight and no more.

4.230 Mr Scoular's failure to alert his headquarters colleagues to the 1974 telephone call and the 1977 R18 and R20 cases was the second matter which we considered. We have already dealt with Mr Scoular's state of mind in 1977 and concluded that his decisions were based partly on the judgement that the various allegations and suspicions were unsubstantiated and partly on an apprehension about Mr McGrath's alleged paramilitary connections. We do not believe that Mr Scoular acted with the degree of deliberation essential to an active "cover up". He would not have placed his 20 October 1977 memorandum on the record if he had had that objective in mind.

4.231 This concludes our findings on the evidence which we received and considered in relation to Kincora Boys' Hostel. We hope that we have been able to convey a proper sense of the seriousness of the offences and an appreciation of the heavy responsibility which rested on those responsible for the welfare of the boys and young men in the hostel. At the same time we have endeavoured to place some of the more sensational aspects of the Kincora scandal in a calm, factual perspective.

50 During this period the average cost per child per week is documented as:

a. 14th December 1959 - £5.0.6;

b. 1964 / 65 - £8:11:8;

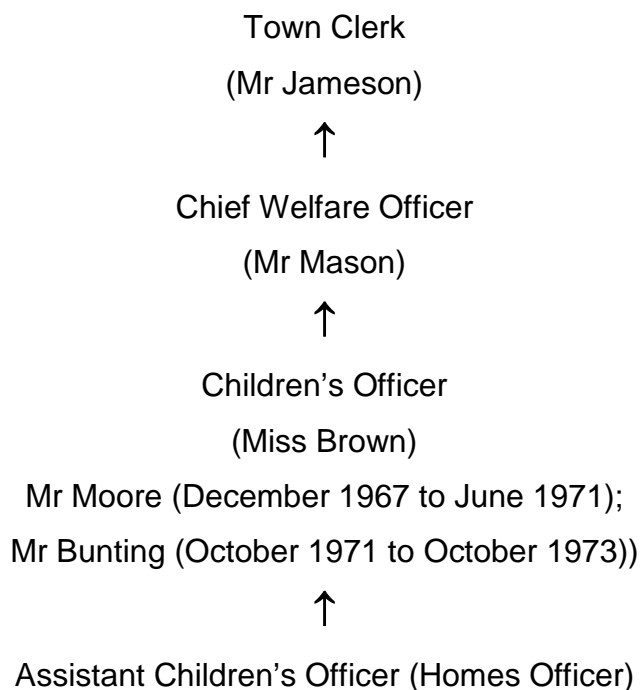
See Exhibit 19.

51. From 1 October 1973, it was funded through monies allocated to the Eastern Health and Social Services Board by the Department of Health and Social Services. At the time of filing this statement, the HSCB has not seen any documentation which analyses the costs during this period.

The Board's management arrangements for the Hostel

52. Kincora Boys' Hostel operated between 1958 and 1980. The management structures therefore changed at the point of re-organisation.

53 From January 1958 to 30 September 1973 Kincora was operated by Belfast Welfare Authority. Within that structure the arrangements for management of the home were:



(Mrs Wilson was Boarding Out and Homes Officer from 1960 - 1965,
then appointed Assistant Children's Officer in 1968;



Head of the Home
(Warden: Mr Mains)

54. From 1 October 1973 to October 1980, when the home closed, it was managed within the East Belfast & Castlereagh District of the Eastern Health and Social Services Board under the following structure:

Director of Social Services
(Mr E Gilliland)



District Social Services Officer
(Mr C Scoular)



Principal Social Worker (Residential and Day Care)
(Mrs Wilson, October 1973 – Mid 1975)
(Ms McGrath, January 1976 – closure of Kincora)



Assistant Principal Social Worker (Residential and Day Care)
[From creation of this post in July 1976]
(Mr Higham – July 1976 – December 1978)



Head of the Home
(Officer-in Charge – Mr Joseph Mains)

55. Job descriptions for the posts of Director of Social Services, Assistant Director of Social Services and District Social Services Officer, which were likely prepared to assist the Hughes Inquiry, are at **Exhibit 20**.

