

THE HISTORICAL INSTITUTIONAL ABUSE INQUIRY

KINCORA BOYS HOME MODULE 15

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SUBMISSIONS ON BEHALF OF

THE POLICE SERVICE OF NORTHERN IRELAND

22.7.2016

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**SUMMARY:**

1. Detail of the assistance provided by the Police Service of Northern Ireland.
2. Statements provided by the Police Service of Northern Ireland
3. The Systemic Failings.
4. The Key Observations from the Exhibits to the Statements of D. Chief Supt. George Clarke. GC1-GC19.
5. The evidence of D. Chief Supt. George Clarke.
6. The Robophone Message 23.5.1973.
7. Contact between Valerie Shaw and D. Supt. Graham.
8. DC Cullen and Meharg issues.
9. GC20v2.
10. Caskey Evidence.
11. Conclusion.

### SUBMISSIONS

1. It was acknowledged that from the outset the approach of the PSNI has been to provide the fullest possible co-operation. Detective Chief Supt. Clarke<sup>1</sup>, Head of Public Protection within the PSNI since 2014, stressed that the position of the Police Service and that of the Chief Constable, was to be utterly transparent and completely co-operative with the Inquiry in the provision of documents and addressing any enquiry or question that the HIAI would pose.
2. These submissions should be read in the context of all of the Police material provided to the HIAI, the statements addressing the provision of open and closed material, DCS Clarke and the statements compiled regarding searches of the Police estate.
3. These submissions relate to the actions and omissions of the RUC, the RUC investigations, the matters considered to be systemic failings within the RUC, the context of the troubles at that time and the lack of systemic awareness of child abuse. They further address the current position in relation to child protection to highlight the difference between the 1970s and the present day. These submissions are not intended to address, in detail, the evidence regarding the other core participants as those parties will no doubt address their respective specific spheres of concern. Should the HIAI consider that it would benefit from further submissions from the PSNI on any issue, whether or not contained within these submissions, these will of course be provided.

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<sup>1</sup> DCS George Clarke gave evidence on day 219, 1<sup>st</sup> July 2016 and day 220 on 5<sup>th</sup> July 2016

4. The Police Service, through ACC Hamilton, provided an open statement setting out the material that had been provided to the Inquiry. A closed statement referring to the sensitive material has also been provided.
5. The effort expended goes far beyond the location and provision of approximately 25,000 documents. Special Branch records were searched and provided to the HIAI. Numerous Police systems were interrogated using search terms provided by the Inquiry and proactively searched by police if there were potential related matters outwith the HIAI listed terms. The PSNI then identified any material that may have been of relevance to the HIAI and made this available. The PSNI has provided as much assistance as it possibly could have and it was conveyed, during the evidence from DCS Clarke, that that level of assistance will continue beyond the end of the oral hearings, until the HIAI completes its report.
6. The PSNI established an analytical cell comprised of two experienced Higher Police Analysts. These analysts were dedicated to the assessment of the located documents. This cell has presented, through the exhibits to DCS Clarke's statements, detailed and thorough analysis of the documents and issues.
7. The material located and provided includes all of the sensitive material that could be located, relevant to Kincora. The HIAI were provided with the documents in an unredacted form. The PSNI worked with the HIAI to ensure that the documentation could be redacted to the least extent necessary for presentation in public.
8. ACC Mark Hamilton provided a statement dated 29/4/16 KIN 1501. This sets out the extent of the documentation provided and the records that were searched for the purpose of assisting the HIAI. These included, inter alia, public protection team locations throughout Northern Ireland; the Police museum archive, the serious crime archive, district records management, central crime registry.

9. Nominal research has been undertaken across available Police systems NICHE, TRIM, ICIS, Case Prep, Criminal Records, HOLMES 2 Archive, MHS data, PND, BRC extract data and MARS application regarding the persons of interest linked to the Kincora module. The PSNI put together a HIAI police support team to assist in gathering, collating and assessing relevant Kincora material.
10. ACC Will Kerr, Crime Operations Department, provided a closed statement to the Inquiry. From KIN-1503 onwards it is clear that extensive documentation has been provided to the Inquiry.
11. D. Chief Supt. Clarke provided his first witness statement dated 20<sup>th</sup> May 2016 at KIN 1527. The statement consists of 78 pages to KIN 1604 and exhibited to this first statement are a number of analyst reports compiled by the Police analysts from KIN 1605 – 1775.
12. He addressed, inter alia, the following topics within his first statement.
  - a. DCS Clarke provided evidence of the current system and contrasted that with the circumstances of the 1970s.
  - b. The efforts by the PSNI dedicated to assisting the HIAI.
  - c. The context within which Policing existed in the 1970s and 1980s.
  - d. The time line document relating to who knew what and when.
  - e. The 1973 Robophone Message and RUC Response.
  - f. Police knowledge of the contents of the call.
  - g. The Terry Review of the anonymous call response.
  - h. Roy Garland's allegations.
  - i. DC Cullen and ACC Meharg.
  - j. The Mason File.

- k. Valerie Shaw and D/Supt Graham.
  - l. Richard Kerr's allegations.
  - m. The formal Police Investigation in 1980.
  - n. The Terry Review.
  - o. Brian Gemmell.
  - p. Caskey's investigations 1982, 1983 and 1985.
  - q. John Colin Wallace.
  - r. Review of GC80.
  - s. Military Documents (Caskey 1983).
  - t. Ian Cameron.
  - u. RUC Intelligence.
  - v. Assessment of Caskey investigations.
  - w. Analysis of Kincora Register. GC13.
  - x. Unidentified abusers.
  - y. Complaints post 1982.
  - z. Dr. Morris Fraser.
  - aa. Consideration of a cover-up.
  - bb. Child Protection Structure.
  - cc. Systemic failings and observations.
13. DCS Clarke provided a second statement dated 17<sup>th</sup> June 2016 at KIN 1808 – 1857. This statement addressed:
- a. The Spinwatch Article, "Morris Fraser, Child Abuse, Corruption and Collusion in Britain and Northern Ireland", 31.3.16, KIN117501-117527.

- b. The BBC Spotlight Programme, The Paedophile Doctor, 7<sup>th</sup> June 2016.
  - c. The involvement of D/I Ronnie Mack in investigating allegations of child sexual abuse against Fraser in 1972/73.
  - d. Fraser's alleged connections to Kincora.
  - e. Kerr's allegations re Dr. Fraser and Kincora.
  - f. The Newspaper Article from the Independent dated 11<sup>th</sup> July 2015.
  - g. Dr. Fraser Freedom of Information Request and PSNI Response re Neither Confirm Nor Deny.
  - h. The Murder of Brian McDermott.
  - i. John McKeague.
  - j. Comment in the Belfast Telegraph about the late Joshua (Joss) Cardwell.
  - k. Allegations that a convicted sex offender Tory MP visited Kincora in the 1970s.
  - l. RUC Intelligence dated 17.4.1983 and the Robophone Message dated 23.5.1973.
  - m. Additional commentary on Cullen/Meharg.
  - n. Tara file 1.
  - o. Systemic Failings.
14. DCS Clarke provided, inter alia, the following observations in his first statement:

**"239. Effective information sharing and cooperation may well have led to a swifter cessation of the abuse in Kincora and potentially better outcomes for the victims.**

**240. Key Observations:**

- There was no coordinated response to child abuse, within the RUC, at this time.

- There was a lack of central information systems to record allegations, concerns or information, available to all police officers responding to allegations.
- The Cullen and Meharg 'investigation' provided an opportunity to investigate and thereby potentially stop abuse at Kincora which was not taken.
- The failure of D/Supt Graham to appropriately handle concerns surrounding a boys' home was also a missed opportunity; akin to Cullen and Meharg.
- Lack of a joined up approach and two-way information sharing between Welfare Authorities and RUC, prevented an effective, joint response to abuse in Kincora.
- Rumours of vice rings, cover-up and conspiracy are not substantiated, however, the fact that Brian Gemmell's allegations were not definitively addressed, leaves this 'stain' on the investigation.
- Ultimately a number of allegations by certain witnesses have changed significantly over time, however, with the exception of those discussed in GC13, it is clear that those responsible for carrying out the vile and significant child abuse at Kincora were members of Kincora staff and were appropriately identified and prosecuted."

15. In his second Statement he addressed the systemic failings:

**"Systemic Failures**

**Cullen and Meharg 1974 - 1976**

160. I consider that the fact that ACC Meharg and D/Con Cullen did not adequately investigate the allegations made by Roy Garland between 1974 and 1976 constitutes a systemic failure for the following reasons:

- ACC Meharg, by virtue of his seniority within the RUC failed to grasp the strategic significance of the information provided to him by D/Con Cullen.



- ACC Meharg failed to provide direction to an officer significantly more junior in rank.

- ACC Meharg failed to appoint an appropriately skilled officer to investigate the allegations of homosexuality, paramilitary involvement and child abuse. Together they (Cullen and Meharg) operated in isolation from the rest of the RUC, failing to seek or provide intelligence to Special Branch colleagues.

- D/Con Cullen's enquiries lacked rigour, grip, proactivity and focus and were marred by large periods of inactivity.

- D/Con Cullen and ACC Meharg failed to keep detailed written records of their meetings, enquiries, directions and decisions.

- D/Con Cullen failed to show any personal proactivity in his dealings with Roy Garland. Further when provided with clear investigative opportunities, Cullen failed to carry out basic enquiries (i.e. interviewing Kincora residents for whom he had been provided details by EHSSB).

- In February 1976 Cullen was made aware by EHSSB that Joseph Mains was suspected of abusing boys in his care. Cullen states that he briefed Meharg on receipt of this information. Therefore Cullen, and by his evidence, Meharg (and given his seniority, therefore the RUC) knew that two suspected child abusers were working in Kincora and failed to take action.

#### **Detective Superintendent John Graham- June 1974**

161. D/Supt. John Graham's failure to respond to the allegations brought to him by Valerie Shaw in June 1974 amount to a significant personal failing and neglect of duty. Shaw had relayed to Graham the allegations she had been made aware of by Roy Garland which included the abuse of boys (albeit not in Kincora).

162. An officer as experienced as Graham and noting his rank and role (as Head of Belfast CID) inexplicably failed to do anything with the information he had obtained directly from Shaw and amounts to a systemic failure for the following reasons:

- D/Supt Graham, by virtue of his seniority and role within the RUC failed to grasp the strategic significance of the information provided to him by Valerie Shaw.

- Graham, as the then Head of Belfast CID, failed to appoint an appropriately skilled officer to investigate the allegations of homosexuality, paramilitary involvement and child abuse.
- Graham failed to keep any record of his meeting with Shaw and subsequent actions.

163. Although Graham never denied having received the information from Shaw in 1974, his statements to the RUC and Sussex police highlight inconsistencies in his account of what he did with the information.

165. It is worthy of comment to reflect on the findings of the Terry Review in relation to Graham. The Sussex detectives who interviewed Graham found him to be 'nervous' and 'unconvincing' and someone who they could not imagine having held the rank of Detective Superintendent in the RUC 'only a few years earlier'.

166. I concur with Sussex D/Superintendent Harrison in his summation of his interviews with Graham:

"It appears certain that ex-Detective Superintendent Graham's unsatisfactory performance will provide headline material if this aspect of the enquiry is examined in public. It seems probable that Mr Graham's credibility will be in doubt and this will be reflected inevitably, it is feared, on the Royal Ulster Constabulary".

#### **Failures of the system**

- The lack of a joined up approach and two-way information sharing between Welfare Authorities and RUC, prevented an effective, joint response to abuse in Kincora.
- There was no central information system within the RUC to record allegations, concerns or information, which was available to all police officers responding to allegations.

While the abuse in Kincora was taking place in Kincora, the RUC did not have any specialist trained child abuse investigators, as per all other police forces in the UK at the time."

16. The following Exhibits were provided by the PSNI:

- a. GC1 Strategic Analysis - Timeline of Key Events Linked to Kincora KIN 1605 - 1642

- b. GC2 Strategic Analysis- Overview of Knowledge of Abuse in Kincora (RUC, Military and Social Services) KIN 1643 – 1660
- c. GC3 Person Profile – Joseph Mains KIN 1661 – 1670
- d. GC4 Person Profile – William McGrath KIN 1671 – 1680
- e. GC5 Person Profile – William Robert Garland KIN 1681 – 1690
- f. GC6 Person Profile – James McCormick KIN 1691 – 1693
- g. GC7 Person Profile - Valerie Shaw KIN 1694 – 1697
- h. GC8 Person Profile – Richard Kerr KIN 1698 – 1703
- i. GC9 Person Profile – Raymond Semple KIN 1704 – 1709
- j. GC10 Person Profile - John Colin Wallace KIN 1710 - 1727
- k. GC11 Analysis of Exhibit GC80 KIN 1728 – 1751
- l. GC11a Analysis of Exhibit GC80 (amended) KIN 1858 – 1881
- m. GC12 Person Profile – Brian Gemmell KIN 1752 – 1757
- n. GC13 Analysis of Kincora Register KIN 1758 – 1764
- o. GC14 Homosexuality amongst residents in Kincora Boys’ Hostel KIN 1765 – 1775
- p. GC15 Person Brief- Roderick Morrison ‘Morris’ Fraser KIN 1882 – 1888
- q. GC16 Kerr OEL Log KIN 1889 – 1894
- r. GC17 Exhibit GC17- Sunday World Extract dated 3rd October 1993 KIN 1895
- s. GC18 RUC Assistant Chief Constable William Meharg MBE, OBE KIN 1896 – 1899
- t. GC19 Retired D/Constable James Price Cullen, RUC 7994 KIN 1900 – 1907
- u. GC20 D/Con James Cullen and ACC William Meharg KIN 1919 – 1942

17. These exhibit documents were compiled for the assistance of the HIAI and should be read in conjunction with each other.
18. **GC1 Strategic Analysis - Timeline of Key Events Linked to Kincora KIN 1605 – 1642**
  - a. The PSNI analysts examined materials retained by the PSNI and set about constructing a spreadsheet of timeline events starting in 1951. The first entry relates to a relationship between R36 and McGrath that commenced in 1948. This detail was gleaned from statements obtained through the Caskey phase 1 investigation.
  - b. It records that in 1955 where Garland first met William McGrath at Faith House, Finaghy. Garland alleges that he was indecently assaulted by McGrath at this meeting.
  - c. Garland was 15 years old when he alleges he was first abused by McGrath. He alleges the abuse continued until 1962. This was gleaned from the statement of Mr Garland on 30/3/82 as part of the phase 2 investigation.
  - d. The PSNI analysts have sought to provide timeline events, a description of the event and have provided the documentary source supporting that timeline entry.
  - e. It can be clearly seen that the materials held by the PSNI have been scrupulously examined and meticulously catalogued in this exhibit. It is respectfully submitted that this timeline is of immense use to the HIAI and demonstrates a small part of the significant effort expended by those within the PSNI engaged with assisting the HIAI.
19. **GC2 Strategic Analysis- Overview of Knowledge of Abuse in Kincora (RUC, Military and Social Services) KIN 1643 – 1660.**

- a. This document is a strategic analysis – overview of knowledge of abuse in Kincora (RUC, military and Social Services).
- b. It refers to key findings at paragraph 3 indicating that:
  - In 1967 the **Belfast Welfare Department** received their first complaint from Kincora residents about the behaviour of Joseph Mains; this was followed by a separate complaint in 1971. Collectively these complaints were considered as part of the 'Mason Investigation'.
  - An anonymous call was received by the **RUC** in May 1973, in which allegations of McGrath's homosexuality, employment in Kincora and involvement in a vice-ring centred on the Home were made. The RUC carried out an investigation into the phone call and concluded that the call was probably 'malicious'.
  - **Military** may have had knowledge of abuse in Kincora by 1974.
  - On a number of occasions between 1967 and 1980, the **Belfast Welfare Corporation** and later the **Eastern Health and Social Services Board (EHSSB)** were made aware of serious allegations of abuse and indecent behaviour by Kincora staff on residents. Some reports were followed up, others were not, but at no time was any [disciplinary] action taken against Kincora staff.
  - By the late 1970s, rumours of homosexuality and improper relationships against Joseph Mains appear to have been circulating amongst **social workers**.
  - By 1973/74 the **RUC** (including at ACC rank and the Head of CID) knew that William McGrath worked in Kincora, was suspected of being a homosexual, leader of a loyalist paramilitary organisation and involved in the abuse of young boys. Despite this knowledge, no serious investigation was carried out by the RUC prior to 1980.
- c. The table details the date of knowledge, how it was reported and to whom, whether the military had knowledge, whether it was reported to the RUC and what action was taken.
- d. The document details Social Services involvement and the Mason file re 1967 – 71 following the R6 [REDACTED] of 9<sup>th</sup> September 1967 allegations against Joseph Mains, R7 [REDACTED], KIN10 [REDACTED], KIN5 [REDACTED]

KIN5 and R6 came to have been involved in composing a letter of complaint. There are also allegations against Joseph Mains and R5 in September 1967. Henry Mason interviewed Joseph Mains on the 11<sup>th</sup> September 1967 and reported on the 20<sup>th</sup> September 1967.

- e. On the 25<sup>th</sup> August 1971 Mr Mason submitted his file to the Town Solicitor, John Young, in relation to complaints from 3 individuals, R6, R5 and R8. In his covering letter Mason recommended that there was sufficient grounds for referring the matter to Police.
- f. This exhibit also details the anonymous telephone call regarding William McGrath on 23<sup>rd</sup> May 1973. Constable Long compiled his report on 4<sup>th</sup> June 1973 – “after calling to speak with Mr Mains, these enquiries concluded “that the subject, McGrath, is a decent type of person and there is nothing to indicate that he is engaged in the type of conduct alleged by the caller... the allegations are totally malicious and would not.... merit any further investigation”. McGrath claimed that this was a “political attack” on him, probably from the UVF”.
- g. Mr Bunting received the Mason file prior to Mr Mason retiring in June 1973.
- h. Valerie Shaw is referred to in this exhibit and details of contact with Jim McCormick, Ian Paisley and Garland.
- i. In 1973 DC James Cullen first spoke with Jim McCormick about McGrath and sexual abuse based on Roy Garland’s version of events.

