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HISTORICAL INSTITUTIONAL ABUSE INQUIRY

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being heard before:

SIR ANTHONY HART (Chairman)

MR DAVID LANE

MS GERALDINE DOHERTY

held at

Banbridge Court House

Banbridge

on Monday, 27th June 2016

commencing at 10.00 am

(Day 215)

MS CHRISTINE SMITH, QC and MR JOSEPH AIKEN appeared as
Counsel to the Inquiry.

1 Monday, 27th June 2016

2 (10.00 am)

3 Material relating to Social Services

4 dealt with by COUNSEL TO THE INQUIRY

5 CHAIRMAN: Good morning, ladies and gentlemen. Can I remind
6 everyone that if you have a mobile phone, please ensure
7 it is turned off or placed on "Silent"/"Vibrate", and it
8 may well be, indeed probably will be, the case that, as
9 on every other day, names of individuals who have been
10 given a designation will be used in the chamber for ease
11 of reference. Those names must never be used outside
12 the chamber in any circumstances without the express
13 authority of the Inquiry.

14 Yes, Mr Aiken?

15 MR AIKEN: Chairman, Members of the Panel, good morning.
16 Unfortunately the witness that we were going to have
17 this morning is ill and the consequence of that is he is
18 not going to be able to attend today. We hope to try
19 and reschedule, depending on his state of health, later
20 in the week, which fortunately or perhaps more
21 unfortunately means I will commence earlier than
22 anticipated this morning on our journey through what the
23 Social Services knew.

24 When we finished last Thursday we had begun to look
25 at the Social Services' anonymous call that was made by

1 Roy Garland on 23rd January 1974 to the Hollywood Road
2 Social Services' office. We are just going to bring the
3 record made by Mary Wilson of what she was told on the
4 screen. She had been the -- the call had been taken by
5 Colin McKay. He passed the information on to his boss,
6 Brian Todd. Brian Todd had then phoned Mary Wilson at
7 home and conveyed to her the substance of the anonymous
8 call.

9 You can see from the handwriting -- we looked at it
10 at the end of last week -- the call was to allege that
11 William McGrath had made improper suggestions to the
12 boys -- so we are talking about in Kincora; that he had
13 allegedly gone to live in the hostel for that purpose;
14 and he had also written a note to one of the boys making
15 improper suggestions to the boy.

16 As we saw at the end of last week, that involved
17 then a sequence of events that ended up with Mary Wilson
18 speaking to Joe Mains, the warden, and then interviews
19 on a subsequent date with William McGrath. We looked at
20 what he had to say. Then we examined the RUC Phase One
21 investigation, which looked at this and spoke to all of
22 the individuals in and around the story, and we had just
23 reached the point when we ended our hearings at the end
24 of last week when I was about to draw your attention to
25 the fact this was also examined in addition to the RUC

1 Phase One Inquiry, and by Sussex superintendents as part
2 of the Terry Inquiry, also by the Hughes Inquiry.

3 The Hughes Inquiry took evidence from Mary Wilson
4 initially on Day 23 of their public hearings, which was
5 8th November 1984. That runs from 71648 to 71686 in the
6 evidence bundle. She was recalled on Day 26, 16th
7 November 1984, and that evidence runs from 72000 to
8 72024.

9 The Inquiry also heard from Colin McKay, who was the
10 recipient of the call and the person who attended with
11 Mary Wilson to interview McGrath, and was as satisfied
12 as she was as to what he had to say and therefore
13 concluded as to the veracity of the claim. He gave
14 evidence on Day 26, which was, as I said, 16th November.
15 His evidence runs from 71976 to 72000.

16 Also involved in the process was Clive Scoular, who
17 was made aware of the anonymous call by Mary Wilson and
18 gave advice that Colin McKay should attend to conduct
19 the interview or be there present as Mary Wilson
20 conducted the interview as he received the call. Clive
21 Scoular gave evidence on a number of days but including
22 Day 16 on 11th October 1984 and that evidence runs from
23 71074 to 71098; and then also on Day 27, which was 22nd
24 November 1984, at 72028 to 72030; also on Day 33, which
25 was 13th December 1984, and that evidence runs from

1 72564 to 72605; then, finally, on a fourth occasion, Day
2 43 on 8th April 1985, and that runs from 73486 to 73584.

3 The Inquiry also heard evidence from Brian Todd and
4 you will recall his interview to the Social Work Today
5 newspaper or magazine is what resulted in the matter
6 being reinvestigated as part of RUC Phase Two and some
7 conclusions being reached about the veracity of Brian
8 Todd's then account as compared to what is actually
9 recorded at the time. He gave evidence to the Hughes
10 Inquiry on Day 27, which was 22nd November 1984, and his
11 evidence runs from 72060 to 72106.

12 The Public Inquiry also took evidence from then RUC
13 Detective Inspector Ronald Mack on Day 27,
14 22nd November. That was about the 1982 RUC Phase Two
15 investigation into Brian Todd's 1982 claims in the
16 Social Work Today magazine. His evidence runs from
17 72106 to 72116.

18 Now, as you have probably already gathered, there
19 was a huge amount of evidence taken by the Public
20 Inquiry about this particular episode, the Public
21 Inquiry being primarily concerned with Social Services,
22 whether or not they had missed opportunities to identify
23 that William McGrath and Joseph Mains and Raymond Semple
24 were abusing boys in their care.

25 Now I am going to very briefly summarise and just

1 give you a few points of what Mary Wilson told the
2 Hughes Inquiry, given that she was principally involved
3 in interviewing William McGrath on foot of the anonymous
4 call. Obviously you have the whole transcripts
5 available as a result of this Inquiry's work in the
6 Public Records Office in Northern Ireland.

7 Mary Wilson admitted that the first thing that
8 struck her -- that's why I have left this document on
9 the screen -- the first thing that struck her about the
10 call was that it couldn't have come from one of the boys
11 in Kincora or from someone who knew them well. The
12 reason why she expressed that view was because McGrath
13 was employed as a non-resident and the caller had stated
14 that he lived in Kincora, which was not the case. He
15 was not supposed to be living in Kincora and Mary Wilson
16 checked, as you can see, with Joseph Mains to make sure
17 that her understanding was correct, which it was. She
18 explained to the Hughes Inquiry that the call had
19 already less credibility to her mind due to the fact
20 that it can't have come from anyone in the hostel or who
21 knew anything about the workings of the hostel.

22 She was aware also of McGrath's family background.
23 He was a married man with children, and that went in his
24 favour. She took the immediate action that's set out in
25 her record, ringing Joseph Mains, then moving on to

1 conduct an interview with William McGrath.

2 Clive -- she confirmed in her interview or her
3 evidence to the Hughes Inquiry that Clive Scoular had
4 suggested, as I said, that she take Colin McKay with her
5 to that interview, because he had taken the call. So
6 that indicates to you, Members of the Panel, that Clive
7 Scoular was on notice of the call as the head person in
8 the district, as it were, before even the interview with
9 McGrath had taken place.

10 Mary Wilson explained to the Hughes Inquiry when she
11 saw McGrath and conducted the interview, he was very
12 assured, had a positive story to tell of vindictive,
13 malicious people that were trying to blacken him and
14 cost him his job because of his political associations.
15 She could not recall if she had told him the exact
16 wording of the call, but she was asked if she had --
17 whenever -- you will recall me drawing to your attention
18 that William McGrath pointed out that he received
19 an anonymous letter in a similar type vein, and she was
20 asked whether she had asked to see a copy of that
21 letter, and she explained that she had not done that,
22 but she carried out this investigation as she had any
23 others, but she explained that when McGrath talked about
24 his political involvement with the Orange Order and he
25 felt that this was a matter of getting him into trouble

1 over his job and maybe losing his job, she found that
2 convincing.

3 She explained to the Hughes Inquiry that she had no
4 reason to feel that McGrath was not telling the truth,
5 that he didn't give the impression of someone who was
6 trying to hide something. He denied ever having written
7 a note to a boy and couldn't give any other reason aside
8 from a political one as to why someone would want to
9 accuse him.

10 Mary Wilson in her evidence to the Hughes Inquiry
11 was not sure how long the interview lasted, but she
12 agreed with Colin McKay's evidence. He was stating to
13 the Inquiry that it lasted for about an hour. During
14 that time McGrath was not perturbed in any way.

15 She explained to the Hughes Inquiry that she didn't
16 have the name of the caller or the name of the boy to
17 whom the complaint related. I have already drawn to
18 your attention the fact she was already clear the caller
19 did not know the workings of Kincora. She felt she
20 could not do very much at the time, but had spoken to
21 Colin McKay, and although she could not recall what they
22 discussed, she left feeling they both felt the same
23 about it, that this was -- there was nothing to the
24 anonymous allegation, that it was of a vindictive nature
25 and McGrath was innocent, and therefore there was

1 nothing serious that flowed from it.

2 She did explain to the Hughes Inquiry that it was
3 the first time she had ever come across an allegation of
4 sexual impropriety in a boys' home. It was drawn to her
5 attention that this was now the second allegation that
6 had been made about the same home, because you will
7 recall she had explained that she was involved in
8 an incident with a boy having his -- Joseph Mains
9 putting his hand down his underpants. She explained
10 that she thought -- regarded that as a coincidence,
11 because the two sets of allegations were about different
12 members of staff, and it didn't occur to her that two
13 different members of staff would be involved in the same
14 practices within one home. She explained that she found
15 the first incident involving Mains as an innocuous
16 matter that didn't cause her ongoing concern. She did
17 report the conclusions of her investigation to Clive
18 Scoular. She couldn't recall there being any suggestion
19 she needed to do any more about it.

20 She recalled before the Hughes Inquiry that Clive
21 Scoular, her boss, as far as she was concerned conveyed
22 to her he felt she had gone as far as they could to
23 investigate the anonymous call and she felt he was
24 satisfied with what she had done and conveyed to him.
25 She also explained that the Mason file was never

1 mentioned to her, which is a separate issue that arises.

2 It was drawn to her attention that she could have
3 made inquiries of the boys that were in the home. So as
4 part of checking she got the account from William
5 McGrath, but then she could have taken the extra step to
6 speaking to each of the boys.

7 She explained to the Hughes Inquiry that she had --
8 she was in the home often and talked to the boys on
9 several occasions, and she hoped that if there was any
10 complaint about anybody, she would have heard about it.

11 She was asked about homosexuality within the home,
12 given that it was a boys' home. She said she was aware
13 of the possibility, but she wouldn't have associated
14 that possibility with staff in the hostel being
15 involved. She explained that she talked to the current
16 residents and ex-residents and the housekeeper and
17 no-one ever gave a hint that there was a complaint
18 against Joseph Mains or anyone else in the hostel.

19 As I said, she explained to the Hughes Inquiry that
20 she did not relate the two incidents that she was now
21 aware of. The one involving Mains she regarded as not
22 a very serious one. She had accepted his explanation of
23 it. This was the first time she heard anything against
24 William McGrath, who was a family man, who to her seemed
25 by his explanations concerned about helping boys.

1 CHAIRMAN: If you just pause at that point, Mr Aiken, it
2 therefore appears to be the position when Mary Wilson
3 was performing these investigations into this 1974
4 anonymous allegation, she had no knowledge whatever
5 about the 1967 allegations or 1971 allegations. There
6 appears to have been no material available to her, nor
7 had anybody ever told her about these matters, and
8 therefore she was performing the investigation in
9 ignorance of very important information that for
10 whatever reason had never been made known to her --

11 MR AIKEN: Yes.

12 CHAIRMAN: -- or she had no reason to believe existed.

13 MR AIKEN: Yes. She knew of a small part of the Joseph
14 Mains matter in 1971, but not of all of that
15 information, and obviously as the head person in the
16 district responsible for looking after Kincora I think
17 the Health & Social Care Board have acknowledged that
18 failure to convey that information to the appropriate
19 person so they were fully informed whenever they were
20 looking or investigating is something that should have
21 happened and didn't.

22 CHAIRMAN: Yes. In other words, this is one of the early
23 outworkings of the absence of a proper process being put
24 in place in the aftermath of the decision not to refer
25 the 1971 allegations to the police.

1 MR AIKEN: Yes. Now it is the case -- and this is the point
2 she was making -- that this is the first time that she
3 has been made aware of anything to do with William
4 McGrath. However, as I drew your attention to on
5 Thursday, as a result of the interview she conducts and
6 the conversation she's already had with Joseph Mains
7 she's on notice that there was involvement with the
8 police as a result of a call made to them, and from
9 William McGrath himself that he -- a letter had been
10 sent about him to his organisation, which I showed you
11 on Thursday how that seemed to be a reference to the
12 Orange Order.

13 So I've gone through the main points of her evidence
14 before you, Members of the Panel, to demonstrate
15 publicly again something of which you are aware and
16 which the Health & Social Care Board are aware of, and
17 will no doubt refer to relevant parts in their written
18 submissions, and that is that the public hearings
19 involved in the Hughes Inquiry, adversarial as they
20 were, involved what you may consider to be a rigorous
21 examination of what the Social Services knew and at
22 a point much closer in time to the events that we --
23 than we are today. That's why this Inquiry isn't going
24 to call to give evidence lots of social workers to go
25 over again that which they dealt with, some over many

1 days of cross-examination, before the Hughes Inquiry in
2 excess of thirty years ago.

3 But I want to turn to what the Hughes Inquiry found,
4 having looked at these particular events, because
5 obviously this is very early on in William McGrath's
6 pattern of abuse. As you will recall when we looked at
7 what the residents say, the more serious sexual activity
8 with residents began after this set of events or it is
9 likely that that is the case, and if we can look,
10 please, at 75259, we have in the bottom left the
11 beginning of the examination of the anonymous call, and
12 the Inquiry sets out the facts as they determine them.
13 If we just go back out, please, and set out the sequence
14 of events as they are established.

15 If we scroll down on to the next page, please, you
16 can see that the Inquiry determined that Mrs Wilson had
17 reported her interview and conclusions to Mr Scoular on
18 the same day as she conducted the interview with
19 Mr McGrath:

20 "There is no record of their discussion, but it is
21 clear that they agreed that no further action was
22 possible or necessary. Mrs Wilson gave evidence that
23 she would have told Mr Scoular at this time about the
24 earlier complaint against Mr Mains, which she had also
25 mentioned to Colin McKay ..."

1 Colin McKay mentioned being aware of that from Mary
2 Wilson in his evidence:

3 "... but did not remember precisely what she said at
4 the time."

5 You can see then the Inquiry says:

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

1 But then the Hughes Inquiry says this:

2 "It would in our view have been prudent for
3 Mr Scoular and Mrs Wilson to have contacted the police
4 once they were told by Messrs Mains and McGrath that
5 a similar telephone call had been made to them ..."

6 That was the point I was drawing to your attention:

7 "... to ensure that the police were acquainted with
8 the additional information. The police had indeed
9 received an anonymous telephone call in May 1973 ..."

10 We looked at that as the precursor to looking at
11 this sequence of events:

12 "... alleging, amongst other things, that Mr McGrath
13 was homosexual, was involved in a militant organisation
14 called Tara and stating that he worked in Kincora. As
15 a result a police constable from the Strandtown RUC
16 station had interviewed Mr Mains and submitted a report,
17 which was accepted by his superiors, dismissing the
18 information as malicious. Whether the police would have
19 made more extensive inquiries if the January 1974
20 anonymous call had been brought to their attention, and
21 what these might have disclosed, is a matter of
22 conjecture. In reaching our finding that this matter
23 should have been referred to the police, we were
24 conscious that the information directly available to
25 Mr Scoular and Mrs Wilson was limited and the criticism

1 of them implicit in our finding is qualified on that
2 score."

3 That's the point you were drawing attention to,
4 Chairman, that there was not the conveyance to them of
5 all of the information that the Eastern Board had by
6 this point in time:

7 "Mr Scoular had no knowledge of the Mason file and
8 at best ..."

9 At this point in time I should make clear, because
10 he obviously does become aware in 1976:

11 "... and at best only second-hand knowledge of
12 Mrs Wilson's earlier involvement in an investigation of
13 Mr Mains. Mrs Wilson had no direct knowledge of or
14 access to the Mason file. In addition, this was the
15 first complaint against Mr McGrath and this would not
16 have been as alarming to Mrs Wilson as a further
17 allegation against Mr Mains."

18 Then they examine the investigation:

19 "As to the method of Mrs Wilson's investigation, it
20 was probably unfortunate that there was a time lag
21 between her discussion with Mr Mains and her interview
22 with Mr McGrath, since this may have given the latter
23 time to compose himself and prepare his explanations.
24 While it might be said that Mrs Wilson was unwise to
25 alert Mr Mains, who had himself been under some degree

1 of suspicion earlier, we do not consider that she could
2 properly have taken up the allegations with Mr McGrath
3 while keeping Mr Mains in ignorance of them. She had
4 accepted Mr Mains' explanation of the earlier complaint
5 and stated that she had no doubt at all in her mind
6 about Mr Mains at that time. Mrs Wilson's trust in
7 Mr Mains might have been diminished if she had direct
8 knowledge of the contents of the Mason file, but we have
9 already noted that this was regrettably not the case.
10 Mr Scoular, who had been in post only since
11 October 1973, inevitably relied heavily on the
12 experience and judgment of Mrs Wilson in matters
13 relating to the conduct and character of residential
14 staff" in the East Belfast & Castlereagh District.

15 Move further down, please, for me:

16 "Other possible steps, such as interviewing the boys
17 then resident in Kincora, were not taken. This might
18 have produced some positive result, but our view is that
19 this allegation, of a critical nature (sic) but
20 deficient in detail, could only have been investigated
21 properly by the police. It is our view that the
22 non-specific nature of the allegation and the anonymity
23 of the call meant that this matter could not have been
24 dealt with as a complaint. We have indicated in any
25 case that it is doubtful whether the Eastern Board had

1 introduced a relevant procedure before March 1974."

2 They then recount the further additional aspect to
3 this particular sequence of events and that was
4 Mr Todd's article in Social Work Today. You can see
5 that in 4.51:

6 "In evidence to us Mr Todd accepted that these" --
7 the details he provided for the article -- "were
8 erroneous and that Mrs Wilson's notes accurately
9 represented the source, substance and timing of the
10 anonymous call of which he had knowledge. There is,
11 therefore, no possibility that the incident referred to
12 in the article ..."

13 You will recall that that article was suggesting
14 that, in fact, sexual interference had taken place with
15 a boy and that that is what had been reported and it had
16 been seen by a member of the Kincora staff:

17 "There is, therefore, no possibility that the
18 incident referred to in the article was distinct from
19 the January '74 call",

20 which, as you are aware, was of a very different
21 nature. You can see what is then said.

22 There is in paragraphs 4.53 onwards a question about
23 whether there was another anonymous call and the Inquiry
24 comes to the conclusion that there wasn't.

25 So in paragraph 4.47, which we have already looked

1 at, you have the Hughes Inquiry expressing the view this
2 matter should have been reported to the police. You
3 will wish to consider, Members of the Panel, as the
4 Social Services officer had -- that is Ms Wilson and
5 Mr Scoular -- by the end of the investigation
6 established -- even without their knowledge about the
7 Mason file and Joseph Mains, they had established there
8 had been three separate allegations made against William
9 McGrath, and consequently referring the matter to the
10 police is perhaps exactly what should have happened.

11 If we look at 1014, please, the Health & Social Care
12 Board in paragraphs 57 to 59 of their statement
13 examining these issues note that:

14 "It was a serious allegation against a member of
15 staff in a residential children's home, yet the
16 information was not passed by the district to the Board.
17 The Hughes Committee did not comment on this. However,
18 the Health & Social Care Board considers this
19 unfortunate, as had this been reported to the Area
20 Board, it may have prompted knowledge about the Mason
21 file, which was to ultimately remain unknown to staff in
22 direct management of Kincora until 1976."

23 So in addition to the failing to report it to the
24 police, this information flow or failure to have
25 an information flow between district and Board, which

1 will also characterise events in 1976, is being
2 recognised by the Health & Social Care Board before the
3 Inquiry.

4 If we scroll down on to the next page, please, to
5 paragraph 59, again recognising that the failure to pass
6 the information to the police was a missed opportunity
7 to further potentially investigate what was occurring.

8 CHAIRMAN: "A missed opportunity" is perhaps a rather tepid
9 phrase to use.

10 MR AIKEN: It may well be said that may fall on me for
11 having asked the Health & Social Care Board to identify
12 missed opportunities to shorten the abuse. So it may be
13 the tepid phrase was caused by the way in which we
14 phrased the question.

15 CHAIRMAN: "A catalogue of errors" would be more
16 appropriate.

17 MR AIKEN: Members of the Panel, you will want to consider
18 the date of these events as potentially being of
19 considerable importance. This is February 1974. It's
20 less than one month later that Roy Garland would begin
21 speaking to Detective Constable Cullen, who would in
22 turn be speaking to the RUC's Assistant Chief Constable
23 William Meharg, who was the head of CID in the RUC,
24 Criminal Investigations Department, and within four
25 months Valerie Shaw as a result through the same

1 conduit, McCormick to Garland, speaking to Valerie Shaw,
2 she would be speaking to Superintendent John Graham, who
3 was the head of CID in Belfast. We will come back to
4 look at those events.

5 So when the dots are connected, you can see the
6 timing of this failure to report to the police has
7 potential significance, although as the Sussex
8 superintendents observe in their report, given what the
9 police did with those occasions whenever something was
10 reported to them, it's not necessarily certain that if
11 the Social Services had reported as it was found they
12 ought to have done, that that necessarily would have
13 changed the course of events, and therefore there is
14 a matter of conjecture as to what the ultimate outcome
15 would have been, but it is obviously a very significant
16 event in the journey we are on as to what Social
17 Services knew and what was done or not done with the
18 information.

19 In 1974 there was another separate series of events
20 taking place, though in a different district within the
21 Eastern Board. That involved R15, his parents and
22 social workers Sharon McClean, later Sharon Grey, and
23 her immediate boss, Ronnie Orr. A complaint from R15
24 about William McGrath was made by him both to Joseph
25 Mains and his social worker and then passed to her boss

1 in the North & West Belfast District in May 1974. Again
2 you will note the importance of this date when the dots
3 are all joined up. We looked at matters from R15's
4 perspective in detail when we were looking at what the
5 residents had to say during week one. I am not going to
6 go over that again.

7 The RUC examined the matters during the Phase One
8 Inquiry, but the Hughes Inquiry also heard evidence from
9 R15 himself, who was given the designation "R15", on Day
10 34, which was 14th December 1984, and that can be found
11 at pages 72609 to 72621 in the evidence bundle, and also
12 his father, who was involved -- his mother unfortunately
13 had passed away at the time of the Hughes Inquiry -- but
14 his father was given the designation "R16" and gave
15 evidence to Hughes on the same day, and that can be
16 found at 72621 to 72641.

17 The Public Inquiry also heard from Sharon McClean
18 (by that time Sharon Grey) on the same day,
19 14th December 1984, and also on Day 35, which spanned
20 across the Christmas break. Day 35 of the hearings was
21 10th January 1985. That evidence can be found at 72645
22 to 72686.

23 Also from Ronnie Orr, the Assistant Principal Social
24 Worker, who gave evidence to Hughes Inquiry on Day 35,
25 also 10th January, and that can be found at 72687 to

1 72731.

2 If we can look, please, at 75262, the Hughes Inquiry
3 deal with this incident. You can see it is under the
4 title "Further allegations against Mr McGrath May and
5 September 1974". It's the same allegation. The Inquiry
6 will establish that the two incidents R15 complained
7 about had happened before May 1974, had been reported to
8 Social Services and then his parents re-reported them in
9 effect. There was not a new allegation between May and
10 September 1974. As we looked at during week one, there
11 was a difficult background circumstances, and a desire
12 by the parents understandably to have their children
13 home, and ultimately that is the arrangement that was
14 made.