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

September 1967

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

- 88 **BM 1** : The Board has not seen any documentation that would confirm that **BM 1** was a member of staff at Kincora. **BM 1**, and information in respect of him, has been addressed in the HSCB's statement dated 6th May 2016 and a supplemental statement, each addressing Bawnmore Children's Home. In reviewing documentation, however, the Board has noted reference to a **BM 1** on a Duty Rota stamped "Kincora" dated 1978. It is known that **BM 1** was, at that time, employed at Palmerston Reception and Assessment Centre, which was situated in the same District as Kincora. The HSCB suggests that this is likely to reflect an arrangement whereby staff within the residential field would assist with other units from time to time where the need arose. See **Exhibit 44**.

Systems Failures

- 89 Having reviewed the available evidence as detailed in this statement and the statement dated 29th April 2016, the HSCB accepts the following failings:
- 90 At times record keeping was not good enough. The following occasions are noted:
- a. There was a failure by the Chief Welfare Officer to record the outcome of the investigation of complaints in 1971 and the reason for that decision.
 - b. In early 1976 there was a failure to make any written record regarding information reported to the Hollywood Road sub-office, and passed to Residential and Daycare Management at District Headquarters. The absence of such a record likely influenced the subsequent failure to investigate the information in any way, see paragraphs 86 and 88 of the statement dated 29th April 2016;
 - c. There ought to have been a formal record of the Board's engagement with police after March 1976, see paragraph 102 of the statement dated 29th April 2016;

- d. Monthly reports completed by the visiting Social Worker pursuant to the 1975 Direction were completed en bloc and on occasions were submitted late, see paragraph 72 of this statement above. They also did not contain relevant information to allow the Eastern Board to be fully appraised of developments occurring with the hostel in late 1977, see paragraph 120 of the statement dated 29th April 2016;
91. At times there was no communication to ensure the relevant personnel had access to full and proper information regarding the Hostel and issues arising in relation thereto. The following occasions are noted:
- a. Upon taking up post as Children's Officer in 1971, with a statutory responsibility to visit Kincora, Mr Bunting was not provided with "the Mason File" and was not, therefore, fully appraised of the two complaints that had been investigated in 1967 and 1971. The retention of the file by Mr Mason resulted in a breakdown in the dissemination of information about complaints against Mr Mains to staff with a direct role in management and monitoring the Hostel. It was 'regrettable that [Mr Mason] does not appear to have made Mr Bunting [Children's Officer] and Mrs Wilson [Assistant Children's Officer] fully acquainted with the complaints known to him by referring the "Mason file" formally to them in writing in view of their management responsibility for the hostel". See paragraph 45 of the statement dated 29th April 2016;
 - b. The information received by way of anonymous telephone call on 23 January 1974 ought to have been shared as follows:
 - i. with the police, see paragraphs 57 and 59 of the statement dated 29th April 2016;
 - ii. with the Board, see paragraph 58 of the statement dated 29th April 2016;
 - c. In March 1974, there was a failure by police to share relevant information about allegations against a member of staff with the

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

[HIA 723, HR, para 3.107]

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

[HIA 726, para 3.112]

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

of age and discharged from it in February 1974. His residence in the hostel, therefore, bridged the reorganisation which transferred responsibility for Kincora from the Belfast Welfare Authority to the newly-created Eastern Health and Social Services Board. For convenience, however, his evidence as regards his stay at Kincora is dealt with as a whole in this section of the report.

3.101 No person was charged with an offence relating to Bl's stay in Kincora. His March 1980 police statement, however, contained allegations that Mr McGrath made certain homosexual advances but disclosed that he had not told anybody about these. In evidence to us he repeated the allegations. Reference to these allegations does not represent an acceptance by us that criminal offences occurred.

3.102 Bl gave evidence that he was warned by other residents about Messrs Mains, Semple and McGrath being homosexuals. He said that he resisted Mr McGrath's alleged advances, which consisted mainly of wakening Bl by putting his hand underneath Bl's bedclothes onto his private parts. Bl's November 1984 statement to us referred to his eventually telling Mr Mains but he had no recollection of Mr Mains' reaction. Although he was not aware of Mr McGrath's alleged paramilitary connections (see paragraphs 4.102-4.108) he said that he joined a paramilitary organisation himself in 1974 in the hope that it would deter his advances.