- j. The Social Services anonymous telephone call is also addressed in this document detailing events from the 23<sup>rd</sup> January 74 – 4<sup>th</sup> February 74. This was when Mary Wilson and Colin McKay spoke with McGrath at Kincora re the allegations in the anonymous phone call. At the conclusion of the meeting, both Wilson and McKay were “very satisfied” that there was no truth in the allegations and no further action was taken. Wilson also informed Clive Scoular of the anonymous call and the results of her enquiries.
- k. The document details the contact between DC James Cullen and Garland.
- l. Additionally, in 1974 there were allegations made by R15 against William McGrath. On the first occasion he told his parents about Joseph Mains who both subsequently informed Social Services. He reported the second occasion to his parents who again contacted Social Services. Three days after the second complaint was received, R15 and his brother were removed from Kincora and returned to their parents. There is no evidence that the RUC were made aware of either complaint and no disciplinary action was taken against McGrath.
- m. On the 17<sup>th</sup> May 1974 Mrs [REDACTED] reported to her son’s Social Worker, Sharon McClean, that McGrath had interfered with her son in Kincora. McClean raised this with her superior Ronald Orr. She discussed the allegation with Joseph Mains by phone who confirmed that Mrs [REDACTED] had already complained to him directly. Mains felt that there was no truth in the allegations which he had discussed with Mr McGrath.

- n. Chronologically, the document moves through the contact between Valerie Shaw and D/Supt John Graham in June 1974.
- o. Further, there was the arrest of KIN301 [REDACTED] on 3<sup>rd</sup> July 1974 for theft. This resulted in a follow up search of his locker at the hostel by the RUC. Documents were discovered in the locker relating to Tara.
- p. The second complaint by the [REDACTED] family was made on 16<sup>th</sup> September 1974. McClean undertook to contact Mains about this. There was no evidence to suggest that the social worker passed the complaint on to the Police.
- q. Ronald Orr concluded "With the low level of credence I attached to Mrs [REDACTED]'s report and my expectation that the officer in charge of Kincora could be relied upon, I did not require any further investigation once assurances that no sexual interference was occurring, had been given". This was part of his statement on the 28/2/80 as part of Caskey's phase 1 investigation.
- r. The exhibit further addresses issues regarding military knowledge and John Colin Wallace alleging he compiled a document "Tara - reports regarding criminal offences associated with the homosexual community in Belfast". This document is alleged to have been compiled on 8<sup>th</sup> November 1974.
- s. In 1975 James Maybin, Assistant Principal Social Worker, EHSSB, became aware of a rumour at this time, circulating in social work circles, that Mains was a homosexual. At that time, Maybin also became aware of the further rumour that Mains "was sexually



interfering with the boys in his custody at Kincora”<sup>2</sup>. Maybin told Sussex Police that he did not recall passing on this information to any of his superiors or anyone else. Maybin had previously assisted Mains in Kincora in 1966 for a period of 5 months.

- t. **Re military knowledge:** Captain Brian Gemmell was officer commanding in the 123 section of 39<sup>th</sup> infantry brigade based at HQ NI between December 74 and December 76. He had at least 2 sources of information reporting on Tara and William McGrath, one of whom was Roy Garland. In the summer of 1975, through James McCormick, Gemmell was introduced to Roy Garland who relayed to Gemmell his allegations of homosexuality and abuse by McGrath. Gemmell claims that he passed on information he had received from Garland to a senior MI5 official, as well as writing a 4 page military intelligence source report (MISR). Neither the alleged meeting between Gemmell and Ian Cameron, the MI5 Officer nor the report written by Gemmell had been verified.
- u. In January 1976 there was further contact between Garland and Cullen. On the 21<sup>st</sup> and 24<sup>th</sup> January 1976 Cullen stated that he had two meetings with ACC Meharg and instructed him to continue with his enquiries.
- v. On the 19<sup>th</sup> February 1976 DC Cullen met with Robert Bunting, Deputy Director EHSSB and Cullen became aware for the first time, of complaints of a homosexual nature against other Kincora staff.
- w. On the 24<sup>th</sup> February 1976 R9 [REDACTED]’s Social Worker, Hilary Neill, was informed by Kincora staff of a homosexual incident

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<sup>2</sup> Statement of James Maybin 24/9/82.

involving R9 in Kincora. Although aware of the alleged homosexual incidents, Hilary Neill did not discuss the matter with R9 as it would “possibly unnecessarily upset and embarrass him”.

- x. On the 15<sup>th</sup> March 1976 Bunting gave Cullen a copy of the Mason file at a meeting with Edward Gilliland, Bunting’s superior. Bunting states he also made Clive Scoular, District Social Services Officer, aware of Cullen’s enquiries and asked him to pass on any information which may assist the RUC. Cullen informed Meharg and Meharg asked him to obtain a copy of the Mason file. DC John Scully raised his concerns with Senior Social Worker David Morrow in October 1977 on the basis of an increase in criminality by Kincora residents and concerns over “some form of sexual activity between .... Joseph Mains and some of the boys”. (Statement dated 13/2/80). This was following the arrest of Richard Kerr for burglary.
- y. In October 1977 Lindsay Conway, Social Worker, for Stephen Waring, became aware that Richard Kerr, while on remand for burglary offences in Rathgael, was giving strong hints that “something irregular had been taking place in Kincora hostel at the same time requesting visits from Joe Mains”. Social Services also met on the 12<sup>th</sup> October 1977 to discuss allegations regarding R18, made against McGrath. On 1<sup>st</sup> November 1977 Scoular organised a meeting to discuss his concerns about Kincora. On 9<sup>th</sup> November 1977 there was a follow on meeting where it was decided that Scoular would raise the matter with Robert Bunting. On the 14<sup>th</sup> November 1977 there was a meeting between Scoular, Lorna McGrath, Highman, Lindsay Conway (Rathgael) and David Morrow. At this meeting the decision was taken to introduce a weekly monitoring system at Kincora to highlight only “untoward daily events”.

- z. Highman and Scoular went to Strandtown Police Station to meet with Sergeant Sillery. Richard Kerr informed Social Services on 25<sup>th</sup> November 1977 that he had been approached sexually by William McGrath but had never had any sexual dealings with Mains or Semple. On 5<sup>th</sup> December 1977 DC Scully outlined his suspicion re the relationship between Richard Kerr and Mains.
  
- aa. In late 1978 Judith Harriott, Student Social Worker at QUB, read the Kincora file noted that there were allegations of a homosexual nature against Mr McGrath. Having previously been involved in R18 ██████'s case, Harriott spoke to Gordon Highman re this and was assured "the matter had been thoroughly investigated and persons involved had been rigidly interviewed".
  
- bb. It is of note that on the 14<sup>th</sup> March 1979, the report by Judith Kennedy, Social Worker for Richard Kerr, re finding Kerr suitable accommodation on his release from Millisle Borstal was prepared. It noted that Kincora had been ruled out for care as it was "apparently under investigation because of the warden's alleged involvement with a homosexual circle". Kennedy went on to say that the investigation had been going on for several years but that Kincora was still admitting boys. Exhibit GC15, part of GC10.
  
- cc. Approximately 1979, a principal social worker Alan Morris recalls being told by Gordon Highman and David Morrow that Joseph Mains was a homosexual and was believed to be having a homosexual relationship with one of the Kincora residents.
  
- dd. In December 79 Kennedy and Gogarty met socially but discussed their mutual interest in the Richard Kerr case. Both were concerned about

the homosexual activity in Kincora between Mains and some of the boys and decided to find a reliable journalist to investigate the matter.

ee. 24<sup>th</sup> January 1980 – Peter McKenna published an article in the Irish Independent which raised for the first time the public interest in Kincora.

ff. 4<sup>th</sup> March 1980 – Mains, Semple and McGrath received precautionary suspicion notices served on them by Clive Scoular.

20. **Exhibit GC3 is a profile of Joseph Mains.** KIN 1661 – 1670

a. Key findings:

- Joseph Mains abused boys for more than 20 years; the earliest known allegation against Mains dates back to the mid-1950s, prior to his employment in Kincora.
- Mains abused boys in his care both physically and sexually.
- Joseph Mains knew that both Raymond Semple and William McGrath were abusing Kincora residents, but failed to take any action against either man.
- Mains referred to himself as bi-sexual; he had long term relationships with both men and women during his adult life.
- Allegations of abuse against Mains were made by Kincora residents to Social Services from 1967; no disciplinary action was ever taken against Mains.
- There is no evidence, in the material viewed by the authors, to support the allegation that Mains had facilitated prominent figures in Northern Ireland by operating a vice ring centred on Kincora.
- Joseph Mains continued long-term homosexual relationships with, at least, three former Kincora residents.

b. The Exhibit sets out his relationship with Margaret Hewitt, his employment role at Kincora, the abuse committed by Mains, his relationship with Hugh Quinn and R4 [REDACTED]. Further, the Exhibit details the Mason file, his relationship with Richard Kerr, his

homosexuality and alcohol abuse. It notes that Semple and Mains appear to have had a longstanding friendship for many years prior to becoming work colleagues in Kincora. It is believed that they met through their voluntary work with the St John's Ambulance.

- c. On two consecutive Easter holidays in the early 1960s Semple and Mains went on a tour of Ireland together accompanied by former Kincora residents Hugh Quinn and R2 [REDACTED].
- d. It sets out his relationship with McGrath, his links to the RUC, membership in the USC from January 48 to May 49 and October 57 to September 58.

21. **Exhibit GC4 Person Profile - William McGrath KIN 1671 - 1680:**

- a. Key points at paragraph 4.
  - William McGrath was a long-standing homosexual.
  - Although a married man, McGrath had extra-marital, exploitative, sexual 'relationships' with others (male and female); most of whom were usually significantly younger than McGrath.
  - McGrath formed a number of organisations, including Faith House, TARA and Ireland's Heritage Lodge from which he selected young men who would become victims of his political, sexual and financial exploitation. None of these victims have ever made a formal complaint against McGrath to police.
  - McGrath first came to the notice of the RUC in 1966 through his involvement in rallies and demonstrations organised by Rev. Ian PAISLEY.
  - McGrath began abusing boys in Kincora soon after he began working there.
  - As it was happening, Kincora staff and social workers were told directly by some of the victims of McGrath's sexual abuse in Kincora.
  - The RUC were aware of McGrath's homosexuality and employment in May 1973.

- b. The Police analysts compiled a family history of William McGrath, the exploitation and sexual abuse by McGrath of individuals pre Kincora, his involvement in Ireland's Heritage Lodge LOL 1303, the Christian Fellowship Centre and Irish Emancipation Crusade (CFCIEC), Tara, employment in Kincora, his relationship with other staff, reports of abuse against William McGrath whilst working in Kincora, his modus operandi in abuse of Kincora residents and his relationship with Roy Garland.
  - c. Further, the analysts detailed the relationship between McGrath and the Reverend Dr Ian Paisley.
  - d. On the final page of this exhibit the analysts compiled a spider diagram setting out the links between Mr McGrath and other individuals involved in this matter.
22. **Exhibit GC5: The analysts compiled a Person profile of William Robert Garland in exhibit GC5 KIN 1681 - 1690.**
- a. Garland was never a resident in Kincora. From an early age his life centred on his Christian beliefs and associations with various religious groups. His relationship with William McGrath is detailed at paragraph 5 of this exhibit and he first met McGrath when he was 15 years old when McGrath addressed a religious meeting in North Belfast. He was invited to attend a meeting in Faith House, Finaghy, in December 1955. There followed a "relationship" between the two men which lasted almost 20 years.
  - b. Garland did not lodge with the McGrath family but he was a regular visitor to the McGrath home, holidayed with them on more than one occasion, was a senior officer in Tara and had a number of sexual

encounters with William McGrath. From 1971 he began a concerted “campaign” to expose McGrath as a homosexual, who had exploited and manipulated Garland and others “mostly young men sexually, politically and financially”.

- c. His allegations are set out over pages 3 and 4 of this exhibit.
- d. The analysts compiled an analysis of Garland’s accusations against William McGrath. This material has been collated and assessed for the purposes of assisting the Inquiry in its investigations. The exhibit also details the individuals who were made aware of Garland’s accusations against McGrath:
  - i. James McCormick.
  - ii. D/Con James Cullen.
  - iii. Valerie Shaw.
  - iv. Reverend Ian Paisley.
  - v. Reverend Martin Smith.
  - vi. Brian Gemmell.
- e. The analysts compiled an extensive spider diagram in Appendix A to this exhibit detailing the links between Roy Garland and the individuals involved in this matter.

23. **Exhibit GC6 is a Person profile of James McCormick KIN 1691 - 1693**

- a. It is recorded that McCormick was a veterinary surgeon described as an evangelist. He had been invited to speak to a youth group at McGrath’s home at Wellington Park, Belfast. In the early 1970s

McCormick had been made aware of Roy Garland's accusations about McGrath's involvement in homosexuality and abuse of young boys. James McCormick subsequently facilitated Roy Garland's introduction to a number of key individuals linked to the Kincora story, D/Con Cullen, Valerie Shaw and Brian Gemmell.

- b. The exhibit sets out a timeline of his knowledge.

24. **GC7 is a Person profile of Valerie Shaw KIN 1694 – 1697:**

- a. The exhibit sets out a timeline of her knowledge and the individuals she spoke to about what she had learned from Garland.
- b. Appendix A to this exhibit sets out her relationship with other individuals concerning this matter.

25. **GC8 is a Person profile of Richard Kerr KIN 1698 – 1703.**

- a. This document details the fact that Mr Kerr's first statement to the RUC in April 1980 (25/2/80) indicated:

“... during the time I was in homes and other institutions, I did not make any complaints about indecent behaviour, about anyone to any members of the welfare. There were no complaints to make”.

- b. His account altered by 1982. He made a statement to the Sussex team on 26<sup>th</sup> October 1982. He indicated that his initial statements in 1980 were “true up to a point”.



- c. He made a number of further disclosures to the Sussex Police team including admitting to having had consensual sex with William Edmonds and being in a consensual homosexual relationship with [REDACTED] (with whom he was living with in [REDACTED]). Kerr also alleged for the first time that he had been abused whilst in care, in Williamson House (circa 1979) by Eric Witchell.
- d. At the time of his statement in 1982, Kerr confirmed that he had had a number of casual homosexual relationships in London and considered himself to be bisexual.
- e. Paragraph 4 of this exhibit details Kerr's allegations to Police.
- f. Kerr was admitted to Kincora on 27<sup>th</sup> June 1975 and remained a resident there until his arrest following his involvement in a series of burglaries in October 1977. He was remanded in custody to Rathgael. It was following this arrest that DC Scully became concerned about Kerr's behaviour when he became "livid with rage" after Mains refused to visit him in Police custody. Kerr threatened to "tell all" if Mains did not appear.
- g. Scully believed that there was more substance to Kerr's "failed threats" and discussed this with a number of social workers though he had no evidence to substantiate his concerns. David Morrow, SSW, appears to have agreed with Scully's assessment, noting that Kerr had an "abnormal attachment" to Mains.
- h. During his time in Kincora Kerr told Police he looked upon Joe Mains as "a father". He stated that Mains never touched him or said anything to him of a homosexual manner. Kerr told Police however, that William McGrath was known as the homosexual in Kincora. Kerr had

been told by other residents that McGrath had “tried it on” with them. Kerr told Police in 1980 that McGrath “used to play around” with him and McGrath enjoyed it “in a homosexual way”.

- i. Whilst in Rathgael, Kerr continued to ask for Mains to visit him.
- j. Kerr has never made a complaint to Police of abuse by Joseph Mains.
- k. In 1982 Kerr admitted to Sussex Police that Edmonds (a medical orderly at Millisle) treated him differently and gave him things. He admitted that Edmonds did not do anything to him whilst at Millisle but after he left, Edmonds committed buggery with Kerr at Edmond’s house.
- l. At paragraph 5.1 of the exhibit key points from the statement of the 25<sup>th</sup> February 1980 are set out.
- m. Paragraph 5.0 onwards sets out how the complaints to police changed over time.

**“5.0 Statements provided to police by Richard Kerr**

Richard Kerr provided two statements to the initial RUC investigation in February 1980 and a further statement to the Sussex police team in October 1982. The following sections are a résumé of the most pertinent points made in each of his three statements to police.

**5.1 Key Points from Statement of 25<sup>th</sup> February 1980**

Kerr stated that whilst a resident in Williamson House he met KIN340 . They formed a friendship which continued when Kerr moved to Kincora. KIN340 together with another male, KIN341 , collected Kerr from Kincora and frequented a number of hostelries in the Belfast and Larne areas. Kerr stated that he only went with these men as friends and had visited KIN341 home where they would have drinks.

In his statement, Kerr admitted that he had gone to the Highways Hotel, Larne on 14<sup>th</sup> October 1977 with KIN341 and KIN340. Kerr was arrested for theft from the hotel on this date.

During his time in Kincora, Kerr looked on Joe Mains as “a father”; Mains knew about [some of] Kerr’s criminality (i.e. break-ins). He would sit in Mains’ flat in Kincora, discussing his future; at times this involved alcohol consumption. Kerr stated that Mains never touched him or said anything to him of a homosexual manner.

Kerr stated that he was told by a number of other Kincora residents that McGrath was a known homosexual and that Mains knew of William McGrath touching boys who were resident in Kincora. Kerr told police that McGrath had *“played around with me by pulling my jumper and wrestling with me. He would pull me close to him, his front to my back, and press his belly up against me ... I knew he was enjoying it in a homosexual way”*.

Kerr clarified to police that what he had meant by his threat to “tell all” after Mains failed to turn up for his court case in October 1977. This threat related to their drinking together and that Mains knew about Kerr’s criminality and had knowledge of McGrath’s “behaviour”.

Whilst in Kincora, Kerr met Stephen WARING (Kincora resident) and they became involved in criminality with KIN274 (Kincora resident) who Kerr claimed orchestrated these crimes. Kerr stated that he and WARING had a suicide pact, should they be caught for their crimes. Kerr said that since hearing the news of WARING’s death [November 1977] he had tried to commit suicide by slashing his wrists on several occasions.

Kerr told police that when in Woburn House [Millisle] he became friendly with William EDMONDS. When he was released from Millisle, Kerr said that EDMONDS visited him in the Park Avenue Hotel and Bishops Court Hotel where he [Kerr] was residing and they had drinks together.

Also whilst in Millisle borstal, Kerr mentioned that he was visited by Eric MITCHAM [WITCHELL] who was dressed as a church minister but that he [Kerr] hadn’t asked for this visit.

When Kerr moved to live with his aunt in [REDACTED] in 1979, he met a [REDACTED], who Kerr later shared a house with. [REDACTED] received rent from Kerr of £15 per week. Kerr stated that he had received the gift of a watch

from [REDACTED] for Christmas 1979. Kerr told police *“there is nothing going on between him and I”*.