15 But the conclusions, if we -- you can see at 4.62:

16 "While no specific conclusion was recorded, Mr Orr's
17 evidence made it clear that the complaint was
18 discounted."

19 They did not really believe the allegation because
20 of their history and background of this particular
21 family and how they tended to act in their involvement
22 with Social Services:

23 "Mr Orr stated that there was a certain amount of
24 scepticism on his part because the background of the
25 family was one of lack of cooperation with the Social

1 Services and other agencies such as Public Health and he
2 considered the family to be resistant to any attempt to
3 improve its circumstances. In this context it should be
4 mentioned that the [surname redacted] brothers were
5 committed to care."

6 You can see the reference to the physical condition
7 that they were found in. His father agreed before the
8 Hughes Inquiry that it would be reasonable to describe
9 R15's mother as having had a running battle with the
10 Welfare Services for many years.

11 If we scroll down on to the next page, please, you
12 can see:

13 "Mr Orr gave evidence that he was strongly of the
14 opinion that R15's mother's complaint was motivated by
15 her desire to have the boys discharged from care and he
16 accepted Mr Mains' assurance that there was no truth in
17 the allegations."

18 So you can see, in fact, there are documents that
19 show Sharon Grey engaged in -- we looked at those during
20 week one -- going to Joseph Mains, checking out the
21 allegation and reporting back what the conclusion was.

22 At 4.64 you can see:

23 "The handling of these allegations raised a number
24 of issues, the first of which was whether Mr Orr's doubt
25 about the allegations was reasonable in the

1 circumstances. The record and the evidence which we
2 have heard clearly established that R15's mother never
3 accepted the decision that her sons should be committed
4 to care, although the evidence as to the physical
5 conditions of the family home conclusively supported the
6 rightness of that decision, notwithstanding the strong
7 bonds of affection which obviously existed within the
8 family. The frequency and tenor of her contacts with
9 the Social Services diminished her credibility. Against
10 this it must be said that Mr Orr relied almost
11 exclusively on information from a trainee, Ms McClean,
12 and other agencies in forming his assessment of R15's
13 family and had no direct contact with it until he met
14 R15's mother in September 1974, almost a year after the
15 boys were committed to care. He was, however, in charge
16 of a team of ten social workers with heavy caseloads and
17 had made attempts to visit the family home without
18 gaining admittance. On balance we consider that Mr Orr
19 was entitled to be sceptical about the allegations
20 against Mr McGrath, particularly since he was not aware
21 of any previous allegations or suspicions.

22 Secondly, there was the mode of investigation in
23 this case. Mr Orr delegated direct action on the first
24 complaint to Ms McClean, a recently recruited trainee
25 social worker. In evidence he described her as a person

1 of limited experience but a very competent worker and
2 the notes revealed that he was aware of her proposed
3 approach, which he implicitly endorsed, namely to
4 consult Mr Mains and interview R15. We consider that
5 Mr Orr should have participated in the interview of R15,
6 however sceptical he felt about the allegations. His
7 greater experience might have enabled him to encourage
8 a more positive statement from R15 and his involvement
9 would certainly have ensured that the interview was
10 recorded, an omission for which Ms McClean must be
11 considered at fault.

12 We also consider that Mr Orr should have brought the
13 May 1974 complaint to the attention of the Residential
14 and Day Care Management in East Belfast & Castlereagh."

15 If we just pause there, Members of the Panel, this
16 is May 1974. The Hughes Inquiry is saying the first
17 time the [surname redacted] parents make the complaint,
18 it should have been conveyed, the fact of it, to the
19 Residential and Day Care Management of East Belfast &
20 Castlereagh. So that would have been coming to
21 Mrs Wilson and Clive Scoular, and this was not
22 an anonymous complaint with incorrect information about
23 the structure of the home which affected its
24 credibility. This was a boy in the home making
25 a complaint, and the indication is:

1 "We also consider that Mr Orr should have brought
2 that complaint to the attention of Residential and Day
3 Care Management in East Belfast as a matter of normal
4 practice. He could have communicated his doubts about
5 the allegations and the basis for them at the same time.
6 Although he could not have known this, it would surely
7 have had the effect that the January 1974 anonymous
8 allegations about Mr McGrath, only recently dealt with
9 by Mrs Wilson, would have been corroborated and given
10 more weight."

11 If we just pause there, there were three matters
12 known to Mrs Wilson by the time she finished her
13 investigation: the call made to police, the anonymous
14 letter potentially to the organisation of William
15 McGrath, which may well be the Orange Order, and then
16 this anonymous call to Social Services, and now you
17 would have had a complaint from a boy residing in the
18 home, which, of course, Mr Mains would have been obliged
19 to report to Mrs Wilson and which he did not do, which
20 is a different systems issue.

21 Then it said:

22 "Mr Orr should indeed have dealt with the matters
23 under the provisions of the March 1974 complaint
24 procedure, which would have had the effect of bringing
25 it to the attention of the East Belfast & Castlereagh

1 District. He gave evidence, however, that he had no
2 recollection of being aware of the complaints procedures
3 at the time."

4 Then -- so that's the May '74 --

5 CHAIRMAN: If we just pause at that point, it is not
6 entirely clear, reading the Hughes Report, whether what
7 they felt was that it was correct for Mr Orr to
8 investigate an allegation relating to a home that was
9 not in his area or whether they are saying, having done
10 so, he should have passed it on to or his conclusions
11 should have been passed on to East Belfast & Castlereagh
12 as opposed to passing it to East Belfast & Castlereagh
13 in the first instance --

14 MR AIKEN: Yes.

15 CHAIRMAN: -- and saying, "Here you are. This is for you to
16 look at", because, of course, if he had taken that
17 course, then Mrs Wilson and Mr Scoular would have had
18 the information not just after the North Belfast
19 investigation but before it was concluded.

20 MR AIKEN: In fact, they would have had to carry out
21 whatever investigation there was to be.

22 CHAIRMAN: Yes, and one might reasonably assume, as Hughes
23 points out, that in those circumstances one of the
24 things that they should have thought about doing was
25 reopening the inquiry that had happened in the past,

1 recent past.

2 MR AIKEN: Yes. It doesn't appear that the Hughes Inquiry
3 seems to have taken as its starting point what actually
4 happened --

5 CHAIRMAN: Yes.

6 MR AIKEN: -- and what should have been done with that.

7 I am not aware of -- and it is maybe something the
8 Health & Social Care Board can look at -- whether there
9 was any consideration about the point you made,
10 Chairman, which is that, well, in fact, because this is
11 a complaint in another district, that it should have
12 been dealt with by that district. I think the reference
13 to the complaints process, had it been complied with,
14 would have seen that happening and it would have went
15 across to the district in which the complaint originated
16 and it would have been a matter then for them to take
17 forward.

18 CHAIRMAN: Because, putting it at its simplest, what was
19 happening was people who knew very little about Kincora
20 were carrying out an investigation that more properly
21 lay not in their hands but in the hands of East Belfast
22 & Castlereagh District, who were responsible for the
23 home.

24 MR AIKEN: Yes. The consequence of that investigation and
25 the scepticism which seems to have been accepted when we

1 heard the oral evidence was justified about the family
2 background was not, however, infused with the fact there
3 had already been these three incidents of which Mary
4 Wilson was aware and Clive Scoular.

5 The Inquiry then goes on -- as I said, the [surname
6 redacted] parents -- I don't mean to be unkind in
7 describing it in this way -- but they regurgitate the
8 complaint, as it were, in 1974. It is not that R15 was
9 saying there was a second -- what is in effect a third
10 incident between May and September 1974. The two
11 incidents he complains of had already happened by
12 May 1974, but whether or not that's what actually
13 happened, a further complaint was made in September '74,
14 which ultimately resulted in the boys going home."

15 The Inquiry concludes that:

16 "Mr Orr should similarly have referred the September
17 '74 complaint to East Belfast & Castlereagh management.
18 Although the immediate problem was solved in that the
19 boys were removed from Kincora ..."

20 You may consider this to be a very important point:

21 "... there remained a potential danger to other
22 residents and Mr Orr's scepticism should not have closed
23 his mind entirely to this possibility. In making this
24 finding we wish to make it clear that the major
25 significance which these complaints might have assumed

1 if brought to the attention of Mrs Wilson, Mr Scoular or
2 Mr Bunting could not have been known to or foreseen by
3 Mr Orr.

4 We do not criticise Mr Orr for not making a direct
5 referral to the police, since it would have been
6 irregular for him to do so without consulting
7 Mr McGrath's district management, nor do we make any
8 criticism of the unidentified duty social worker who
9 appears to have discouraged his mother from going to the
10 police."

11 That was in the initial evidential sequence that was
12 explained before the Hughes Inquiry:

13 "This last finding rests on the assumption that her
14 intention was to ensure that R15's social worker was
15 aware of the allegation before they were taken to the
16 police rather than to prevent his mother from exercising
17 her right to take that course."

18 We can then see at 4.69:

19 "The fact that the [surname redacted] brothers, R15
20 and R16, were allowed home on trial to their sister's
21 house so soon after the second complaint was also
22 considered and we accepted that this was consistent --
23 was the consistent objective which Mr Orr and Miss
24 McClean had had for the boys from an early stage; also
25 that the decision to discharge them from Kincora was

1 based on the capacity of their sister to look after them
2 rather than on a desire to defuse the situation arising
3 or created by the second complaint.

4 This conclusion was supported by reference to
5 Ms McClean's notes from June onwards, which indicated
6 that the course and it's financial implications was
7 under active consideration."

8 If we look, please, at 1015 -- so just bringing that
9 together, Members of the Panel, you can see that the
10 Hughes Inquiry were drawing conclusions there were
11 a number of different failings and their effect in their
12 report.

13 At paragraph 63 of the Health & Social Care Board
14 statement they deal with the [surname redacted] matter.
15 You can see 64 recounts the finding as to the events
16 that took place. Then 65 records the sequence of
17 events. So R15 tells his brother. His brother had
18 explained to his parents. He then told his parents. He
19 also told Mr Mains about the first of the two incidents
20 that were both before May 1974.

21 Then if we move down, please, then you will see
22 recognition in 68 that:

23 "Neither of these complaints were passed to East
24 Belfast & Castlereagh District and no staff in
25 line management for the hostel were aware of these

1 complaints, the sole point of contact having been
2 Mr Mains",

3 who, of course, didn't pass the information on.
4 Then if we scroll a little further down, please:

5 "The Board considers the failure of staff in the
6 North & West Belfast District to advise the hostel's
7 management in the East Belfast & Castlereagh District of
8 a complaint against Mr McGrath resulted in a missed
9 opportunity. It would have been -- it would have
10 allowed management to consider again ..."

11 That's the East Belfast & Castlereagh management in
12 charge of Kincora:

13 "... to consider again the context of the
14 January 1974 anonymous telephone call",

15 which is exactly the point you were making,
16 Chairman. It would have allowed, just taking that
17 a little further, Clive Scoular and Mary Wilson to
18 reflect on the fact that they now knew of four
19 communications about McGrath by May 1974.

20 We saw on the screen just as we were moving off the
21 Inquiry went on then to consider the 8th November '74
22 document from Colin Wallace and we will come back to
23 that at a later date. Just so it is noted at this point
24 in the chronology, as the Panel is aware, Colin Wallace
25 claimed in the media that he made an anonymous call to

1 Social Services about Kincora in 1975. He claimed in
2 1985 to have made the call from London. That claim was
3 referred to in the report of the Hughes Inquiry at
4 paragraph 4.86, if we look at 75267, please, as the
5 Hughes Inquiry wished to examine the claim.

6 Paragraph 4.86. You can see the sequence of events that
7 then unfold. The result of that was he was not prepared
8 to answer questions from the Hughes Inquiry about
9 a number of different sets of events that he claimed to
10 have knowledge of and involvement in, and they included
11 ultimately the 1975 anonymous call from London to Social
12 Services about Kincora.

13 The position of the Health & Social Care Board, if
14 we look at 1464, please, at paragraph 28 of their
15 additional statement at the request of the Inquiry
16 confirms -- if we just scroll up a little bit, please --
17 thank you -- you can see the question was posed:

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

22 Then the reply from the Board is:

23 "Having regard to the contemporaneous documentation
24 of its predecessor that is now available to the Board,
25 to the best of its knowledge and belief the Eastern

1 Health and Social Services Board did not receive
2 an anonymous telephone call in respect of Kincora in
3 1975."

4 Reflecting on that, Members of the Panel, you may
5 wish to consider that the other known anonymous calls
6 that were said to have taken place have ended up
7 documented either by police or in the case of that made
8 to the Social Services by Social Services, and you can
9 see that the anonymous call made to the Social Services
10 in January 1974 produced -- whether it amounted to
11 systems failures ultimately and how the matter was
12 conducted, it produced activity that was recorded, and
13 one might have expected a similar set of events if there
14 had been a call, whoever it was from, anonymously about
15 Kincora in 1975. That being said, we will shortly see
16 that there is a similar issue over a call the Reverend
17 Martin Smyth said he made to a Mr Jackson in 1976,
18 because there is no record of that call, and therefore
19 it has the same difficulties.

20 But carrying on with the chronology for the moment,
21 in 1975 and 1976 -- between March 1975 and November 1977
22 Michael James Maybin was now Assistant Principal Social
23 Worker in Fieldwork Services in East Belfast &
24 Castlereagh. He had been the field social worker who
25 dealt with R7 in 1968. I think at that stage he was in

1 South Belfast District. The involvement with R7 you may
2 recall from week one was R7 was saying, "I took rather
3 oblique steps to make sure my brother didn't go to
4 Kincora because of what happened to me" and the evidence
5 when we looked at it was that Mr Maybin had already
6 decided that R7's brother wasn't going to Kincora, and
7 the Hughes Inquiry concluded that there was no reason
8 for Mr Maybin to have read more into the discussion with
9 R7 and no need or no failing to have not done something
10 more as a result of the conversation having taken place,
11 but it's the same individual. That's what I'm drawing
12 to your attention.

13 Mr Maybin admitted to the Sussex superintendents, if
14 we just look at 40920, please, when he made a statement
15 to them on 24th September 1982 -- this is the second
16 page of the statement -- that when he transferred to the
17 East Belfast & Castlereagh District there was a rumour
18 circulating in social work circles that Joe Mains as
19 a homosexual. You can see he explains:

20 "It was at about that time", ie when he transfers,
21 "that I became aware of a rumour circulating within
22 social work circles to the effect that Mains was
23 a homosexual. I cannot now recall who passed the rumour
24 to me."

25 We can pause there to see he was the recipient of

1 the rumour, not the originator of it. So there was more
2 than just him who was in a position to speak of or hear
3 about Joseph Mains. He then goes on to say:

4 "During the late '70s I heard another rumour about
5 Mains suggesting that he was sexually interfering with
6 the boys in his custody at Kincora. Again I can't
7 recall from whom I heard the rumour."

8 The issue, Members of the Panel, is not whether
9 those rumours were true, because, as you know from our
10 examination in week one, it appears that Joseph Mains
11 was no longer abusing boys in Kincora certainly from the
12 early part of the 1970s onwards. He did engage, as you
13 know, with R9 in 1979, but R9 had already left Kincora
14 and care by some two years when those events took place
15 at Joseph Mains' girlfriend's house. The issue isn't
16 the truth of them. It's the fact that they were
17 occurring and circulating.

18 Mr Maybin gave evidence to the Hughes Inquiry on Day
19 20 of its public hearings on 25th October 1984 and also
20 on Day 21, the next day, 26th October, and his evidence
21 can be located at 71434 to 71528. So you can see
22 immediately it is some 90 pages of transcript of
23 evidence, and if we look, please, at 75267, the Hughes
24 Inquiry report deals with this issue of the rumours from
25 4.88. You can see:

1 "The possibility that rumours linking Mr Mains and
2 homosexuality may have achieved some currency during the
3 mid '70s -- that they may have achieved some currency
4 was indicated by the evidence of Mr Michael Maybin.

5 Mr Maybin was the Assistant Social Worker", as
6 I have described, "in East Belfast between March '75 and
7 November '77 in fieldwork services and working in the
8 Castlereagh Road office."

9 So you can see this was not confined to -- it is not
10 necessarily Holywood Road, which might have been the
11 nearest place to Kincora. This is taking place in the
12 Castlereagh Road office.

13 "He gave evidence that some time in 1975 he heard
14 a rumour to the effect that Mr Mains was a homosexual.
15 There was no suggestion that criminal offences involving
16 Kincora residents were taking place. He could not
17 recall the specific source or context, but his
18 impression was that he heard the rumour in social work
19 circles and that he only heard it once. Mr Maybin
20 regarded it as low-level gossip, by which he meant that
21 there was no supporting evidence of any kind and no
22 additional information as to times, dates, places or
23 people.

24 Mr Maybin, who had worked briefly in Kincora in 1966
25 ..."

1 That was during the period you will recall when
2 having an assistant to Joseph Mains was difficult to
3 find:

4 "... [he] stated that he found the rumour difficult
5 to believe and that he had no recollection of making
6 a connection between the rumour and the remarks of R7 in
7 1968"

8 that we have just spoken about:

9 "He referred in evidence to the fact that he had
10 seen Mr Mains in the company of a lady friend on social
11 occasions. Mr Maybin did not take any action in
12 relation to the rumour."

13 Then the Hughes Inquiry says this:

14 "Before considering what action might have been
15 appropriate on hearing this rumour, we would like to
16 make one important point. Mr Maybin's conduct in this
17 context came under scrutiny solely because he was
18 sufficiently frank to refer in his police statement to
19 having heard it. This rumour was patently known to
20 others who were not prepared to admit it to the police
21 or to this Inquiry. Mr Maybin was, therefore,
22 unfortunate to be singled out for attention and must be
23 commended for his willingness to assist the Terry
24 Inquiry in 1982."

25 You can see then:

1 "We consider that Mr Maybin should have brought the
2 existence of the rumour and its nature to the attention
3 of Residential and Day Care Management. We appreciate
4 the basis for his scepticism about any suggestion that
5 Mr Mains was a homosexual and we accept that he did not
6 make a significant connection between this rumour and
7 R7's extremely cryptic remark seven years earlier. It
8 is quite clear that the primary duty to notify
9 Residential and Day Care Management lay not with
10 Mr Maybin but with those in social work circles who were
11 much closer to the source of the rumour. Those persons
12 placed Mr Maybin in an invidious position and our
13 comments should be seen in that context."

14 Now if we look at 1019, please, the Health & Social
15 Care Board agrees that this was another missed
16 opportunity, paragraph 84:

17 "... to ensure that a full picture of Kincora was
18 within the sphere of knowledge of the Residential and
19 Day Care Management staff",

20 while the Board goes on to say:

21 "This in itself would have been unlikely to detect
22 or prevent abuse, but knowledge of it may have
23 influenced their" -- as to those individuals involved in
24 Residential and Day Care Management in Kincora --
25 "influenced their responses to future information."

1 Now when you step back, Members of the Panel, you
2 have the potential that various social workers were
3 discussing Joseph Mains being -- being a homosexual and
4 the residential and day care staff, who were social
5 workers, not knowing about it, or if they were amongst
6 those who knew, not doing anything with that
7 information. You may wish to consider whether they
8 should, but it certainly was not possible for the Hughes
9 Inquiry to establish who else knew of the rumours
10 circulating, save that they were content to conclude
11 there were certainly those who did.

12 A similar, though not the same, set of events
13 happened in February/March 1976. They involved a series
14 of social workers working in different fields not
15 connected to Kincora ultimately until one gets to Lorna
16 McGrath. They were Elizabeth Fiddis, who was a health
17 visitor, Marion Reynolds, who you have heard of before,
18 and Hilary Reid, who is familiar to you as Dr Harrison,
19 and then Lorna McGrath, who was Mary Wilson's successor,
20 as it were, responsible in Residential and Day Care
21 Management at Kincora.

22 In the first half of 1976, and probably by February
23 or March of that year, Ms Elizabeth Fiddis, who was the
24 health visitor in East Belfast & Castlereagh District,
25 heard a rumour concerning interference with boys at

1 a home on the North Road in Belfast. She heard this
2 during a social call, not as part of her duties. She
3 passed the rumour, however, on to Marion Reynolds, who
4 worked in the Social Services office in the Hollywood
5 Road. Ms Reynolds was clear that the information
6 related to Kincora and Joseph Mains. She also
7 recollected more than Ms Fiddis did that the rumour came
8 from the family of an ex-resident who had been admitted
9 to Purdysburn. This would point potentially to
10 relatives of R2, but I can't rule out that it may have
11 been someone else. Ms Reynolds told Ms Fiddis to speak
12 to the then Hilary Reid, now Dr Harrison, who would be
13 more familiar with Kincora, as well as giving Ms Fiddis
14 the telephone number for an office location of Lorna
15 McGrath, who had taken over from Mary Wilson and was now
16 the Principal Social Worker in charge of Residential and
17 Day Care in the East Belfast & Castlereagh District of
18 the Eastern Board. Ms Reynolds also took the step of
19 telephoning Lorna McGrath to make her aware of the
20 information from Ms Fiddis."

21 Then there appears to have been a breakdown as to
22 who was to contact who about it between Lorna McGrath
23 and Elizabeth Fiddis -- or Maud Fiddis. Sorry.
24 Ms McGrath herself not aware of all the information you
25 may consider she should have been made aware of. So you

1 have that information flow. She is taking over from
2 Mary Wilson, but Mary Wilson can't convey to her what
3 she doesn't know, which is background going back into
4 the Mason file, although she would have known about the
5 matters she was involved in in relation to William
6 McGrath, but the result was Lorna McGrath appears not to
7 have met Ms Fiddis and not taken any steps with the
8 information that was conveyed to her by Marion Reynolds,
9 including not telling Clive Scoular, her boss, about
10 them. Ms McGrath did explain about the pressures on her
11 in her new role and the understaffing generally within
12 the district.

13 Now the Hughes Inquiry -- this again -- there were
14 police statements during the RUC Phase One Inquiry which
15 recorded these events, but the Hughes Inquiry on this
16 issue heard from Maud Fiddis, the health visitor, who
17 gave evidence on Day 36 on 11th January 1985 and that
18 can be found at 72768 through to 72787; also from Marion
19 Reynolds, who gave evidence on the same day, and her
20 evidence is at 72788 to 72810; Hilary Reid gave evidence
21 on the same day at 72811 to 72827; and then Lorna
22 McGrath, the Principal Social Worker, gave evidence on
23 that day, Day 36, 11th January 1985, but also on Day 37,
24 17th January 1985, and that can be found at 72828 to
25 72870.

1 If we can look, please, at 72568, the report of the
2 Hughes Inquiry deals with the issue beginning at
3 paragraph 4.92. You can see they record the facts of
4 the exchange of information that has taken place with
5 Ms Fiddis. You can see in 4.93:

6 "Ms Fiddis drew the rumour to the attention of
7 Marion Reynolds",

8 and what thereafter happened between them. You can
9 see that it is then said in 4.94:

10 "We were sufficiently impressed by the clarity of Ms
11 Reynolds' evidence to conclude that her recollection of
12 the matter was substantially correct as to the means by
13 which it was brought to her attention, the nature of the
14 rumour and the timescale. The fact that the rumour
15 related to Mr Mains rather than Mr McGrath and the
16 reference to a former resident who had undergone
17 psychiatric treatment possibly point in the direction of
18 R2" -- that's R2 -- "who had undergone psychiatric
19 treatment in '73 and admitted again in March '76.

20 Ms Reynolds, whose knowledge of Kincora was limited
21 to a brief visit during her period of induction at
22 Holywood Road, suggested that Ms Fiddis should speak to
23 Ms Reid, also a social worker at Holywood Road. She was
24 professionally and -- Ms Reid was known professionally
25 and personally to Mrs Fiddis and had a greater

1 familiarity with the hostel. Ms Reynolds told us that
2 she also suggested Ms Fiddis should speak to Ms Lorna
3 McGrath."