3.103 Bl was visited by Social Workers during his time at Kincora but said that their visits were short and that they were primarily interested in his relationship with his family. He also said that he could not recall their names. He gave evidence, in any case, that even if the nature of his contact with his Social Workers had been different he probably would not have confided in them about homosexual misconduct.

3.104 We noted that Bl gave Mr Mains and Mr Peter Bone (see Chapter 6) as referees when applying to join the armed services in 1973. He explained that, in spite of his stated animosity towards Mr Bone, he regarded him as a potentially useful referee. A 22 January 1973 note on Bl's personal file, in mentioning the matter of references, indicated that Bl was to meet Mr Bone on that day. Bl, however, was adamant that he had nothing to do with Mr Bone after he left Bawnmore.

3.105 Bl's unwillingness to confide in his Social Workers does not constitute grounds on which they could be criticised and we are satisfied that their visiting was sufficiently frequent and regular to provide an opportunity for complaints to be made. Equally it is understandable that Bl did not wish to open up the question of homosexual activity in the light of the experiences which he had undergone from such an early age while resident in Bawnmore. The resistance to Mr McGrath's alleged advances which he described in evidence was, perhaps, as much as could be expected of him in the circumstances and may have prevented the commission of more serious offences than those which he alleged. We found it difficult, however, to accept Bl's evidence that he joined a paramilitary organisation in 1974 to deter Mr McGrath's alleged advances, since he would reach his eighteenth birthday in March 1974 and would then be out of statutory care.

3.106 There was nothing in Bl's evidence or the papers relating to him, looked at in isolation, that led us to conclude that Mr McGrath's alleged offences could have been detected by the relevant authorities. Whether they might have been uncovered as a consequence of any investigations initiated in response to other events, for example an anonymous telephone call in January 1974 (see paragraphs 4.41-4.49), is a matter of conjecture.

The "Mason file" 1967

3.107 Two Kincora residents, referred to in evidence as R5 and R6, went in early September 1967 to the headquarters of the Belfast Welfare Authority in College Street and made written statements outlining complaints against Mr Mains. The complaints were as follows:-

- a. at a summer camp Mr Mains, another employee of Belfast Welfare and an ex-resident of Kincora (R2 - see paragraphs 3.63-3.71) drank whiskey;
- b. Mr Mains did not sleep in the camp on the night;
- c. Mr Mains had asked R5 "Do I not get a kiss then?" when R5 was washing himself;
- d. Mr Mains had then felt all over R5's body and put his hand down R5's underpants;
- e. Mr Mains had come to R6's bed and felt around his body;

3.111 Mr Mason's record of the interview noted that Mr Mains "appeared at first to be tense and perspired visibly. During the interview he relaxed". Mr Mains said that both R5 and R6 were troublesome in the home and that he had had to chastise R5 the day before the boy had gone to the College Street office. The record also indicated that Mr Mason pointed out to Mr Mains that "all staff in charge of boys have to be extra careful as they were vulnerable to these forms of complaints" and suggested to him that he should be careful not to give the impression that he was persecuting the boys for coming to see Mr Moore, the Children's Officer designate.

3.112 Mr Mason's assessment at the time, as recorded in his 11 September notes, was that the boys 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". In his summary he said that "Taken as it stands it does not present prima facie indication of wrongful conduct" and he concluded with 3 recommendations:-

- a. "Mr Moore (should) interview the boys again and explain to them the reasons for the incidents;
- b. a closer supervision of Kincora;
- c. a careful sifting of any further information which might come our way."