Kerr stated that he *“did not make any complaints about indecent behaviour by anyone to any members of the welfare. There were no complaints to make”*.

### 5.2 Key Points from Statement of 26<sup>th</sup> February 1980

Kerr also told police that two residents, R9 [REDACTED] and KIN46 [REDACTED] moved in with a retired social worker KIN342 [REDACTED] when they left Kincora in July 1977. Kerr claimed that there were rumours that KIN342 [REDACTED] was homosexual.

Kerr stated that Mains had asked him to give him a massage one night, whilst in Kincora; this was witnessed by Stephen WARING. Kerr refused. Kerr was asked by Mains if KIN46 [REDACTED] ever masturbated and Kerr wondered why Mains had asked this.

### 5.3 Key Points from Statement of 26<sup>th</sup> October 1982

Kerr told the Sussex team that his first statement in 1980 was true up to the point he talked about his friendship with Billy EDMONDS (see Section 4 above).

In his statement in 1982 Kerr also told police that he had sex with Eric WITCHELL in Williamson House.

## 6 Conclusion

It is known to the author that Richard Kerr has made numerous allegations to the media; however the details of these have not been included in this report. Only allegations contained within statements provided to the RUC and Sussex Review team have been considered.”

## 26. GC9 is a Person profile of Raymond Semple. KIN 1704 – 1709

### a. Key findings from this document.

- Little is known about Raymond Semple, particularly in relation to his life outside Kincora.
- Unlike his fellow convicted Kincora staff members, Raymond Semple, openly admitted to police that he was a homosexual. This was confirmed in a medical examination.

- His 'friendship' with Mains facilitated his employment at Kincora, on 2 separate occasions.
  - Unlike his fellow Kincora convicted staff members, prior to the RUC investigation in 1980, there were no complaints or allegations to police or social services, made against Semple by Kincora residents.
  - Raymond Semple's sentence of 5 years imprisonment was reflective of his position as second-in-charge within the Hostel, as opposed to the number of charges and victims, particularly when compared with William McGrath's case.
  - There is no evidence that Semple committed sexual abuse on any other Kincora resident, other than the two he was convicted of abusing.
- b. The analysts compiled information regarding his private life, employment in Kincora, "abusive relationships" with Kincora residents (B3/R1 [REDACTED], R7 [REDACTED]). The report also addresses Semple's knowledge of abuse in Kincora.
- c. Semple told Police that some of the boys in Kincora had complained to him that "Mains was having intercourse with them" (statement of DCon William McGladdery, 6<sup>th</sup> July 1980).
- d. In relation to William McGrath, Semple claimed that he had discussed the residents' complaint of abuse against William McGrath with Joseph Mains and that they both "tried to watch McGrath" (statement of D/Con J Short, 14/4/80) to prevent further abuse. Semple alleged that he "felt embarrassed about the complaints because Mains had to tell him off about unlawful sexual intercourse with the boys during his first period of employment in Kincora" (statement of D/Con Short 14/4/80).

- e. Semple was made aware of some homosexual activity between residents in Kincora. There is no evidence that Semple did anything about these complaints.
- f. Mains' influence ensured Semple's re-appointment in 1969. This followed the successful application for the post of Deputy Warden in 1964.
- g. Outside of work Mains and Semple often socialised together in various bars and hostelrys in East Belfast and beyond. They were both honorary members of the Harland and Wolff Social Club due to their "work with children" (statement of OV 6 [REDACTED], 2/2/83).
- h. Both Mains and Semple denied having a homosexual relationship at any stage.

27. **Exhibit GC10 is a Person Profile of John Colin Wallace, KIN 1710 - 1727.**

- a. The analysts compiled detailed information regarding Wallace and Kincora. They provided a timeline of case events in John Colin Wallace's military career until 1980. The analysts have provided the details regarding the alleged passing of classified documents to unauthorised persons in 1975, disciplinary action by the MOD against Wallace and the Civil Service Appeal Board in 1975, the murder of Jonathan Lewis, the calcutt Inquiry in 1990. The document also sets out his association with John Frederick Holroyd.
- b. At paragraph 13 of this exhibit the analysts have provided a detailed overview of attempts to persuade Wallace to co-operate with investigations into abuse at Kincora.

- c. He refused to co-operate with D/Supt. Harrison's request to interview him at HMP Warren wood scrums following the request from Sussex Police. This was on 11<sup>th</sup> March 1982.
- d. Counsel to the HIAI has explored in detail the contrast between what Colin Wallace has asserted over the years and the documentation that exists. Furthermore, the Inquiry has heard the transcript evidence from interviews with Colin Wallace where he fails to provide evidence to support his allegations after being provided with assurances regarding his demands.
- e. The extensive table provided in this exhibit consists of 50 entries regarding such contact either with or from Wallace.
- f. The key findings are set out at pages 17 and 18 of the exhibit.
- g. Between 1982 and 1985 Wallace was involved in correspondence with Sussex Police, the RUC, the MoD, the Prime Minister's Office, the Lord Chancellor's Office, the Northern Ireland Office, his MP and the Hughes Inquiry about his 'ability' to provide what information he had, in relation to Kincora.
  - i. Wallace's initial refusal to cooperate with the Sussex Investigation in March 1982 was because he felt their investigation was not impartial and concern over his potential breach of the Official Secrets Act.
  - ii. In March 1982 Wallace declined to make a written statement to the RUC and outlined the four assurances he required before he would assist officers in their investigations:
    - a. Legal aid

- b. Clearance to break Official Secrets Act
  - c. Protection for his family
  - d. Review of his manslaughter case
- iii. By June 1982 the issue of Wallace's immunity from prosecution was being discussed between senior government officials (MoD).
- iv. In July 1982 Wallace was granted immunity from prosecution by the DPP (NI); Wallace did not consider this authority to be sufficient to disclose the information he had.
- v. Wallace was granted written, partial release from the provisions of the OSA by the MoD in October 1982. Wallace rejected this offer in November.
- vi. The MoD provided a second letter of reassurance to Wallace in December 1982.
- vii. In January 1983, the Prime Minister, Margaret THATCHER, reiterated the earlier assurances given to Wallace by the MoD.
- viii. By February 1983 Wallace's refusal to cooperate appear to be limited to the lack of legal aid afforded to him.
- ix. In April 1983, the Lord Chancellor told Wallace that legal aid would be available to him (subject to certain conditions)<sup>3</sup>.

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<sup>3</sup> This offer of legal aid was subsequently withdrawn following the conclusion of the DPP's enquiries into Kincora.



- x. In August 1983 Wallace linked Kincora to his own manslaughter case and asked for the matter to be investigated by the Home Secretary.
- xi. After a flurry of correspondence between Wallace and others in 1982 and 1983, there was a distinct decline in activity in 1984.
- xii. Again, in 1985, the RUC made a number of attempts to interview Wallace in prison. All attempts were refused with Wallace reiterating that all his pre-requisites had not been met. The last attempt by the RUC to interview Wallace was in August 1985.
- xiii. Repeated efforts by the Hughes Inquiry to interview Wallace were also made in 1985, in relation to the documents handed to Essex Police by Holroyd and which were reportedly written by Wallace.
- xiv. Despite repeated assurances from the MoD that Wallace could disclose relevant information to the Inquiry, Wallace has never provided any evidence to this Inquiry or police investigation.
- xv. There is no material available to the authors of this report to determine if Wallace had any further contact with police, MoD or others after August 1985.
- xvi. Wallace was released from prison in December 1986 and has continued to profess to have sensitive information on Kincora and to claim that intelligence agencies knew of abuse at Kincora but let it happen for political blackmail purposes.

28. Exhibit GC11 is an analysis of exhibit GC80. KIN 1728 - 1751

a. The executive summary on page 3 of this document states:

- Questions over the style, contents and accuracy of the document, as well as a total repudiation by military personnel over its production in 1974 casts doubt over the authenticity of the information contained within GC80.
- There is no evidence that the RUC were aware of the existence of the document, now known as GC80, prior to August 1984. On that date a copy of the document was given to Essex Police by Fred Holroyd; it was later shared with the RUC.
- Research for this report has identified that the RUC knew that their copy of GC80 was a re-typed version of the original document; the original has never been traced.
- RUC forensic examination of GC80 suggests that page one of the document had been interfered with.
- Certain details contained within GC80 are unlikely to have been known by Wallace in 1974. For example, allegations are made about Raymond Semple, yet there were no complaints made to anyone about Semple before 1980.
- There is no evidence, as viewed by the authors, to substantiate a number of claims made by Wallace in GC80.
- There is evidence that Wallace briefed journalists in 1973 about TARA, McGrath and his homosexuality; none of the journalists recollect Kincora or his employment at a boys' home having ever been mentioned at these briefings.
- Wallace claims to have been so concerned with the ongoing abuse in Kincora and "*stopping further assaults on the youngsters in these hostels*"; it therefore seems inexplicable that he did not mention to journalists all that he already knew about Kincora.
- Wallace has repeatedly refused to cooperate with police investigations and therefore questions relating to GC80 have not been answered by him.
- Wallace has never authenticated the document.
- If the document is genuine however, it indicates that the RUC and Military knew about abuse at Kincora in 1974 and that neither took action to stop it.

- b. The exhibit describes the background to the GC80 document, the relationship between Colin Wallace and Frederick John Holroyd. The Police analysts examined the contents of the document on a point by point basis. The analysis also cross references this to other documents held within the Police materials.
- c. The analysts compiled a table setting out the key points from the statements of military personnel provided to the RUC. This is at paragraph 6 of the document. It refers to the statements from Railton, Leng, Garrett, Colonel F, Peck, Broderick, McDine, Major I and Pace.
- d. A number of key points arise from the statements.
- None of those spoken to by the RUC could **recall seeing 'GC80'** prior to police showing it to them in 1985. Several commented that if Wallace had been in possession of the information contained within GC80 in November 1974, he should have brought it to the immediate attention of senior officers<sup>4</sup>.
  - Several of those spoken to<sup>5</sup> have commented that GC80 appeared to be a **draft document** and as such would never have been sent to senior military personnel (notably the Commander of Land Forces in NI) in such a form.
  - GC80 is not in the **corporate style** of classified military documents and is challenged due a number of inaccuracies, including:
    - security markings
    - inclusion of page numbers
    - reference material incorrectly set out

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<sup>4</sup> Major-General Henry GARRETT and Colonel F

<sup>5</sup> David McDINE and Roy PACE

- use of the word 'continued'
  - unusual and incorrect use of the 'flagging' system.
  - GC80 was not registered as a classified document, given a serial number or stamped as military documents should be.
- e. At paragraph 6.2 of the exhibit it details the RUC forensic examination of GC80 arising from the statement of Donald Budd, Forensic Scientist, 14/2/85 part of C64/22/85.
- f. The PSNI also established, through its research, a miscellaneous folder containing 27 actions relating to further RUC enquiries on the material handed to Police by Fred Holroyd.
- g. Additional challenges to the authenticity of GC80 are set out at paragraph 6.4.

#### **6.4 Additional Challenges to Authenticity of GC80**

- A search of two military intelligence files ('Kincora' and 'TARA') held by G2 Branch (Intelligence and Security) at HQNI did not locate the document GC80 or References A and B. Major LOFTUS, who conducted the search, found that the *"examination of the folio of each file clearly accounts for each document ... including those which were destroyed in accordance with Military Regulations. The subject matter of the destroyed documents are clearly legible ... and none of them relate to the matters under investigation"*.<sup>6</sup>
- RUC Special Branch conducted a search of their records and could not find the documents referred to under Reference A and B in GC80<sup>7</sup> or confirm their existence.

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<sup>6</sup> Statement by Major Robert LOFTUS of RMP, 01/08/1985

<sup>7</sup> Statement of D/Supt James McCLURE, 24/07/1985

- With regard to Reference A, Wallace refers to a report with a similar title “*RUC background brief on TARA*” in a list of documents which he sent, through Holroyd, on Wallace’s behalf, to the Prime Minister on 1<sup>st</sup> November 1984<sup>8</sup>.
  - In his correspondence with Holroyd, Wallace confirms that his “*secretary has been very busy with a major typing project during the past week and Maggie’s [THATCHER] file is now ready. I have had the ‘Bunny’ piece done again to tidy it up a little and to correct various typing errors, etc*”. This would suggest that Colin Wallace had pieces of material re-typed from their original versions; this may support the findings from the forensic analysis that GC80 could have been altered.
  - Ex-Chief Information Officer, Peter BRODERICK, was skeptical of the authenticity of GC80. He considered it unlikely that “*the CLF would have asked for such a brief as ... there was no military objective to be achieved with the production of GC80*”<sup>9</sup>.
- h. Wallace has repeatedly maintained that he attempted to expose the abuse at Kincora through press exposure, from the early 1970s. It is unclear why Wallace did not pass copies of GC80 to his journalist contacts in 1974 as it is the only document, allegedly written by Wallace, which exposes abuse at Kincora. The evidence suggests that he waited almost a decade before making anyone aware of its existence.
- i. The exhibit includes press extracts and extracts from “who framed Colin Wallace?” by Paul Foot.

29. Paragraph 81 of DCS Clarke’s second statement states:

“I would observe that if GC80 was Wallace’s full, accurate and contemporary knowledge about Kincora and his other wider concerns about child abuse in

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<sup>8</sup> Exhibit GC91, C64/22/85.

<sup>9</sup> Investigation notes re: Peter BRODERICK, 13/05/1985

Northern Ireland in 1974, there is, significantly, no mention whatsoever of Fraser. This would have been expected if Wallace had knowledge of him as he subsequently suggests in Meehan's article". (Spin watch).

30. Paragraph 82 states:

"As was discussed in my previous statement and attached exhibits, despite his alleged concerns about Kincora and wider concerns about child abuse, Wallace never mentioned Kincora to any of those journalists to whom he was providing briefings and documents in the mid 1970s; exactly the same observation can be made regarding Fraser."

31. In relation to the request by the HIAI to comment on John McKeague's links (if any) to Kincora, an additional comment was included in Exhibit 11 (GC80) at page 9. This exhibit is now known as GC11A.

32. **Exhibit GC12 is a Person Profile of Brian Gemmell. KIN 1752 – 1757**

a. **Key findings, page 3:**

- Brian Gemmell had at least two sources of information reporting on TARA and William McGrath, one of whom was Roy GARLAND.
- There is no evidence to suggest that Gemmell was ever directly approached by a Kincora resident and made aware of the abuse in the Home.
- The written report Gemmell claims he wrote following his meetings with Roy GARLAND in 1975 was not found during an army search of their records in the 1980s; there is no record of it ever having been shared with the RUC.
- Gemmell's allegations that he was strongly rebutted by an MI5 officer for becoming involved in the reporting homosexuality linked to Kincora were never been confirmed because of the refusal of MI5 to allow Cameron to be interviewed by the RUC.

- b. The PSNI analysts compiled a synopsis of Brian Gemmell's statement to the RUC. The exhibit details the Caskey questions to Ian Cameron and that there is no record of the RUC ever having received a response from Mr Cameron.

33. **Exhibit GC13 is an analysis of the Kincora Register. KIN 1758 - 1764**

- a. This was compiled to provide a detailed analysis of all individuals who resided in Kincora between 1958 and 1980.
- b. A list of the individuals that made statements to the RUC and Sussex investigations in the 1980s was made and this was cross referenced with the register.
- c. The PSNI also analysed the actions issued by the RUC investigation teams in 1980 and 1982 to assist in gaining an understanding of why certain residents were or were not traced as part of previous Police enquiries.
- d. It is hoped that this will assist the HIAI in identifying complainants and their complaints.
- e. The analysis showed that Caskey had traced 42% of the Kincora residents and not 56%.
- f. The Sussex team do not appear to have checked whether the RUC interpretation of the register was accurate.
- g. This document compiles the figures of residents between 1958 and 1980.

h. 46 former Kincora residents made allegations to Police of sexual abuse in Kincora. Third party allegations of sexual abuse relating to 3 former residents have also been made. The document sets out the information regarding 7 untraced abusers.

i. Key findings from this document.

- Almost 2/3rds of former Kincora residents have never been traced by police; there may be more witnesses and victims of abuse in Kincora who have never been spoken to by police. A number of former residents have come forward to police post 1982.
- An analysis of the documents held by the PSNI, does not however identify any person, not traced by the police, who was witnessed to be a victim of abuse by anyone by who was interviewed by police. Nor are there any persons not traced who are identified in any statement as being witness to the abuse of another resident.
- It is unclear as to the rationale behind the RUC decision to use 1963 as a 'cut-off date' for tracing former Kincora residents; this restricted the RUC's pool of potential victims and witnesses given that the Hostel opened in 1958.
- Substantially more former Kincora residents who were admitted to Kincora post June 1971 (McGrath's start date) have been traced by police, compared to those admitted pre June 1971.
- 40% of residents traced by police make allegations of sexual abuse during their time in Kincora.
- Apart from the 3 convicted Kincora staff, allegations of sexual abuse on Kincora residents have been made against 3 named individuals. 2 of these named abusers<sup>10</sup> were former Kincora residents who allegedly abused victims when returning to Kincora to visit Joseph Mains.
- 6 Kincora residents have made allegations that they were sexually abused whilst resident in Kincora by unnamed/unidentified males; only 2 of these allegations were known to police in 1980.

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<sup>10</sup> Former residents who allegedly abused victims in Kincora on return visits to see Joseph Mains are Hugh QUINN and R4



- Allegations of corporal punishment against Mains have been made by 9 Kincora residents.

j. DCS Clarke's statement and evidence stresses that there were no untraced victims of abuse.

34. **GC14 is an analysis of homosexuality amongst residents in Kincora Boy's Hostel.** KIN 1765 – 1775. Immunity was obtained by the Caskey investigation for those residents who had homosexual contact with other residents. This was obtained so that those who were abused were not impeded by giving evidence.

35. **Exhibit GC15 Person Profile Brief on Dr Morris Fraser. KIN 1882 – 1888**

a. This document sets out a background of Dr. Fraser and his offending.