4 You can see that:

5 "She gave Ms Fiddis directions to Ms McGrath's
6 office and her telephone number. Immediately after her
7 conversation with Ms Fiddis Ms Reynolds telephoned
8 Ms McGrath. No record of this telephone conversation
9 was made, but Ms Reynolds gave evidence that she told
10 Lorna McGrath about the conversation and that Maud
11 Fiddis was to be in touch with her about it. The
12 telephone call was made in the presence of Hilary Reid,
13 who by that time had come into the office. Ms Reid
14 corroborated Ms Reynolds' recollection concerning the
15 nature and source of the rumour. Her recollection,
16 however, was that Ms McGrath was to contact Mrs Fiddis
17 rather than the other way round."

18 So Ms Fiddis has been directed to go and tell Lorna
19 McGrath, but Lorna McGrath has also been told by Marion
20 Reynolds the nature of the allegation, and then
21 unfortunately there seems to be a breakdown as to who
22 was to get in touch with whom, but the message had been
23 conveyed to the person in charge of overseeing Kincora.

24 "Shortly afterwards", you can see, "Ms Fiddis made
25 contact with Ms Reid. Ms Reid was unable to provide

1 Mrs Fiddis with any further information concerning
2 Kinchora, but told her that the matter had been reported
3 to Lorna McGrath.

4 Lorna McGrath had been appointed as Principal Social
5 Worker in January '76 in succession to Mary Wilson, who
6 had retired in the summer of '75. She accepted that the
7 telephone call referred to by Ms Reynolds was made to
8 her and that it related to sexual impropriety but she
9 had no clear or detailed recollection of it. She also
10 stated that the telephone call went out of her mind. In
11 any event, nothing happened subsequent to Mrs Fiddis'
12 discussion with Ms Reid in that no contact was initiated
13 by either Ms Fiddis or Ms McGrath."

14 You can see then:

15 "The important question was whether the initiative
16 for arranging a meeting lay with Ms Fiddis as bearer of
17 the rumour or with Ms McGrath as a senior officer with
18 management responsibility for Kinchora. The evidence
19 conflicted on this point in that Ms Reynolds suggested
20 that Ms Fiddis was to take the initiative, and the fact
21 that she recalled providing Ms McGrath's telephone
22 number and directions to her office tends to support
23 that view; while Mrs Fiddis and Ms Reid suggested that
24 the initiative was left with Ms McGrath. It seems that
25 the issue was not decided with sufficient clarity to

1 avoid misunderstanding.

2 Mrs Fiddis acted conscientiously in reporting the
3 rumour to Ms Reynolds and in subsequently discussing the
4 matter with Ms Reid. She might with benefit have
5 followed up her conversation with Ms Reid by contacting
6 Ms McGrath as time passed and nothing happened, but
7 a number of factors discouraged her from doing this.
8 She regarded the rumour as unsubstantiated. It had not
9 come to her first-hand and she felt that such an
10 initiative was outside her remit."

11 She was a health visitor not involved with Kinchora:

12 "Ms Reynolds and Ms Reid took the correct course in
13 referring the matter to Residential and Day Care
14 Management. It is to be regretted that Ms Reid did not
15 discuss her conversation with Mrs Fiddis during
16 subsequent contacts with Ms McGrath, since, although she
17 had no additional information to report, this might have
18 brought the matter to prominence. A similar result
19 might have occurred if Ms Reynolds had recorded her
20 conversation with Ms Fiddis and sent the papers to
21 Ms McGrath.

22 The real onus, however, lay on Ms McGrath, who
23 should have recorded her conversation with Ms Reynolds
24 or specifically required Ms Reynolds to provide a note
25 of her discussion with Ms Fiddis. This would have

1 almost certainly avoided any confusion as to who was
2 responsible for initiating further contact. It would,
3 moreover, have enabled her to bring the matter forward
4 herself if Mrs Fiddis did not make the expected contact.
5 In explanation Ms McGrath said that she was under
6 extreme pressure and may not have allowed enough time to
7 talk to Ms Reynolds, nor did she appreciate the
8 importance of the call. She referred to the period July
9 '75 to July '76 as a period during which Residential and
10 Day Care Management was understaffed. We accept that
11 this created additional pressures. We are also aware
12 that Ms McGrath was newly promoted in January 1976.
13 Whatever the circumstances, we do not consider that she
14 gave this matter, essentially a rumour accusing Mr Mains
15 of criminal homosexual activity with a boy in his care,
16 sufficient priority. It would also have been prudent
17 for Ms McGrath to alert her superior, Mr Scoular, to the
18 rumour. We recognise that she would have been unlikely
19 to do so until she had met Mrs Fiddis, and the first
20 omission, therefore, resulted in the second. The
21 information which came to Ms McGrath was never developed
22 to the point at which it could be dealt with under the
23 complaints procedures. Similarly any approach to the
24 police would not have been practicable until Mrs Fiddis
25 had provided the information which had come into her

1 possession.

2 To place Ms McGrath's actions in context, it must be
3 remembered that she had no knowledge at this time of the
4 Mason file, which contained the previous allegations
5 against Mr Mains, and knowledge of this would have given
6 Ms Reynolds' telephone call a greater significance.
7 Regrettably the file was still in Mr Bunting's drawer.
8 She did have access to the general Kincora file
9 previously maintained by Mrs Wilson and on which was
10 filed the notes relating to the anonymous telephone call
11 of January '74."

12 You will recall those are the notes that we were
13 talking about. We looked at them on the screen in
14 handwriting.

15 "However, she gave evidence" -- that's Ms McGrath
16 gave evidence -- "which we accept that she had no
17 recollection of seeing those notes. The relevant
18 references were in a body of continuous chronological
19 notes and there is no reason to believe that Ms McGrath
20 would have found it necessary to consult them on taking
21 up appointment in January 1976."

22 So it's one thing to say, "Well, the notes were in
23 her possession", but you can see the nature of the
24 context of how the notes were written and the Inquiry
25 was recognising that it would have been rather difficult

1 for her to identify them unless she was told about them.

2 If we look, please, at 1019, the Health & Social
3 Care Board deal with this issue at paragraphs 85 to 89
4 of its statement and record it as, if we just scroll
5 a little further down to paragraph 89, please:

6 "The Health & Social Care Board considers that this
7 was a missed opportunity to share information. While
8 the information in itself was unlikely to detect or
9 prevent further abuse at Kincora, the inclusion of this
10 information alongside all other information would have
11 been a potentially important line of enquiry, especially
12 when considered in light of almost concurrent events
13 occurring at Area Board level ..."

14 That is a reference to the Cullen meetings with Bob
15 Bunting and Edward Gilliland.

16 It is around this time, to try to put this in
17 context -- so these events are taking place, but it is
18 around this time that Detective Constable Cullen was
19 meeting with Bob Bunting and Edward Gilliland. So
20 that's February and March 1976, and you will note that
21 the Inquiry was satisfied that these events were likely
22 to be February/March '76. Bob Bunting was giving Clive
23 Scoular the Mason file, which related to Joseph Mains,
24 briefing him that there was an allegation now being made
25 about William McGrath which Detective Constable Cullen

1 brought, albeit it related to activity before his time
2 at Kincora, and Bob Bunting was having Clive Scoular
3 prepare a list of residents from Kincora between 1971
4 and 1976, which would then be given to Detective
5 Constable Cullen. In return Clive Scoular was not
6 telling Bob Bunting about the anonymous calls he was
7 aware of through Mary Wilson and he was not in
8 a position to tell Bob Bunting about this matter,
9 because it had not been brought to his attention, just
10 as the rumours that Mike Maybin was aware of had not
11 been brought to his attention.

12 I have a short distance still to travel. It may be
13 in fairness to the stenographer that we have a short
14 break.

15 CHAIRMAN: Yes. We will rise for a few minutes.

16 (11.25 am)

17 (Short break)

18 (11.35 am)

19 MR AIKEN: Chairman, Members of the Panel, just before the
20 break I was giving you a summary at the end of the
21 rumour matters about what potentially ought to have been
22 available to the Board at the point in time that their
23 engagement with Detective Constable Cullen begins.
24 Obviously this is a set of events that we are going to
25 look at from two different directions. So we will look

1 at it in relation to Social Services and then we will
2 have to look at it again in relation to police, because
3 it's two separate sets of analysis.

4 On 19th February 1976 Detective Constable Cullen met
5 Bob Bunting, the Assistant Director of the Eastern Board
6 in charge of Family and Child Care Services. Now you
7 will recall, and we will be looking at it in more
8 detail, Detective Constable Cullen has met with Roy
9 Garland in March to July 1974, and for reasons that are
10 not entirely clear -- it may be a call from Roy Garland,
11 if Detective Constable Cullen's recollection is correct;
12 it may be further information that Detective Constable
13 Cullen received about Joseph Mains from Roy Garland as
14 per the document that we looked at, but that was not
15 Detective Constable Cullen's recollection -- but
16 whatever it be, he ends up as a result of a conversation
17 he says with the Assistant Chief Constable William
18 Meharg going to find out about William McGrath from the
19 Eastern Board. That results in the meeting of 19th
20 February with Bob Bunting.

21 In that meeting Detective Constable Cullen was told
22 about and shown the Mason file from 1971. Now when you
23 look at the evidence of these individuals, Bob Bunting
24 was saying that Detective Constable Cullen raised the
25 issue of Mains with him and consequently that led him to

1 talk about the Mason file, and Detective Constable
2 Cullen's recollection before the Hughes Inquiry in any
3 event was that information was volunteered to him by Bob
4 Bunting, that he had not asked about and did not know of
5 Joseph Mains.

6 We talked last week about how in his initial report
7 that was given to ACC Meharg the first paragraph does
8 refer to Mr Mains being the boss of William McGrath, but
9 in any event, however it comes about, Detective
10 Constable Cullen is told about and shown the Mason file,
11 which has parts one and two, as it were, the '67 and '71
12 events. As you know, that only dealt with Joseph Mains,
13 because at this point in time the district has not hold
14 the Board, so East Belfast & Castlereagh has not told
15 the Board, about the three different anonymous
16 complaints about McGrath which are known to East Belfast
17 and Castlereagh. R15's complaint about William McGrath
18 is not passed for investigation or the results of the
19 investigation passed from North & West to East Belfast &
20 Castlereagh, and therefore not passed on as well, and
21 the '75 and '76 rumours about Mains from the two
22 different directions involving Mr Maybin and then the
23 sequence of events involving Ms Fiddis that ends up with
24 Ms McGrath are not passed to Mr Scoular, therefore, and
25 in any event he doesn't pass on what he knows as well as

1 information which he ought to know and doesn't.

2 As a result of that first meeting, on 15th March
3 1976 a further meeting takes place between Detective
4 Constable Cullen and this time Bob Bunting and his boss,
5 Edward Gilliland. He was the Director of the Eastern
6 Health & Social Services Board. At that meeting
7 Detective Constable Cullen was given a copy of the Mason
8 file, which, as the Hughes Inquiry would establish, he
9 would go away, copy and leave back the next day.

10 Around these issues as far as looking at them from
11 the Social Services' perspective is concerned the Hughes
12 Inquiry heard oral evidence from Detective Constable
13 James Price Cullen, who gave evidence on Day 28, which
14 was 23rd November 1984, Day 29, which was 29th November
15 1984, Day 30, which was 30th November 1984, and his
16 evidence can be located at the following pages in the
17 bundle: 72120 to 72208, 72265 to 72275 and then 72298 to
18 72343. So, as you can see, the Inquiry heard from him
19 on a number of occasions and interspersed with his
20 evidence was a number of occasions that the Inquiry
21 heard from ACC William Meharg. I am not referring to
22 him at this point, because this is about the exchange
23 that takes place between Detective Constable Cullen and
24 the Eastern Board.

25 In relation to that the Inquiry also heard from

1 Robert Bunting, who was the Assistant Director in the
2 Eastern Board, who gave evidence on Day 31, which was
3 6th December 1984, Day 32, which was 7th December 1984,
4 on this particular course of events. He gave evidence
5 on a number of other days about other matters, but as
6 far as these events are concerned, those are the two
7 days of evidence that relate to him. They can be
8 located in the bundle at 72408 to 72456.

9 Edward Gilliland, the Director, who was involved in
10 a second meeting in March, gave evidence on Day 32,
11 7th December '84, and Day 33, 13th December '84, and the
12 transcripts of his evidence on this matter, because he
13 gave evidence on other days about other matters, can be
14 found at 72472 to 72560.

15 Then because Bob Bunting in agreement with Edward
16 Gilliland conveyed information to Clive Scoular, it is
17 also at this point in the sequence of events that the
18 Board gives the district, as in the hands of Clive
19 Scoular, the Mason file, and derived from Clive Scoular
20 the list of names of residents between '71 and '76 that
21 I have mentioned.

22 Clive Scoular, the District Social Services Officer
23 for East Belfast, gave evidence in respect of this
24 matter on Day 33. He gave evidence on other days about
25 other things, but on this issue he gave evidence on 13th

1 December 1984 and that can be found at 72564 to 72605.

2 If we can look, please, at 75272, and this will be
3 important for you when you come back to look at it from
4 the police perspective. You obviously have access to
5 the oral transcripts -- the transcripts of the oral
6 evidence, but I want to show you at paragraph 4.111 what
7 the Hughes Inquiry determined that Bob Bunting and
8 Edward Gilliland were told by Detective Constable
9 Cullen, because you will recall last week we looked at
10 a level of detail in terms of allegations that were
11 made, yes, all about before McGrath's time in Kincora,
12 but a very high detail of detail as to sexual activity
13 and other matters of concern to do with Tara, and one of
14 the issues that would permeate the oral evidence over
15 many days around this issue is what exactly was
16 Detective Constable Cullen telling not only Assistant
17 Chief Constable Meharg, and we will come back to look at
18 that, but what was he telling Bob Bunting and Edward
19 Gilliland, because in deciding in judgment as to how
20 they behaved, that has to be based on what they were
21 being told.

22 Now you can see that in 4.111 the Hughes Inquiry
23 says:

24 "No documents relating to Roy Garland's allegations
25 against Mr McGrath were made available by Detective

1 Constable Cullen to Messrs Gilliland and Bunting at
2 their 19th February and 15th March meetings."

3 So anything that in terms of information that they
4 acquired was orally transmitted to them:

5 "Messrs Gilliland and Bunting gave evidence that
6 Detective Constable Cullen sought confirmation that
7 Mr McGrath was employed in Kincora, indicated that
8 a confidential informant had alleged that Mr McGrath was
9 a homosexual and had paramilitary connections ..."

10 Now I just pause there to observe who the source was
11 was not disclosed and, as I said to you last week,
12 Assistant Chief Constable Meharg was not told who the
13 source was either, but the information that is conveyed,
14 as far as the Hughes Inquiry determined based on the
15 oral evidence that they heard, was about whether he was
16 employed in Kincora, indicating:

17 "... that a confidential informant had alleged that
18 Mr McGrath was a homosexual and had paramilitary
19 connections, and referred to a letter or letters from
20 Mr McGrath that Roy Garland had which indicated
21 homosexual tendencies. Detective Constable Cullen told
22 them that Roy Garland's allegations related to some time
23 in the past and there was no allegation of homosexual
24 activities at Kincora. They were also told that
25 Detective Constable Cullen's inquiries were extremely

1 confidential, that 'prominent people' were involved, and
2 that Detective Constable Cullen was reporting direct to
3 Assistant Chief Constable Meharg on these matters. Both
4 Mr Gilliland and Mr Bunting agreed that Detective
5 Constable Cullen expressed concern that Mr McGrath
6 should be working in Kincora in the light of Roy
7 Garland's allegation of homosexuality."

8 So you can see that the concern is based on belief
9 that he is homosexual as opposed to based on allegations
10 that he had been abusing boys in Kincora:

11 "Mr Bunting also gave evidence that Detective
12 Constable Cullen implied that his informant might be in
13 some danger."

14 That's borne out, as you will recall, from the
15 handwritten documents that we looked at and indeed
16 Constable Cullen's oral evidence to the Hughes Inquiry
17 that Roy Garland was concerned for his safety and his
18 future and that of his family. It is not about whether
19 that was true or not, but that's the information that
20 was being conveyed to Detective Constable Cullen and
21 which to some degree he was passing on to the two Board
22 representatives:

23 "Messrs Gilliland and Bunting gave evidence that the
24 15th March meeting concluded with an agreement that
25 Detective Constable Cullen was to make them aware of any

1 information which would enable them to take action in
2 regard to the hostel staff."

3 So you can see that the nature of the exchange of
4 information was to leave the Board in a position that
5 there was not a basis for them to take action at that
6 point, and you can see that that's because the
7 information that was being shared was said to be of
8 a historical nature, but they are left with the
9 impression that this is being looked at by the police
10 and that Detective Constable Cullen would be back in
11 touch once he had some information which would enable
12 them to take action in relation to the hostel staff.

13 Now you can see:

14 "Detective Constable Cullen's evidence was broadly
15 consistent with that of Messrs Gilliland and Bunting.
16 In particular, he agreed that he was asked whether he
17 had any information which would enable them to take
18 action in relation to Mr McGrath. He stated that on
19 19th February he gave Mr Bunting a general outline of
20 the nature of his inquiries but did not disclose the
21 full details of his information to him. He also said
22 that he would not have gone into great detail about
23 personalities, but would have told Mr Bunting about the
24 type of behaviour in which Mr McGrath had been involved
25 in the past. Messrs Gilliland and Bunting gave evidence

1 that the only information which Detective Constable
2 Cullen gave relevant to homosexuality related to the
3 letters which Mr McGrath had written to Roy Garland."

4 Now that you may consider, especially in due course,
5 Members of the Panel, is a particularly important piece
6 of evidence as to what is being conveyed, and the
7 suggestion from Detective Constable Cullen appears to be
8 that his recollection was he conveyed more than Bob
9 Bunting and Edward Gilliland were telling the Inquiry
10 was conveyed to them.

11 You can see then in 4.113 the Hughes Inquiry
12 conclude:

13 "We are inclined to accept the evidence of
14 Messrs Gilliland and Bunting as regards the amount of
15 information given to them by Detective Constable Cullen.
16 He was clearly successful in conveying his concern about
17 Mr McGrath's alleged homosexuality and its potential
18 implications for his employment in Kincora to them and
19 it is likely that he exercised", what the Hughes Inquiry
20 describes as, "a proper discretion against disclosing
21 details of unsubstantiated allegations which were being
22 dealt with in the context of a confidential
23 investigation."

24 Now paragraphs 4.114 and 115 deal with what happened
25 in relation to the police in relation to these events,

1 but in 4.115 you can see:

2 "Mr Bunting told us" -- because basically there was
3 no further contact from DC Cullen to Messrs Bunting or
4 Gilliland -- "Mr Bunting told us that he had made three
5 or four telephone calls to Detective Constable Cullen
6 subsequent to the 15th March meeting. No record of
7 these calls was made, but Mr Gilliland, who was aware of
8 them at the time, suggested that they occurred over
9 a period exceeding eighteen months. Detective Constable
10 Cullen agreed that he received several telephone calls
11 from Mr Bunting on this subject. Mr Bunting's
12 recollection was that on his last contact with Detective
13 Constable Cullen he was told that a report had gone to
14 Assistant Chief Constable Meharg and that there was no
15 evidence on which the Board could take action."

16 Now if that's correct, what had happened, and which
17 we will come to see when we look at this again, is that
18 a copy of the Mason file had been put in the internal
19 post, but there had been no further discussion or
20 communication between Detective Constable Cullen or the
21 Assistant Chief Constable, and therefore if it was said
22 that there was no evidence on which the Board could take
23 action, it is unclear as to the basis on which that
24 should have been conveyed.

25 "He also got the impression", this is Bob Bunting,

1 "that Detective Constable Cullen's informant was unable
2 to substantiate what was being said or had ceased to
3 contribute information. If Mr Gilliland's recollection
4 of the timescale was correct, this last call would have
5 been made in the autumn of 1977 or later and contact was
6 not reestablished until after the 24th January 1980
7 Irish Independent article was published."

8 Now in the next paragraph you can see the events
9 that lead to the information being transmitted from
10 Board to District:

11 "At the 15th March meeting Messrs Gilliland and
12 Bunting informed Detective Constable Cullen that
13 Mr Scoular, as the District Social Services Officer for
14 the district in which Kincora was situated", East
15 Belfast & Castlereagh, "would have to be notified of
16 what had transpired between them. Mr Gilliland
17 instructed Mr Bunting ..."

18 So just if I pause there, they had been told,
19 "There's a confidential investigation that's underway",
20 but what they are saying is, "Recognise that, but we are
21 going to have to tell the head of the district about
22 this".

23 "Mr Gilliland instructed Mr Bunting to brief
24 Mr Scoular on Detective Constable Cullen's inquiries and
25 to make the Mason file available to him, and Mr Bunting

1 subsequently went to Mr Scoular's office in Purdysburn
2 for that purpose. No written direction or advice was
3 given to Mr Scoular as to any action which he was to
4 take or initiate in connection with the information now
5 made available to him. Mr Scoular gave evidence,
6 however, that the information passed to him was as
7 described in Messrs Gilliland and Bunting's evidence to
8 us, that his senior residential and day care management
9 staff were also to be briefed, and that he arranged for
10 a list of Kincora discharges or discharges 1971-'76 to
11 be prepared for transmission to Detective Constable
12 Cullen, along with the addresses to which the residents
13 had been discharged. Mr Scoular was given custody of
14 the Mason file at this time."

15 Now the state of knowledge in the Board at that
16 point in time was analysed by the Hughes Inquiry in
17 paragraph 4.117. You can see that:

18 "A survey of relevant information on Kincora within
19 the Eastern Board at this time provides the background
20 to our consideration of action taken by the Board
21 subsequent to March 1976.

22 (a) The Mason file had remained with Mr Bunting
23 since the inception of the Board in October '73 until
24 Detective Constable Cullen's visit on 19th February 1976
25 and had thus been unavailable to the East Belfast &

1 Castlereagh District staff directly responsible for the
2 management and supervision of the hostel. This included
3 Mr Scoular and Mrs Wilson, who had dealt with the
4 anonymous telephone call of January '74, although
5 Mrs Wilson was aware", although to a degree, "of
6 a previous investigation of Mr Mains.

7 (b) Mr Scoular gave evidence that he had no
8 recollection of drawing the January 1974 telephone call"
9 -- that's the anonymous call to Social Services on the
10 Holywood Road -- "to Mr Bunting's attention in
11 March 1976 when he was briefed on the Meharg/Cullen
12 investigation and given the Mason file for the first
13 time.

14 (c) The complaint against Mr McGrath lodged by the
15 parents of the [surname redacted] boys had never gone
16 further than the North & West Belfast District and was
17 thus unknown to Messrs Gilliland and Bunting in
18 Headquarters and also to East Belfast & Castlereagh
19 District."

20 The report then says:

21 "(d) It was not possible to establish how
22 widespread was the 1975 rumour about Mr Mains which was
23 retailed to Mr Maybin, but there is no evidence that it
24 reached the Board's Headquarters staff or Residential
25 and Day Care Management in East Belfast & Castlereagh.

1 (e) The rumour concerning Mr Mains which came to
2 Ms Fiddis' attention and was passed through the Hollywood
3 Road office to Ms McGrath in February/March 1976 was not
4 known to Headquarters staff and Ms McGrath gave evidence
5 that she did not see the relevance of it when she was
6 told about the Meharg/Cullen investigation, so that
7 Mr Scoular also remained in ignorance of that rumour."