3.113 Mr Mason's 11 September notes were not addressed and no covering memorandum was on the file. Mr Mason gave evidence, however, that they were submitted to the Town Clerk and that a 20 September memorandum addressed to the Town Clerk was a follow-up to them. The 20 September memorandum referred back to the 11 September report. This, and the fact that the 11 September notes were a typescript version of contemporaneous manuscript notes, tends to support Mr Mason's evidence on this point. Mr Mason had no specific recollection of putting the papers to the Town Clerk, Mr John Dunlop, in person. Mr Dunlop, who retired in March 1968, was not interviewed during the RUC or Terry Inquiry investigations and we did not become aware that he was available until May 1985. He subsequently provided a statement to us to the effect that he had no recollection of the papers. He stated that papers addressed to the "Town Clerk", as opposed to those addressed to him by name, were opened in the Town Clerk's Department and passed for action to the appropriate officer, according to their nature and importance. This made it possible that the

papers were dealt with by someone other than Mr Dunlop. In view of the negative nature of his statement, we concluded that it was not necessary to reconvene to call Mr Dunlop as a witness.

3.114 There is no record of a response from the Town Clerk's Department to Mr Mason's 11 September "report" or to his supplementary memorandum of 20 September. The existence and terms of the latter, however, are sufficient to establish that the 11 September notes had, in fact, been received in the Town Clerk's Department in the City Hall. Mr Mason's evidence was that any written response would have been filed on CW022 but that he had no recollection of any feedback from the Town Clerk. We can only infer that Mr Dunlop or whoever acted for him did not take issue with the conclusions and recommendations contained in Mr Mason's report. The burden of Mr Mason's evidence to the Committee was that Mr Mains' explanations had been plausible and that he had been given the benefit of the doubt. However, Mr Mason acknowledged that the allegations of R5 and R6 had homosexual connotations and that he did not consider the matter closed. He also agreed that the truth or untruth of the allegations should have been established one way or the other.

3.115 Mr Mason, and by inference the Town Clerk's Department, may also have been persuaded to give Mr Mains the benefit of the doubt by factors other than the plausibility of his explanations. Mr Mains had a good record as a Belfast Welfare employee since 1958; there is no record of previous complaints of this nature having been received, and there was the possibility that the complaints might be malicious. In addition, Social Reports on the boys dated 13 and 14 September referred to offences of dishonesty, below average intelligence and resistance to being placed in Kincora. It is not clear, however, whether or when these Social Reports were submitted to the Town Clerk's Department but it is likely that, since Mr Mason commissioned them, they were submitted. A counter balancing consideration which must also have been present was the fact that boys of fifteen and seventeen years of age with difficult home backgrounds had nonetheless been prepared to take the initiative and go to the Belfast Welfare headquarters and make complaints against a person in authority over them.

3.116 We considered the handling of these complaints at great length because, on the evidence brought before us, this was the first occasion on which

complaints with identifiable homosexual connotations came to the attention of persons responsible for residential child care and because a period of over twelve years was to elapse before the "Irish Independent" article prompted the police investigation which led to Mr Mains' conviction.

3.117 It is clear that the complaints of R5 and R6 were taken seriously since they were encouraged to make written statements; because the documentary record demonstrates that Mr Mason planned and carried out his interview with Mr Mains in a conscientious and methodical manner; and because Mr Mason considered them of sufficient importance to be drawn to the attention of the Town Clerk, who was chief executive in the Belfast Corporation and Secretary to the Welfare Committee. Secondly, we had little difficulty in accepting that Mr Mains' explanations to Mr Mason were individually plausible. Even taking them as a whole, we can understand Mr Mason's conclusion that the evidence did not constitute "prima facie indication of wrongful conduct". The complaints did not, for instance, refer to any interference with the boys' genitals and the suspicion that any of the complaints investigated by Mr Mason amounted to indecent assault would therefore have been less strong than it might have been. In addition, some of the complaints had no possible homosexual connotation and their inclusion might have been taken to imply malicious intent. While a charge of indecent assault on R5 was brought in 1981, that was done in the context of a number of other more serious charges on which the evidence was stronger.