- In **May 1973**, and whilst still working at the RVH, Fraser published, what was to become, a seminal piece of work in the area of psychiatric effects of conflict on children<sup>11</sup>.
- Later in **May 1973** Fraser was arrested in New York, with seven other men, on a series of sexual charges against boys which. The public disclosure of this information resulted in his suspension from his post in the RVH. He was later convicted on a charge "*attempted Sodomy 2<sup>nd</sup> Degree*" in **June 1974** and deported back to the UK.
- The Disciplinary Committee of the General Medical Council (GMC) considered Fraser's 1972 conviction at a hearing in **July 1973**; it did not consider his arrest in New York. In 4 separate hearings between **1973 and July 1975**, the GMC eventually

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<sup>11</sup> 'Children in Conflict' by Dr Morris Fraser, published in May 1973.

reached the conclusion that *"The Committee... feel satisfied that it will now be proper to discharge your case. Your case is accordingly now concluded<sup>12</sup>".*

- By **1974** Fraser had become a Psychiatrist at the Springfield Hospital, London.
- Fraser continued to publish other articles in relation to child pornography and paedophilia in both the UK and US throughout the 1970s and 1980s. He worked alone and in collaboration with others, including known paedophiles and fellow members of the Paedophile Information Exchange (PIE).
- **In 1988**, Fraser and a fellow paedophile, Michael JACKSON, founded the Azimuth Trust- a sailing-based charity for disadvantaged boys. This was a 'front' for a paedophile ring, although Fraser was never charged with any crime in connection with the Azimuth Trust.
- On **24<sup>th</sup> January 1990**, at Bow Street Magistrates, Fraser was convicted of taking and distributing over 1000 indecent images of children. He was sentenced to one year's imprisonment.

- b. Richard Kerr is the only former Kincora resident to make an allegation of abuse against Morris Fraser. Kerr's allegation(s) against Fraser first surfaced in a newspaper article in July 2015<sup>13</sup>. Prior to this, Kerr made no reference to abuse by Fraser in either his police or media interviews.
- c. Kerr is fairly ambiguous as to the nature of the abuse he was subjected to by Fraser.

#### Allegations July 2015

- Alleged he was abused by Fraser at the age of 13 in his office *"2 or 3 times on those visits"*. He provides no more details of what the alleged abuse amounted to.
- Alleges Fraser was in contact with children's homes all over Belfast
- Alleges Fraser had 'very important people above him'.

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<sup>12</sup> GMC Disciplinary Committee Hearing 14-16 July 1975

<sup>13</sup> <http://www.independent.co.uk/news/uk/crime/northern-ireland-authorities-refuse-to-reveal-details-of-paedophile-with-links-to-former-government-adviser-on-national-security-grounds-10382746.html>

Allegations March 2016<sup>14</sup>

- Kerr alleges that he was first abused by Fraser on his 2<sup>nd</sup> visit to Fraser's office. Kerr alleged this happened when he was in Williamson House.
- Kerr alleges that Fraser asked him to take his shorts down and photographed him. (This appears to be the disclosure of abuse).
- Kerr alleges that Fraser was abusing other boys, *'Looking back, I know that was going on, yes'*. Kerr offers no evidence to support this claim.
- Kerr states that he was sent to Kincora, aged 14 when still at school. Kerr claims this shouldn't have been the case as it was a Working Boys' Hostel. The majority of boys admitted to Kincora at the same time as Kerr, were also of school age. A report<sup>15</sup>, prepared by a senior social worker in the EHSSB c.late 1977, addressed the lack of appropriate accommodation for young people over 12 and under 16 and highlighted the need for an Adolescent Unit. *"Of the 43 boys admitted to Kincora between January 1974 and November 1977, only 18 were over 16, while 25 (or nearly 60%) were of school age"*.
- Kerr alleges that Mains and Fraser knew each other; further claims that the 2 men attended a meeting at Williamson House when it was agreed to send Kerr to Kincora. There is no evidence to support the allegation that this meeting happened. Kerr's entry on the Kincora Register shows that his admission was authorised by *'Mr FLEMING, Asst. Principal Social Worker, Falls Rd and also Mr C Scoular'*.
- Kerr made an allegation that Dr Fraser wasn't the only doctor to have abused him; another doctor allegedly subsequently abused him but, according to Kerr, he was convicted. There is no evidence in the material held by police that a doctor was convicted of the sexual abuse of Richard Kerr.

d. The PSNI analysed the Kincora Visitor's Register and found that, other than Richard Kerr's allegations, there have been no suggestions that

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<sup>14</sup> Radio Ulster -Good Morning Ulster, interview with Richard Kerr 31/3/2016

<sup>15</sup> Report by SG HIGHAM, Ass. Principal Social Worker, c. 1977- exhibit SGH5, part of C64/2/80

Morris Fraser had any link to Kincora. There is no information available to the author, to substantiate Kerr's claims that Mains and Fraser were known to each other.

- e. The entry below is from the Kincora Visitor's Book and is thought to have been written by Joseph Mains.

*24-11-72 Mr. Morris Consultant Psychiatrist H.I. Ireland*

- f. It is possible, though unconfirmed, that this may relate to Morris Fraser, who was known at this time as both Dr MORRIS and Dr Fraser and was still believed to be working in the RVH at this time. By November 1972, Fraser had also been convicted of indecent assault on a 13 year old boy in London. Of note, Richard Kerr was not in Kincora in 1972.
- g. A Mr Fraser appears on the Kincora Register (see below) having authorised the admission of KIN248 in October 1969. There is no information available to the author to confirm the identity of the Mr Fraser, in question.

KIN248	KIN248		17.	
		Belfast 15.		

KIN248	22/10/69	23/10/69	Admission Auth. by Mr. Fraser.
Welfare 16			

h. Of note, detailed analysis of the Kincora Register reveals that no [other] admissions for any boy to Kincora were authorised by 'Mr Fraser' or an individual other than a Social Worker or member of the Welfare Authority. In relation to psychiatrists linked to Kincora, amongst the papers from the 1980 RUC Kincora File, are a number of Psychiatric Assessments for 4<sup>16</sup> Kincora residents. Of note:

- None were prepared by Dr Morris Fraser
- None of the reports were used to decide whether the individual would enter Kincora
- The Psychiatric Reports for HIA532/B1/R13 were prepared by KIN395, Consultant Child Psychiatrist. KIN395 is referred to in a Freedom of Information request from a journalist<sup>17</sup> to the PSNI in May 2015; alongside a Freedom of Information request re Fraser, with the insinuation that KIN395 and Fraser abused children together.

i. The PSNI also addresses the allegations by Dr Niall Meehan, Griffith College, Dublin in his article, "Morris Fraser, Child Abuse, Corruption and Collusion in Britain and Northern Ireland" in March 2016.

j. DCS Clarke's second statement addressed the issues identified above.

<sup>16</sup> HIA532/B1/R13, KIN48, Richard Kerr and R17

<sup>17</sup> [F-2015-01594 Sexual Abuse-KIN395.msg](#)

- k. Importantly, re Spinwatch, at paragraph 83 it states “Meehan’s assertion that Fraser was either facilitated to abuse children or protected from the criminal consequences of his actions by the RUC or any other agency, is not supported by papers held by PSNI”.

36. GC16 Kerr OEL Log KIN 1889 - 1894

- a. GC16 is an exhibit commencing 29/12/14 following the Spotlight Programme on BBC regarding Kincora Children’s Home in October 2014. **The document sets out efforts to contact Mr Kerr in order to obtain a statement of evidence from him.**
- b. It was recorded on 30<sup>th</sup> June 2015 that Police contacted KRW Law, Mr. Kerr’s solicitors. They indicated they would check whether their client wishes to make a complaint. There is an email sent 17<sup>th</sup> September 2015 to Mr Kerr’s solicitor seeking confirmation from him as to whether or not he wishes to speak to Police regarding what happened to him at Kincora. It was suggested that the most appropriate way of obtaining his evidence would be by way of ABE interview. This is an “Achieving Best Evidence” interview. This is a specific process designed to obtain evidence from vulnerable witnesses.
- c. The email indicated that if confirmation was not received that he wished to make a formal complaint, the investigation would be filed away.
- d. It was also indicated that this could be reopened at any time if Mr Kerr decided to engage with the PSNI.
- e. There was an indication given on the 17<sup>th</sup> September 2015 that Mr Kerr was happy to speak to Police but would not be in Northern Ireland

“any time soon”. Mr Kerr had concerns about having to speak to separate Police forces regarding his allegations.

- f. PSNI informed his solicitor that when Mr Kerr spoke to Police, the agenda would be set by him and he could tell Police about as much or as little as he wished to. But he would be given the opportunity to speak as long as was needed.
- g. Further contact was made with Mr Kerr’s solicitor in November 2015.
- h. 30<sup>th</sup> November 2015 is an entry indicating that contact had been made with Mr Kerr who did not know when he was going to attend NI.
- i. On 4/1/16 it was recorded that Mr Kerr did wish to make a complaint but did not know if and when he would return to NI.
- j. On 6/1/16 an email was sent from the PSNI indicating the timeframes for the obtaining of evidence by way of interview judging by the information already reported in the media. It was suggested that if Mr Kerr was not planning on coming to Northern Ireland at any time soon, the PSNI could request the authorities in the USA to obtain the complaint. It was raised whether or not Mr Kerr would be happy to speak to the USA authorities.
- k. It was indicated that the MET Police were also interested in speaking to him about allegations regarding London.
- l. Entry dated 11<sup>th</sup> April 2016 despite a letter and email being sent to Mr Kerr’s solicitor there had been no reply. The decision was made, due to a lack of contact from his solicitor, that the matter was filed pending future contact from Mr Kerr or his solicitor.

- m. On the 20/4/16 there is an entry indicating that contact was made with Mr Kerr's solicitor. She indicated that she was pursuing a civil case for him. He indicated that he would wish to make a complaint but the problem was that he was only over for short periods of time. He was last in Northern Ireland on the 8/4/16 for the "Gary Hoy" ruling. Due to personal issues, he was not available to make a statement. He was back in America at the time of this contact. This document details the contact up until 16/5/16.
- n. To date, Mr Kerr has not provided a statement of complaint to any authorities.
37. GC17 Exhibit GC17- Sunday World Extract dated 3rd October 1993 KIN 1895. This related to the murder of Brian McDermott being linked to Kincora.
38. GC18 and GC19 are two exhibits relating to ACC William Meharg and Detective Constable J Cullen, KIN 1896 - 1899 and KIN 1900 - 1907 respectively.
39. GC18 sets out ACC Meharg's career indicating that when he retired from the RUC in July 1981, he was the longest servicing Police officer in the United Kingdom, having served 44 years and 7 months. Throughout Meharg's lengthy Police service there are records of him receiving accolades and praise from superiors for his performance and conduct. He retired from the RUC following an "exemplary career". There were no known disciplinary cases against ACC Meharg.
40. He was awarded the MBE in 1957 and the OBE in 1972. At page 4 of the exhibit there is an association chart for ACC Meharg.



41. Exhibit GC19 is a Person Profile brief for retired D/Con James Price Cullen. On his retirement it was noted on his personal record that his general conduct during his service had been exemplary. There are no known disciplinary cases against DC Cullen. This document details the contact between Cullen and Garland.
42. The analysts compiled this report and refer to the reporting structure between ACC Meharg and DCon Cullen. At the end of the exhibit is an association chart for DCon Cullen.
43. GC20v2 D/Con James Cullen and ACC William Meharg KIN 1919 - 1942, will be addressed in relation to the DC Cullen/ACC Meharg issues below.
44. Detective Chief Superintendent Clarke gave evidence on days 219 and 220, 1<sup>st</sup> and 5<sup>th</sup> July 2016.
45. DCS Clarke confirmed that the Caskey inquiry was entirely effective in identifying those who claim to have been abused and ultimately ended up with the prosecution of those who were said to have committed the abuse. The commentary contained within the analysis of the Kincora Register GC13 illustrated the significant point that there were no untraced victims.
46. It was also confirmed that there was no evidence of a pattern of abuse committed by other individuals beyond the 3 main staff members, Mains, Semple and McGrath. DCS Clarke confirmed that there was no evidence of a “ring”, none of the victims alleged this type of activity occurred.
47. DCS Clarke saw nothing to cause him to believe any boy experienced abuse in that way or there was any evidence of a ring of that type. The

evidence does point to the vast, vast majority of the abuse being carried out by the 3 men and those 3 men acting as individuals at the time of the abuse.<sup>18</sup>

48. The use of the term “vast majority” was used because there was abuse conducted at the home by others who had themselves been residents. These individuals were labelled as “returning ex-residents”.
49. In relation to Caskey’s second investigation, into whether or not prominent individuals were engaged in abuse at the home, there was simply no evidence whatsoever of politicians, Policemen, justices of the peace, businessmen involved in any sort of prostitution racket involving the boys of Kincora.
50. There were 7 boys who did not have their abuser prosecuted but those incidents of abuse were conducted by unidentified people. There was one allegation that 2 of the abusers acted in tandem. This allegation was entirely out of alignment with the pattern that emerged through the entirety of the evidence.
51. During his evidence the HIAI explored three matters specifically. The Robophone Message of 23<sup>rd</sup> May 1973, the contact between Valerie Shaw and DSupt. Graham and the contact between DC Cullen and ACC Meharg in 1974 and 1976.
52. **Re: the Robophone call dated 23<sup>rd</sup> May 1973.** The difficulties with anonymous information were set out in that anonymity prevents drawing a conclusion as to the veracity of the person providing that information.

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<sup>18</sup> Page 135 transcript day 219, 1<sup>st</sup> July 2016.

One must be very careful and be aware that the call may have been made for a malign purpose. It may be rumour, it may be a spiteful rumour. Equally, it may be fact and an intelligent approach must be taken.<sup>19</sup>

53. The bona fides of the person making the call is unknown.
54. One cannot take any, let alone a full statement from this individual nor can one seek clarity to obtain further detail regarding the information provided in the call. Therefore, an officer cannot explore the meaning behind particular words or phrases or modes of expressions.
55. The statement taking process assists in structuring and organising the information so that it is understood completely and further lines of enquiry may arise. Investigative steps are presented and the statement can be put to other individuals so that the evidence is properly tested, developed and understood.
56. An anonymous piece of information “starts and stops, cannot be expanded upon and cannot be clarified, and is open to indeed being an exaggeration, a rumour or something someone wishes to get a point across than being evidence”.<sup>20</sup>
57. DCS. Clarke explained the difficulties arising if an arrest had been made and the allegations were put to that person without any supporting evidence. The person who is facing that course of action may decide simply to deny the allegations and the matter goes no further. William

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<sup>19</sup> Transcript page 139 day 219

<sup>20</sup> Page 140 (day 219).

McGrath's position throughout prolonged detailed interviews and when faced with a litany of allegations remained one of denial and that was the end of it. Police even introduced extraneous material that may have weakened his resolve but this did not change his position. He ultimately pleaded guilty to the allegations on the second day of his trial.<sup>21</sup>

58. In relation to Constable Long, DCS Clarke posed the question "Where else could a Police officer go then?" If the person before you resolved not to make any form of admission. Furthermore, McGrath was "clearly quite a practiced liar".
59. He had been interviewed on a number of occasions by various bodies with varying degrees of powers through this chain and series of events. He was spoken to members on the Social Services staff, Police officers etc. He maintained an absolute denial up until the day he entered a plea of guilty. Furthermore, Constable Long was met by Mr Mains who essentially vouched for William McGrath and gave him a clean bill of health. This is in the context of McGrath being in his 50s, married and the father of 3 children. He was a religious man, a member of the Orange order and worked in the line of business that left him vulnerable to such an accusation.
60. Constable Long had no reason to doubt Mr Mains.
61. Essentially, there were no grounds to justify an arrest based on the anonymous call.

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<sup>21</sup> Page 141 Day 219.

62. Constable Long conducted a reasonable enquiry on the basis of the information he had and the contact with Mr Mains.
63. DCS Clarke gave evidence that Constable Long was eminently reasonable, given what he knew. "There would be no policing reason whatsoever for Long to have done anything different".<sup>22</sup>
64. DCS Clarke drew attention to the difference between child protection in 1973, 74 and 75 and child protection today. The evolution of the Police response to child abuse commenced after 1987 with various matters including the Cleveland incidents.
65. Such differences include:
  - a. The vetting and checking of staff.
  - b. Routine and consistent information sharing between Social Services and the Police Service.
  - c. Information sharing agreements.
  - d. Beyond the agreements, actual practices between the organisations.
  - e. Embedded social workers positioned within Police stations working as part of joint child protection investigation teams.
  - f. Exchange of information that is routine and expected.
  - g. The change in approach from the investigation of crime to the paramountcy of the interests of the child and issues around safeguarding that bring a different approach to investigation.
  - h. Specialised trained officers.

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<sup>22</sup> Page 144, day 219.

- i. Awareness of the issues.
66. DCS Clarke stressed the position that his expectation was that during the 1970s Police forces across the UK would have reacted in exactly the same way.
  67. In the 1970s,
 

“we did not know what we know now about patterns of child abuse, about the sort of people who offend, about the mechanisms that they follow. We would not have had the awareness to look for the signs of it. We would not have had the training to look for it, but that is not a Northern Ireland or RUC phenomenon” ... “..it is absolutely in my opinion that would have been the case anywhere in the United Kingdom and I would respectfully submit anywhere else that follows the same western model of policing. Child abuse in the 1970s was not understood, or guarded against, or acted upon in the way it is now anywhere in the United Kingdom”.<sup>23</sup>
  68. This was the 2024<sup>th</sup> anonymous call of 1973. There was massive civil disorder and DCS Clarke refers to only the deaths that occurred in the relevant years at paragraphs 18 and 19.
  69. DCS Clarke raises the point that the picture of violence during the 1970s must be taken into context. The number of Police officers in the 1970s was as many as 1,000 fewer than it is in 2016.
  70. DCS Clarke also gave evidence that due to the pressure they were under, along with the military, being the primary target of much of the violence in Northern Ireland, they were not patrolling or responding to calls in the

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<sup>23</sup> Pages 147 – 148, day 219.

way that the PSNI would hope they would be able to do now. It was a very different world.

71. At paragraph 19 of his statement, KIN1533, he states:

“..routine policing would frequently have been secondary to dealing with, whether responding to or seeking to prevent, murder and violence that was so common.”

72. DCS Clarke described context of violence where the “abnormal was completely normal”.<sup>24</sup>

73. **Re Detective Superintendent John Graham and contact with Valerie Shaw – June 1974.**

74. D/Supt. Graham was a senior CID officer in Belfast. D/Supt. Graham does not appear to have been working to ACC Meharg in light of the Constabulary Gassette that was provided to the HIAI. This was a senior investigator who did not take appropriate steps once informed of this information. As Graham stated that he had passed the information received from Shaw on to a CID officer at Mountpottinger, no record was ever found of any report having been made or recorded. At paragraph 74 of his statement, KIN 1551, DCS Clarke comments that it would seem reasonable to conclude that a senior and experienced detective officer should have made a record of such information, to whom it was passed and that he would subsequently have satisfied himself that appropriate action had been taken.