8 Now they then look at these events in that context
9 and say:

10 "We have already commented on Mr Bunting's retention
11 of the Mason file and on the communication aspects of
12 the handling of the complaints involving R15, but two
13 other aspects of the position in or shortly after
14 March '76 are worthy of comment. Firstly, it is
15 remarkable that Ms McGrath did not realise the potential
16 significance of the rumour about Mr Mains, which seems
17 to have been brought to her attention in late February
18 or March '76, when she was told about the Meharg/Cullen
19 investigation", by Mr Scoular. "Her recollection was
20 that the latter came to her attention at some time
21 between April '76 and the middle of the year."

22 So some two to three or potentially six months after
23 Ms Marion Reynolds' telephone call:

24 "Even taking the latest date as correct, the
25 interval was not such as would satisfactorily account

1 for a simple failure of memory. Ms McGrath's failure to
2 tell Mr Scoular or Mr Bunting about this when told about
3 the Meharg/Cullen investigation was a significant
4 omission, since, if passed on, it would have provided
5 the police with a more up-to-date line of enquiry about
6 Mr Mains than the Mason file.

7 A similar lack of communication appears to have
8 occurred in light of Mr Bunting's evidence that he was
9 not made aware in March 1976 by Mr Scoular of the 1974
10 anonymous call."

11 That was investigated by Mary Wilson:

12 "Mr Scoular stated that he could not recall telling
13 Mr Bunting. He said that he did not think that he had
14 forgotten about it, but that it had been an anonymous
15 matter, was fairly low key and that it did not occur to
16 him to mention it to Mr Bunting. We consider that this
17 was an error of judgment. Mr Scoular should have drawn
18 this matter specifically to Mr Bunting's attention
19 during their discussion subsequent to 15th March. While
20 an anonymous allegation may not have been of great
21 evidential value to the police, it might well have added
22 impetus to the Meharg/Cullen investigation and there was
23 an obvious obligation on the Board to alert the police
24 to matters of this kind following Detective Constable
25 Cullen's approach. It would also coincidentally have

1 drawn together Detective Constable Cullen's
2 investigation with the Strandtown investigation of the
3 May 1973 Roy Garland anonymous call to the police",
4 which involved you will recall Constable Long going
5 up and speaking to Mr Mains.

6 "We have already indicated that Mr Bunting followed
7 up Detective Constable Cullen's investigation with
8 a number of telephone calls over an extended period from
9 March '76. We have also established that no written
10 directions were given to Mr Scoular as to what action
11 was to be taken within the Board. Mr Gilliland told us
12 that he gave a verbal direction through Mr Bunting that
13 Mr Scoular should ensure that closer monitoring of
14 Kincora should take place in the sense that the officer
15 directly responsible for supervising the hostel would be
16 aware that there had been allegations and that their
17 visits would thereby be more purposeful. He did not,
18 however, specify for Mr Scoular's benefit what closer
19 monitoring should consist of and it did not -- and did
20 not contact Mr Scoular directly. Mr Gilliland also gave
21 evidence that he is sure that he also would have asked
22 Mr Bunting, through whom he was dealing with the
23 district, whether there was anything to add to the
24 information which was being passed down. Mr Bunting
25 stated that the object of alerting senior residential

1 and day care management staff was so that a close eye
2 could be kept on the hostel, and that he checked that
3 there had been no complaints from the residents.
4 Mr Scoular's evidence was that he regarded the
5 information which he had been given about the
6 Meharg/Cullen investigation and the Mason file as
7 something that he and his management staff needed to be
8 aware of in their supervision of Kincora and that he
9 wanted Ms McGrath to pay particular attention to
10 anything that might come to light concerning Kincora.
11 He said that Ms McGrath was made aware of the
12 Meharg/Cullen investigation and that she was shown the
13 Mason file in the spring of 1976. He also said that
14 Mr Higham", who took over from Ms McGrath, "was
15 appraised of the situation and was made aware of the
16 Mason file after he took up appointment."

17 He came in as assistant to Ms McGrath I think and
18 that made him responsible for Kincora:

19 "Ms McGrath agreed that she became aware of the
20 Meharg/Cullen investigation at some stage in 1976
21 through Mr Bunting, but could not recall whether she was
22 told about the existence of the Mason file at that time.
23 She remembered, however, being shown the file prior to
24 a meeting and believes that this was after Mr Higham had
25 read it", which would be in 1977. "Ms McGrath stated

1 that her recollection was that Mr Bunting said that she
2 should bear in mind the Meharg/Cullen investigation but
3 not take any additional steps because the matter was in
4 the hands of the police. Mr Higham's evidence was that
5 he had no information about suspected homosexual
6 activity at Kincora before October 1977 and that he did
7 not become aware of the Meharg/Cullen investigation or
8 see the Mason file until about that time."

9 So you can see he is saying he was there for a year
10 and a month or a year and two months before the
11 information was conveyed to him.

12 "As with the transmission from Messrs Gilliland and
13 Bunting to Mr Scoular, no documentary record of the
14 transfer of information was made and we were left with
15 the conflicting recollections of the parties concerned.
16 We believe that the evidence establishes that Lorna
17 McGrath was briefed on the Meharg/Cullen investigation
18 by mid-'76, but it is not possible to state with
19 certainty when she was shown the Mason file. There is
20 a direct conflict between Mr Scoular's and Mr Higham's
21 evidence as to when the latter was made aware of
22 suspicions about Kincora, and we did not find
23 Ms McGrath's evidence sufficiently clear and specific to
24 resolve this conflict. Accordingly we find ourselves
25 unable to express a safe view on this point of which

1 version is correct."

2 Then they say:

3 "The documentary records indicated that the
4 frequency of inspections of Kincora from about the time
5 of Mr Higham's appointment", so that's August '76, "to
6 the Residential and Day Care Management team was
7 substantially in excess of the statutory requirement of
8 once per month. We referred to this and to certain
9 deficiencies in relation to the reporting of these
10 inspections ... We regard the evidence as sufficient
11 to support the proposition that a close supervision of
12 Kincora was maintained by Residential and Day Care
13 Management from at least the summer of 1976, subject to
14 the limitations which we have suggested apply to that
15 form of supervision as a method for detecting homosexual
16 offences. In this defined sense, therefore, we consider
17 that the Board did instigate a closer supervision of
18 Kincora in response to the Meharg/Cullen investigation
19 and to the potential danger, acknowledged by
20 Messrs Gilliland, Bunting and Scoular, to the residents
21 of the hostel. The conflict of evidence to which we
22 have referred prevents us from reaching a view
23 on whether Mr Higham's monitoring was carried out with
24 the benefit of all the information currently available."

25 Then they say:

1 "Before considering what other action might have
2 been taken by the Board, it is necessary to stress
3 an important point. In the course of their evidence
4 Mr Meharg and Detective Constable Cullen made it clear
5 that no crime file was opened in connection with Roy
6 Garland's allegations and thus no formal police
7 investigation was put in train. Mr Meharg went further
8 in stating that it would surprise him if the Board had
9 thought that there was a police investigation into
10 Mr McGrath prior to 1980. However, we do not see how
11 the Board's officials could have gathered any impression
12 other than that Roy Garland's allegations and the Mason
13 file were the subject of a police investigation. The
14 niceties of internal police procedure would not have
15 been familiar to them", ie Bunting and Gilliland, "but
16 the police request for the list of residents discharged
17 from Kincora between '71 and 76 with addresses clearly
18 implied active enquiries. We proceeded on the
19 assumption, therefore, that the Board was entitled to
20 take the view that these matters were formally under
21 investigation by the police.

22 In terms of additional action by the Board,
23 therefore, we asked ourselves whether the Board's
24 officers might have been more vigorous in following up
25 the progress of the Meharg/Cullen investigation. Our

1 view is that the Board, in the person of Mr Gilliland or
2 Mr Bunting, should have made an official approach to
3 Assistant Chief Constable Meharg in order to find out
4 what stage the investigation had reached. In doing so,
5 the Board should also have made the matter the subject
6 of a formal record, since its seriousness required
7 a clear record of the Board's conduct. In reaching this
8 finding we were conscious of Messrs Gilliland
9 and Bunting's evidence that Detective Constable Cullen
10 had undertaken to inform them of any developments which
11 would have enabled them to take disciplinary action
12 against Mr Mains or Mr McGrath. Mr Bunting's telephone
13 calls, some of which would appear to have been inspired
14 by Messrs Gilliland and Scoular, were an indication of
15 unease felt by the Board as time passed and nothing
16 materialised from the police. In those circumstances it
17 would have been prudent and appropriate to approach the
18 senior police officer direct. A more definitive
19 knowledge of the state of the police investigation would
20 have also facilitated a decision on whether there were
21 sufficient grounds to issue precautionary suspension
22 notices to Mains and/or McGrath. In fact, the evidence
23 available to Messrs Gilliland and Bunting in '76 was in
24 our view insufficient for this purpose. If, however,
25 Mr Scoular and Ms McGrath respectively had caused the

1 '74 telephone call about McGrath and the '76 rumour
2 about Mains to be brought to the attention of the
3 police, the possibility of involving precautionary
4 suspensions would have been significantly greater. The
5 Board's responsibilities in the circumstances of 1976
6 were to satisfy themselves whether the police had
7 information on which the Board could take action, to
8 pass on to the police any further relevant information,
9 and to supervise the hostel and its residents closely."

10 So if we pause there, the Hughes Inquiry is saying
11 that it wasn't sufficient in their view for Mr Bunting
12 on behalf of the Board to check with Detective Constable
13 Cullen, who was the officer on the ground, as it were,
14 that as time passed, as far as the Hughes Inquiry was
15 concerned, that the Board should have gone to the top,
16 as it were, to find out what the position was, given
17 that they were waiting for a potential outcome that
18 would have given them grounds to take action against
19 either McGrath or Mains.

20 Then they say this:

21 "We examined the possibility that the Board should
22 have made the Meharg/Cullen investigation and the Mason
23 file known to staff beyond the senior residential and
24 district -- residential and day care management in East
25 Belfast & Castlereagh ..."

1 So looking now at again the transfer of information:
2 "... and in particular to those field social workers
3 with clients currently resident in Kincora. The object
4 of this would have been to put them on the alert to any
5 signs of homosexual misconduct by the staff or of any
6 anxiety or distress in the boys which might have
7 resulted from it. Had this been done, this would have
8 been by the direction of Mr Gilliland, since the
9 confidentiality of the Meharg/Cullen investigation and
10 the sensitivity of the matter generally would have ruled
11 out an independent initiative by Mr Scoular or
12 Ms McGrath. Mr Gilliland gave evidence that, on
13 reflection, it would have been helpful if more junior
14 staff, with more frequent contact with the residents,
15 had been made aware of the investigation. While we
16 acknowledge the potential value of such a course of
17 action, we have no doubt that Mr Gilliland would have
18 been very reluctant to give a wide currency to
19 allegations of a most sensitive nature which were
20 contemporaneously subject to police investigation."

21 Again, Members of the Panel, you can reflect back on
22 what the Inquiry found the nature of the communication
23 from Constable Cullen had been:

24 "We do not consider that he could have had any
25 degree of confidence that this information would not

1 have leaked and we do not find it possible to criticise
2 him for not taking this court of action -- course of
3 action.

4 In our judgment", however, "it would have been
5 appropriate for Mr Gilliland to have informed the
6 Chairman of the Personal Social Services Committee and
7 of the Board proper on a confidential basis, because
8 they certainly fell within the category of persons with
9 a need to know, notwithstanding the unresolved nature of
10 the allegations. The same applies to the Department of
11 Health & Social Services, in view of its overall
12 responsibility and accountability for the personal
13 Social Services."

14 So just to pause there, you can see that what the
15 Hughes Inquiry is finding is that the fact of this
16 police investigation into staff members as it was
17 believed to be in a boys' hostel in East Belfast should
18 have been communicated upwards on a confidential basis:

19 "In making these findings, we do not suggest that
20 either the respective Chairman or the Department were in
21 a position to take action over and above what we have
22 suggested was open to the Board's officers, merely that
23 they were entitled to know about a serious matter for
24 which they might ultimately be called to account."

25 They then look at whether this matter should have

1 been dealt with through the formal complaints procedure,
2 concluding that wasn't appropriate.

3 Then they make this point in 4.128:

4 "For the avoidance of doubt we would like to deal
5 with a matter which arose in the context of the
6 Meharg/Cullen investigation. It was established that
7 Detective Constable Cullen did not at any time receive
8 or transmit any allegation that William McGrath was
9 engaging in homosexual activity with residents of
10 Kincora. Detective Constable Cullen's evidence and our
11 examination of his papers also established that there
12 was no suggestion that the 'prominent people'", as he
13 referred to them as, "who were involved in his
14 investigation of Mr McGrath were connected in any way
15 with Kincora or its residents. The term was loosely
16 coined by Detective Constable Cullen and did not in our
17 view convey an accurate description of those named."

18 You will recall from looking at the material that
19 Detective Constable Cullen had been told by Roy Garland
20 about Clifford Smyth and that Roy Garland had tried to
21 speak to the Reverend Paisley and those are the
22 prominent people that Detective Constable Cullen was
23 referring to in the context of that phrase, and what the
24 Hughes inquiry report is saying, he is making it clear
25 that there was nothing in his evidence or their

1 examination of his papers that connected those two
2 individuals in any way with Kincora or its residents.
3 Therefore the phrase that he used was unhelpful.

4 If we pause there, Members of the Panel, if I am
5 correctly analysing the position to try and bring that
6 dense analysis of substantial evidence that was taken
7 by a Public Inquiry, if I am correctly analysing the
8 position, the Eastern Board ought to have been able to
9 communicate to the police by March 1976 in addition to
10 that which they did communicate, which was about the
11 Mason file, they ought to have been in a position to
12 communicate the fact of the 1973 anonymous call made to
13 the police, though obviously the police had the
14 opportunity to know about that as well from their own
15 records; to communicate the anonymous letter about
16 William McGrath, which William McGrath disclosed; to
17 disclose the anonymous call made to Social Services in
18 January 1974, which was investigated by Mary Wilson and
19 Colin McKay or McKay; to communicate the result of that
20 interview with McGrath in February 1974; to communicate
21 the complaint of R15 as reported to Social Services by
22 his parents in May and September 1974; and also ought to
23 have been in a position to communicate the rumours that
24 were circulating about Joseph Mains.

25 Bob Bunting, not having received any of that

1 information, was not in a position to give Detective
2 Constable Cullen any of that information and in turn was
3 left with the understanding that the police
4 investigation related to activity William McGrath was
5 said to have engaged in before he took up his role in
6 Kincora.

7 If we look, please, at 1021, the Health & Social
8 Care Board deal with these matters at paragraphs 90
9 through to 104 and set out in detail the -- detailed
10 summary form the matters that I have just been looking
11 at with you.

12 If we scroll down, please, on to the next page. So
13 the factual background is being recorded of the main
14 matters. If we scroll down, please. Just pause there:

15 "It does not, however, appear that the information
16 known at district level from 1974 was reported to the
17 Board."

18 We can see that in paragraph 97. Then if we scroll
19 down, they refer to the survey we have just looked at of
20 the information. Scroll down a little further, please.
21 They draw attention to the lack of communication that
22 seems to have been taking place and the various failures
23 that are identified by the Hughes Inquiry. If we scroll
24 down, please, you can see:

25 "In the Health & Social Care Board's view

1 an opportunity was missed in mid-1976 to ensure that all
2 information known about Kincora in different levels of
3 management was collated to ensure a full picture
4 developed. It was also regrettable that more definitive
5 steps were not taken at an earlier stage to ascertain
6 the status of the police investigation. The Health &
7 Social Care Board accepts the findings of the Hughes
8 Report as detailed in paragraph 103 above",

9 which is a summary of the failings that are noted.

10 In October and November 1976 that was when Rita
11 Johnston as -- at a private function, a prayer meeting
12 she was attending, was given information by Valerie Shaw
13 about an adult patient in St. Martin's Day Care Centre
14 where she had a role. That was R36. We spoke about him
15 previously at the start of the Roy Garland
16 section whenever I brought to your attention that he
17 disclosed to police his ten-year sexual relationship
18 with William McGrath in the '50s.

19 What the Hughes Inquiry records is that
20 Miss Johnston, as she also explained to the police, took
21 steps in respect of the welfare of the patient based on
22 what Miss Shaw had said to her, and told Miss Shaw to
23 contact the Board about what she had told her.

24 The Hughes Inquiry heard oral evidence from Valerie
25 Shaw on Day 37, which was 17th January 1985, and Day 38,

1 18th January 1985, and her evidence can be found at
2 72871 to 72949.

3 Rita Johnston gave evidence on Day 38 as well and
4 her evidence can be found at 72949 to 72978.

5 The Hughes Inquiry, if we just put 72576 on the
6 screen, please, deal with these matters from
7 paragraphs 4.129 -- if we just scroll through three
8 pages, please, to 75278 -- they deal with them from
9 paragraphs 4.129 to 4.138 and they make no criticism of
10 Miss Johnston based on the information she received, the
11 context of which she received it and the steps which she
12 took in relation to it.

13 The Health & Social Care Board deal with that issue
14 in their statement at 1024, which I am going to come
15 back to, because it covers both this matter and that
16 relating to the Reverend Martin Smyth, which I am going
17 to mention to you now.

18 The Hughes Inquiry also investigated the call the
19 Reverend Martin Smyth said he made to Social Services in
20 1976, having spoken to Valerie Shaw in the late summer
21 of '75 and then another source who was unidentified in
22 1976. He said he spoke to a Mr Jackson in the Board
23 about William McGrath. The RUC had already tried to
24 identify all possible Jacksons. The Hughes Inquiry did
25 the same. Those spoken to denied having any contact

1 with Reverend Smyth about Kincora and William McGrath.
2 The Reverend Smyth did provide statements to the Hughes
3 Inquiry. You will find those at 75632 to 75636.

4 The Health & Social Care Board was not in a position
5 to produce any record that would evidence a call from
6 the Reverend Smyth or anyone else of the nature
7 described, and if we look, please, at 1024 and
8 paragraphs 105 to 109 of the statement, if we scroll
9 down, please, we can see:

10 "The Hughes Inquiry heard from Miss Shaw ...

11 The Hughes Inquiry considered this evidence of
12 Reverend Martin Smyth in this respect. He said in 1976,
13 having heard that Mr McGrath was employed in a boys'
14 hostel, he telephoned a Health & Social Services Board
15 and spoke to a Mr Jackson.

16 The Inquiry made no finding on this evidence, as an
17 exhaustive consideration of males with the name Jackson
18 employed within the Eastern Health & Social Services
19 Board was unable to identify any person with whom the
20 Reverend Smyth may have spoken."

21 The two most likely individuals, police statements
22 were taken from them and they explained that they had
23 not ever spoken to the Reverend Smyth about the matter.

24 Then they cover the fact that Miss Shaw's
25 information as well as being passed to the Reverend

1 Martin Smyth also came to Rita Johnston in the way
2 I have described. You can see in paragraph 109:

3 "Miss Shaw confirmed to the Inquiry that she herself
4 did not make a direct approach to any management within
5 either the Board or the district. In the absence of her
6 having made information available to the relevant
7 persons, the Health & Social Care Board does not
8 identify any further action that should have been taken
9 by its predecessors, and does not consider that
10 an opportunity arose for them to do so."

11 That's based on the Hughes Inquiry findings in
12 respect of Rita Johnston.

13 Then I want to turn to events involving R18 and his
14 social worker, who was not from the Eastern -- East
15 Belfast & Castlereagh District, Anna Hyland. She was
16 involved from Lisburn, and then -- but these events also
17 involved Mr Higham and Clive Scoular. This is the next
18 occasion whenever matters come to the attention of the
19 Social Services.

20 We looked at material relating to R18 in some detail
21 during week one. On his own admission he had been
22 engaging in regular homosexual activity for many years
23 before he lived in Kincora and continued to engage in
24 activity whilst at Kincora.

25 CHAIRMAN: This is the boy who was introduced to homosexual

1 behaviour at a very young age in Dublin --

2 MR AIKEN: Yes.

3 CHAIRMAN: -- and continued to engage in it when he went out
4 of the home at weekends to Bangor.

5 MR AIKEN: Yes, before coming to Kincora Ward Park toilets
6 in Bangor.

7 CHAIRMAN: Yes.

8 MR AIKEN: Then he would also explain -- in addition to the
9 allegations he made against William McGrath, he
10 explained his two relationships that he had, one of
11 which was conducted in a car outside Kincora during his
12 time residing there.

13 So what he actually told his social worker,
14 Ms Hyland, was much less than he would subsequently say
15 occurred between him and William McGrath, who was
16 subsequently convicted of gross indecency with R18.
17 What R18 told Anna Hyland, if we look at 75279 and
18 paragraph 4.147, you will see that what he told her was
19 limited. If we just -- in the bottom right corner we
20 can see it was limited to intimate conversations about
21 sexual matters and embraces on two separate occasions.

22 Now there are a series of documents around these
23 events which I want to just list out. I will put them
24 on the screen, but I am not going to spend time going
25 through them now. If there are any you want me to pause

1 at, I can obviously do that.

2 Ms Hyland wrote a report -- if we look at 11046,
3 please, and scrolling through to the next page -- she
4 wrote a report of the discussion that she had had with
5 R18 and the concern that he was expressing based on the
6 limited activity that he was telling her about.

7 She reported that. It was communicated. Her boss
8 was Alan Chard. They agreed it should be communicated
9 to Mr Higham in the East Belfast & Castlereagh District.
10 It was. There were also discussions with Joe Mains and
11 not being entirely satisfied with Joe Mains' approach to
12 what was being discussed. These reports were then sent.
13 As a result Joe Mains provided a report of 11th
14 September, so two days later, and you can see that at
15 10960. I will characterise this in a moment when we see
16 another memo, but he records in writing his take on the
17 events as he understood them.

18 Then a memo from Gordon Higham to Clive Scoular can
19 be found at 18th October 1977, if we look at 10958.
20 Having got involved in these matters, he encloses the
21 documents that we have just looked at, and:

22 "After discussing with Ms Hyland and Mr Mains on
23 12th October have reached a conclusion at this point in
24 time that R18 should not be moved from Kinchora, nor
25 should any direct action be taken against Mr McGrath.

1 The whole question of what actually happened between
2 Mr McGrath and R18 is questionable and a lot of what was
3 discussed between Ms Hyland and Mr Mains and myself
4 evolved (sic) around R18's feelings about what happened.
5 As can be seen from the attached reports, R18 felt
6 something alien was happening when Mr McGrath embraced
7 him. However, nothing of a sexual nature appeared to
8 happen at any time.

9 Some light was shed on the whole situation when it
10 was discovered that R18 had a previous homosexual
11 experience when he was younger. His guilty feelings
12 about this would appear to be still apparent and thus
13 this may be what he felt when Mr McGrath made some
14 comment and came close to him.

15 Although I believe that nothing directly should be
16 said to Mr McGrath, I have suggested that perhaps
17 Mr Mains should discuss the question of younger boys and
18 how they are settling in Kincora with Mr McGrath. He
19 will obviously emphasise R18's apparent change in
20 attitude towards Mr McGrath and enquire how this should
21 be. I believe this is all that can be done at present, and
22 the social worker, Mr Mains and myself have arranged to
23 discuss this matter in a month's time. During the
24 intervening period Mr Mains and Ms Hyland will keep
25 a particular close eye on the whole situation. I would

1 appreciate your views on this matter if contrary to what
2 I have suggested."

3 Now there is then a memo from Ms Hyland a month
4 later. I am sorry. I will just show you Clive
5 Scoular's response first at 10965, please. It is of
6 20th October 1977 and you can see Mr Scoular says:

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

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

19 As I mentioned to you yesterday, I find the content
20 of Mrs Hyland's report and the content of that prepared
21 by Mr Mains to be almost two different stories. I will
22 try and make some discreet inquiries and see what I can
23 find out."