3.118 We considered whether additional measures, over and above those suggested by Mr Mason, might have been appropriate. The obvious possibility which suggested itself was the involvement of the police. A theory can be constructed that this would have resulted in a more professional and incisive interrogation of Mr Mains; the interviewing of the other current Kincora residents and ex-residents; the discovery of further allegations of homosexual activity and the prosecution of Mr Mains before the re-employment of Mr Semple in 1969 and the employment of Mr McGrath in 1971. Mr Mason's evidence was that, with no legal training or experience, it had not been his view at the time that a criminal offence had been committed. His evidence on this point was consistent with his acceptance of Mr Mains' explanations as plausible but in view of his residual doubts on the matter, the safest course would have been to recommend to the Town Clerk that the police be called in. This much is clear in retrospect.

3.119 The likely outcome of a police investigation in 1967 must, of course, be a matter for conjecture. We refer later in this report to a number of occasions when suspicions or allegations against the Kincora staff came to the attention of the police, including an investigation in which by 1976 both Mr McGrath and Mr Mains were under suspicion in respect of homosexual tendencies. A list of former Kincora residents was made available to the police at that stage but no interviews were undertaken. While a different approach might well have been adopted in 1967, it would be unwise to assume that the involvement of the police on the basis of information available at that time would have inevitably prevented the continuance of homosexual offences at Kincora. Nonetheless, it must be a matter of regret that the complaints of R5 and R6, which raised at least a suspicion of criminal homosexual activity, were not referred to the police by the Belfast Welfare Authority.

3.120 A number of other possible measures which might have been taken by the Belfast Welfare Authority, as alternatives or preliminaries to involving the police, were also considered. It was suggested, for instance, that Mr Mason or Mr Moore might have interviewed the other residents of Kincora to establish whether they had been the subject of any questionable or improper attentions. It was also suggested that the Social Welfare Officers assigned to each Kincora resident (about 10-12 in number) should have been briefed on the affair and put on the alert. Mr Mason had, of course, commissioned reports on R5 and R6 by their Social Welfare Officers as part of the documentation which he put to the Town Clerk. Mr Moore, to whom these two tasks would probably have fallen, indicated that he had no memory of the former being done and that it was unlikely that the latter was done because the complaints had not been substantiated, which we took to mean proved to be true, and because care had to be exercised in broadcasting unsubstantiated information or rumour. We take the view that neither of these courses would have been sensible preliminaries or alternatives to referral to the police. If the evidence available were considered sufficient to warrant these measures, it should also have been considered sufficient to warrant direct referral to the police as the competent agency in the investigation of criminal matters.

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

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

[HIA 730, para 3.122]

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

1970

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

1971

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

with the 1967 complaints, should have made a connection between the two incidents. Mr Moore gave evidence that he would not have put even the 1967 complaints in the context of homosexuality until the Kincora scandal broke in 1980. We found this difficult to reconcile with the contents of the R5 and R6 statements which Mr Moore received, and also with the general tone of the 1967 investigations. It seems unlikely that written statements would have been taken, Mr Mains interviewed by the City Welfare Officer and the matter reported to the Town Clerk if the R5 and R6 complaints had been construed merely as indicating an insensitivity of manner towards the boys. The slapping incident, however, contained no obvious homosexual colour and we do not consider it reasonable to suggest that Mr Moore should have linked it with the 1967 complaints.

3.137 The corollary of this, of course, is that Mr Moore was not obliged to refer the complaint to Mr Mason in the context of the "careful sifting of any further information" recommendation in Mr Mason's 11 September 1967 report. Mr Mason's evidence, in fact, was that the matter was not brought to his attention, and Mr Moore's lack of recollection precluded his offering evidence on this point. In our view the slapping incident would not have provided Mr Mason with sufficient corroboration of his residual doubts concerning Mr Mains' sexual preferences to justify a further reference to the Town Clerk's office.