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<sup>24</sup> Page 150, Day 219.

75. **The RUC dates of knowledge:** these are addressed at paragraph 223 of DCS Clarke's statement at KIN 1598. Analysts drew together all information regarding complaints, statements, intelligence and investigation papers and set out the various tables contained within the statement and exhibits.
76. DCS Clarke provided a second statement dated 17<sup>th</sup> June 2016 KIN 1808. This addressed the "Spinwatch – Morris Fraser, Child Abuse, Corruption and Collusion in Britain and Northern Ireland" article. PSNI appended a personal profile brief on Dr Morris Fraser and also addressed this issue at paragraphs 195 – 198 of the first statement. The personal profile briefing on Fraser is GC 15.
77. **DCS Clarke makes the point that no complaint has ever been made to the PSNI that any child was ever trafficked from Kincora Boys' home to the Elm Guesthouse in London. (Paragraph 8, KIN 1810). Paragraph 9 states that Richard Kerr, in comments to various media outlets provides the only source for the allegation of trafficking from Kincora.**
78. **Kerr has never reported such allegations to Police.**
79. PSNI included a personal profile of Kerr at Exhibit GC8. (KIN 1810).
80. This statement also addressed the role of the RUC and in particular DI Ronnie Mack, in investigating allegations of child abuse against Fraser in 1972/73.
81. The statement also addressed the BBC Spotlight programme – The Paedophile Doctor, 7<sup>th</sup> June 2016. No mention was made at any time of Kincora or any link between Kincora and Dr Fraser.



82. The only alleged connection identified through the papers held by the PSNI between Fraser and Kincora are allegations made by Kerr in July 2015 and then repeated by Spinwatch in March 2016.
83. The role played by DI Ronnie Mack was that he interviewed Fraser in relation to the 1972 matter and was an investigator in the wider Caskey investigations in the 1980s. There was no link between Dr. Fraser and Kincora.
84. The PSNI/RUC have no records of any other allegations of abuse or offending against children by Fraser prior to 1992 (when he was convicted of indecent images of children offences in Southwark, London).
85. DCS Clarke highlights in paragraph 33 of his second statement at KIN 1816 that Richard Kerr made an Affidavit in support of a judicial review brought by another former Kincora resident, Gary Hoy. This Affidavit was sworn in February 2015. It is set out at KIN 119501 – 119508. In this Affidavit, Kerr makes a range of allegations around trafficking and other abuse, details of which he did not disclose in any previous statement. Of particular note, however, is that although Kerr refers to a wide range of allegations, he never mentions Fraser at any point.
86. **Kerr has never made any statement to Police about allegations of sexual abuse by Fraser. (KIN 1816).**
87. The statement of DCS Clarke provides a commentary on the documentation held by PSNI that includes extracts from Mr Kerr's Social Services file from 1977. These were obtained during the 1980 Caskey investigation. He was assessed by a Dr Clenaghan on the 20<sup>th</sup> December 1977 and there is no mention of previous psychiatric illness, treatment, care or assessment by anyone other than Dr Clenaghan. Records do show that a number of the Kincora residents (not Kerr) had psychiatric

assessments whilst in Kincora; however there was no record of Fraser playing a role in any of their assessments. (KIN 1818).

88. Whilst Kerr has alleged in media coverage that he was committed to Kincora on the direction of Fraser (KIN 117058) there is no evidence to support this.
89. In relation to Kerr's allegations that he had been indecently assaulted on a number of occasions in Fraser in Williamson House these allegations never featured in any complaint made by Kerr to the Police.
90. In Richard Kerr's statement, dated 26<sup>th</sup> October 1982, he alleged abuse against Eric Witchell during his second residency period at Williamson House in 1979. Witchell was convicted in 1981 of a number of offences against children in his care at Williamson House but was not prosecuted in relation to any offences against Kerr. Kerr made no allegations in his 1982 statement of abuse by any other person during either stay at Williamson House. Fraser was not mentioned by Kerr.
91. KIN 1821, paragraph 50: PSNI have recently made repeated attempts to speak with Richard Kerr in order to establish if he wishes to make a formal complaint and to obtain details of his allegations with which to carry out an investigation. The PSNI provided a full transcript of communication at Exhibit GC16. KIN 1887. To date Kerr has not spoken to either the PSNI or authorities in the USA to provide a detailed statement to repeat the allegations of abuse made in the media over the last 18 months.
92. The Metropolitan Police Service have also made unsuccessful attempts to speak with Richard Kerr in relation to his media claims that he has been abused at Elm Guesthouse and other locations in London. (KIN 1821).

93. DCS Clarke also addresses a Freedom of Information (FOI) request in relation to Fraser that was submitted to the PSNI from the journalist who wrote the Independent article of 11<sup>th</sup> July 2015. This request was refused on the grounds of NCND, neither confirming nor denying. This is a recognised FOI Act exemption. This approach has been used by both the Independent and Spinwatch article authors to substantiate their assertion that Fraser was an intelligent source.
94. The NCND approach was used because it requested information either supplied or relating to bodies dealing with security matters. This is covered by section 23 of the legislation.
95. The author did not seek to publish the full details of the explanation provided to them and instead reported that “authorities in Northern Ireland are refusing to reveal what they know about a notorious convicted paedophile with close links to a former Government adviser on the grounds of “national security”.
96. The PSNI position is that this was clearly an incomplete and partial reporting of the rationale provided by it.
97. **Re Colin Wallace:** paragraph 74 of statement 2, KIN 1827, states that Colin Wallace’s own version of events has never been tested as he has repeatedly declined to assist previous investigations and enquiries. (GC 10). The PSNI have set out its observations on the allegations made by and the conduct of Colin Wallace throughout the currency of these issues in GC10.
98. DCS Clarke addresses the issue of the documents relied upon in the Paul Foot book, “who framed Colin Wallace?”.

99. **Re the murder of Brian McDermott:**
100. DCS Clarke addresses this issue at paragraph 90 of his second statement, KIN 1830.
101. Brian McDermott was a 10 year old boy from East Belfast. Numerous press articles from 1982 to date linked his murder to Kincora.
102. On the 2/9/1973 Brian McDermott left home at lunchtime to go to Ormeau Park to play; he never returned home. On the 8/9/1973 his remains were recovered from the River Lagan, the body having been mutilated and burned. An inquest file was submitted in April 1974 and an "Open verdict" returned.
103. In 1977, the RUC were contacted by Brian McDermott's mother who mentioned that she had been assaulted by her son William (Brian's brother) on his return from England where he had served a prison sentence for assault on his 3 year old nephew. As a result, the RUC invited William McDermott to voluntarily attend Castlereagh Police Station. He was subsequently questioned by Police and admitted involvement in his brother's death and disposal of the body.
104. Senior officers, however, were not convinced of McDermott's guilt. His account lacked details which would have been expected from the person responsible for the murder. Forensic scientists were unable to find anything to support William McDermott's statement and a consultant psychiatrist, Dr Nabney, was not convinced that his confession was genuine. There was insufficient evidence to charge and he was released on the 5/3/77. In 1982 William McDermott withdrew his statement of confession.

105. At paragraph 94 (KIN 1831) DCS Clarke sets out the background to the alleged link between Kincora and John McKeague. A Mr Saxton approached a lady called Jean Coulter and reported to a journalist, Ed Maloney, that he (Mr Saxton) had attended a political meeting and had been the subject of a homosexual approach by a man. Saxton was concerned that this meeting may have, in some way, be linked to the Brian McDermott murder. The comment made by Saxton was that "the people in the hotel that night were the type of people who could do this to McDermott". On 30/1/82 Coulter told Maloney that she knew that John McKeague frequented William McGrath's home at Greenwood Avenue in the 1970s. This conversation between Coulter and Maloney linked McKeague to McGrath, and therefore, by default Kincora. It was this tenuous connection which was used by Maloney to link Kincora to the murder of Brian McDermott.
106. DCS Caskey subsequently investigated this alleged link and concluded in his covering report for the phase 2 file that "no evidence has been found to substantiate that any of the persons interviewed were connected with the murder of Brian McDermott or that his death was related to homosexuality at the Royal Avenue Hotel or anywhere else". This reference should be Park Avenue Hotel.
107. DCS Clarke addresses the further links between the McDermott murder and Kincora in relation to a number of journalists, Jim Campbell and Ian McCaskill. McCaskill produced GC76 and claimed to have received this shortly after it was reported that the McDermott murder file was being reopened by the Kincora investigation team.
108. McCaskill believed the document was written by John Colin Wallace. In this document it alleged that in 1974 Wallace had complained to senior officers the cover up of Kincora was preventing the killers of Brian

McDermott being arrested. It further alleged that 3 people who were thought to be linked with the Kincora vice ring and who were suspected of killing McDermott were named to senior officers. In 1982, Wallace refused to co-operate with the RUC.

109. DCS Clarke draws attention to DSI Caskey's conclusion that it might "be considered surprising that a person of Wallace's position in 1973 had not made determinate efforts to have this information brought to the attention of the Police investigating this horrific murder". Caskey was unable to establish any link between the murder of Brian McDermott and Kincora.

110. DCS Clarke also refers to the confession by James McDowell who was a convicted paedophile. He confessed to social workers about his involvement in the McDermott murder. However, it was noted by the Police that he had confessed to different high profile murders to remain in the hostels/secure environments based on an assessment that he had become institutionalised. However, the PSNI decided to review the investigation. It is of note that Wallace was approached during this review and provided a statement about his knowledge of the murder of Brian McDermott and links to Kincora. Wallace told Police in 2004:

"I had no knowledge that would have linked anyone from the Kincora investigation to the murder of Brian McDermott. I am not in possession of any information that would link anyone to the McDermott murder. I can confirm that I am not aware of any cover up concerning the McDermott case".

111. DCS Clarke emphasizes that this was a clear disavowal of GC76.

112. **Re John McKeague**: John McKeague was linked to Kincora by Jean Coulter and the only link between Mr McKeague and Kincora was that McKeague had been involved in a homosexual "relationship" with a

former Kincora resident, R4 [REDACTED]. The relationship took place when R4 [REDACTED] was 28/29 years old and had not been a resident in Kincora for approximately 11 years.

113. **Re Joss Cardwell.** DS Caskey recorded a statement from Mr Cardwell on 23<sup>rd</sup> March 1982. He was accompanied during his interview by DI Mack. From the papers held, it appears that the rationale behind the RUC's decision to interview Cardwell was a remark made by a then BBC reporter, Chris Moore, that Cardwell may have visited Kincora outside his capacity as a visiting officer from the EHSSB. There were no grounds for the RUC to consider Cardwell as an abuse suspect in the Kincora investigation and there have been no retrospective complaints made to Police against Cardwell by any former Kincora resident.
114. There was a clear rationale for Cardwell visiting Kincora on a number of occasions given his role in the welfare committee.
115. **RE: Allegations that a convicted sex offender Tory MP** visited Kincora in the 1970s: there is no mention of such a visit by a Tory MP to Kincora or being an abuse suspect within the papers.
116. **The RUC intelligence document dated 17<sup>th</sup> April 1973 and the Robophone message dated 23<sup>rd</sup> May 1973.**
117. The SB50 dated 17<sup>th</sup> April 1973 (KIN 55076) was received approximately 5 weeks before the anonymous telephone call. The contents of the Robophone message would have been of interest to SB (Special Branch) and this was copied to SB – indicated by the handwritten note at the bottom of the transcription.

118. Research conducted by the PSNI can confirm that KIN 55076 (the SB50) and the Robophone message were filed together in the relevant SB files. Records show that KIN 55076 was copied to at least 6 different SB files. There is no evidence to show what action if any was taken once both documents were received and filed together.
119. **Re: KIN 55076:**
- a. makes no reference to Kincora;
  - b. makes no mention is made of McGrath's occupation;
  - c. makes no reference is made to McGrath having any paedophilic tendencies;
  - d. no suggestion is made of the abuse of children by McGrath either personally or directly by him or by others with his assistance.
  - e. No mention is made of any illegal activity other than the suggestion of a form of homosexual entrapment/blackmail by McGrath upon other members of Tara.
  - f. No suggestion is made that any juvenile is a member of Tara; that Tara members are also members of the Orange order. Thus it is reasonable to suggest that this requires the member to be an adult member as no mention is made of junior Orange order.
120. There is no record of any specific investigative actions being raised on the grounds of this SB50. It appears instead to have been produced to inform RUC authorities on the activities of a loyalist group which had recently adopted a more public profile. There is no record of KIN 55076 being disseminated more generally, i.e. to local Police performing uniform patrol duties. However, barring an identification of those who may be extremist



loyalists, it is unclear what a more general awareness of the contents of this document would achieve.

121. DCS Clarke provides in his statement at paragraph 126 (KIN 1842) that his assessment is that when this document was received there were no opportunities presented to identify a risk posed by McGrath or any other person to residents at Kincora. It was handled, it would appear, appropriately.
122. At paragraphs 29 – 30 DCS Clarke comments that the information contained in the Robophone message may have been assessed as having been corroborated to some degree by KIN 55076. However, the potential outcome of having linked these 2 documents is speculative.
123. Considering both documents together it may have been considered to allocate a Detective to investigate the allegations. This would have resulted in an officer with a higher level of investigative skills attending Kincora.
124. It is noted that Superintendent Monaghan, Deputy Divisional Commander, E Division in 1973, recorded by Terry in 1982, describes extreme pressure requiring extra detectives to be drafted in to deal with a number of sectarian murders. He comments that “an anonymous Robophone message of the type of the 23<sup>rd</sup> May 1973 would, therefore, have been accorded a fairly low priority at that time”.
125. There was no reason whatsoever at that time for the RUC to suspect Mains. The combination of both documents in the situation described by DCS Clarke may, in all probability, have had the same outcome regardless of who had visited the home.

126. A detective would have been met by the same circumstances as Constable Long. That is, McGrath in 1973 was a 56 year old married man with three children, with “deep religious convictions” and who was “high up in the Orange order”.
127. In addition, McGrath never confessed during interview. DCS Clarke notes that of the residents at that time, 3, Beggs, Massey and Doherty were subsequently to complain of abuse by McGrath and for which McGrath was convicted in December 1981. It is speculative but possible that, had these residents been interviewed in June 1973, they may have disclosed abuse to a Police officer. Equally it should be noted that none of the victims above proactively sought Police to report abuse.
128. Paragraph 142 (KIN 1847) DCS Clarke comments that whilst this was therefore a potential missed opportunity to stop the abuse at Kincora, the actions taken at the time seemed reasonable and proportionate, based on the information available at the time.
129. Had the information been shared, this may have prompted the welfare authorities to share their concerns about Mains with the RUC at this time.
130. **Re Valerie Shaw contacting DSupt. Graham:**
131. At KIN 40112 Harrison comments at paragraph 223 it appears certain that ex Detective Superintendent Graham’s unsatisfactory performance will provide headline material in this aspect of the Inquiry is examined in public. It seems probable that Mr Graham’s credibility will be in doubt and this will be reflected inevitably, it is feared, on the RUC. His evidence may generate much idle speculation that there was some truth in the media’s theorising about a cover up by the Police.

132. DCS Clarke stated: "He is aware of something that's happening on his watch and, if I may, in his patch, and yet he does nothing, and I don't think as a senior detective that that is the level of professional drive or zeal or vigour that I would expect".<sup>25</sup>
133. DCS Clarke commented on how the 2 paths of information from Shaw to Graham and Cullen to Meharg did not meet. He replied that,
- "..It portrays some of the issue about how the Police generally, not just the RUC, the Police generally dealt with child abuse. It was not dealt with as a specialist or individual crime type. So therefore, there wasn't a central body investigating this, harvesting and harnessing all of this information and bringing it together and taking it forward as an investigation".
134. DCS Clarke highlighted the difference between the 1970s and the present day in that there are now computerised systems and a centralised command. It is much clearer what should be done and in what way.
135. DCS Clarke indicated that whatever the system had been in place around DSupt. Graham, he did not comply with this. It would not have been acceptable under any system to receive the information as he did, to consider it of importance, indicates that something should be done and then does not submit it into the system.
136. Even by the standards of 1973 or 1974 the superintendent should have pursued this matter and he should have actioned it up within the CID system as existed at that time.

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<sup>25</sup> Page 154 Day 219

137. DCS Clarke commented on the lack of proactivity if he, D Supt. Graham, had filed the information with Mountpottinger. There was no follow up to this filing and he took no steps.
138. In addition, Valerie Shaw was not telling D Supt Graham that there was evidence of boys in Kincora being abused. DCS Clarke indicated that there were potential simple matters that could have been progressed that were not.
139. **Re the Terry report:** this was addressing whether or not the RUC had covered up the abuse at Kincora as opposed to having missed an opportunity which should have been taken. His report was designed to address, inter alia, the incompetence in the Police.
140. There is no evidence that any other officer knew what Graham knew from the Police.
141. **Re D/Con Cullen and ACC Meharg.**
142. **Re Special Branch contact:** DC Cullen never approached SB during his enquiries and told the Hughes Inquiry at KIN 72206 that referring the matter to Special Branch was for his senior officer. ACC Meharg disputed Cullen's account that he had been briefed in 1974 of the paramilitary/Tara involvement in Kincora, based on Garland's account. He said that he would have alerted Special Branch (KIN 72398).
143. **In all of the intelligence held by the RUC up to and including Caskey's 1980 investigations, there was no suggestion that McGrath was abusing or facilitating abuse of children at Kincora.**
144. Cullen and Meharg would have been better informed on McGrath had they requested information held by Special Branch.

145. Further, SB would have been more informed on McGrath and Tara by what Cullen had gleaned from Garland, UDR Captain N and his third unidentified male information source.
146. During the course of the Inquiry, the Tara 1 file was located on the 2<sup>nd</sup> June 2016. The PSNI compiled an analysis of this file and listed the salient points in the table at KIN 1851. KIN 55076 dated 16<sup>th</sup> April 1973 appears to be the first occasion that McGrath is referred to as a reputed homosexual. Thereafter much of the intelligence on McGrath refers to his homosexuality.
147. No other intelligence document refers to McGrath's employment at Kincora and none refer to his sexual abuse of boys. (Apart from the Robophone message) (May 1973).
148. DCS Clarke indicated that if, on the 2<sup>nd</sup> March 1974, DC Cullen informed ACC Meharg of the contents of his report of the 21<sup>st</sup> March 1974, he was at a loss as to why the ACC did not:
  - a. End the interview quite promptly and say, "thank you, Detective, for coming to see me but this isn't at my level. I am not even sure there is criminality here, and if there is, I am not sure it's a level that involves me", or
  - b. having permitted the interview to complete he then says, "I need a report on this", reads the report on the 21<sup>st</sup> March 1974 and which does not for example even mention homosexuality and say, you know, "you had this meeting with me on the 2<sup>nd</sup> March, Cullen. I am a busy man. I am managing an extremely busy department facing a very significant criminal terrorist onslaught, and you have taken my time up to

investigate a matter where I see nothing other than some interesting facts, no criminality, nothing”.