24 So you can see this is a memo which perhaps begs
25 lots of questions and he is drawing attention to the

1 fact that the two accounts about the events are very
2 different from the two members of staff.

3 Now there is -- I am not going to go into it, but
4 I will just put on the screen for you -- at 11068 there
5 is a transfer summary of 19th October 1978, because
6 Ms Hyland transfers the R18 case to another social
7 worker and she then continued to see him in her capacity
8 as a counsellor to help him with his sexual issues and
9 she would meet and discuss those with him. At 90866,
10 please, if we can look at that, she does write another
11 memo we can see of 10th November. You can see:

12 "At discussion on 12th October the problems with R18
13 and staff members were discussed. It was felt that
14 evidence was very inadequate and that what had happened
15 could be construed as an affectionate gesture.

16 R18 seems to have coped well with the situation,
17 although had expressed some strongly aggressive feelings
18 towards this staff member. R18 has been talking in
19 greater detail about his violent impulses and his lack
20 of control to Mr Mains. Some discussion about
21 psychiatric referral. However, I am convinced that
22 R18's problems could be described as personality
23 problems.

24 At the meeting on 9th November Mr Mains remarked
25 that R18 often took his meals separately in the kitchen

1 ostensibly because he was interested in cooking.
2 Mr Higham felt that this was making him rather
3 'special'. I added that R18 had told me that
4 Mr McGrath often tells R18 that he is special, ie a cut
5 above the other boys. I said I did not think that this
6 was helpful, as it fed into R18's fantasies about grand
7 origins, etc. It later came out that not only does R18
8 spend much time in the kitchen, but he is heavily
9 critical of Mrs McCullough the cook, and she rather
10 resents it. I warned that it could be the beginnings of
11 a repeat of the home pat' -- Mrs is terrified
12 even to cook an egg when R18 is around. He totally ..."

13 CHAIRMAN: "... disables ..."

14 MR AIKEN: "... disables her. Mr Higham and I suggested
15 that he only be allowed in the kitchen to do his
16 experimental cooking at times when Mrs McCullough is not
17 cooking meals. In general we felt that R18 should not
18 be singled out for special treatment."

19 So you can get a flavour without us looking into
20 vast swathes of social work material that there were
21 difficult issues at play in R18's life that were being
22 dealt with by those involved in his care aside from
23 these issues arising with William McGrath.

24 There then is -- so these events are ongoing, and
25 during the Hughes Inquiry attention would be drawn to

1 Gordon Higham's report to the Board on Kincora of
2 6th January 1978.

3 I just want to show you 114080, please, by which
4 time he is -- I think we have got a wrong -- 114...
5 I am going to have to come back to you. I apologise.
6 We have a mistaken reference. If you take that down for
7 me, please. He writes a report that basically doesn't
8 alert the Board to the fact that he's dealing with these
9 issues and indeed around the same time the issues
10 involving the allegations made about Joe Mains in
11 connection with R20/HIA531, which are going to come to
12 light in the same period, the latter part of 1977.

13 He accepted before the Hughes Inquiry that the
14 report he filed, which basically did not disclose any of
15 these matters, which would have been in addition to the
16 Mason file and the police investigation that the Board
17 understood was going on, that it was -- the word
18 "deceptive" was used, and the Board have accepted that
19 in itself amounted to a missed opportunity to ensure
20 that the Board as in the Eastern Board -- so the Health
21 & Social Care Board has accepted that the Eastern Board
22 were deprived of the opportunity to have an accurate
23 appraisal of developments after they'd in March '76
24 referred the fact there was a police investigation going
25 on to district. Just for the record there is

1 a transcript exchange about these matters which will be
2 of assistance at 73058 and 73061.

3 Just to complete the sequence -- I am not going to
4 look at it now -- there is a June 1979 progress report
5 from Peter Martin, who was the social worker who took
6 over from Anna Hyland in respect of the care of R18, and
7 that's at 11057, 8 and 9, and those are the core
8 documents that are available around these issues. It
9 may be there are others the Health & Social Care Board
10 want to bring to your attention in their written
11 submissions.

12 In respect of these issues the Hughes Inquiry heard
13 oral evidence from Anna Hyland, who gave evidence on Day
14 38, which was 18th January 1985, and that can be found
15 at 72979 and runs to 73022; Gordon Higham, who gave
16 evidence on Day 39, which was 24th January '85, and also
17 Day 43. His transcripts run from 73023 to 73114 and
18 73377 to 73482.

19 Lorna McGrath gave evidence on Day 36, 11th January
20 '85, and Day 37, 17th January '85, and those transcripts
21 can be found at 72828 to 72870.

22 Clive Scoular gave evidence on this particular issue
23 on Day 43, 8th April 1985, and the relevant pages can be
24 found at 73483 to 73531.

25 The Hughes Inquiry, if we can look at 75282, please,

1 would set out their views of Mr Scoular's memo that
2 I have drawn your attention to, the one that talked
3 about, "We are going to have to grasp the nettle". You
4 can see:

5 "At this point we consider it appropriate to set out
6 our view of the meaning and significance of Mr Scoular's
7 20th October memorandum and in particular those
8 references to which we have drawn attention. We
9 consider it to be an important document insofar as it
10 casts light on his state of mind and on how McGrath was
11 regarded by management at this time. Firstly, we
12 interpret the memorandum as reflecting an apprehension
13 that Mr McGrath might constitute a threat to the
14 well-being of the Kincora residents because of his
15 alleged homosexual inclinations; secondly, that it
16 referred implicitly to his alleged paramilitary
17 connections, and that Messrs Scoular and Higham saw this
18 as introducing an additional difficulty into the
19 handling of the case. It will be clear, therefore, that
20 we read the memorandum as referring to matters over and
21 above those directly relevant to R18's complaints to
22 Mrs Hyland and Mr Mains. We also infer that these wider
23 issues were discussed and appreciated by Messrs Scoular
24 and Higham at some time between Higham's 18th October
25 submission about R18's reports", from Ms Hyland and

1 Mr Mains, "and Mr Scoular's 20th October response. The
2 memorandum refers to prior discussion and some of the
3 references in it would have been unintelligible to
4 Mr Higham unless much wider discussion had taken place.
5 Finally, we believe that Mr Scoular's perception of the
6 Kincora situation had been influenced by the nature of
7 Detective Constable Cullen's contacts with Mr Bunting
8 and how these were represented to him. Detective
9 Constable Cullen had stressed the sensitivity of his
10 investigation, had made it known that 'prominent
11 people'" -- in fact, that was erroneous -- "were
12 involved with Mr McGrath, had mentioned the paramilitary
13 aspects and the fact that he was reporting directly to
14 ACC Meharg. Unfortunately Mr Bunting chose not to brief
15 Mr Scoular in writing, so we have no direct evidence of
16 the tenor of his message, but the mere communication of
17 these facts would have put Mr Scoular on notice that the
18 situation contained elements which went beyond the
19 normal ambit of Social Services management."

20 They also say:

21 "It is relevant that about this time Mr Higham was
22 made aware of suspicions held by" -- this is Detective
23 Constable Scully -- "about Mr Mains' relationship with
24 R20/HIA531. The close coincidence of R18's complaint
25 and the suspicions around R20/HIA531 was significant and

1 the two cases must be considered together in some
2 respects."

3 So you can see the view that the Hughes Inquiry
4 formed of the memo that we looked at.

5 In paragraph 4.167 of the Hughes Report at 75284
6 they also, that is the Hughes Panel, identified and
7 acknowledged the extremely difficult and complex case
8 that the Social Services were endeavouring to deal with
9 based on the information that R18 was providing.

10 I am not going to go through all of the content,
11 because I know that some of it in relation to R20/HIA531
12 has been touched on already, but if we can look at 1026,
13 please, the Hughes -- sorry -- the Health & Social Care
14 Board deal with these matters at paragraphs 110 through
15 to 120 over 1026 to 1029. If we just scroll through it,
16 please, because they document out, and it will no doubt
17 be of assistance to you, Members of the Panel, because
18 it crystallises the complex issue in summary form in the
19 paragraphs, but we can see in paragraph 119, if we just
20 pause there:

21 "The HSCB considers that there were matters of
22 concern arising from this report, most particularly the
23 lack of communication from the officer in charge
24 regarding matters that should have been reported to the
25 resident's fieldwork social worker. However, the

1 information received was not of a nature that would have
2 indicated the extent of abuse that was occurring at
3 Kincora.

4 However, what is also clear is that, despite
5 Mr Higham being involved in investigating the issues in
6 relation to R18 in October '77, these were not matters
7 that would have been apparent from his report to the
8 Board for that period."

9 I will get you the correct reference for that
10 report:

11 "In his evidence to the Hughes Inquiry he was asked
12 about this by senior counsel to the Inquiry. That
13 exchange highlights the report in relation to visits in
14 October and November '77 was provided on 6th January
15 '78. The report provided would have led the reader to
16 believe that all was well at Kincora and there were no
17 concerns. Senior counsel to the inquiry, Mr Kennedy,
18 noted that this time Mr Higham -- by this time he would
19 of been aware of the Mason file and allegations against
20 Mains and made recently about Mr McGrath. He suggested
21 that the report was 'deceptive in the sense that it
22 seems to convey that all was well, whereas it was not?'
23 to which Mr Higham responded 'Yes'. Mr Higham was also
24 asked, 'Yet in light of that you sent this report to
25 Mr Gilliland with no indication of what should have been

1 a cause for real concern'. He responded, 'I was under
2 the impression that those matters were being dealt with
3 within my district and that those monthly reports were
4 to give a bed situation, ie how many beds were
5 available, what was there and a generalised thing. To
6 my knowledge they did not go into specifying specific"
7 -- if we scroll down a little further, please --
8 "specific things that were put down on record and sent
9 to the Board."

10 Just scroll down a little further:

11 "The HSCB considers that through a lack of full
12 reporting there was a missed opportunity to ensure the
13 Board was fully appraised of further developments in
14 relation to the hostel. Further, the Board may have
15 identified the potential use of this information that
16 may have been to the police."

17 So although the R20/HIA531 part -- and I am just
18 going to mention it very briefly in closing this
19 section of our work -- was involving the police in terms
20 of Detective Constable Scully and then later Detective
21 Constable Sillery, this information by it not being
22 passed on would have given an opportunity to Mr Bunting
23 and Mr Gilliland to pick up the phone again and say,
24 "Listen, we have got this further issue that's arisen
25 with Mr Mains. Let us tell you about it". So that

1 opportunity was not available.

2 I notice the time, Chairman. It may be we can pick
3 up and finish the last little part of Social Services
4 after lunch.

5 CHAIRMAN: Yes. Well, we'll rise now and we'll continue at
6 2 o'clock.

7 (1.03 pm)

8 (Short break)

9 (2.00 pm)

10 MR AIKEN: Chairman, Members of the Panel, just before lunch
11 we were on the last leg of what the Social Services knew
12 and I was about to turn to events in October 1977 that
13 involved R20/HIA531 and they also involved then
14 Detective Constable Scully and Detective Inspector
15 Sillery, the social worker Helen Gogarty and her boss
16 David Morrow as well as Gordon Higham and Clive Scoular
17 in the Residential and Day Care Section of the East
18 Belfast & Castlereagh District.

19 Now I know that Ms Smith dealt with R20/HIA531 in
20 detail and therefore all I am going to do is highlight
21 a small number of issues so that I have dealt with it in
22 sequence, and then if there's anything else the Health &
23 Social Care would want to raise, they will be able to
24 add to it in their written submissions.

25 The sequence of events is that on 4th October 1977

1 Detective Constable Scully arrested R20/HIA531 and R37
2 at Kincora for burglary offences. Detective Constable
3 Scully considered from his knowledge that Joseph Mains
4 was a well-known homosexual and had seen him in the
5 company of R2, who is R2, who you know was in Kincora
6 for a period at the end of the '50s, start of the '60s
7 and continued to have a relationship with Joseph Mains
8 for right up until 1979.

9 Detective Constable Scully then shared his concerns
10 with R20/HIA531's social worker Helen Gogarty in October
11 '77, and she shared what had been shared with her with
12 David Morrow, her boss.

13 In and around 21st October 1977 then there was
14 a meeting with Gordon Higham, which was making him
15 aware. By 14th November '77 there was a meeting this
16 time including Clive Scoular and Lindsay Conway to
17 discuss the situation, because R20/HIA531 was now also
18 in Rathgael.

19 Also then on the same day, 14th November 1977,
20 Messrs Scoular and Higham met officers Scully and
21 Sillery at Strandtown to discuss the matter.

22 On 25th November 1977 Gordon Higham wrote a memo
23 that the Health & Social Care Board ask me to draw to
24 your attention. It may be you looked at this with
25 Ms Smith, but if we look at 10972, the memo refers to

1 a telephone call with David Morrow:

2 "... stating that he had spoken to R20/HIA531 in
3 Rathgael and had been told by R20/HIA531 that he
4 received a sexual approach from William McGrath but that
5 he never had sexual dealings with Joseph Mains or
6 Raymond Semple."

7 During the oral evidence at the Hughes Inquiry there
8 was a factual dispute between David Morrow and Gordon
9 Higham about whether Morrow said that R20/HIA531 told
10 him he had received a sexual approach from William
11 McGrath. Hughes was inclined to the view that David
12 Morrow made the telephone call, but didn't remember
13 doing so. They address that at paragraph 4.187 of the
14 Hughes Inquiry report, if we look at 75289, please.
15 Gordon Higham explained to the Hughes inquiry --
16 paragraph 4.187 is on the left of the screen -- that he
17 visited R20/HIA531 in Rathgael after the telephone call,
18 but that R20/HIA531 didn't disclose anything to him. He
19 also said he'd discussed this with Clive Scoular and
20 Lorna McGrath.

21 There was then a further meeting of police on 5th
22 December 1977 which resulted in a daily reporting
23 mechanism on Kincora being implemented, and these
24 matters are dealt with in considerable detail in the
25 report of the Hughes Inquiry from paragraph 4.169 on

1 75282 through to 4.210 at KIN75282 through to 75295.

2 I want to show you paragraphs 4.190 to 4.195 which
3 relates to the position of Mr Scoular. So if we can
4 just scroll through, please, we can get the start of
5 4.190. You can see:

6 "By December 1977 knowledge of a considerable number
7 of incidents, complaints and suspicions which suggested
8 the possibility of homosexual misconduct at Kincora had
9 come into the possession of the Eastern Board.

10 Mr Scoular, for instance, was aware of:

11 (a) The January 1974 anonymous call alleging that
12 Mr McGrath was homosexual but making no allegation about
13 misconduct involving the residents."

14 That's the call from Roy Garland that Mary Wilson
15 dealt with:

16 "This was drawn to Mr Scoular's attention at the
17 time", by Mary Wilson. Then:

18 "(b) The Meharg/Cullen investigation into
19 allegations that Mr McGrath was homosexual, again with
20 no allegation relating to the hostel itself. This was
21 made known to Mr Scoular by Mr Bunting around the spring
22 of 1976."

23 So that's -- you are aware of the information,
24 limited, that was being passed by DC Cullen to
25 Messrs Bunting and Gilliland and that was translated to

1 Mr Scoular in the district along with the Mason file,
2 the Mason file you can see containing allegations
3 against Mr Mains by R5, R6, R8 and R33 and referring to
4 an alleged homosexual relationship with the former
5 resident, R2. Then R18's complaint against Mr McGrath
6 in August 1977, and we looked at that before lunch.
7 Mr Higham and Mr Scoular involved in that. We looked at
8 Mr Scoular's memo. Then:

9 "Detective Constable Scully's suspicions of Mains'
10 relationships with R20/HIA531 and also with R2.

11 Conversely Mr Scoular was not aware of:

12 (f) The buttock slapping incident involving
13 Mr Mains and investigated by Messrs Moore and McCaffrey
14 in '69 and '70",

15 which there is no record of in the Mason file:

16 "The May and September 1974 complaints against
17 Mr McGrath by the parents of R15 made to Miss McClean
18 and Mr Orr", in North & West Belfast district.

19 "(h) The rumour concerning Mr Mains which came to
20 the attention of Mr Maybin in 1975."

21 That was a rumour, as you know, in the East Belfast
22 & Castlereagh District. Then:

23 "The rumour concerning Mr Mains which came to the
24 attention of Mrs Fiddis, Ms Reynolds, Miss Reid and
25 Miss McGrath in early 1976."

1 Then:

2 "Miss Shaw's allegations about Mr McGrath to Rita
3 Johnston in late '76; or

4 (k) Reverend Smyth's telephone call about
5 Mr McGrath in '76."

6 Obviously the last two are perhaps in a slightly
7 different category, because the Hughes Inquiry, as you
8 know, concluded that Rita Johnston should not be
9 criticised for the course she took, and no record has
10 ever been found of a call from Reverend Martin Smyth,
11 but all of the other matters were capable of being known
12 and either were known by Mr Scoular or had not been
13 passed to him when they should have been:

14 "Mr Scoular told us that he could not recall whether
15 he alerted the Eastern Board headquarters in the persons
16 of Mr Bunting or Mr Gilliland to the R18 and R20/HIA531
17 cases. Messrs Bunting and Gilliland's evidence was that
18 they did not become aware of these cases until 1980
19 after the publication of the Irish Independent article
20 and we accept their evidence on this point. Mr Scoular
21 went on to say with regard to the R18 and R20/HIA531
22 cases that they were matters which he and his staff had
23 dealt with and that there was nothing of a criminal
24 nature to refer to his colleagues at headquarters."

25 Then the Hughes Inquiry says this:

1 "We are prepared to acknowledge that, taken
2 separately, it is possible to discount the significance
3 of the various matters which came to Mr Scoular's
4 attention. The 1974 allegations were anonymous and were
5 the first made against Mr McGrath; the Meharg/Cullen
6 investigation was based on McGrath's alleged activities
7 outside the home and the police did not have sufficient
8 evidence on which to act; the Mason file was presented
9 to him as a 'dead file' by Mr Bunting with the rider
10 that the allegations it contained had been investigated
11 and found to be unsubstantiated; the evidence relating
12 to R18's complaint was not considered by Mr Higham and
13 Ms Hyland sufficient to indicate that homosexual
14 misconduct had occurred; and Detective Constable Scully
15 had nothing more than his suspicions of Mr Mains and had
16 received no complaint from R20/HIA531. Mr Scoular was
17 also a busy official carrying substantial
18 responsibilities and he explained in evidence that he
19 never marshalled the various lines of information about
20 Kincora which had come into his possession.

21 We are convinced, however, that the accumulation of
22 these allegations, complaints and suspicions over the
23 years should have been recognised as significant by
24 Mr Scoular. In particular, the fact that R2 featured in
25 the Mason file in '67 and in Detective Constable

1 Scully's suspicions in 1977 should have alerted
2 Mr Scoular and also Mr Higham to an important element of
3 consistency in the doubts surrounding Mr Mains. It
4 follows that he should have drawn the R18 and R20/HIA531
5 cases to the attention of his colleagues at
6 headquarters, whose knowledge at this time was confined
7 to the Mason file and the Meharg/Cullen investigation.
8 If Mr Scoular had brought the R18 and R20/HIA531 cases
9 to the notice of Mr Bunting, they could have been
10 notified to Detective Constable Cullen as information
11 additional to the Mason file. Alternatively clearance
12 could thereby have been obtained from ACC Meharg or
13 Detective Constable Cullen for a disclosure to Sergeant
14 Sillery at the 5th December '77 meeting. This would
15 have removed any possible constraint arising from the
16 confidential nature of the Meharg/Cullen investigation,
17 which was not known to the Strandtown police. We
18 believe that Mr Scoular's failure to consult Mr Bunting
19 was a critical error and that the addition of these
20 cases to the information already available to the police
21 would probably have prompted an active police
22 investigation some two years before the Irish
23 Independent article had that effect. The precautionary
24 suspension of Messrs Mains and McGrath would also have
25 been justified and appropriate in those circumstances,

1 pending the outcome of police investigations. While it
2 could be argued that R18's case might have been dealt
3 with under the complaints procedure, there is evidence
4 that R18 did not wish to press his complaint to
5 Mrs Hyland in a formal setting.

6 This leaves the question of why Mr Scoular did not",
7 in his own words, quoting him, "'grasp the nettle' as
8 envisaged in his 20th October memorandum to Mr Higham
9 and why he omitted to alert Board headquarters to the
10 R18 and R20/HIA531 cases. He accepted that he regarded
11 Mr McGrath as more sinister and dangerous than
12 an ordinary person in light of his alleged paramilitary
13 connections but denied that he was afraid of him or that
14 this was the reason why he did not process the complaint
15 against Mr McGrath. Nonetheless the proposed
16 discussions with Mr McGrath never took place" -- those
17 are the discussions envisaged in the 20th September '77
18 memo -- 20th October '77 memo -- "and no convincing
19 explanation was advanced for this omission. We believe
20 that Mr Scoular was apprehensive of Mr McGrath's alleged
21 paramilitary links to some degree and that this in
22 connection with the fact that the homosexual
23 implications of the R20/HIA531 and R18 cases were in his
24 view unsubstantiated clouded his judgments as to whether
25 Mr McGrath should be interviewed or those cases should

1 be notified to Board headquarters.

2 We regarded the steps actually taken from December
3 '77 onwards, additional to the regular inspections by
4 residential and day care management, as aimed largely at
5 the disciplinary problems in the hostel and as being
6 insufficient in themselves to deal with the risk to
7 residents arising from the suspicion that Messrs Mains
8 and McGrath were active homosexuals. We do not suggest
9 that an internal investigation by Social Services staff,
10 extending to the wholesale interview of residents and
11 former residents, would have been an appropriate or
12 sensible alternative to referral to the police. Social
13 Services staff are not qualified to undertake such
14 speculative inquiries."

15 Then, as you know, the report goes on to look
16 further at the case of R20/HIA531.

17 Now the Health & Social Care Board deal with these
18 matters if we look at 1029, please, at paragraphs 121
19 through to 133 of their statement, and you can see they
20 record the fact of what R20/HIA531 was saying or was not
21 saying. They record the meetings that we have just been
22 looking at. If we scroll further down, please, then in
23 paragraph 131 they recount that which we have just
24 looked at from the Hughes Inquiry report of what was
25 known and not known and you can see that:

1 "The Hughes Inquiry found and the Health & Social
2 Care Board agrees that 'taken separately ...'"

3 Then they go on to quote the extract from the Hughes
4 Inquiry:

5 "... the Committee were 'convinced, however, that
6 the accumulation of these allegations, complaints and
7 suspicions over the years should have been recognised as
8 significant by Mr Scoular'. In particular, there was
9 a failure to notify the Area Board in 1977 of the issues
10 arising in relation to R18 and R20. The Hughes Report
11 describes this as a 'critical error'".

12 The Health & Social Care Board suggests the failure
13 to share information from district level to Board level
14 in '77 resulted in a missed opportunity. As noted by
15 the Hughes report, if Mr Scoular had brought the cases
16 of R20/HIA531 and R18 to the attention of Mr Bunting,
17 they could have been notified to DC Cullen as
18 information additional to the Mason file."

19 You can see the quote from the Hughes Inquiry saying
20 the police investigation is likely to have been brought
21 forward by a period of two years.

22 That is the last in the chronology of occasions
23 when, going back to what I said right at the very start,
24 I was focusing not on the systems failure evidence from
25 Mr Mains' behaviour or the behaviour of McGrath and

1 Semple, or of Mr Mains' failure together perhaps with
2 Mr Semple to pass information out of Kincora, or perhaps
3 KIN66, the member of staff, not passing the information
4 out of Kincora, but dealing with those occasions
5 whenever information did pass beyond Kincora and to look
6 at what was done or not done with that information in
7 the context of systems failures in relation to the
8 Social Services.