3.138 Another issue which arose was why Mr McCaffrey, whose responsibilities lay in the field work services, was deputed by Mr Moore rather than Mrs Wilson, who had specific responsibilities for residential child care. Mr Moore referred in his evidence to the fact that, at the material time, he, Mrs Wilson and Mr McCaffrey were a small team within which there were no strict lines of demarcation and Mrs Wilson gave evidence to similar effect. Mr McCaffrey's 1982 police statement referred to a "personality clash" between Mrs Wilson and Mr Mains as being the reason given by Mr Moore for deputing him rather than Mrs Wilson. However he told us that he regretted having used this expression and that Mr Moore did not in fact tell him in specific terms why he rather than Mrs Wilson was selected for this task. He surmised that he may have been selected because it was easier for a man to deal with Mr Mains on this matter than for a woman, but that was not fully consistent with his evidence that no homosexual connotation was conveyed to or inferred by him. Mrs Wilson was emphatic that there was no conflict between herself and Mr Mains. It is not

possible, given Mr Moore's and Mr McCaffrey's lack of recollection on this point, to establish the reason for Mr McCaffrey's involvement with certainty, but it is possible to accept that such assignments would have been made within the small child care team in College Street.

3.139 Mrs Wilson had no recollection of being told of Mr McCaffrey's interview with Mr Mains by either Mr McCaffrey or Mr Moore but we attached no particular significance to this since a negative report, passed on verbally, on an incident with no overtly sexual implications would not necessarily have registered with her. It should also be borne in mind that Mrs Wilson's knowledge of previous complaints against Mr Mains appears to have been limited.

3.140 Finally, there was the question of whether the boy should have been interviewed as well as Mr Mains. It was not possible to establish whether Mr McCaffrey limited his investigation on his own initiative or on Mr Moore's instruction. It is odd that an investigation should consist of hearing only one side of a story and we can only infer that Mr McCaffrey and Mr Moore were sufficiently impressed with the plausibility of Mr Mains' explanation that they considered no further action was necessary. While such an interview might usefully have taken place, there is no evidence to suggest that it would have yielded anything noteworthy.

The "Mason file" 1971

3.141 Paragraphs 3.107-3.113 refer to the the creation and contents of the "Mason file" in 1967. This file was re-opened in 1971 on receipt of further complaints against Mr Mains. The new complaints came in the shape of two letters, virtually identical in form and content, from a recently discharged resident of Kincora, referred to in evidence as R8. The complaints were as follows:-

- a. R8 and another resident, whom he named, complained to Mr Mains about homosexual advances by a third resident, referred to in evidence as R34, with whom they shared a bedroom. Mr Mains moved the second boy, but not R8, and did not report the matter to the welfare authorities;
- b. Mr Mains offered R8 five shillings to rub ointment into his back and made grunting noises of satisfaction;

- c. during the massage, Mr Mains suggested that R8 had lied in complaining about R34 and suggested that they had been in bed together;
- d. Mr Mains said that it was not safe for R8 to go back to his own room and persuaded R8 to stay the night with him;
- e. R8 kept his jeans on in Mr Mains' bed and turned to face the wall. Mr Mains put his arms round him and muttered "On to it, on to it";
- f. the same thing happened to another boy, referred to in evidence as R33;
- g. Mr Mains regularly slept with a friend, whom R8 named as R2 (see paragraphs 3.63-3.71);
- h. R33 had seen R2 lying in Mr Mains' bed.

3.142 The letters indicated that these events had taken place some two years previously, and that R8 had considered complaining to the welfare authorities at the time but had decided that he would not be listened to because of his youth.

3.143 The RUC took statements from R8 and R2 in the course of its 1980 investigations. No charge was brought in respect of R8; Mr Mains was convicted of homosexual offences involving R2; R33 was not traced.

3.144 As indicated above R8 wrote two virtually identical letters. One was delivered by him to the Townsend Street office of the Belfast Welfare Authority, which was located in the West Belfast Division. The other went to College Street. The Townsend Street envelope was endorsed "To be handed in at Central Police Station", and the back of the envelope was marked "12/8/71 For Mrs M Robinson - Handed in at desk", indicating that the letter had been handed in at Townsend Street on 12 August 1971. Mrs Margaret Robinson had been R8's Social Welfare Officer for some three years when the letter was handed in on 12 August 1971. She gave evidence that, about two weeks before the letter was received, Mr Mains had suddenly telephoned her to say that R8 was a disruptive influence in the hostel and asked that he be removed. Mrs Robinson had him placed in another hostel within 48 hours but he only stayed there one night and left without re-establishing contact with her. Mrs Robinson said that she did not interview R8 before his transfer from Kincora because he was over eighteen and out of care and because Mr Mains was adamant that he should be moved.