149. DBE 16, the 21<sup>st</sup> March 1974 report, is described in Hughes as innocuous or anodyne and it seems to be that”.
150. DCS Clarke comments that DBE 16 in no way would justify the involvement of ACC, far less an urgent appointment to see an ACC. (Page 168 day 219). DCS Clarke makes the difference between Cullen and Meharg given their rank. He comments that the major error in this set or scheme of errors with ACC Meharg.
151. There is clearly a factual dispute between DC Cullen and ACC Meharg about what DC alleges he told ACC Meharg and what ACC Meharg states DC Cullen told him. It is perhaps a matter for the HIAI to determine what in fact took place examining the documentation, the Hughes evidence and drawing inferences from the available evidence.
152. **ACC Meharg acknowledging failings:** Before the Hughes Inquiry, ACC Meharg expressed his regret and indicated that an investigation should have taken place in 1974. He accepted that if the investigation had taken place in 1974, those who were abused beyond that point would not have been abused, and was apologising. He gave no other explanation apart from being in charge of a very busy department. (172, day 219).
153. ACC Meharg could not account for why he did nothing when he did not receive the Mason file in 1976 after he had directed DC Cullen to obtain it. (KIN 72233).
154. Meharg acknowledged that he could not give any explanation into a matter which was of importance, a matter in which he was professionally

interested and of great potential danger to young people. Further it was a matter that a member of the public was complaining about the apparent inactivity. Significantly, at KIN 72254 ACC Meharg is asked

Q. "... if it had been followed up all the boys sodomised between 1976 and 1980 might have been to use a public phrase "saved from sodomy".

A. I would except that, Sir".

155. Meharg stated that he had given DC Cullen "improper directions". He regretted this. It was put to ACC Meharg that

Q. "The tragedy in a way is that if Mr McGrath had even been interviewed at that stage, it might have deterred him from committing further acts of indecency against these boys?

A. That could well be, Sir".

156. He accepted that with hindsight he should have come back at the Detective Constable about the files. But it never occurred to him between 1976 and 1980 that there was a missing piece in the investigation. (KIN72295). He accepted at KIN72374 that with hindsight he "should have investigated, carried out an investigation in 1974, which I regret, Sir".

157. At KIN72378 it was suggested ACC Meharg that in the light of what was uncovered and in the light of what should be done that the Police failed in their duty not to investigate. His answer was "I would have to accept that, Sir".

158. DCS Clarke gave evidence that by July of 1974 there was sufficient evidence to require an investigation. DCS Clarke echoes the comments of ACC Meharg in the Hughes Inquiry that he ought to have directed an

investigation and ought to have correctly structured and supervised the way in which it was carried out.

159. In response to questions from the panel, Mr Lane asked “having been through so many documents over such a long time, have you any idea at all why we ended with up 3 people who were abusing children out of 3 staff in one home?” DCS Clarke indicated that that was a matter for the Inquiry however there many differences now that would prevent that.
160. For example:
  - a. the system would share its information including the care giver,
  - b. the child protection professional in social work,
  - c. the child protection professional in the Police.
  - d. The system was not aware of child abuse.
  - e. DCS Clarke commented that he was not sure that the system was fully aware perhaps of all of the issues around even homosexuality and practice amongst homosexual men.
161. DCS Clarke did not believe that there was a vetting system compared to what exists today.
162. He commented that there would be a level of certain types of individuals attracted to certain types of occupation or voluntary roles.

“If you want to hurt children, if you want to abuse children, you will need access to them so you move yourself into childcare, into volunteering or whatever it might be. If there is no mechanism to watch out for the wrong people coming in, then they get in. If there is no system to supervise them when they are in – and that might be to appropriately engage with the children, that might be to supervise them themselves, all of those things that now would happen – then they can offend once they are in, and if there is no information sharing when concerns develop, the response to the approach



once they have got in and offended when they are in will be to allow them to continue to offend".<sup>26</sup>

163. **Re Cullen and Meharg: Cullen reports dated 26<sup>th</sup> January 1980.**
  - a. 26<sup>th</sup> January 1980 **Allegations of indecent behaviour and questionable activities of William McGrath, 50/60 years, 188 Upper Newtownards Road, Belfast** (30 paragraphs) (KIN50579 – 50581).
  - b. **26<sup>th</sup> January 1980 – Intelligence Log – William McGrath** (54 paragraphs) (KIN50573 – 50578).
  - c. 26<sup>th</sup> January 1980 **Intelligence Relating to a Paramilitary Organisation known as Tara and concerning William McGrath**, 188 Upper Newtownards Road, Belfast (18 paragraphs) (KIN50582 – 50583).
164. An issue arose during the course of the module about whether or not Caskey and Terry had the benefit of the three reports at KIN50573.
165. By way of context the Irish Independent Newspaper report on 24.1.1980 was about current abuse at the Kincora Boys' Home.
166. PSNI examined the documentation to locate the paper trail for these reports. The assessment was compiled into a report exhibited at GC20 version 2. KIN 1943 – 1970. The work conducted by the PSNI demonstrated that the documents were available to Phases 1 and 2 of the Caskey investigations and the Terry investigation.

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<sup>26</sup> Page 188 Day 219.

167. A bundle of documents supporting GC20v2 was provided to the HIAI and these submissions are drafted in the absence of the KIN reference numbers.
168. Document KIN 72350 is an extract from the Hughes Inquiry transcript. It relates to Mr Meharg becoming aware of the 1980 newspaper article.
169. Mr Meharg was out of the jurisdiction and upon landing at the airport was informed by a local Special Branch Office that Detective Chief Superintendent (DCS SB17 ), had sought urgent contact with Mr Meharg. DCS SB17 told Mr Meharg what appeared in the local press with particular reference to the crime file, and that the file was with the DPP.
170. There was no such crime file and Mr Meharg travelled straight to Headquarters. He told Mr SB17 that the position was that DC Cullen had contacted him on an earlier occasion that he should be put on notice to bring in the log and have it updated. The log referred to DBE16.
171. Mr Meharg travelled to Headquarters and met DCS SB17 and arranged to meet him the following morning with DCI Caskey.
172. Mr Meharg told DCS SB17 that the matter should be fully investigated, a crime file prepared and Meharg should be kept up-to-date. This led on to the directive dated 20<sup>th</sup> January 1980.
173. The second document is KIN 40945. At page KIN 40946 Cullen tells the Sussex Police that Garland gave him information about an indecent assault and that anything he told Cullen at that stage was “not current”.

174. Cullen indicates that he told Mr Meharg about McGrath's Modus Operandi.
175. Re KIN 40952. Cullen indicates that on the 24<sup>th</sup> January 1980, he informed Chief Superintendent **SB17** who said that on the information available Mr Meharg should have done something about it.
176. Re KIN 72320: This is an extract from the Hughes transcript cross examination of DC Cullen.
177. Mr Cullen at B indicates that he provided a covering report in the early stages in 1980, when "they were not aware of these facts, I put in a covering report; I typed out JC3, as it is in its entirety, and also JC1 in its entirety and submitted it for the information of my authorities".
178. Mr Cullen indicated that he submitted them in one folder. The original documents, in the one folder labelled "Progress Reports" was located and provided to the HIAI.
179. Parts of Barkley Elliott's interview brief are similar to the contents of DC Cullen's report of 26<sup>th</sup> January 1980, "Intelligence log - William McGrath".
180. OCD 157 - PGS 11 - 17. This is a resume of information received from a source on Thursday, 6<sup>th</sup> March 1980. It arises from contact between Garland and Elliott.
181. The massage machine with an attachment for fitting over the penis for stimulation (as per paragraph 14 of the intelligence log dated 26/1/80) may be what is referred to by DS Elliot in the following terms, "source indicates that he has no doubt that McGrath has equipment at his house in the form of vibrators and such like".

182. Re minute: there is a forwarding minute from the Detective Chief Superintendent C1. It is signed by ACC Meharg. It is for "Information and Compliance". It is signed by Superintendent Dessie Browne on behalf of Mr SB17 but Mr Browne receives this written report from Mr Meharg which he then passes on to the then DCI Caskey and this minute states "this confirms my earlier verbal direction" which is proof of the point that is being made. A verbal direction would be followed in writing. OCD 133 pages 117 – 126.

183. The minute reads:

"1. we discussed this matter at some length on Thursday evening, 24th January and again with D/Inspector Corrigan and D/Constables Scully and Cullen on Friday forenoon, 25<sup>th</sup> January.

2. D/Constable Cullen is to up-date his report of 1974 and, if possible, obtain from Mr. Bunting, Eastern Health and Social Services Board, another copy of the correspondence relating to Mr. Mains. I have no recollection of seeing this correspondence which, according to Constable Cullen was referred to me. He did not retain a copy of the correspondence in question.

3. D/Constable Scully is to furnish a report covering his investigations, via-a-vis, Stephen Waring and especially the D/Constable's interview with Mr. Scoular.

4. As arranged on Friday forenoon, 25th January, D/Chief Inspector Caskey should now be detailed to carry out an investigation into the newspaper article carried in the Irish Independent dated 24th January."

184. In the minute, ACC Meharg records that Cullen is to obtain a copy of what we now know as the Mason report from Mr Bunting and provide it to the investigation. Also in that paragraph ACC Meharg mentions expressly that he had no recollection of receiving the Mason Report and that DC Cullen claims he sent it but had no copy of that correspondence.

185. It should dispel the suggestion that ACC Meharg was attempting to cover-up his failure to act as he is putting it in black and white that there is a clear issue regarding failure to take steps earlier.
186. DC Cullen states that he wrote JC8 from memory and then wrote the three reports dated 26.1.1980.
187. Caskey's journal records that he had a meeting with DC Cullen on 29<sup>th</sup> January 1980. OCD 225 – Page 3.
188. DC Cullen provided a statement to Caskey Phase 1 on 30.4.1980 at 10757:

"No evidence William McGrath has been involved in any irregular behaviour at Kincora Boys' Home. All the intelligence related to events that were not current information and did not relate to any direct allegations of any irregularities at the Kincora Boys' Home other than what had already been investigated. I did not have any contact with my informant. After that I received no further instructions from Meharg. Because no further information was forthcoming I did not pursue my enquiries."
189. By the time it reaches the Caskey phase 1 investigation the information contained in the three reports was received 6 years earlier referring to matters when Garland was 15 years and older. By the time it reaches the Caskey and Terry enquiries the information is beyond 10 and 15 years old but it is clear that there was no information regarding homosexual activity in Kincora.
190. At 40736 Chief Inspector Flenley records receiving the 3 documents at page 50573 from DC Cullen. This was on the 12<sup>th</sup> March 1980.
191. OCD 281 – pages 207 – 15. In line with DCS UPT Clarke's evidence, Caskey was tasked with the offences in Caskey 1 and in the second investigation there were wider implications and allegations made. Arising out of this, he writes to ACC Crime -

“In view of recent allegations in the press it may be necessary to further some enquiries before re-interviewing the Defendants in the Kincora case – Mains, Semple and McGrath.”

192. He then requested background information on 17 individuals that arise out of the Cullen documents.
193. At the end of this letter, it states “Please see attached intelligence log provided by DC Cullen on the 26/1/80”.
194. This states **provided** by DC Cullen on that date as opposed to **dated** 26/1/80. Therefore, the clear implication that the documents were actually received on that date.
195. This letter to SB is signed by DSI Caskey.
196. The following document is the Intelligence log – William McGrath.
197. The following document is entitled subject: “William McGrath – Kincora affair”. This is sent from H McConaghie, DCI Special Branch, dated 4<sup>th</sup> March 1982 which provides responses in relation to the 17 named individuals in Caskey’s original letter.
198. It is submitted on behalf of the PSNI that this is proof that Caskey was aware of the documents and furthermore, the importance of the intelligence aspect increased in relation to phase 2 as opposed to the investigation of the offences in phase 1.
199. **GC20v2: Re GC20 modified version D/Con James Cullen and ACC William Meharg KIN 1943.** This document was compiled in relation to the contact between D/Con Cullen and ACC Meharg. The analysts

compiled the report based on material held by the PSNI and the Hughes Inquiry transcripts relating to the evidence given by D/Con Cullen and ACC Meharg.

200. An overview is set out in this document:

- a. There is no evidence held by PSNI that suggests that the MASON file was brought to the attention of the RUC in 1971. Therefore, until 1973 the RUC had no knowledge or awareness of Kincora as a potential locus of child abuse; its knowledge of William MCGRATH is only as an extremist loyalist with connections to PAISLEY and possible homosexual tendencies. In 1972 TARA is thought to be moving toward disbandment and until 1971 its leader is believed to be George MCGRATH of Dungannon; William MCGRATH is only positively identified as the leader of TARA in 1973. There is no identified familial or other connection between these men.
- b. In April and May 1973 the knowledge of the RUC increases to some degree about William MCGRATH and Kincora, on receipt of an SB document (KIN 55076) and a Robophone message (KIN 21060). Thus there was potential, at that stage, for either an investigation or information sharing with the Welfare authorities for the possibility of taking precautionary action or safeguarding in respect of staff members. This potential has been discussed in the previous statements of DCS Clarke at some length. Additionally there is no evidence that Meharg or Cullen knew of the Robophone message or the SB50 (KIN 55076). There is no evidence to suggest that any of the above information was known contemporaneously to CULLEN or MEHARG.
- c. The outcome of any police investigation is speculative, but the fact remains that an effective investigation in 1980 identified and made amenable the three staff members responsible for the vast majority of the abuse of boys in Kincora. In March 1974 had CULLEN been directed to share the information which he says he had in his possession with the relevant Welfare/ Social Services authorities, the outcome is again speculative. CULLEN could have told these authorities that there were allegations (which were not going to be evidential as GARLAND would not give a statement) that MCGRATH, who by then worked at Kincora, had previously

indecently assaulted GARLAND, then a teenager, during the mid~1950s and early 1960s.

- d. In 1974 CULLEN could not, on his account, have shared any information regarding MAINS or SEMPLE at this time because he had none in his possession. It is speculative if the information about MCGRATH (which is historic and not related to Kincora) would have resulted in Social Services taking different action in respect of MCGRATH than they had taken in respect of MAINS following the 1967 complaints of R6 and R5 and 1971 complaints of R8. Again, had the January 1974 anonymous telephone call made to Social Services (taken by Colin MCKAY) about MCGRATH, been passed contemporaneously (or later) to the RUC, it may have supported any investigation by the RUC focused on MCGRATH. It should be noted that MAINS and MCGRATH were spoken to by Social Services about the contents of the call (to Social Service at their Hollywood Road office) at the time and no further action was taken against MCGRATH. MAINS was treated by Social Services as a credible witness to about MCGRATH's character and behaviour.
- e. In May and September 1974 allegations of indecent assault against William MCGRATH were made to the Social Services authorities concerning R15 a Kincora resident. The abuse was raised by R15 to his Social Worker and parents. During the 'investigation' of these allegations by Social Services, MAINS was tasked to speak to MCGRATH. As a resolution, the boys (R15 and his brother KIN224) were returned to their parents. The arrangements for waking the boys in the mornings in Kincora were changed to remove MCGRATH from this role. The allegation made by R15 was that MCGRATH had indecently assaulted him when waking him in the mornings; this later emerged in 1980 as one of MCGRATH's MOS. These allegations of indecent assault relating to R15, against MCGRATH were not referred to the RUC in 1974 or later.
- f. In February 1976 CULLEN states that he was directed by ACC MEHARG to go to the EHSSB, following further contact between GARLAND and CULLEN. CULLEN spoke to Robert BUNTING, Deputy Director EHSSB. At their meeting CULLEN was informed by BUNTING that Social Services held a file containing allegations of indecent assault against Joseph MAINS, dating back to 1967 and 1971. BUNTING told CULLEN that EHSSB had no known allegations of indecent behaviour against William MCGRATH. At this juncture the RUC had knowledge that allegations of



abuse had been made against both MAINS and MCGRATH; albeit the allegations against MCGRATH were historical and outside Kincora. Again had an investigation been commenced by the RUC in 1976, the outcome is speculative.

- g. Robert BUNTING told the RUC in 1980 (CASKEY investigation) that no Social Services investigation into MCGRATH/ MAINS/ Kincora was undertaken in 1976 as he believed the matter was being investigated with the RUC, following his conversations with D/Con CULLEN. BUNTING then takes a passive approach whereby he takes very limited action as a consequence of believing that the RUC is investigating. This observation of passivity can apply to both RUC and Social Services as inaction by both organisations meant that the abuse went undetected and that the rediscovered MASON file is not reopened. The issue of the lack of information sharing arrangements is the crux of a large part of the Kincora 'case'. The lack of a joined up approach and two-way information sharing between Welfare Authorities and the RUC, as well as ineffective information sharing within both organisations, prevented a formal, effective and joint response to abuse in Kincora.

201. The document sets out what was known to the RUC (intelligence). The table sets out the KIN reference numbers, the dates of the information, the author of the information, the title of the document, a synopsis of the information and comment.
202. At paragraph 4 of this document it states, "the contents of the above table supports the contention that the RUC, and in particular ACC Meharg, had no knowledge of child abuse in Kincora or anywhere, save that the contents of the May 1973 Robophone message, which was investigated at the time and subsequently closed."
203. At paragraph 5 of this document, page 9, the analysts provided a table detailing what Garland knew. This was derived from all of the material held by the PSNI.