9 There is one further matter that I want to touch on
10 just to finish this suite of material. If we can look,
11 please, at 75300, I want to show you paragraphs 4.226
12 and 227 of the report, because you will recall we looked
13 at the end of the '71 period that ended at '73 in terms
14 of how the chapters were divided up, but the end of
15 chapter 3 of the Hughes Report they asked themselves the
16 question about whether there was a cover-up or not.
17 Here they ask themselves that question again, having
18 explored the various occasions whenever information was
19 known to members of the Social Services' staff. They
20 begin at 4.226:

21 "The first point to establish is that there is no
22 evidence that allegations or suspicions about the
23 Kincora staff reached either the personal Social
24 Services Committee, the Eastern Board proper or the
25 Department before January 1980. Knowledge of these --

1 knowledge of these within the Social Services field was
2 confined to officers in the Eastern Board.

3 There is also a substantial body of evidence which
4 points to a lack of communication and coordination
5 between the various officers who became aware of
6 allegations and suspicions."

7 Then they set out those that we have been talking
8 about this morning (a) -- in fact, the end of last week
9 -- (a) right through to (f):

10 "We have commented on these individually and made
11 certain criticisms in some cases. While the overall
12 effect was certainly to delay the detection of offences
13 and the convictions of Messrs Mains, Semple and McGrath,
14 the evidence against a concerted 'cover-up' is
15 overwhelming. In our view only two aspects of the
16 affair require serious consideration in the context of
17 a possible 'cover-up'.

18 The first was Mr Bunting's retention of the Mason
19 file until March 1976. We have criticised him for this
20 and for a relative lack of vigour in following up the
21 Meharg/Cullen investigation. We do not propose to add
22 to those criticisms. He did not play an active part in
23 the events recorded in the Mason file, which predated
24 his appointment as Children's Officer, and we received
25 no evidence whatever that he would have any reason to

1 suppress knowledge of them. He quite properly brought
2 the file to the attention of the police in 1976. We
3 conclude that Mr Bunting was guilty of an oversight and
4 no more.

5 Mr Scoular's failure to alert his headquarters'
6 colleagues to the 1974 telephone call and the 1977 R18
7 and R20/HIA531 cases was the second matter which we
8 considered. We have already dealt with Mr Scoular's
9 state of mind in '77 and concluded that his decisions
10 were based partly on the judgment that the various
11 allegations and suspicions were unsubstantiated and
12 partly on an apprehension about Mr McGrath's alleged
13 paramilitary connections. We do not believe that
14 Mr Scoular acted with the degree of deliberation
15 essential to an active 'cover-up'. We would not have
16 placed his 20th October 1977 memorandum on the record if
17 he had had" -- sorry -- "he would not have placed his
18 20th October '77 memorandum on the record if he had had
19 that objective in mind.

20 This concludes our findings on the evidence which we
21 received and considered in relation to the Kincora Boys'
22 Home -- Hostel. We hope that we have been able to
23 convey a proper sense of the seriousness of the offences
24 and an appreciation of the heavy responsibility which
25 rested on those responsible for the welfare of the boys

1 and young men in the hostel. At the same time we have
2 endeavoured to place some of the more sensational
3 aspects of the Kincora scandal in a calm, factual
4 perspective."

5 I think if we scroll down, we will see this a new
6 chapter commences. So this is the second time they turn
7 to this issue and that is the view that they expressed,
8 having taken the sixty days of oral evidence with the
9 primary focus, yes, on the Social Services, but you will
10 recall that the Irish Independent article began with
11 an allegation of a Social Services' cover-up in 1977.

12 I want to turn now, Members of the Panel, to what
13 the RUC knew about what was occurring in Kincora.

14 CHAIRMAN: Well, there is quite a lot of this. We have
15 Fionnuala McAndrew --

16 MR AIKEN: Yes. I'm not --

17 CHAIRMAN: -- this afternoon.

18 MR AIKEN: Yes. I'm not sure whether ...

19 CHAIRMAN: Well, I think it is important we deal with all of
20 this police material in one go.

21 MR AIKEN: Shall we take a short break and find out the
22 position?

23 CHAIRMAN: Yes.

24 (2.35 pm)

25 (Short break)

1 (2.45 pm)

2 MS FIONNUALA MCANDREW (recalled)

3 Questions from COUNSEL TO THE INQUIRY

4 MS SMITH: Good afternoon, Chairman, Panel Members, ladies
5 and gentlemen. Our witness this afternoon is
6 Miss Fionnuala McAndrew, who is here to speak on behalf
7 of the Health & Social Care Board. Ms McAndrew has
8 previously been sworn in, Chairman. So there's no need
9 for her to be sworn in again.

10 CHAIRMAN: Yes. I am not sure whether "Welcome back" is the
11 right expression, Ms McAndrew, but thank you for coming
12 back in any event.

13 **A. You are welcome.**

14 MS SMITH: Ms McAndrew, you have provided the Inquiry with
15 three statements in this module, the first on 29th April
16 2006, which is at KIN1001 through to 1033, and then
17 there's a statement of 23rd May 2016, which commences at
18 KIN1084, and then a final statement of 27th May 2016 at
19 KIN1458 to 1473. The statement of 23rd May was
20 a general overview statement provided by the Inquiry
21 about Kincora.

22 Can I just, first of all, ask you to formally adopt
23 the three statements that I have identified to you on
24 behalf of the Health & Social Care Board?

25 **A. Yes.**

1 Q. Your signature is on the last page of each of those.
2 Isn't that correct?

3 **A. That's correct, yes.**

4 Q. In the statement at -- of the -- at 1099, that's the
5 overview statement of 23rd May 2016, page 1099 to 1010,
6 if we just look at 1099, first of all, please, you set
7 out here the management structure for Kincora in the
8 time that it was open. If we could just scroll down,
9 please, the first flow chart, as it were, here is from
10 January 1958 to 30th September 1973 when it was operated
11 by Belfast Welfare Authority.

12 Top of the tree, as it were, was the Town Clerk, who
13 at that stage when it first opened was Mr Jameson. He
14 was subsequently replaced I think by Mr Dunlop and then
15 by Mr Young. Is that correct?

16 **A. That's my understanding, yes.**

17 Q. The Chief Welfare Officer was Mr Mason. The Children's
18 Officer was a Miss Brown, who was subsequently replaced
19 by Mr Moore and then Mr Bunting, and then there was
20 an Assistant Children's Officer or Homes officer below
21 them -- if we can just scroll on to the next page -- who
22 was Mrs Wilson, and then the head of the home in this
23 case -- this that would have been the structure in
24 respect of all of the children's homes at that time
25 operated by the Welfare Authority --

1 **A. Yes.**

2 Q. -- and the head of the home in the case of Kincora at
3 this stage was Mr Mains --

4 **A. Yes.**

5 Q. -- and throughout the time of its operation.

6 Then when reorganisation occurred on
7 1st October 1973 the structure changed, because Kincora
8 was then managed by East Belfast & Castlereagh District
9 of the Eastern Health & Social Services Board, and the
10 top of that hierarchy was the Director of Social
11 Services, who was Mr Gilliland. Below him was the
12 District Social Services Officer, Mr Scoular. The
13 Principal Social Worker Residential and Day Care was
14 Mrs Wilson, who had been the Assistant Children's
15 Officer until 1975, when she retired, and Ms McGrath
16 from January '76 up until Kincora closed.

17 May I just pause there, because the Inquiry have
18 been asking whether Mrs Wilson was still alive and we
19 believe that she isn't, but that is going to be
20 confirmed for the Inquiry.

21 Then below Mrs Wilson and her successor was the
22 Assistant Principal Social Worker, who was Mr Higham
23 from that post was created in July 1976, and then again
24 below that was Mr Mains. So Mr Mains would have been
25 reporting to Mr Higham in this period in time?

1 **A. That's correct.**

2 Q. The statement at 1001 to 1033 addresses the question of
3 missed opportunities that were identified from
4 a consideration of the Hughes report after the Inquiry
5 had asked the Health & Social Care Board to do that.
6 From paragraph 89 onwards at 112 -- 1112 -- I beg your
7 pardon -- you set out systems failures that were
8 accepted by the Health & Social Care Board in respect of
9 Kincora.

10 You supplemented this statement on 27th May with
11 an appendix to this, which is at KIN1469 onwards.
12 I want to -- just if we can explore some of the systems
13 failures that you have identified.

14 The first of these is that at paragraph 90 here you
15 say:

16 "At times record-keeping was not good enough."

17 You note a number of occasions where you say that
18 there were failures in respect of record-keeping.

19 "The failure by the Chief Welfare Officer to record
20 the outcome of the investigation of complaints in 1971
21 and the reason for that decision."

22 I will come back to that, if I may, shortly:

23 "The 1976 failure to make any written record
24 regarding information reported to the Hollywood Road
25 sub-office and passed to Residential and Day Care

1 Management at district headquarters."

2 Then that then -- because there was no record there,
3 that subsequently influenced the subsequent failure to
4 investigate that information in any way. You talk about
5 that at paragraphs 86 and 88 of your 29th April
6 statement, which is this one. You also say:

7 "There ought to have been a formal record of the
8 Board's engagement with police after March 1976, but
9 that wasn't done either."

10 Just scrolling on down, again you talk about:

11 "Monthly reports completed by visiting social
12 workers pursuant to the 1975 direction were completed en
13 bloc and on occasions were submitted late. They did not
14 contain relevant information to allow the Board to be
15 fully appraised of developments occurring within Kincora
16 in late 1977."

17 You are referring back to paragraphs -- I am not
18 going to refer back to those paragraphs, Miss McAndrew,
19 because you can be assured that the Panel have read the
20 entirety of the statements and the exhibits to them.

21 You also talk in paragraph 91 here about the lack of
22 dissemination of relevant information to the right
23 personnel. For example, the Mason file of complaints
24 against Mr Mains was not given to the Children's Officer
25 when he took up his post in 1971. He wasn't given that

1 Mason file and was not fully appraised then of the two
2 complaints it contained relating to 1967 and 1971.
3 Because Mr Mason effectively held on to it for two years
4 meant that there was a breakdown in the dissemination of
5 information about complaints against Mains to staff with
6 a direct role in the management and monitoring of the
7 hostel, because it was Mr Bunting's function as
8 Children's Officer and Mrs Wilson's function as
9 Assistant Children's Officer to visit Kincora.

10 You say that:

11 "It is regrettable that Mr Mason does not appear to
12 have made Mr Bunting and Mrs Wilson fully acquainted
13 with complaints known to him by referring the Mason file
14 formally to them in writing in view of their management
15 responsibility for the hostel."

16 You talk about that at paragraph 45 of the statement
17 of 29th April.

18 You go on to say that information of an anonymous
19 phone call was not properly shared with the police or
20 the Board.

21 There was failure to share information about the
22 complaint by fieldwork staff.

23 Failure to report rumours.

24 Failure to pass information from the sub-office to
25 the District Social Services Officer.

1 The failure of the district to tell the Board about
2 allegations.

3 If we look at page 1004, please, I am going to come
4 back now to look in a little bit more detail, if I may,
5 about the complaint in September 1967. You deal with
6 this in your statement at paragraphs 18 to 26 here. You
7 say:

8 "In early 1967 R5 and R6 attended the headquarters
9 of Belfast Welfare Authority and made written complaints
10 against Mr Mains."

11 I know when looking at the transcript of the
12 evidence that Mr Mason gave to the Hughes Inquiry, he
13 talked about how these were handwritten statements of
14 complaint that he found quite difficult to decipher and
15 had to spend some time distilling from them what the
16 complaints were, and the complaints he eventually
17 ascertained were:

18 "(a) At a summer camp Mr Mains, another --
19 Mr Mains, another employee of Belfast Welfare and an
20 ex-resident drank whiskey."

21 If we can scroll down, please:

22 "(b) Mr Mains did not sleep in the camp on the
23 night.

24 (c) Mr Mains had asked R5, 'Do I not get a kiss
25 then?' when R5 was washing himself .

1 (d) Mr Mains had come to R6's bed and felt around
2 his body.

3 (e) Mr Mains had said, 'You look lovely in the
4 water' to R6 when taking a bath.

5 (f) Mr Mains had called R6 for work while Mr Mains
6 was dressed only in his underpants.

7 (g) Mr Mains had said, 'Give me a kiss' to R6.

8 (h) Mr Mains went out every Friday and Saturday
9 night and got drunk."

10 Now that wasn't, in fact, the entirety. I mean,
11 what you have recorded there is not, in fact, the
12 entirety, because if we look at the reference that you
13 have given, which is HIA723 at paragraph 3.107, which
14 is, in fact, the report of the Hughes Committee on this,
15 they -- if we could go to HIA723.

16 EPE OPERATOR: It's going to take me a minute to change.

17 MS SMITH: Sorry. While we are trying to get the HIA bundle
18 loaded up, we know that Mr Mason spoke to Mr Mains about
19 the allegations himself, and he thought that it was
20 likely that Robert Moore was present when he did so, but
21 he couldn't remember, and there were various
22 explanations then given by Mr Mains to Mr Mason about
23 these complaints, which again are in the HIA bundle, if
24 we can have access to it.

25 CHAIRMAN: You can find this probably at 71584.

1 MS SMITH: In the Kincora bundle, Chairman?

2 CHAIRMAN: Yes. This is about the underpants?

3 MS SMITH: Yes.

4 CHAIRMAN: Yes.

5 MS SMITH: It is KIN71584.

6 CHAIRMAN: ...84.

7 MS SMITH: Is this the Hughes Report itself?

8 CHAIRMAN: Well, these are the allegations that were put to
9 Mr Mason during his evidence.

10 MS SMITH: In trying to get the HIA bundle we may have lost
11 the Kincora bundle. It's coming up. Is the HIA bundle
12 there?

13 EPE OPERATOR: Just give me one more minute.

14 MS SMITH: I am going to need to refer to the HIA bundle for
15 the Hughes Report, Chairman. So I just wanted to make
16 sure we can refer to it.

17 EPE OPERATOR: It will take me a few minutes to get that one
18 out. We are back to the ...

19 MS SMITH: The KIN?

20 EPE OPERATOR: Yes.

21 MS SMITH: 715...--

22 CHAIRMAN: 75235.

23 MS SMITH: 75235. Do you have that?

24 EPE OPERATOR: Yes.

25 MS SMITH: Yes. This is actually the Hughes Report. So if

1 we go to paragraph 3.107 there, it says:

2 "The Mason file 1967."

3 The complaints are recorded there. You'll see if
4 you can scroll down to (d), it says:

5 "Mr Mains had then felt all over R5's body and put
6 his hand down R5's underpants."

7 Now that seems to have been omitted from your own
8 statement.

9 **A. Yes.**

10 Q. I take it that was an error, because we were talking
11 about this particular complaint and you were certainly
12 aware of it. Isn't that right, Ms McAndrew?

13 **A. Yes, I am aware of that complaint. I can only
14 apologise. I think it was just maybe an error in typing
15 or something. Otherwise it is a direct lift from ...**

16 Q. From -- the rest of it --

17 **A. ... from the rest of it.**

18 Q. -- is lifted from the report?

19 **A. Yes.**

20 Q. I just wanted to look at that in a little bit more
21 detail in a moment or two, but if we can go to
22 paragraph 3.112, so if we can just scroll on down
23 through the next few pages, we should be able to get to
24 paragraph 3.112 of the Kincora. If we can just scroll
25 on down, can we? It is not coming up. I think we are

1 going to have to go over another page to get to
2 paragraph 3.

3 Well, while just we have the page on the screen, you
4 will see there:

5 "Mr Mason carefully listed all the allegations
6 contained in the written statements and put them to
7 Mr Mains, who gave explanations",
8 that were recorded there.

9 **A. Uh-huh.**

10 Q. In respect of the underpants at (d):

11 "Mr Mains said that he put his hand down R5's pants
12 to check that he had changed them, as R5 was inclined
13 not to change his underclothes and frequently kept the
14 clean set in his locker."

15 When we were looking at what Mr Mason actually said
16 in evidence in the transcript, he demonstrated what he
17 meant by that. It seemed to suggest he pulled the top
18 of the child's underpants out slightly to look down.

19 **A. Yes.**

20 Q. Now if -- just before -- while we are trying to get to
21 the next page, to 3.112 -- can we get that? Yes. It
22 says:

23 "Mr Mason's assessment at the time as recorded in
24 his 11th September notes was that 'the boys had raised
25 facts, most of them agreed by Mr Mains to be true, but

1 that they might have tried to put a construction upon
2 them for malicious reasons'. In his summary he said
3 that 'taken as it stands, it does not present prima
4 facie indication of wrongful conduct' and he concluded
5 with three indications:

6 '(a) Mr Moore should interview the boys again and
7 explain to them the reasons for the incidents'."

8 In other words, presumably give them Mr Mains'
9 explanation:

10 "'(b) There be a closer supervision of Kincora.

11 (c) A careful sifting of any further information
12 which might come our way'."

13 Before going back to that, can I just explore with
14 you a little bit, because one of the things that we know
15 is that Mr Mason himself was not from a social work
16 background. He was effectively a civil servant with
17 an administrative background.

18 Looking at it through today's eyes as a social
19 worker, someone with a social work background, if
20 an allegation is made that a member of staff in
21 a children's home, or hostel in this case, had put his
22 hand down to look at a child's underpants, that would
23 start alarm bells ringing, would it not?

24 **A. I think certainly the description that is given, ie**
25 **putting a hand down into the trousers and underpants,**

1 **certainly would raise concerns.**

2 Q. And, I mean, for example, if it was the case the
3 explanation given by Mr Mains as that he wanted to check
4 if the child was changing his underwear regularly,
5 I mean he could have asked him. There were other ways
6 he could have checked that by asking the child to show
7 him his underpants, either leave, "Take them off and
8 show me" or some other way. I mean, can you as
9 a social -- from a social worker point of view think of
10 any circumstances where it would have been acceptable to
11 check in the manner described?

12 **A. I can't think of any circumstances where that -- I would**
13 **consider it acceptable.**

14 Q. We note it is not likely to have shown Mr Mains in any
15 event whether the pants were clean?

16 **A. No.**

17 Q. Well, if that explanation falls, then can it be that the
18 other explanations that were given by Mr Mains might
19 take on a slightly different connotation? The question
20 then that I want to look at is the conclusion that
21 Hughes reached on this. Now I appreciate that none of
22 us have heard the evidence of Mr Mason on this point and
23 we are looking at it with hindsight.

24 **A. If I might just comment --**

25 Q. Yes.

1 **A.** -- on my reading of the Hughes Inquiry view on this, it
2 would appear there was a demonstration in evidence that
3 Mr Mains hadn't put his hand down the trousers, but had
4 looked at the waistband. I am not quite sure what could
5 have been achieved by that, but that was an explanation,
6 but it seemed it me that Hughes relied fundamentally on
7 the fact that there was no contact with the boy's
8 genitals, and that seemed to be an influencing factor in
9 the Hughes Inquiry's decision of agreeing with Mr Mason
10 on this issue.

11 **Q.** Yes. If we just look at what Hughes said about this,
12 that -- I think it is at 3.118, probably on the next
13 page down, 752... -- sorry. Yes. As you've said here,
14 at 3.117 it says:

15 "It is clear that the complaints of R5 and R6 were
16 taken seriously, since they were encouraged to make
17 written statements, because the documentary record
18 demonstrates that Mr Mason planned and carried out his
19 interview with Mr Mains in a conscientious and
20 methodical manner and because Mr Mason considered them
21 of sufficient importance to be drawn to the attention of
22 the Town Clerk, who was the Chief Executive of the
23 Belfast Corporation and Secretary to the Welfare
24 Committee.

25 Secondly, we have little difficulty in accepting

1 that Mr Mains' explanations to Mr Mason were
2 individually plausible. Even taking them as a whole, we
3 can understand Mr Mason's conclusion that the evidence
4 did not constitute prima facie indication of wrongful
5 conduct. The complaints did not, for instance, refer to
6 any interference with the boy's genitals and the
7 suspicion that any of the complaints investigated by
8 Mr Mason amounted to indecent assault would, therefore,
9 have been less strong than it might have been. In
10 addition, some of the complaints had no possible
11 homosexual connotation and their inclusion might have
12 been taken to imply malicious intent. While a charge of
13 indecent assault on R5 was brought in '81, that was in
14 the context of other, more serious charges."

15 Now certainly whenever Mr Mason was talking about
16 the complaints, the two-page complaint, one boy spent
17 the first page describing his complaint about the drink,
18 for example.

19 **A. Yes.**

20 Q. So there seemed to have been a greater degree of
21 emphasis on that aspect of the complaint from the
22 child's viewpoint anyway, and that also perhaps may have
23 had some sort of influence on the conclusion of the
24 Hughes Inquiry.

25 **A. It could have done. I think it was a reflection of the**

1 culture of the time in relation to alcohol consumption.
2 However, it might be that the boys, you know, if you had
3 a group of men who were drinking at camp or regularly,
4 that they felt unsafe around the alcohol, amount of
5 alcohol being consumed.

6 I am just mindful that the Hughes Inquiry Panel did
7 have a social worker on the Panel and therefore there
8 was a social work reflection of the evidence to the
9 Hughes Inquiry. So I just think it is important to
10 remember that this is not the first time that a social
11 work perspective has been brought to the issue.

12 Q. Yes, I appreciate that, although, I mean, Mr Mason
13 certainly took the complaint seriously, as Hughes has
14 recorded, and reported it to the Town Clerk.

15 A. I think that's to Mr Mason's credit, that he felt it was
16 serious enough to do a detailed investigation and
17 prepare the report.

18 Q. Well, at paragraph 26 -- I mean, can we just leave that
19 on? I don't think we need to go back to your
20 statement -- you accept that this was a missed
21 opportunity, because the matter was reported to the Town
22 Clerk but not to the police.

23 It wasn't formally reported to the Chairman of the
24 Welfare Committee and I wanted to explore that a little
25 bit, if I may, with you. Would you have expected the

1 Town Clerk to have done that? Would you have expected
2 the Town Clerk to have taken the matter further and
3 reported it to at least the Chairman of the Welfare
4 Committee?

5 **A. I think it's my under... -- it's my understanding from**
6 **what I have read that the Town Clerk was Secretary to**
7 **the Welfare Committee. So I feel that it was his**
8 **responsibility to report, if he felt it was necessary to**
9 **report. I think that the benchmark for me is the fact**
10 **that Mr Mason did such a detailed report. So that would**
11 **indicate that the organisation was taking this**
12 **seriously. So it is in my opinion concerning that the**
13 **Town Clerk didn't report it. However, as we know from**
14 **the record-keeping at the time, it could be that it was**
15 **reported verbally. We have no way of knowing that, but**
16 **certainly there is no record in Welfare**
17 **Committee minutes or no report from the Town Clerk to**
18 **the Welfare Committee that I know -- I have seen or am**
19 **aware of.**

20 **Q. And here at 3.118 the Hughes Committee considered**
21 **that -- they considered whether additional measures over**
22 **and above those suggested by Mr Mason might have been**
23 **appropriate.**

24 "The obvious possibility which suggested itself was
25 the involvement of the police. A theory can be

1 constructed that this would have resulted in a more
2 professional an incisive interrogation of Mr Mains, the
3 interviewing of other current Kincora residents and
4 ex-residents, the discovery of further allegations of
5 homosexual activity and the prosecution of Mr Mains
6 before the re-employment of Mr Semple in 1969 and the
7 employment of McGrath in 1971. Mr Mason's evidence was
8 that with no legal training or experience it had not
9 been his view at the time that a criminal offence had
10 been committed. His evidence on the point was
11 consistent with his acceptance of Mr Mains' explanations
12 as plausible, but in view of his residual doubts on the
13 matter, the safest course would have been to recommend
14 to the Town Clerk that the police be called in. This
15 much is clear in retrospect."