3.145 On receipt of the letter, which had been opened by one of the office secretarial staff, Mrs Robinson took it to her immediate superior, Miss Eddis Nicholl, Senior Social Welfare Officer. Miss Nicholl checked through R8's personal file and established that there was nothing significant in it in terms of relevance to homosexual misconduct. Miss Nicholl told us that she then either made or received a telephone call to or from the College Street Headquarters, during which she was told that a similar letter had been received at College Street, that Mr Mason was dealing with it, and that she was to do nothing about the letter. Miss Nicholl thought that either Mr McCaffrey or Mr Stanley Herron, a Principal Social Welfare Officer, was her contact, more likely the latter. Mr Herron had no recollection of these matters and Mr Mason gave evidence, which we accept, that Mr Herron took no part in these events.

3.146 In relation to the endorsement on the envelope that the letter was to be passed on to the police, Mrs Robinson stated in evidence that she had not seen it and in any case would not have done this on her own initiative. Miss Nicholl saw the endorsement but her attitude to it seems to have been determined by the fact that Mr Mason had taken the matter out of her hands. What was subsequently done with the Townsend Street letter is something of a mystery. Miss Nicholl says she put the letter on R8's personal file but in 1980 the file was not available to the RUC whereas both of R8's letters were extant. When we received the file in 1984 neither letter was filed on it. There is some doubt, which cannot be resolved, about whether both letters ultimately found their way onto the "Mason file" or whether the Townsend Street letter found its way at some point onto a more general Kincora file. The latter seems rather more likely since, when the Townsend Street letter came into our custody it was on a general Kincora file and had been given an Exhibit Number by the RUC as part of that file. It is possible, however, that it was not on this particular file throughout the 1971-1980 period.

3.147 No further action in relation to these complaints was taken at Townsend Street. Miss Nicholl and Mrs Robinson's evidence was that they were not asked to provide a report on R8, over and above information from his file which Miss Nicholl thought she gave during her telephone conversation with College Street on 12 August. Miss Nicholl had no recollection of being asked for the file, although she stressed that she was out of the office for long periods on emergency relief work arising

DB/10/5

39

MR MASON
BY MR GILLEN

A

A No. I disagree with your summary there, with respect.

Q Well, let us go through it.

A Go through it.

Q Have we agreed those five things?

B

A No. We did not agree them in the way you have summarised it. What we did agree was that he said to R 5 "Do I not get a kiss, then?"

Q Just stop there now We are agreed that we are dealing with a man who was given to that kind of phrase in particular circumstances.

A We are agreed that he said that to the boy R 5.

Q We are agreed ---

C

A I do not agree that I recollect or have any indication that he was going around saying this to all the boys.

Q I am not suggesting that.

A No, but --- (Interruption)

Q He was a man who was ---

D

MR FEE: Could I ask my learned friend to allow Mr Mason to finish his answer.

MR GILLEN: Yes.

Q We were dealing with the question of whether or not Mr Mains was a man given to phrases like "Do I not get a kiss, then?" and you were saying "Well, I did not understand him to be saying that to every boy."

A There was no --- Could I refer to the notes? There was no indication on the notes that I made that Mr Mains said to any other boy "Do I not get a kiss, then?" I would have recorded it. At least I think I would.

E

Q Did you ask him if he said that to the other boys?

A No.

Q We know that Mr Mains was a man who was prepared to use phrases like "Do I not get a kiss then?" Right?
(No answer)

F

Q I think that is clear, Mr Mason.

A I think I am prepared to make a comment under those circumstances. Yes.

Q He was prepared to put his hand down the underpants of a boy to check if his underwear was dirty.

A Yes.

G

Q He was prepared to watch a teenage boy having a bath?

A Yes

Q He was prepared to feel the body of a teenage boy when he was in bed.

A Yes.

H

Q He was prepared to talk to these boys when they were in bed when he was wearing his underpants.

A Yes.