204. This details to whom the allegation was made, the approximate time, details of the accusations re McGrath, and possible motivations. 23 individuals.
205. Pg 12 of GC20v2 refers to the table and states:
- “The above table illustrates that GARLAND, in the 1970s, told numerous individuals about William MCGRATH. To a large extent GARLAND is consistent in what he alleges about MCGRATH. Whilst the table shows that Valerie SHAW claims that GARLAND told her that MAINS was a homosexual; there is no record in her statement that she passed this information on to D/Supt. John GRAHAM when she met him in June 1974. Her statement places the meeting with GRAHAM before she learns of MAINS homosexuality from GARLAND.”
206. The document at page 13 details the history of the allegations given to ACC Meharg.
207. It highlights the conflict between Cullen and Meharg regarding what it is alleged Cullen told Meharg about.
208. Pages 13 – 14 of the document sets out what Cullen’s knowledge of Joseph Mains was over time.
209. Section 7 of GC20, page 14, sets out the sequence of events and other information relating to the Cullen and Meharg issue.
210. It sets out the November 73 contact between Cullen and James McCormick and the 1<sup>st</sup> March 74 meeting between Cullen, Garland and McCormick.
211. The contact then between Cullen and Meharg is detailed on this for 2<sup>nd</sup> March 74, the 21<sup>st</sup> March 1974 report (DBE 16).

212. Cullen told the Hughes Inquiry of a number of meetings between himself and ACC Meharg that he had recorded in his journal. The journal entries appear at KIN72302. 4<sup>th</sup> July 74, July 74, January 76, 21<sup>st</sup> January 76, 24<sup>th</sup> January 76, 30<sup>th</sup> January 76, 5<sup>th</sup> February 76, 6<sup>th</sup> February 76 and 19<sup>th</sup> February 76 – meeting with Paul Bunting. 25<sup>th</sup> February 76 – other enquiries from Mr Meharg.
213. 15<sup>th</sup> March 76 – DC Cullen was provided with a copy of the Mason file at a meeting with Mr Bunting and Mr Gilliland. 16<sup>th</sup> March 76 he returned the file to Mr Bunting.
214. Section 8 of GC20 addresses the evidence of Cullen and Meharg to the Hughes Inquiry. The Inquiry has had access to the full transcripts and these are considered in the absence of any direct evidence from ACC Meharg and DC Cullen. It is Cullen's contention that he passed on to Meharg all information that he had obtained from Garland, in a contemporaneous manner.
215. The assessment process resulted in a table at page 17 – 19 detailing the knowledge held by Cullen when Cullen became aware of the information, the KIN reference for supporting information, whether or not ACC Meharg accepted what Cullen is alleged to have told him and comment upon the evidence.
216. It is noted at KIN72374 that "with hindsight, I should have investigated – carried out an investigation in 1974, which I regret". (ACC Meharg).
217. Further work was conducted by the analysts who examined the contents of DBE16 and JC1 – 8 (KIN50646 – 50670). The analysts detailed the contents of the reports and commented upon the evidence provided to the Hughes Inquiry. Furthermore, the analysts provided a comparison

between the various documents and were paragraphs in one document were included in other documents.

218. The conclusion from the analysis was that the contents of JC1-3 and JCS-7 have been included in the three reports prepared by D/Con CULLEN on 26/01/1980. The contents of JC4 do not appear to have been reproduced in any of these logs. JC4 is, at its height, a covering report, with no evidential content. JC8 is described by Lynagh in KIN 79261 as a "rough draft prepared by D/Con CULLEN from memory" in or about 25 January 1980; all of the points contained within JC8 have been included in either CULLEN's statement to the RUC in April 1980 or in one of the three reports prepared on 26/01/1980.
219. Section 10 of GC20 V2 is significant in that it clarifies the history of the production of the reports from Cullen dated 26/1/80.
220. The supporting documents were provided to the Inquiry and were referred to above.
221. Paragraph 10 details the events on the 24<sup>th</sup> January 1980, at page 23 of GC20 V2.
222. Following the newspaper report dated 24<sup>th</sup> January 1980, D/Con Cullen was telephoned by Robert Bunting (EHSSB). At 11 am, Sir Barry Shaw, DPP, contacted Superintendent W Thompson re the Irish Independent article. This was to determine whether or not a file had been sent by Police to the DPP as alleged in the article.
223. There then followed a sequence of events as queries and enquiries were made in reaction to the newspaper article. On the evening of the 24<sup>th</sup> January 1980, ACC Meharg was briefed by telephone by Chief

Superintendent SB17 on his arrival at Belfast Airport. ACC Meharg gave evidence to the Hughes Inquiry that he left the airport and went directly to RUC Headquarters to meet SB17 in person (KIN72350).

224. On the 25<sup>th</sup> January 1980 there was a meeting with Meharg, SB17, Corrigan, Scully, Cullen at RUC Headquarters. OCD133 is a memo from ACC Meharg to Chief Superintendent C1, 28<sup>th</sup> January 1980.
225. That afternoon, DCI Caskey was detailed to carry out the investigation.
226. Following the meeting with ACC Meharg on the 25<sup>th</sup> January 1980, D/Con Cullen was instructed to “update his report of 1974 and if possible, obtain from Mr Bunting another copy of the correspondence relating to Mr Mains”. This is the Mason report. This is a document contained in OCD133 – memo from ACC Meharg to Chief Superintendent C1.
227. GC20 V2 sets out the contents of the 3 reports.
  - a. 26<sup>th</sup> January 1980 Allegations of indecent behaviour and questionable activities of William McGrath, 50/60 years, 188 Upper Newtownards Road, Belfast (30 paragraphs) (KIN50579 – 50581).
  - b. 26<sup>th</sup> January 1980 – Intelligence Log – William McGrath (54 paragraphs) (KIN50573 – 50578).
  - c. 26<sup>th</sup> January 1980 Intelligence Relating to a Paramilitary Organisation known as Tara and concerning William McGrath, 188 Upper Newtownards Road, Belfast (18 paragraphs) (KIN50582 – 50583).
228. In relation to the second document: This report is dated in 1980 and analysis shows that this report is based solely on material contained in

DBE16 (written on 21/03/74), JC2, JC3 and JC7. DBE16, JC2, JC3 and JC7 all contain redactions, whilst this report is in full and has no redactions. In other words, it contains the complete versions of these 3 exhibits.

229. In relation to the third document: Analysis shows that this report is based on material contained in JC1, JC5 and JC6, except for: Paragraphs 16 and 17 which do not feature in any of the other exhibits written by D/Con CULLEN. The exhibit JC1 has been reproduced in full at paragraphs 10 and 11 of this report.
230. Cullen reports and dissemination: the HIAI queried whether or not Caskey was in possession of the 3 January 1980 reports and if so when.
231. GC20v2 explores the Access/Reference to CULLEN's January 1980 reports:
  - a. 1980 RUC CASKEY investigation and subsequently
    - i. In his evidence to Hughes, (KIN 72318, 72320) D/Con CULLEN stated that he submitted reports based on JC1-8 to his authorities in 1980. The query arises as to whether or not CASKEY was in possession of the three January 1980 reports, and if so, when.
    - ii. It is clear from the minute of the 28<sup>th</sup> January 1980 (OCD 133, page 118) that DCI CASKEY had been detailed on Friday 25<sup>th</sup> January 1980 to 'carry out an investigation into the newspaper article carried in the Irish Independent dated 24 January 1980'. The same minute, which was copied to CASKEY via the Detective Chief Supt. C1 (and signed by Detective Supt. D. BROWNE) indicated that D/Cons SCULLY and CULLEN would both be providing reports covering their actions previously. On the 29th January 1980 there is an entry in CASKEY's police journal (OCD 225) stating that he saw CULLEN and D/Sgt ELLIOTT on 'Homo Sexual Case'. Given the title of the meeting and those attending, it is clear that this would have involved CULLEN

briefing CASKEY. It is therefore reasonable to suggest that CULLEN was furnishing CASKEY with either written copies of his report or, at the least providing CASKEY with a verbal briefing of the contents contained within same.

- iii. It is therefore clear that DCI CASKEY would have either been in possession of or awaiting these reports from CULLEN in January 1980. D/Sgt Elliott's interview brief- March/April 1980 Prior to William McGRATH's arrest on 1st April 1980 D/Sgt B ELLIOTT prepared an interview brief (OCD 157 pages 11-17) which was based on a "resume of information received from a source on ... 6 March 1980". The 'source' was Roy Garland; D/Sgt ELLIOTT provided a statement to the RUC Phase 1 investigation (KIN 10762) on the meeting he had with GARLAND on 6/3/1980.
- iv. Whilst it may be that the same information was passed by GARLAND to ELLIOTT in 1980, as had already been given to D/Con CULLEN in 1974, it is of note that parts of ELLIOTT's interview brief are very similar to the contents of D/Con CULLEN's report of 26 January 1980, 'Intelligence Log-William McGRATH'.
- v. It is not clear if prior to meeting GARLAND, D/Sgt ELLIOTT had knowledge of the contents of the 26 January 1980 reports. Whilst there may have been logic in allowing D/Sgt ELLIOTT access to the CULLEN reports, there would equally have been an argument for ensuring that he took an original account direct from GARLAND on 6th March 1980. To ensure that GARLAND's account to D/Sgt ELLIOTT in 1980 was uninfluenced by what CULLEN had recorded from him some 6 years previously, there would have been an investigative legitimacy in not providing ELLIOTT with CULLEN's 1980 reports.
- vi. It should be considered however that D/Sgt ELLIOTT attended the 29 January 1980 meeting with CASKEY (as per his journal entry above). The interview brief prepared by D/Sgt ELLIOTT is broadly comparable with the January 1980 reports; however there are differences in terms of language and style. For example, the massage machine with an attachment for fitting over the penis for stimulation (as per paragraph 14 of the Intelligence Log dated 26/1/1980) may be what is referred to by D/Sgt ELLIOTT in the following

terms, 'source indicates that he has no doubt that McGRATH has equipment at his house in the form of vibrators and such like'.

- vii. There is also information recorded by ELLIOTT not previously noted by CULLEN, for example, 'source will also state that McGRATH is known to Basil Glass of the Alliance party and suggest that Joss CALDWELL is a friend of McGRATH's' - this information was not previously recorded by CULLEN.

b. The Terry Review – March 1982

- i. D/Con CULLEN was interviewed by Superintendent HARRISON and C/Insp. FLENLEY from Sussex Police on 12/03/1982 (KIN 40736). At the conclusion of his interview, D/Con CULLEN handed C/Insp FLENLEY 'photostat copies of three reports all dated 26th January 1980 addressed to ACC MEHARG...'.
  - ii. Therefore, in March 1982, the Terry Review had been given copies of CULLEN's three reports dated 26 January 1980. Request from D/Superintendent CASKEY to ACC 'Crime' 1/3/1982 (OCD 281, pages 207+)
  - iii. On the 1st March 1982 D/Supt. CASKEY submitted a request to Special Branch, via ACC Crime, seeking background information on 17 individuals. These individuals had been named in D/Con CULLEN's report of 26 January 1980, 'Intelligence Log- William McGRATH'. A copy of CULLEN's report was attached to the request to SB. The response from SB, prepared by DCI McCONAGHIE, is dated 4/3/1982.
  - iv. This demonstrates that by March 1982, CASKEY had and was referring to, CULLEN's report(s) of January 1980.

c. Hughes Inquiry

- i. There is no evidence that copies of the three reports dated 26 January 1980 were presented to the Inquiry. It is unclear why they would have had copies of same as the Hughes Inquiry was primarily focused on the role of Social Care.



- ii. During his evidence to Hughes Inquiry(KIN 72318 'G and KIN 72320 D')D/Con CULLEN is clear that the contents of JC 1 and 2 were provided to CASKEY . This is also confirmed in correspondence to the Hughes Inquiry from the RUC Legal Advisor, Vincent LYNAGH (KIN 79261).
- 232. DCS Clarke was asked whether or not he could comment on why or why not the material contained within DC Cullen's three reports did not infuse any further through the Inquiry.
- 233. DCS Clarke indicated that at the time the reports were written in January 1980, the material was 6 years older than it was originally disclosed to Cullen in 1974.
- 234. Even in 1974 when he is writing about it, it is of some vintage and it is not linked to Kincora. It also provides a different *modus operandi* on the part of McGrath.
- 235. DCS Clarke indicated that trying to apply a detective process now, some 40 years later, that the material has been talked about in 1974 and then repeated in 1980, it relates to a different way of assaulting children, for example assaulting boys than McGrath demonstrated in Kincora. In the stuff that has been talked about by Cullen that he is getting from Garland, it's a particular grooming approach, if I may use that slightly modern term, whereas the abuse in Kincora is not built up in a period of emotional block, stability, helping you deal with your emotional issues. It is much more – if you forgive me, it is much more brutal. Not to diminish any of the abuse that McGrath perpetrated on other boys, but it is of a different nature". (Page 154 day 220, 5<sup>th</sup> July 2016).
- 236. DCS Clarke was asked to comment on what form of a Police investigation could have taken place in the circumstances where Mr Garland was not

going to provide a witness statement. DCS Clarke recognised that there was an inevitable difficulty investigating offences against a person if that person will not co-operate. DCS Clarke gave evidence that the position that Mr Garland adopted, of not being prepared to co-operate in an evidential sense, probably rendered it impossible to investigate far less prosecute any offences committed against him. Phase 1 of the Caskey investigation was triggered by a newspaper article in the Irish Independent on 24<sup>th</sup> January 1980. That functioned as a trigger for an investigation into events at Kincora and the newspaper article was very specific about Kincora. Mr Garland was never very specific about Kincora and DCS Clarke highlighted the difference. "So even though Mr Garland is not talking about Kincora in 1974 he could have functioned as a trigger into the activities of the person about whom he was talking. A number of things could have been done: there was an opportunity to further develop exactly what Mr Garland was saying. DCS Clarke posed the question "what causes you concern about this man McGrath?". Because something caused Garland to have a concern. DCS Clarke did not see this as having been explored with him.

237. Additionally, Mr McGrath could have been researched or investigated and Special Branch could have been contacted.
238. DCS Clarke stated DC Cullen was the wrong man for this investigation. Mr Meharg was an extremely experienced, committed and capable Police officer and he let a man from the drugs squad investigate something. It was not within DC Cullen's field of expertise. He [ACC Meharg] did not introduce any structure of supervision, of reporting, of providing updates, case reports or whatever else. He sees DC Cullen and sends him away to find out more whatever that might be. DCS Clarke described this as a very loose structure. It is not likely to be an effective structure. It is not

good case-building, it is not good investigation building. Page 159, day 220, 5<sup>th</sup> July 2016.

239. DC Cullen was the wrong person for the job and was let down by the failures of ACC Meharg to properly direct and provide a structure to pursue the issues that he [DC Cullen] brought to ACC Meharg.
240. DCS Clarke page 160, day 220 indicated that clearly something caused concern to Cullen and Meharg and they could have investigated it in the sense of dealing with McGrath in 1974. In 1976 there is a direction given by Meharg to go to see the Board, to go to the Health Board. If he had gone to the Board in 1974, there is a possibility that at that stage he would have received what has become known as the Mason file. He may have been informed about the 1974 anonymous call to Social Services made to the Hollywood Road Office.
241. The RUC did not have the Social Services' material available in 1974. The RUC may have been made aware of the R15/KIN224's allegations in 1974.
242. DCS Clarke makes the point that in September 1974 there could have been a consideration by the Board that there was even more information about McGrath from different directions. The PSNI cannot answer why the Terry Inquiry does not appear to address the contents of the 3 DC Cullen documents dated 26<sup>th</sup> January 1980. (164, day 220).
243. DCS Clarke comments upon the use of the 3 documents in the Caskey investigation. He indicates that Caskey was investigating the abuse at Kincora and although the January 1980 reports were substantial, they "cover a broad brush, not all of which is therefore directly relevant to Kincora, and that might constitute why, and I would reason that that would constitute why, they are of less utility to Caskey in phase 1.

244. “When you come to Terry in 1982 one of his terms of reference – and forgive me because I don’t have the exact words – but it is along the lines of concerns about the efficacy of Police investigations”.
245. DCS Clarke notes that Terry spends 55+ paragraphs of his report devoted to considering Cullen and Meharg. Whilst the January 1980 documents have perhaps less absolute relevance to phase 1 of Caskey, perhaps coming into more play in phase 2, but in phase 1 it has a certain degree of application. DCS Clarke indicated that it was harder for him to work out exactly the approach that Terry had taken to the issue of Cullen and Meharg.
246. DCS Clarke was cautious in commenting about the Terry conclusions. The Terry team had the opportunity to interview Cullen and Meharg and that is an opportunity the Inquiry has not had. They reached conclusions and consider disciplinary matters. The errors were of perception, understanding as opposed to a disciplinary lapse. He was also conscious of the context. DCS Clarke notes that there was no re-interview to take DC Cullen through his reports. DCS Clarke could see the investigative logic of the documents not being put to Cullen or Meharg during phase 1. However the question of what line Terry took with Mr Meharg is a matter for someone else rather than DCS Clarke to answer.
247. DCS Clarke made some final comments:

“It is a matter of regret that these things were approached in the way that they were approached, and I think that it applies across the entire sector and spectrum of child protection and people concerned with that matter. I do have a professional confidence and I really do feel that this would not occur now with all the checks and the safeguards, but I think we must bear in mind that this was 42 years ago, and 42 years ago was a very, very different place for a whole host of reasons: the troubles, the

violence, the pressure on the Royal Ulster Constabulary and people like Cullen and Meharg were under, but also the state of knowledge that we had of the abuse of children". (Page 172, day 220).

248. DCS Clarke acknowledged that in 1974 a competent Police investigation would have at least involved going to Mr Garland and saying "What else can you tell me about this man?" The Chairman also indicated that the information suggested that McGrath had in some way exploited other young men and therefore an obvious question was "Well, who else might he have done it to? Can you give me other names?" The Chairman identified this line of enquiry and asked whether or not it had been taken up.
249. DCS Clarke indicated that that line of enquiry had been missed. DCS Clarke also commented upon the power dynamic between McGrath and Garland. He referred to the letters that passed between McGrath and Garland which appear to be a pattern of grooming. It was a pattern of distancing Garland from other support areas to increase his dependence on McGrath.
250. DCS Clarke commented that DC Cullen was not an experienced Detective and was not a fully trained Detective. "It wasn't within his province of knowledge or expertise". (Page 175, day 220).
251. In addition, DCS Clarke made the following points.
  - a. There were no specialist child abuse investigators at that time.
  - b. It may well have been more appropriate to appoint a generalist detective CID officer.
  - c. It was not a matter for a man who works in a particular niche area of policing.
  - d. It certainly was not a matter for a man with that level of expertise.