16 So although Mr Mason didn't think there had been
17 a criminal offence committed in 1967, nonetheless they
18 think that because he was not considering the matter --
19 I think he described it as he didn't consider the matter
20 to be closed in 1967, but it nonetheless would have been
21 prudent to report it to the police. Would it have been
22 Mr Mason's job to do that?

23 **A. No. It is not my understanding it wouldn't be his job**
24 **to do that directly. That's why he provided his report**
25 **to the Town Clerk. I am conscious then that the Town**

1 **Clerk possibly could have sought some legal advice in**
2 **relation to the report he received.**

3 Q. And that would be consistent with what then happened in
4 1971 --

5 **A. Yes.**

6 Q. -- which I am coming on to look at shortly.

7 But there were instructions recorded there for
8 Robert Moore, and we have no direct written evidence,
9 you know, no -- that those instructions were actually
10 passed on to Mr Moore. I think Mr Evidence --
11 Mr Mason's evidence was to the effect, "Well, you know,
12 Mr Moore had access to the file. So I would have
13 expected him to read it" and there may well have been
14 some sort of verbal communication between them. There
15 appears to have been so, because Mr Moore, when he gave
16 evidence, said that he had spoken to Joseph Mains and he
17 had warned him about his treatment of the boys --

18 **A. Uh-huh.**

19 Q. -- and how to behave around the boys --

20 **A. Yes.**

21 Q. -- and that sort of thing. So it certainly looks as
22 though he was aware that he was expected to -- he
23 couldn't remember whether he had spoken to the boys or
24 not, but it is likely that he probably did --

25 **A. Yes.**

1 Q. -- given that he did speak to Joseph Mains.

2 **A. I think --**

3 Q. But it doesn't look as though there was ever any
4 follow-up by Mr Mason to see whether or not Mr Moore had
5 complied or whether there had been any feedback either
6 from Mr Mains or the boys. There is no record of
7 anything along those lines. Isn't that correct?

8 **A. No, I have not seen any evidence along those lines.**

9 **I think the assumption was that these recommendations**
10 **fell within the role and responsibilities of Mr Moore,**
11 **and clearly he had raised some issues with Mr Mains.**
12 **What I do understand is that the visits to Kincora**
13 **appear to increase around this time.**

14 Q. Yes.

15 **A. So that may or may not be a reflection that Mr Moore had**
16 **taken account of the recommendations.**

17 Q. Okay. Moving on from that -- I am just going to
18 summarise -- in 1968 there was a paragraph 29 of your
19 statement at 1007. You talk about another date when R7
20 attended at the offices of the Belfast Welfare Authority
21 and said that, you know, he was concerned about his
22 younger brother going to Kincora, because Mr Mains was
23 funny. I just want to check. The conversation was with
24 a Mr Maybin. Mr Maybin had, in fact, been an assistant
25 warden in Kincora in the summer of 1966. Isn't that

1 right? It is the same Mr Maybin who was receiving this
2 report. So he had actually worked in Kincora and had
3 some knowledge of what Joseph Mains was like?

4 **A. That's my understanding. I think that he undertook some**
5 **work in Kincora when staffing levels were under a great**
6 **deal of pressure.**

7 Q. And I think there certainly was an allegation to the
8 Inquiry that it was Mr Maybin who had physically
9 chastised a child in Kincora and was spoken to about
10 that by Mr Mains.

11 **A. Uh-huh.**

12 Q. But this certainly wasn't -- doesn't seem to have been
13 reported to anyone, because it's note... -- the Hughes
14 Inquiry noted that a course open to him may have been to
15 report it to his superiors. If we can just scroll on
16 down there, please, in paragraph 30. It could have been
17 significant to Mr Mason or Mr Moore and it wasn't
18 certainly reported to either of them that we are aware
19 of and it doesn't appear to be from what Hughes has
20 said.

21 But Mr Maybin was not -- he was not privy to the
22 1967 complaint. Isn't that right?

23 **A. That's my understanding.**

24 Q. This is a small example of the lack of communication, if
25 I can put it, that there was within the Welfare

1 Authority at that time --

2 **A. Uh-huh.**

3 Q. -- between the various people with direct responsibility
4 for Kincora. Would that be fair?

5 **A. I think it's fair, but I'm just mindful that Mr Maybin**
6 **only worked in Kincora for a very short period of time.**
7 **He was -- he was almost doing relief work. So it may**
8 **have been a factor, but I think as you will go on**
9 **through the statement there is a trend that you're**
10 **beginning to identify.**

11 Q. Yes. I think that's really what I am trying to
12 highlight here is this is just a small step, if you
13 like, on the chronology whereby little snippets of
14 information are coming into the Welfare Authority's
15 purview, as it were, but really just stopping there, not
16 getting disseminated further. This is a small example
17 of that in 1968.

18 But coming on then to 1971, and you deal with that
19 in paragraphs 36 to 45, about the fact that there
20 were -- page 1008 -- there were letters received to
21 Social Services about Mr Mains in 1971. I am going to
22 just get the KIN reference for paragraph 3.141 of the
23 Hughes Report about this, but just here you say:

24 "The Mason file was reopened" -- because Mr Mason
25 gave evidence he didn't consider it closed in any event

1 -- "following receipt of written complaints from R8, who
2 had been placed in Kincora in 1968 to '71. Two letters
3 were received, one in the district office and a second
4 at Health & Social Services Board headquarters. The
5 letters were, according to the Hughes Inquiry, virtually
6 identical in form and content."

7 If we can scroll down, please.

8 "The complaints raised were:

9 (a) R8 and another resident whom he named
10 complained to Mr Mains about homosexual advances by a
11 third resident with whom they shared a bedroom.
12 Mr Mains moved the second boy, but not R8, and did not
13 report the matter to the Welfare Authorities.

14 (b) Mr Mains offered R8 five shillings to rub
15 ointment into his back and made grunting noises of
16 satisfaction.

17 (c) During the massage Mr Mains suggested that R8
18 had lied in complaining about R34 and suggested that
19 they had been in bed together.

20 (d) Mr Mains said that it was not safe for R8 to go
21 back into his own room and persuaded R8 to stay the
22 night with him.

23 (e) R8 kept his jeans on in Mr Mains' bed and
24 turned to face the wall. Mr Mains put his arms round
25 him and muttered, 'On to it. On to it'.

1 (f) The same thing happened to another boy, who was
2 R33.

3 (g) Mr Mains regularly slept with a friend, whom R8
4 named as R2."

5 We know that R2 was a former resident of Kincora.

6 "(h) R33 had seen R2 lying in Mr Mains' bed."

7 Now this, as we know, was investigated. If we look
8 at 3.141 of the Hughes Report, that's -- sorry. It's
9 page 75242. That's -- essentially this is what you were
10 quoting from in your own statement there at
11 paragraph 3.141.

12 **A. Yes.**

13 Q. If we can just scroll to the next page, please. Maybe
14 if I just summarise essentially, because, as I say, the
15 Inquiry is familiar with what happened in 1971, but
16 essentially it was investigated by Mr Mason, and Bob
17 Bunting was told about this complaint, and you talk
18 about that at paragraph 38 of your statement.

19 Mason sent a memo to the Town Solicitor, who by this
20 stage was Mr John Young, recommending that the matter be
21 referred to police, given what was contained in this
22 complaint, added to what had happened in 1967. So he is
23 saying, "Look, these are more complaints. There is
24 something really needs to be done about this. We didn't
25 do anything in 1967, but we do need to take steps now

1 and refer this matter to police", but it wasn't referred
2 to the police. Again we don't know. You describe it in
3 paragraph 38 as a missed opportunity.

4 We have no minutes to say why the Town Clerk didn't
5 comply with the recommendation that was being given by
6 the Chief Welfare Officer, and it's difficult to
7 understand at this remove without any written reference
8 as to why that wasn't done. Would you have expected him
9 to have done something, having received this
10 recommendation from Mr Mason?

11 **A. Yes. I think you can only say "yes" in relation to that**
12 **question. I mean, I think these allegations are really**
13 **more of a sexual nature than the previous allegations,**
14 **and I would have expected that, as Mr Mason had again**
15 **gone to a lot of trouble with an in-depth investigation,**
16 **had written a report and had actually signalled his view**
17 **that the police should be informed, you would have**
18 **expected that that would have been taken forward.**

19 I think at the time the Town Clerk liaised with the
20 Town Solicitor, or there is a suggestion that that
21 happened. I don't -- we don't have any evidence of the
22 outcome of any discussions between the two or any
23 evidence of any reasons given why they didn't proceed --

24 Q. It certainly --

25 A. -- to report it to the police.

1 Q. Sorry. I didn't mean to interrupt you.

2 **A. You're all right.**

3 Q. It certainly doesn't appear that Mr Mason was directed
4 to carry out any further investigations himself or to
5 report any more information. I mean, it wasn't a case
6 of, "Look, I hear what you are saying, but I don't think
7 now is the time to report this to the police, but I want
8 you to keep a very close eye on Kincora and let me know
9 if you hear one more complaint, and that will tip it
10 over the edge where I would go to the police". There
11 doesn't -- there is no written evidence or anything to
12 suggest that that happened?

13 **A. I think we've used the term, and maybe Hughes used it as
14 well, it's an incomplete investigation. I mean, it's
15 difficult to understand, but it just seems to stop and
16 there's no written evidence of anything being pursued
17 further.**

18 Q. I mean, it doesn't appear again -- there's -- the
19 Chairman of the Welfare Committee doesn't appear to have
20 been informed, for example?

21 **A. Not that I'm aware of.**

22 Q. And there wasn't -- there doesn't appear to have been
23 any procedure put in place to ensure if there were any
24 further allegations about Kincora, that they would be
25 referred to headquarters. You know, nobody seems to

1 have been warned, "Look, you know, just keep an eye on
2 this". For example, Mr Mason doesn't say to Mr Bunting
3 or Mrs Wilson, "You know, I want to make sure I know
4 everything that's happening in Kincora. Anything you
5 hear, no matter how trivial, let me know". There's
6 nothing, no written documentation certainly to that
7 effect. Isn't that correct?

8 **A. There is certainly no written documentation to that**
9 **effect.**

10 Q. And the evidence that was given to Hughes does not
11 suggest that that was done either?

12 **A. That's correct.**

13 Q. Would you accept that maybe if that step had been taken,
14 that different decisions had been made in 1971, that
15 what happened in Kincora between 1971 and when it
16 finally closed in 1980 may have been averted?

17 **A. I think that's why we are highlighting it as a missed**
18 **opportunity. I think if a different course of action**
19 **was taken at that time, then it is possible that the**
20 **outcome might have been different.**

21 Q. Again just other things that were not done at the time.
22 There was no warning -- I mean, unlike in 1967, whenever
23 Mr Moore had words with Mr Mains about the complaint and
24 went back to him, there is no -- it doesn't look like he
25 was ever spoken to about these complaints.

1 **A. I'm not aware in anything I have read that that**
2 **happened.**

3 Q. He wasn't even told, "Look, you know, we have had this
4 complaint. We are not, you know, taking it seriously,
5 but you shouldn't have ex-residents staying in Kincora.
6 You shouldn't have boys sleeping in your bed, because
7 it's setting a bad example to the residents". Nothing
8 like that that you're aware of or that you've seen from
9 anything?

10 **A. I haven't -- I haven't come across anything.**

11 Q. And certainly no disciplinary proceedings against
12 Mr Mains in respect of what happened in 1971?

13 **A. Not that I am aware of.**

14 Q. We know that Mr Mason did not inform Bob Bunting and
15 Mrs Wilson in the kind of terms that I have expressed to
16 you to sort of keep a closer eye on it. If that had
17 been done, then whenever Mr Mason gave the file to Bob
18 Bunting -- he didn't give it to him until reorganisation
19 in 1973, and Mr Bunting's evidence was that it basically
20 was put away in a drawer -- I will come back to that in
21 a moment -- but if he had explained to him in 1971 or
22 had some conversation with him, then one would have
23 thought that he was likely to have appreciated the
24 significance of the Mason file when it was handed to him
25 in 1973?

1 **A. Yes. I think -- I think that's correct. I think**
2 **Mr Bunting's understanding was that it was a concluded**
3 **episode and treated the file in that way at that time.**

4 Q. If he had been aware that this was, you know, 1967,
5 1971, he might have referred it to the Board in 1971 or
6 '73, when he received it?

7 **A. Well, again it's speculation.**

8 Q. Yes.

9 **A. But certainly if somebody has -- the more information**
10 **somebody has, then clearly the more helpful it is in**
11 **terms of making a decision, and it is possible that**
12 **there might have been a different outcome.**

13 Q. I mean, looking back thirty years on, forty years on, in
14 fact, as to what happened in the early 1970s, it's easy
15 for us to look at these things. You made the point when
16 we were talking earlier that Hughes recognised in the
17 body of its report the pressures that the welfare system
18 in Northern Ireland were under at this time.

19 **A. Uh-huh. Yes. I mean, even myself reading it, I can see**
20 **a significant pressure because of civil unrest at that**
21 **particular time. Clearly that doesn't excuse not**
22 **following through on an investigation, but it might put**
23 **into context, you know, why some things did or did not**
24 **happen.**

25 **I also think it is worth remembering that it is**

1 possible that there was a lot more conversations going
2 on, a lot more dialogue rather than things being in
3 writing, but we have no evidence of that. It's purely
4 speculation, but that might have been the case.

5 Q. Certainly people when they were giving their evidence to
6 Hughes weren't saying, "Oh, yes. I definitely had
7 a conversation with X or Y about this". That wasn't the
8 evidence?

9 A. No. They couldn't remember what they had. Yes.

10 Q. Just some other incidents that you highlight in your
11 statement at 1013, and I am just going to go through
12 these very quickly, if I may.

13 You talked about the anonymous call that was made to
14 Hollywood Road Social Services about Mr McGrath being
15 passed on to the Principal Social Worker but not to the
16 police, and you say that it should have been passed on
17 the Area -- it wasn't passed on to the District Social
18 Services Officer either and that ought to have been
19 done. If it had been passed on to the Area Board, that
20 might have prompted someone who had some knowledge of
21 the Mason file to look at the matter again afresh.

22 Another missed opportunity, as it were.

23 The failure of the police to contact the Health &
24 Social Care Board about what information they had about
25 McGrath was another information -- sorry -- another

1 missed opportunity for the Mason file to be considered.
2 You talk about that in paragraphs 60 to 62 at 1015.

3 At 1016 you talk about the complaints that a mother
4 brought to the Social Services when her child complained
5 to her about what had been done --

6 **A. Uh-huh.**

7 Q. -- to him at Kincora. You say that ought to have been
8 brought to the management of the district responsible
9 for Kincora. Again another missed opportunity.

10 The rumour evidence that Mains was a homosexual
11 wasn't reported to management residential and day care.
12 Again missed opportunity.

13 I think the point you make about that is that not
14 only was the Eastern Health & Social Services Board
15 responsible for those children in their care, but they
16 had a duty of care to their employees not to disseminate
17 information that could be seen as salacious or
18 rumour-mongering. Isn't that so?

19 **A. I think that is always a difficult balance, you know,**
20 **because we are talking about rumours, and I think quite**
21 **clearly any employer, whilst having to have the**
22 **protection of children as paramount, they do have to**
23 **give some regard and due regard to the reputation of**
24 **their staff.**

25 Q. Can I ask in a general way -- I think obviously in

1 today's landscape we are all very aware of the whole
2 safeguarding issue for children and perhaps that is
3 given paramountcy in a situation where an allegation is
4 made against a member of staff, and rightly so perhaps,
5 but would that have been the situation in the mid-'70s,
6 say? Would children's complaints have been taken as
7 seriously as they may be today?

8 **A. I think it's likely that they wouldn't have been, or at**
9 **least concerns about sharing information that was**
10 **unsubstantiated or rumours would have been perhaps**
11 **uppermost in people's minds, much more so than we would**
12 **today where we -- you know, as far as we are concerned,**
13 **we share information, because the protection of the**
14 **children is paramount, as you have said.**

15 Q. You go on at 1020 to talk about the report of Marion
16 Reynolds and Hilary Harrison, now Reid, to Ms McGrath at
17 district headquarters there at paragraph 86, the fact
18 that again records -- there is no record of that
19 exchange being made, and while she couldn't recall
20 the telephone call, she accepted Miss Reynolds' evidence
21 that it had been made, and it was witnessed by Ms Reid
22 at the time. She also then said she had spoken to
23 Mrs Fiddis and confirmed the matter had been reported to
24 management, but unable to provide her with further
25 information. It seems that that again is another lost

1 opportunity to do something.

2 1022, you talk about the passing of the Mason file
3 to DC Cullen, and there's a complete breakdown here
4 where it appears that the Health & Social Services Board
5 thought the police were then taking that and
6 investigating it. You talk about this in paragraphs 90
7 to 104, about the lack of communication with the Board
8 and the missed opportunity to ensure that all of the
9 information regarding Kincora within the different
10 levels of management were collated to get the full
11 picture of what was happening.

12 So that's what was happening in 1976.

13 **A. Uh-huh.**

14 Q. So more than one missed opportunity, just missed
15 opportunity after missed opportunity after missed
16 opportunity, and if any one of those small steps had
17 been treated differently, as it were, might the
18 landscape have changed?

19 **A. Well, it's always -- it's possible that any single**
20 **different action on behalf of the staff might have**
21 **changed something, but I think really what you are**
22 **seeing is an accumulation of opportunities perhaps**
23 **around sharing of information and recording that we are**
24 **highlighting here.**

25 Q. Paragraph 110 you talk about the lack of full reporting

1 again, about R8 and again a missed opportunity to ensure
2 the Board were fully appraised of the situation at
3 Kincora.

4 The R20/HIA531 information at 1029, the missed
5 opportunity again to share information from district
6 level to Board level.

7 1 -- then if I can just come to -- you update and
8 provide a composite list of the failings that are
9 accepted by the Health & Social Care Board in respect of
10 the oversight and management of Kincora at pages 1469,
11 which is the appendix to your latest statement, and I am
12 not going to go through all of those, but I will just --
13 if I may just look at the ones that you have actually
14 underlined as added into that statement that we have
15 just been looking at, and that's at 1470 is the first
16 one.

17 This was an incident from 1968, where KIN66, who was
18 working in Kincora -- he was there from June 1967 to
19 December 1967 -- and he appears to have -- I mean, you
20 talk about this in the body of the statement. I am just
21 looking at -- paragraph 42 of your statement of 27th May
22 can be seen at 1467. That's KIN1467. I don't think we
23 need to go and look at it --

24 **A. Okay.**

25 Q. -- but essentially KIN66 is telling a boy in Kincora,

1 "Look, you need to watch out for Mains".

2 **A. Yes.**

3 Q. So a member of staff was warning residents about
4 Mr Mains at that time. He did not share those concerns,
5 whatever they may have been, with anyone in the
6 management hierarchy. Isn't that correct?

7 **A. That's correct, yes.**

8 Q. You identify that as a failure.

9 Also another failure from 1971, where a complaint is
10 made to police, and you talked about that in
11 paragraph 45 of your statement, and that's at -- I'll
12 just give the page references for these ones so the
13 Panel can look back on them if they wish. It is at
14 KIN1011.

15 Then if we move down to (d), you talk about:

16 "Prior to reorganisation direct access to the Mason
17 file by officials with management responsibility for
18 Kincora had been unduly restricted and the Assistant
19 Director's treatment of it following reorganisation
20 compounded this problem. The circumstances in which he
21 was given the file as well as its contents should have
22 prompted him to brief the incoming management staff at
23 the earliest opportunity to enable them to carry out
24 their duties with the benefit of all the information --
25 all available information."

1 You talk about that in paragraph 23, which is at
2 KIN1463. Now the Assistant Director was Mr Bunting.

3 **A. Yes.**

4 Q. So essentially you are basically saying that he should
5 have done something with that file instead of just
6 leaving it there?

7 **A. Well, that would have been a preferred course of action,**
8 **although I am mindful that Mr Bunting has indicated that**
9 **he thought that the --**

10 Q. It was closed?

11 **A. -- it was a closed episode. So it does call into**
12 **question how he was given the file and what information**
13 **was given at that time.**

14 Q. Then if we can scroll I think to 1472, you accept the
15 fact that Mr Mains was receiving complaints about
16 McGrath from residents and from Mr Semple, and you say
17 that:

18 "Throughout the period of his management of Kincora
19 that he failed to report complaints and concerns about
20 homosexual abuse by members of his staff to Belfast
21 Welfare Authority and later East Belfast & Castlereagh
22 District management."

23 You address that in paragraph 35 of this latest
24 statement at 1466.

25 **A. Uh-huh.**

1 Q. Then if we scroll on down that page, you talk about:

2 "When the matter was not referred to police in 1971,
3 there was a failure to complete an internal
4 investigation of the complaints made by the boy R8",
5 and you talk about that in paragraph 19 at 1462.

6 So those are the complete list of failings accepted
7 by the Health & Social Care Board in respect of Kincora,
8 Miss McAndrew, although you do make the point in the
9 body of your statement that you acknowledge all of those
10 failings, but you go on to say that they may not have of
11 themselves have led to discovery of the abusive
12 practices that were going on in Kincora. Is that still
13 the position of the Health & Social Care Board?

14 **A. Yes. I think taken in isolation there's always the**
15 **possibility that they may not have done, and certainly**
16 **I think we are also mindful of some of the Hughes**
17 **Inquiry conclusions in that regard.**

18 **However, I am happy to confirm that these -- this is**
19 **a list of missed opportunities that we would support.**

20 Q. Thank you. I have nothing further that I want to ask
21 you, but I'm sure the Panel will have some questions for
22 you.

23 Questions from THE PANEL

24 CHAIRMAN: Just following up on this, Ms McAndrew, you have
25 quite understandably used the words "missed

1 opportunities", because those are the terms that the
2 Inquiry posed to the Board.

3 **A. That's correct.**

4 Q. But in your very helpful appendix, if my reading is
5 correct, my maths are correct, the Board has accepted
6 twenty-two separate failings. Isn't that correct? Not
7 missed opportunities; failings.

8 **A. Are you asking me is it correct in terms of the number
9 or the description?**

10 Q. No, I am asking in terms of the description.

11 **A. The description. Well, Chair, the --**

12 Q. These are the words --

13 **A. I think the answer is yes.**

14 Q. Yes.

15 **A. I mean, clearly yes. The term "missed opportunities"
16 I think is an indication of if something different had
17 happened, then you could have had a different outcome.
18 I am conscious that we were given the term --**

19 Q. Yes.

20 **A. -- but certainly we are indicating that those are things
21 that we felt should have happened.**

22 Q. Yes, because the words that are used in the appendix is
23 the correct term in terms of our terms of reference,
24 which is "twenty-two failings -- systemic failings".

25 You see, one way of looking at it is the term

1 "missed opportunities" suggests that it might simply be
2 an oversight, or a failure to take either two relatively
3 equal decisions, but another way of looking at it is
4 here we have a litany of failures, a catalogue of
5 errors, of missed opportunities due to errors of
6 judgment, inadequate systems, failures to do what
7 individual officers should have done in relation to
8 individual rumours, complaints, specific allegations
9 that came to them, because if I may just take you to two
10 or three of these, if we go back to the very first one,
11 1967, the two boys had come and were interviewed. There
12 are several allegations made about the way Mr Mains
13 behaved. Mr Mains accepted most of these.

14 Now if we look at number 71584, please, over the
15 next page or so we see Mr Mason being cross-examined in
16 relation to these by Mr Gillen, QC.

17 **A. Uh-huh.**

18 Q. "Q. The first one was he said to R5, 'Do I not get
19 a kiss then?'"

20 Mr Mason accepted that that was said. Then we go
21 down the page.

22 "Q. We know Mr Mains was a man who was prepared to
23 use phrases like, 'Do I get a kiss then?' Right?