A

was to the effect that this man was acting in a homosexual fashion, is that not right?

A I do not recall coming to that view.

Q You have the allegations before you; leaving aside those of drink, could there be any suggestion put to you other than that these allegations were of a homosexual nature?

B

A It could well be that he was not a homosexual, but that he was clumsy, insensitive.

Q Clumsy and insensitive to put his hand in the underpants of a boy of 15?

A Clumsy and insensitive indeed to subject a boy to an embarrassing situation where instead of doing something it was suggested more reasonable, he would do an insensitive and clumsy thing like that, to check on a boy's underclothes. That is clumsy and insensitive. I have had clumsy and insensitive treatment myself, without thinking that the man who was examining me was a homosexual.

C

Q Have you come across any man before who was clumsy and insensitive to the degree that he was asking for kisses, and watching boys in baths, putting his hand down their underpants, feeling their bodies? How many clumsy and insensitive people have you met of that nature who were not homosexuals?

D

A As many regimental sergeant-majors and non-commissioned warrant officers who were clumsy and insensitive to my feelings.

Q And were putting their hands down the underpants of teenage boys? How many sergeant majors have you met doing that?

A I think it would be prurient to investigate into the further subjections that I have had to --

E

Q Have you ever come across anyone who --

MR FEE: I think the witness should be allowed to finish his question.

MR GILLEN: I think he has finished, Mr Fee; it is fairly obvious that he has finished.

F

MR FEE: I think if he is still speaking it is fairly obvious that he has not, Mr Chairman.

MR GILLEN: He has stopped now.

THE CHAIRMAN: Perhaps he wants to tell you a bit more about the sergeant majors.

A No, Mr Chairman, I am sure Mr Gillen would agree that my private experiences are of no further interest.

G

MR GILLEN: Obviously not. Have you never come across any social worker or any officer in charge, or anyone in charge of a residential boys' home who has ever acted in this way before?

A Yes, I have indeed come across one particular person who acted in an insensitive manner towards boys.

H

Q No; I said "in this way", such as putting hands in underpants, watching them have baths, feeling their bodies; have you come across that before?

A Not that specifically, no.

B/21/1

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MR MASON
BY MR MARRINAN

A

A I did. I put a note down to say that when I talked to Mr Mains about the above matters on Friday 8 September -- in fact, I have a note of when I interviewed him. He appeared at first to be tense and perspired visibly and then during the interview he relaxed.

B

Q Specifically about the question of the drinking, have you noted his reaction to that? I think it is on a different page in your typed copy.

A My note was that he appeared to be amused by the allegation that he was a heavy drinker.

Q Yes. And have you then made notes about your recollection of the state of his drinking?

A Yes. I recall that to my knowledge he was a light drinker.

C

Q Now, then, have you gone on to No 2, the allegation that he did not sleep in the camp one night?

A Yes. He agreed that it was his night off.

Q Could you go through the various complaints, Mr Mason, and tell the committee what you have recorded?

A I stated each complaint to Mr Mains. He said ---

D

Q Just be careful to use the R 5 and R 6 designation.

A Yes. He said to R 5 "Do I not get a kiss, then?"

Q That was the allegation?

A That was the allegation. His reply was "R 5 was wearing his hair too long." This was in an effort to shame him into getting it cut, as he would be treating him like a girl. (Interruption)

E

Q Go on.

A I am sorry. I heard Mr McCartney's remarks and they disturbed me.

MR MCCARTNEY: I am sorry about that.

MR MARRINAN: Mr Mason, do not worry.

A I am sorry, Sir.

F

Q Please go on with No 4.

A He felt all over R 5's body and put his hand down his underpants. He said he put his hand down R 5's pants to check that he had changed them, as the boy would not change his underclothes, and frequently kept his clean clothes in the locker.

Q What did you think about that response?

A It was plausible.

G

Q Why?

A It has been my experience that males -- their fathers, their mothers, and their wives indeed, make sure that they keep their clothes or their underclothes clean.

Q Yes -- to the extent of putting his hand in that area?

A Well, it was plausible to see that he had clean underclothes on that he would look.

H