24 **A. (No answer.)"**

25 **Then Mr Mason agrees:**

1 **"Yes.**

2 Q. He was prepared to put his hands down the
3 underpants of a boy to check if his underwear was
4 dirty."

5 Now I am sure someone will tell us, but can you
6 recall where the demonstration of pulling back the
7 waistband was referred to in the transcript?

8 **A. I thought it was in evidence to the Hughes Inquiry, but**
9 **I may be wrong.**

10 Q. Yes. You see, what is being put here -- and if you go
11 over a number of pages, again and again Mr Gillen puts
12 to Mr Mason that what Mr Mains was admitting was these
13 things, one of which was he was prepared to put his hand
14 down the underpants of a boy to check if his underwear
15 was dirty. I will come back to that in a second.

16 The next one: he was prepared to watch a teenage boy
17 having a bath.

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

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

22 In addition to that, there was an allegation he was
23 prepared to use a phrase such as "You look lovely in the
24 water".

25 Now Mr Mason agreed with each of those allegations

1 and then the question was:

2 "Adding all those things together, have you come
3 across in your experience any other officer in charge
4 who had acted in that way towards boys?

5 **A. No."**

6 **Then there's a rather rigorous cross-examination as**
7 **to what Mr Mason did or did not infer from that as to**
8 **Mr Mains. As we now know, compulsive and predatory**
9 **homosexuality.**

10 If you go to page 71587, the question is put in
11 a slightly different way:

12 "Leaving aside those of drink, could there be any
13 suggestion put to you other than these allegations were
14 of a homosexual nature?

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

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

19 Because what we have here, Ms McAndrew, is a whole
20 series of occasions when without contradiction Mr Mason
21 is accepting what is being put to him, that what
22 Mr Mains accepted to him was that he inserted his hand
23 into the underpants. Now he may not have touched the
24 genitals. That's not being said, but can you think of
25 any conceivable circumstances in which that was a proper

1 thing to do with a 15-year-old boy in 1967?

2 **A. No.**

3 Q. No. Now I appreciate that the Hughes Inquiry seems to
4 have taken another view of the overall assessment, but
5 if one looks at it from that point of view, there was
6 considerable evidence in 1967 of what one might describe
7 as allegations of serious impropriety against the boys
8 in his charge by the man in charge of this boy's home,
9 this boys' hostel.

10 Mr Mason came to the view after properly
11 investigating it -- by properly I mean he didn't just
12 ignore it -- that it did not justify being referred to
13 the police, nor it seems did he tell the Chair of the
14 Welfare Services Committee.

15 Do you regard that as a surprising omission that
16 the -- if I may put it this way, the political head, the
17 elected representative on the council, who was Chair of
18 the Committee to which Mr Mason was answerable, wasn't
19 told about these allegations on a confidential basis?

20 **A. I think it is surprising if the Chair wasn't told on**
21 **a confidential basis. I am not sure that I accept that**
22 **it was Mr Mason's direct responsibility. My**
23 **understanding of the structure at the time and the**
24 **duties on the Town Clerk would suggest to me that it was**
25 **the Town Clerk's responsibility to take that action, but**

1 **I think the Chairman should have been advised.**

2 Q. Yes, because it's the sort of thing that an elected
3 representative needs to be aware of in case subsequently
4 someone says, "What have you done about this?", not to
5 say they need any action but be kept informed. Isn't
6 that right?

7 **A. Well, I would consider that that would be the**
8 **appropriate course of action.**

9 Q. Yes. Now subject to correction, I am not sure that
10 Mr Mason did tell the Town Clerk, did he, in 1967?

11 **A. It's my understanding that he did.**

12 CHAIRMAN: He did. Fair enough. Now in 1971 was the next
13 complaint.

14 **A. Uh-huh.**

15 Q. But Mr Mason did take some steps. He asked, first of
16 all, Mrs Wilson, and then when she was succeeded by
17 Mr Bunting, to keep an eye on what was happening in
18 Kincora. Isn't that right?

19 **A. Yes.**

20 Q. But he didn't tell them what the allegations were, did
21 he?

22 **A. In 1971 it would have been Mr -- sorry.**

23 Q. No. I am talking about 1967, first of all. He put in
24 place some steps to see that an eye was kept on Kincora.
25 Isn't that right?

1 **A. That's correct.**

2 Q. The first person who performed that task was Mrs Wilson.
3 She was succeeded in that role by Mr Bunting.

4 **A. Apologies, Chair. My understanding was that it was**
5 **Mr Moore who was the Children's Officer at that time and**
6 **it would have been Mr --**

7 Q. No. I'm talking about the people who were to carry out
8 inspections.

9 **A. Yes. It would have been Mr Moore who would have had in**
10 **his general responsibilities the responsibility to keep**
11 **an eye on Kincora.**

12 Q. But the people who were actually doing it later were
13 Mrs Wilson and Mr Bunting I think.

14 **A. I think that was at a later date in the '70s.**

15 Q. Yes. Mrs Wilson and Mr Bunting weren't told what they
16 were to look out for, were they?

17 **A. In the '70s? My understanding is that in 1971 -- and**
18 **it's in my report --**

19 Q. Yes, but what I am saying is they weren't told the
20 detailed nature of the allegations?

21 **A. I'm -- I am not sure what Mr Bunting was told. It says**
22 **in my statement that the Senior Social Work Officer**
23 **did -- I am talking about 1971 now.**

24 Q. Yes.

25 **A. I am just making sure I am following the chronology.**

1 **The Senior Social Work Officer did advise Mr Bunting on**
2 **his return from leave about the issue that she was aware**
3 **of. So I don't know whether it was written down, but**
4 **certainly it records that she was --**

5 Q. I think the Hughes -- I think the Hughes Inquiry found
6 that there was not proper briefing of those two
7 officers, but we will pass that by.

8 But post the decision of the Town Clerk and the Town
9 Solicitor not to refer the matter to the police -- and
10 they were made aware of the nature of the allegations;
11 they had the file, as I understand it -- one can
12 understand why Mr Mason had to obey that decision; it is
13 not his function to question it -- but there were no
14 steps put in place, were there, in order to ensure that
15 if there were further matters of concern relating to the
16 staff in Kincora, that these were reported to the most
17 senior officer in the Welfare Department?

18 **A. I have no evidence that that was the case.**

19 Q. No. We may therefore assume there was not a proper
20 system put in place.

21 **A. I have to assume that I think.**

22 Q. And the absence of that formal system resulted in
23 subsequently people not being aware of other complaints.

24 **A. I think that's certainly one of the -- a theme in the**
25 **missed opportunities --**

1 Q. Yes.

2 **A. -- is the dissemination of information and enabling**
3 **people then I suppose to bring together --**

4 Q. Exactly.

5 **A. We talk about joining up the dots, for want of a better**
6 **phrase.**

7 Q. The whole purpose of this area was to ensure that any
8 more pieces of information that came in would be drawn
9 together.

10 **A. Yes.**

11 Q. And there was no system for that.

12 **A. Not that I'm aware of.**

13 Q. And we see in 19... -- certainly in 1974, for example,
14 another matter. Mr Orr in North & West Belfast does not
15 refer the [surname redacted] complaint across to South
16 Belfast & Castlereagh or South-East Belfast. Do you
17 find that strange?

18 **A. Well, I think it would have been better if it had been**
19 **referred. I think that there was a particular focus of**
20 **the work that the social worker and senior were doing at**
21 **that time, perhaps influenced by the view of the**
22 **brothers that they didn't want to be at Kincora and the**
23 **relationship with the family, but that's speculation.**

24 Q. Yes.

25 **A. It is only from what I have read, but I think it would**

1 **be better all round on each occasion if the information**
2 **had been shared and disseminated so that everybody**
3 **understood that there were some ongoing concerns.**

4 Q. Because as an outsider not familiar with the way these
5 structures worked until I became involved in this
6 Inquiry, it strikes me as a failing in its own right
7 that Mr Orr did not pass the allegation to the area in
8 which lay the home that the allegations relate to.

9 Now one can quite see he may have done a preliminary
10 review of it and then passed it to his colleagues in the
11 relevant division or district to say, "Well, I think
12 Mrs~[surname redacted] is overstating the case. We have
13 a long history of a very difficult relationship with
14 this lady, but here it is. You had better take it
15 forward". That never happened, did it?

16 **A. Not that I am aware of.**

17 Q. The significance of that is if Mr Orr had done that,
18 this would have been another piece of the jigsaw being
19 put into the picture in South and East Belfast and
20 Castlereagh.

21 **A. That's correct.**

22 Q. Yes. You see, one way of looking at it, Miss McAndrew,
23 is that there is a litany of missed opportunities, which
24 amounted to a catalogue of errors, year by year more and
25 more mistakes having a cumulative effect that what

1 should have been known was not known and therefore
2 wasn't being properly dealt with, because people weren't
3 referring it up. There was no coordination, no joining
4 up of the dots, and then we get to 1976, and
5 understandably perhaps Mr Bunting leaves the matter in
6 the police hands, and we will be dealing with the police
7 subsequently, but it's not a very impressive picture, is
8 it?

9 **A. Well, clearly that's why we have highlighted them in my**
10 **appendix --**

11 Q. Yes.

12 **A. -- as a series of missed opportunities and a concern**
13 **that at times things were not followed through fully,**
14 **and the dissemination and sharing of information I think**
15 **is a critical theme in relation to that -- what I have**
16 **illustrated in my appendix. I don't think, Chair, that**
17 **we are far apart in our view. I think that we are**
18 **clearly within this -- whatever terminology you use --**
19 **are saying there were opportunities here and they were**
20 **not taken fully.**

21 Q. Thank you very much.

22 MS SMITH: Chairman, just before we continue with
23 Ms McAndrew, if we could look, please, at 71542, this is
24 Mr Marrinan's questioning of Mr Mason in chief -- on
25 behalf of the Inquiry, I should say.

1 CHAIRMAN: 71...?

2 MS SMITH: 71542. KIN71542. If we can scroll down to
3 letter F, it says:

4 "Q. Please go on.

5 **A. This is the -- he felt all over R's body and**
6 **put his hand down his underpants. He said he put his**
7 **hand down R's underpants to check if he had changed.**

8 Q. What did you think about that response?

9 **A. It was plausible.**

10 Q. Why?

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

15 Q. Yes. To the extent of putting his hand in that
16 area?

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

19 If we can just scroll on to the next page:

20 "Q. You are indicating -- you are putting your hand
21 near the waistband and under the waistband.

22 **A. Yes. He said that he would have a look and**
23 **see."**

24 **So that's where --**

25 CHAIRMAN: Well, I appreciate that's a different account

1 Mr Mason gave, because when Mr Gillen cross-examined
2 again and again, he didn't put that forward.

3 MS SMITH: That would have been at the outset of his
4 evidence, Chairman, before he was cross-examined by
5 Mr Gillen.

6 CHAIRMAN: That's the point I am making.

7 MS SMITH: Yes.

8 CHAIRMAN: Mr Gillen puts again and again to him what it is
9 that Mr Mains was alleged to have done, not what
10 Mr Mason thought he might have done.

11 MS SMITH: Yes.

12 CHAIRMAN: There is a considerable difference.

13 MS SMITH: Well, you had asked for the entry where he
14 demonstrated that --

15 CHAIRMAN: Yes. That's very helpful. Thank you.

16 MS SMITH: -- that is the entry, Chairman.

17 CHAIRMAN: Thank you.

18 MS DOHERTY: Thank you. Can I just ask, Miss McAndrew,
19 I mean, one of the things that stands out is how low the
20 staffing was.

21 **A. Yes.**

22 Q. I mean, even for the time it just seems amazing.

23 **A. Yes.**

24 Q. I mean, there is both the fact that there's -- even when
25 there was three staff, it meant that they mainly worked

1 alone, so weren't observed, but you also had quite
2 a long period when Mr Mains was the only person working
3 there and got extra money, because he was not any having
4 time off. Would -- just -- I just wondered about your
5 views about that in terms of some kind of structural
6 failings really.

7 **A. Well, clearly there were enormous challenges in terms of**
8 **recruiting staff and getting staff for the hostel.**

9 **Clearly it's not a satisfactory position that you have**
10 **somebody who is working alone with a group of boys, and**
11 **I think that that probably was recognised from time to**
12 **time when people like James Maybin were brought in over**
13 **a summer holiday period to, you know, reinforce the**
14 **staffing levels, and I think there were other**
15 **arrangements with other people as well. So it seemed to**
16 **be a fairly persistent problem for a period of time and**
17 **clearly that is not satisfactory.**

18 **I know later on there were some domestic assistants,**
19 **who were female. I think that was a useful addition to**
20 **the staffing complement, and certainly they were**
21 **interviewed in the Hughes Inquiry as well.**

22 **But there seems to have been some challenges in**
23 **recruitment. It could have been that, you know, because**
24 **of the demanding nature of the role, the fact that**
25 **sleep-ins were required. It could have been something**

1 **about the other job opportunities at the time.**

2 **I really -- that's speculation on my part, but clearly**
3 **it is an issue that staffing was as challenged as it**
4 **was.**

5 Q. Because, I mean, we have been hearing about other
6 statutory sector homes at that time working within the
7 context of the Troubles. It does seem particularly
8 understaffed and challenged in terms of getting people
9 to work there.

10 A. **Yes. I think -- if I might just add --**

11 Q. Sure.

12 A. **-- I am not sure, but, I mean, I know it was set up as**
13 **a working boys' hostel, and there may have been from the**
14 **onset a slightly different view about the staffing level**
15 **that was required for working boys who were going to be**
16 **out working all day compared with a children's home with**
17 **younger children, just to take that into consideration.**

18 Q. Yes. I mean, you anticipate my next question --

19 A. **Okay.**

20 Q. -- because in a sense what happens is quite clearly
21 there is an issue about the remit, because it seems that
22 although it is for working boys and therefore you'd
23 expect they would be out working, they come back in the
24 evening and you might supervise them, but during the day
25 might be a time for staff when it's quiet. You then

1 find not just boys of school age but some boys who
2 clearly have been troublesome in other children's homes
3 or in their own family homes, so come with quite a lot
4 of needs and requirements. Yet we still have the same
5 -- I mean, slightly improved -- staffing level --

6 **A. Yes.**

7 Q. -- but pretty low for that level of disturbed behaviour.

8 **A. And my understanding is that there was in time some**
9 **younger children who came in with their brothers and**
10 **that kind of thing.**

11 Q. Yes.

12 **A. So, yes, I think the staffing level was probably**
13 **an issue.**

14 Q. Yes, in terms of that. Just my last question. I mean,
15 one of the things that I noted was that R8 in 1971, when
16 he put in his two identical letters, one said very
17 clearly at the front "To be handed into the police" and
18 that does not seem to have -- you know, even the sense
19 of that as a child saying, "This is what I want you to
20 do with this letter" --

21 **A. Yes.**

22 Q. -- whatever the -- whatever management felt themselves,
23 that was clearly something that was not followed
24 through.

25 **A. Uh-huh. Yes. Well, I mean, I think it took some time**

1 **even for that to be noticed on the envelope. Probably**
2 **something to do with how correspondence was brought in,**
3 **but I agree with you.**

4 Q. We actually saw a copy of the envelope and it was pretty
5 clear --

6 **A. It was clear.**

7 Q. -- it was pretty clear on the envelope and, I mean,
8 interestingly I would have said of that letter it was
9 pretty detailed and quite persuasive --

10 **A. Yes.**

11 Q. -- in relation to content as opposed to maybe the
12 earlier complaints.

13 **A. Yes. I mean, I think, you know, my statement is saying**
14 **that clearly that was a significant opportunity, you**
15 **know, to perhaps have changed an outcome.**

16 Q. And accepting that these were different times in terms
17 of alcohol and it was a kind of a summer camp situation,
18 even then the expectation that if men -- people were
19 supposed to be on duty looking after boys, then there
20 doesn't seem to be anything in writing or anything to
21 say, "When you are on duty, you don't drink or you ..."

22 **A. I am not aware that there was any alcohol policy for**
23 **staff at the time. I am not aware of that, although I'm**
24 **just mindful that I think that I read in one interview**
25 **that where there was a allegation that Mains had taken**

1 **whiskey, he said no, it was just a couple of beers.**

2 Q. Beers.

3 **A. That seemed to be possibly acceptable. So perhaps there**
4 **was a different culture at the time. I am not sure.**

5 Q. Yes.

6 **A. But there was no policy that we have come -- you know,**
7 **found.**

8 Q. Now I noticed that the person that was drinking with
9 him, there was a view that that had been an issue
10 before, that he had gone out with more junior staff. So
11 it was felt there was an opportunity to tell him again
12 to behave himself with alcohol --

13 **A. Yes.**

14 Q. -- but maybe not Mr Mains. Okay. Thanks very much.

15 **A. Okay.**

16 MR LANE: If I could go back to when the hostel was opened,
17 it was said then that if it was successful, it was
18 liable to be a model for further hostels. Obviously two
19 or three more were opened for working boys and girls.
20 Do you know were -- did they have similar staffing and
21 similar formats do you know?

22 **A. I have not looked at that and I can't -- I can't comment**
23 **on that, but we could possibly look for the information**
24 **if the Panel wanted that.**

25 Q. It does seem that the model is a strange mixture of

1 children's home and almost like lodgings in that with
2 only one member of care staff for the first few years
3 until the deputy was appointed, that is obviously very,
4 very thin if he was expected to be there 168 hours
5 a week.

6 **A. Uh-huh.**

7 Q. And, in fact, he was disciplined at one point for being
8 absent on an evening --

9 **A. That's right.**

10 Q. -- which sounds a bit tough if you are working non-stop.

11 **A. Uh-huh.**

12 Q. But if so, then why were -- if it was just lodging
13 equivalent, why were the boys in small dormitories and
14 why were meals provided as in a children's home? Can
15 you clarify about the model that was being used at all?

16 **A. Well, my understanding was that it was a working boys'
17 hostel --**

18 Q. Uh-huh.

19 **A. -- and that the boys had to give some of their pay
20 packet into their upkeep --**

21 Q. Uh-huh.

22 **A. -- which would suggest to me that that was the principal
23 -- when it opened, that was the principal purpose of the
24 facility. I suspect, and I don't know, but the
25 dormitory style of environment was fairly common, and it**

1 **was a consequence of the accommodation that was**
2 **available at the time, but I think very much at the**
3 **opening of it it was definitely viewed as a working**
4 **boys' hostel. I think it did change as the years went**
5 **on, because of the complexity and the challenges of the**
6 **boys that were admitted.**

7 Q. Uh-huh. You are quite clear that the Children's Officer
8 was accountable to the Town Clerk as his senior manager
9 in a sense.

10 **A. The Child Welfare Officer.**

11 Q. Child Welfare Officer. Sorry. Yes.

12 **A. Yes, yes. That's my understanding, yes.**

13 Q. But when the system changed and there was a Director of
14 Social Services, was he accountable to the Chief
15 Executive of the Health & Social Services Board or was
16 he just accountable to his Committee?

17 **A. I think there was a Chief Executive function, because**
18 **the job description talks about corporate**
19 **responsibilities.**

20 Q. Right.

21 **A. So he would have been part of a senior team responsible**
22 **to a Chief Executive.**

23 Q. Well, the Chief Welfare Officer wouldn't have had the
24 authority to call in police on his own you are saying?

25 **A. It didn't appear to be at the time. I think it was**

1 possibly quite a hierarchical --

2 Q. Right.

3 A. -- type of environment that people were working in
4 during that period. It was within a local authority
5 council structure here at the time --

6 Q. Uh-huh.

7 A. -- and it seemed from what I have read that the Town
8 Clerk was the Secretary to the Welfare Committee --

9 Q. Yes.

10 A. -- and with that would have come the responsibility of
11 reporting.

12 Q. Uh-huh.

13 A. So I think at one point Mr Mason talked about some
14 things were reported and some things weren't, but the
15 Town Clerk made that decision.

16 Q. Under the structure once the Social Services had come in
17 the Assistant Directors, as I understand it, didn't have
18 any responsibility for managing the services directly.
19 That was down to the district officers, was it?

20 A. That's right. There was a level of Assistant Directors
21 and the responsibilities at district level were
22 different from the Board Assistant Director, who was
23 really there in terms of planning services and making
24 sure services were developed is my understanding.

25 Q. If so, shouldn't the Mason file have been passed over to

1 the district as relating to their work?

2 **A. Well, I think that it was a missed opportunity not to do**
3 **that. I am just mindful that the Assistant Director who**
4 **received the file thought it was a historical file. It**
5 **was archived really. It was a piece of work that had**
6 **been concluded.**

7 Q. In terms of where the senior people were sited in the
8 social services, do I understand that the Assistant
9 Directors would have been with the Director in a head
10 office?

11 **A. My understanding -- because I wasn't working here at the**
12 **time -- my understanding is that the Assistant Directors**
13 **who were responsible for planning services were with the**
14 **Director --**

15 Q. Uh-huh.

16 **A. -- at headquarters, at Board headquarters, but the other**
17 **Assistant Directors were out in the districts I think.**

18 Q. And the district officers were in the district?

19 **A. Yes, in the district offices.**

20 Q. Okay.

21 **A. I think that's -- I think that's correct. My colleague**
22 **who worked here at the time is nodding. So I have got**
23 **that right.**

24 Q. Thank you very much.

25 CHAIRMAN: Just one last question. Perhaps it is more

1 appropriately directed to someone else, Miss McAndrew,
2 but can you tell us where in the period of really coming
3 up to about 1975/'76 in particular where were the
4 headquarters of the Eastern Board? Perhaps you need to
5 take some time to find that out, but it would be helpful
6 if we knew.

7 **A. Weren't they in College Street? No. In Linenhall**
8 **Street.**

9 Q. There are various addresses that crop up in the
10 material, but my impression is that prior to
11 reorganisation it may have been in Upper Crescent or
12 Lower Crescent, and then it's not clear, but we are
13 interested in knowing the geographical --

14 **A. The location?**

15 Q. -- locations of the various places.

16 **A. The location of the district offices and the Board**
17 **headquarters?**

18 Q. Well, we know the district offices at least for
19 Ms McGrath were out in Purdysburn Hospital --

20 **A. Yes.**

21 Q. -- which is quite a considerable distance, as you know,
22 from wherever in the centre of the city --

23 **A. Yes, yes.**

24 Q. -- was the headquarters of the Eastern Board.

25 **A. Well, rather than rely on me, if you don't mind, I would**

1 **like to furnish you with the appropriate information.**

2 Q. Yes. It would be helpful if someone could let us know
3 in due course --

4 **A. Yes.**

5 Q. -- because of the issues that I think we may wish to
6 reflect upon is whether there was I wouldn't say
7 a culture, but perhaps because of geographical
8 separation a feeling in some areas that they were remote
9 from their superiors in headquarters, wherever it was,
10 because Purdysburn Hospital is some considerable
11 distance from Kincora, which was part of its
12 responsibility --

13 **A. Uh-huh.**

14 Q. -- and Purdysburn in turn is some considerable distance
15 from the centre of Belfast. It is easy to have a much
16 closer working relationship when everyone is under the
17 same roof or on the same floor --

18 **A. Uh-huh.**

19 Q. -- than if they are geographically miles apart.

20 **A. Uh-huh.**

21 Q. So that's why we are interested in knowing where
22 headquarters is.

23 **A. Okay. Well, we will provide you with the addresses of**
24 **those.**

25 Q. Yes. Thank you very much.

1 MS SMITH: Chairman, I understand that, subject to your
2 view, Mr Aiken is ready to continue on with opening
3 material to the Inquiry.

4 CHAIRMAN: Well, we will rise for a short while, because
5 I think our long-suffering stenographer deserves a short
6 break, but thank you for coming back again, Ms McAndrew.

7 **A. Thank you.**

8 **(Witness withdrew)**

9 **(4.20 pm)**

10 **(Inquiry adjourned until 9.30 tomorrow morning)**

11 **--ooOoo--**

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I N D E X

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