- e. It was not a matter for this detective constable with his level of expertise to operate in the absence of support of direction, supervision or leadership. ACC Meharg did not provide a more conventional line of command.
  - f. It would have been expected that ACC Meharg appointed somebody from the local CID rather than permit a member of the drug squad to continue with it.
  - g. ACC Meharg was completely outside the proper structure.
252. Regarding the contents of the 3 Cullen reports: **in 1980 Mr Caskey and his team were carrying out a pure and simple investigation into a serious allegation, some of which did not stand up in the event, but what did stand up was a very serious state of affairs, but in 1982 the focus was rather different, because what the Sussex team were there to do, in part at least, was to see whether the 1980 investigation had been thoroughly and properly carried out.**
253. The Terry Inquiry were also overseeing phase 2.
254. In relation to ACC Meharg, in response to questions from Mr Lane from the Panel, DCS Clarke describes Meharg's workload as being extremely busy. "He was dealing after 40+ years of service, he was dealing with a massively busy business, hundreds of people were dying or being badly injured, and I think that is relevant in terms of assessing his workload".
255. DCS Clarke recognises that the contribution by ACC Meharg to policing and to the country however the adoption of the absence of a system, or structure of organisation made it harder for a busy man to do his work well. He could have passed it immediately to an appropriately trained person. Furthermore, the knowledge in the late 1980s was light years away from his knowledge in 1974 of the abuse of children and of the potential dynamics for the abuse of children whether it be in a care setting or the fact there was no interrelationship whatsoever between

homosexuality and paedophilia. So he wouldn't have had that understanding that we have now, that actually a man may well be to all intents and purposes a happily married man with 3 children, but also be a highly active and brutal paedophile". (Page 186 day 220).

256. **Re George Caskey's statement dated 27<sup>th</sup> June 2006.**

257. At paragraph 6B it stated that the direction of the Chief Constable of the RUC, Sir Jack Herman, and his superiors, throughout all of the investigations, was that no stone was to be left unturned. At paragraph 6C he draws attention to the depth and breadth of the investigation demonstrated by the number of individuals tracked down and interviewed. Furthermore, the range of allegations that was examined extended well beyond and had very limited if any connection to Kincora. Many prominent people in public life were spoken to where it was believed they could assist, or investigated where they faced allegations.
258. At paragraph 6D, when addressing many media allegations, he states "many of the media allegations ultimately turned out to have no evidential basis. Others had no evidential connection to Kincora, such as the Baird case or the murder of Brian McDermott. Nevertheless, they all had to be and were thoroughly investigated".
259. At paragraph 6E he stresses that no one in the RUC interfered in his investigations in anyway. No pressure was exerted upon him not to investigate. "I went wherever the evidence took me".
260. Paragraph 6F, Mr Caskey states that he obtained immunity from the DPP for residents and ex residents who engaged in homosexual activity, and could therefore have faced prosecution. This was in order to ensure that they were free to tell the Police exactly what happened to them, and who was involved

in it. It was so they could be seen as victims and not perpetrators. Far from being a “cover up”, Mr Caskey genuinely believed that his team could not have done more to ensure that the victims of abuse in Kincora were able to speak freely and fully about what occurred.

261. Where an individual identified someone else with whom they had engaged in homosexual activity, even after they left Kincora, that further individual was traced and matters relating to them were reported to the DPP. This was part of ensuring that any conceivable form and the wider allegations relating to rings and prostitution were investigated.
262. He states at paragraph 6H that he gave all of his full co-operation to the Sir George Terry Inquiry. Caskey states that he did not receive, nor did he expect to receive, a complaint from them about the co-operation provided.
263. It is noted at 6I, that given that ACC Meharg had been previously involved to some extent in allegations relating to Mr McGrath, it was arranged by Sir John Hermin that Caskey reported to ACC John Whiteside to avoid any potential conflict of interest which would have arisen if ACC Meharg had been involved in the supervision of his investigations.
264. It is not clear from the papers at exactly what stage this took place.
265. He addresses the issue of Ian Cameron from paragraph 13 – 20. The HIAI provided him with documentation illustrating that written answers were provided to most of the 30 questions that he had drafted. The documents indicated that they were then discussed and considered by the DPP, the Chief Constable of the RUC, the Attorney General and the Legal Adviser to the Security Service. Mr Caskey was not aware of these events. In relation to a document provided to Mr Caskey indicating that the gist of Ian Cameron’s answers were provided to him and that he was recorded as having said that



they matched what Brian Gemmell had said, he cannot recall the meetings concerned. He does stress that even if this was entirely accurate, as an investigating officer, he would have wanted the formal response he was seeking to complete his enquiries.

266. He addresses Colin Wallace at paragraphs 21 – 25. He highlights that Colin Wallace refused to co-operate in the investigation despite claiming that he wanted to assist. This was despite considerable efforts to meet his demands. His approach was extremely frustrating because he refused to engage Caskey investigated his claims as far as that was possible including speaking to a large number of people with whom he was involved. At paragraph 24 it states “after the 1985 production of the document dated 8<sup>th</sup> November 1974 which had not been referred to during the phase 2 inquiry, the same process occurred. Caskey investigated the veracity of the document as far as that could be done and set out his findings in his reports”.
267. Paragraph 25 states “Colin Wallace adopted a very strange approach for someone who claimed through many media articles that he wanted to speak about Kincora”.
268. At paragraph 26 of his statement, Caskey was satisfied that:
- a. The RUC identified and had prosecuted those who had sexually abused boys in Kincora;
  - b. That the sexual abuse occurred generally in secret between the two individuals involved at any given time;
  - c. That there had been many potential missed opportunities to detect the offences which his team uncovered in 1980.

- d. He did not find there was evidence that any individual had deliberately tried to cover up what was happening in Kincora. He found no evidence of a prostitution ring, a paedophile ring or a vice ring involved at Kincora.
  - e. **"No one ever claimed they were involved in this type of activity".**
  - f. There was no evidence of any prominent/establishment figures coming into Kincora to sexually abuse boys, or taking boys out of Kincora for that purpose.
  - g. **"The best evidence of this fact is what the boys themselves have to say. No one ever claimed that they were involved in this type of activity. There were isolated examples of Kincora residents associating with men outside the home, however, those claims were investigated and they did not fall into the category of the media claims."**
  - h. **There was no evidence of anyone being blackmailed because of their sexual activity at Kincora. No one ever claimed they were either involved in this type of activity, or were a victim of it.**
  - i. **There was no evidence of some state run operation to promote or facilitate sexual offences in Kincora or some intelligence gathering or other purpose. Again, no one ever claimed they were either involved in this type of activity or were a victim of it.**
269. Consequently, Mr Caskey did not find any evidence of any individual or organisation trying to cover up those sorts of schemes.

270. Allegations of this type (paedophile ring involving establishment or permanent individuals) were also entirely inconsistent with what the victims of Mains, Semple and McGrath, and other former residents of Kincora, had to say.

271. CONCLUSION:

- a. The Police Service of Northern Ireland has committed itself to the provision of all relevant material to the HIAI.
- b. The dedication to this task has included the formation of a liaison team and an analytical cell. These teams have devoted all of their time over at least the last two years to the collation, assessment and presentation of that analysis for the benefit of the HIAI.
- c. The assistance included answering the many queries from the HIAI, locating witnesses and conducting searches beyond those requested by the HIAI.
- d. The PSNI has, as the successor to the RUC, recognised systemic failings as it has examined the documentation surrounding the events that occurred at Kincora.
- e. The work conducted by the PSNI also highlights that the investigation of Mr. Caskey and his team was effective in identifying the abusers and putting them before the court. There were no untraced victims.
- f. The issue regarding Ian Cameron remained outstanding for Mr. Caskey throughout the investigation and despite being shown the proposed answers to his 30 questions, these ought to have been formalized in a statement to close that aspect of the investigation.

- g. The evidence before the Panel shows what failings can take place when there is a lack of communication.
- h. I know that the Inquiry's report will be a communication to the public about the truth of Kincora. It is anticipated that the work conducted by the PSNI assists the HIAI in the task of setting out, once and for all the exact detail surrounding the tragic circumstances arising from Kincora.
- i. The HIAI intends to set out exactly what each complainant alleged happened to them and when. This will bring great clarity to the public as it will explain how the Caskey investigation and now the PSNI through DCS Clarke, can say that there is no evidence whatsoever of vice rings, prostitution and the prominent people abusing children in Kincora.
- j. It should dispel the sordid headlines that have reached the press and fuelled this ongoing episode.
- k. No doubt where there have been failings the HIAI will highlight those so the public can learn what exactly went wrong. I hope that the cooperation of the PSNI and the frank acknowledgment of those failings forms part of that report and the PSNI welcome that.
- l. One must also be mindful of the context of the troubled time during which these events arose. The PSNI evidence has set out the facts and figures of that context, however, no amount of such detail can really portray the difficulties faced by a police force, fewer in number than the PSNI today, policing this jurisdiction.

- m. Where there is evidence of false perpetuated allegations the Panel is invited to strike them down as they serve no further purpose except to prolong the torment experienced by the abused.
- n. The whole episode from the 1980s has been fuelled by the actions of a small number of individuals who have failed to cooperate with this Inquiry. This was their one chance, their venue to vent every aspect of their allegations.
- o. The PSNI hopes that the Panel find that the PSNI have assisted to the utmost degree, and that assistance will continue until the end of the Inquiry's journey and the report is completed.

**Mark Robinson B.L.**

**Bar Library**

**22.7.16**

**THE HISTORICAL INSTITUTIONAL ABUSE INQUIRY**

**MODULE 15 – BAWNMORE AND KINCORA**

**SUBMISSIONS ON BEHALF OF  
THE DEPARTMENT OF HEALTH**

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## 1. Introduction

1.1. The Inquiry has now heard the evidence in relation to Bawnmore Boys' Home and Kincora Boys' Hostel. As in previous modules, the Department of Health ("the Department"), has not sought to directly challenge any complainant in relation to the fact of, or extent of, the abuse that undoubtedly occurred in respect of these two homes.

1.2. Whilst the Inquiry will undoubtedly turn a forensic eye to all of the allegations, it is important to note at the outset that the Department regrets the abuse that did occur and condemns both the perpetrators and any others who by act or omission allowed abuse to take place.

1.3. The statements of Dr. Harrison on behalf of the Department have set out the engagement of the predecessors of the Department with the Bawnmore Boys' Home and Kincora Boys' Hostel<sup>1</sup>. The Departmental evidence throughout this module has relied on the Hughes Inquiry and its records, as it does not hold any information in current Departmental files relating to the management, operation or inspection of Kincora Boys' Hostel or Bawnmore Boys' Home prior to the scandal breaking (in relation to the former hostel) in January 1980.

1.4. The exposure of the abuse within the Kincora Boys' Hostel in a newspaper article dated 24<sup>th</sup> January 1980 ultimately led to the Department's predecessor, the Department of Health and Social Services ("the DHSS"), setting up the Hughes Inquiry. The Hughes Inquiry commenced formal hearings in 1984 and heard oral evidence from 66 witnesses over 60 days. It had the benefit of being able to assess the witnesses' demeanour when giving evidence and being cross-examined. Whilst the terms of the Hughes Inquiry were more limited than those of this Inquiry, it had the advantage of hearing from

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<sup>1</sup> Overview statement at KIN-521 and BWN-051, Kincora Statement at KIN-555 and Bawnmore Statement at BWN-85.



witnesses at a much closer remove and was able to bring its knowledge of contemporary social work standards in the UK to bear.

1.5. The Hughes Inquiry made a number of findings in relation to the inspection regime which the DHSS did not challenge and from which the Department does not resile; save that it feels the Hughes Inquiry did not have the benefit of a clear exposition from the witnesses of the role the Seebohm report played in the apparent change of practice post the 1973 reorganisation of social services. Whilst documentation is no longer available, it appears there would have been contemporaneous policy documentation that at the very least used the terminology of Seebohm. Northern Ireland was, by 1972, under direct rule, and the 1980 paper<sup>2</sup> from the Chief Social Work Advisor, Mr J Wilde, to the Permanent Secretary of the DHSS includes an almost direct quote from the Seebohm Report. This suggests that Mr Wilde was familiar with the terminology of the Seebohm Report. Had this evidence been available to the Hughes Inquiry, it would have been clear that the retraction of inspection activity was not a gradual lapse into complacency, but a change of focus to supportive and advisory relationships with social care providers and an emphasis on visits rather than regimented inspections.<sup>3</sup> Whilst it is not clear that the Hughes Inquiry would have come to a different conclusion, it is likely that some of the comments might have been more tempered had the backdrop of the policy context been fully explored.

1.6. This Inquiry is not obliged to accept the findings of Hughes. However as the Hughes Inquiry was well placed in scope, experience and proximity to the abusive behaviour, to make its findings, substantial weight should be given to these findings in the absence of new and compelling evidence to the contrary.

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<sup>2</sup> KIN-536

<sup>3</sup> KIN-523

1.7. This submission will consider the interaction of the Department's predecessors, namely the Ministry of Home Affairs ("MoHA") and the DHSS with the homes in light of the findings of the Hughes Inquiry, before turning to its response to the Kincora scandal and the interplay between its predecessors and the predecessors to the Health and Social Care Board, namely, Welfare Authorities and Health and Social Services Boards ("HSS Boards").

## 2. Interaction with Bawnmore

2.1. In a statement dated the 29<sup>th</sup> April 2016<sup>4</sup>, Dr Harrison set out the significant findings of the Hughes Inquiry in relation to Bawnmore. The Hughes Inquiry, which precluded examination of events before 1960, identified thirteen reports on MoHA inspections of Bawnmore between 1962 and 1970<sup>5</sup>. The Hughes Inquiry described the inspection reports as

*“...usually one typed page in length and normally followed the same format, commenting on the physical conditions and amenities in the home; on the staffing position; on the number of boys in residence; and leisure activities. There were usually also comments on the health of the boys (and indications that the Inspectors had actually seen the children), on the medical records and on visits by the homes’ doctor. The reports also noted that the statutory records had been inspected and were properly maintained.”*<sup>6</sup>

2.2. It is of note that the inspections identified by Hughes were not without effect. Inspectors’ concerns were followed up and led to improvements by the time of the next inspection<sup>7</sup>. The evidence from previous modules suggests annual or biannual inspection of children’s homes and it is therefore likely that these inspections were carried out during the 1950s.

2.3. There is no reference in the Hughes Report to inspections by MoHA or visits by the Social Work Advisory Group (“SWAG”) after 1970. As the “SWAG” title suggests, the emphasis, consistent with the policy advocated within the Seebohm Report, moved to supporting and advising care providers rather than a more regimented inspection

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<sup>4</sup> BWN-085

<sup>5</sup> HIA-866.

<sup>6</sup> HIA-866 Para 6.21.

<sup>7</sup> HIA-867.

function. The then Chief Social Work Advisor, Mr P Armstrong, acknowledged to the Hughes Inquiry that whilst SWAG visited a number of children's homes in this period, statutory homes tended to be visited with less frequency than those in the voluntary sector. This was consistent with contemporaneous practice elsewhere in relation to statutory homes. Evidence from a former Deputy Chief Inspector of SSI England confirmed that he was unaware of any systematic visiting of statutory homes in England, either formally or informally before 1985<sup>8</sup>. This is also consistent with Ms McAndrew's recollection of there being no inspection of community schools with education in England during the early 1980s<sup>9</sup>. The Hughes report in considering this period suggested that: -

*"Specifically in regard to Bawnmore we consider that the record of the Ministry of Home Affairs inspectors during the relevant period was more than adequate in terms of frequency. Our view that the scale and nature of the inspections was not entirely satisfactory is qualified by the commendable frequency and regularity of them. The opportunity which the Ministry of Home Affairs inspectors would have had for detecting the homosexual offences involving Bawnmore residents, however, was minimal".<sup>10</sup>*

2.4. The number of regular visitors to the home would have included social workers, parents and staff members. The Hughes Inquiry noted that the visits from the Welfare Authority's Children's Officer, children's social workers, Welfare Committee members and later Personal Social Services Committee members might have presented a deterrent to an abuser and an opportunity for atmospheres to be detected or complaints received; however that did not occur<sup>11</sup>. The

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<sup>8</sup> Para 5 of letter of 18<sup>th</sup> May 2016 at GOV-1300.

<sup>9</sup> Day 203, page 82.

<sup>10</sup> HIA 867

<sup>11</sup> HIA-695 Para 3.28

Hughes Inquiry concluded that the statutory inspections by the Children's Officer were *"unlikely to detect cases of ... misconduct unless some sign of distress in a resident became apparent or a complaint was made"*<sup>12</sup> and in relation to Bawnmore found no basis for criticism of the statutory inspections by officials in the relevant period<sup>13</sup>. The Department acknowledges that inspection is important in the framework of factors that work to safeguard children. However, if the monthly visits by the Children's Officer, a regular visitor with whom resident children could become familiar, were unlikely to detect misconduct in the absence of physical evidence or a complaint, this conclusion must have even greater force in relation to SWAG inspection visits.

2.5. The Department has accepted that the SWAG inspections should have considered the statutory responsibilities placed upon the relevant authorities to inspect or visit the homes.

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<sup>12</sup> HIA-697 Para 3.31.

<sup>13</sup> HIA-865 Para 6.18.

### 3. Interaction with Kincora

3.1. In a statement dated the 29<sup>th</sup> April 2016<sup>14</sup>, Dr Harrison set out the significant findings of the Hughes Inquiry in relation to Kincora Boys' Hostel. The Hughes Inquiry, which did not examine events before 1960, identified inspections by MoHA in October 1965 and April 1972, and by SWAG in June 1979<sup>15</sup>. The 26<sup>th</sup> April 1972 report of Miss Hill, MoHA Children's Inspector stated: *"staff is unchanged since the last report."*<sup>16</sup>. This suggests that there were additional written reports made which are no longer available and which may not have been available to the Hughes Inquiry. It is likely that the previous report was from August 1971 as there is reference in the visitor's book to Miss Hill visiting in August 1971<sup>17</sup>, and by August 1971 Mr McGrath would have recently been employed, thereby satisfying the reference to the staff being unchanged. The Department has suggested that the MoHA methodology was *"of an acceptable standard for its time and inspections appear to have been carried out in general on an annual or biannual basis."*<sup>18</sup>

3.2. The Kincora visitor's book suggests that MoHA inspectors visited Kincora on twelve occasions to 1973 other than those that resulted in the 1965 and 1972 reports. Consideration of the visitor's book suggests that it did not necessarily contain the details of all inspectors' visits. The 20 June 1979 visit by Mr J O'Kane who conducted an inspection on that date is not identified<sup>19</sup> within this book nor are all of the visits by Dr Harrison, when as a social worker employed by the Eastern Health and Social Services Board, she placed boys for short periods in the home in the early 1970s and when, on behalf of Barnardos in the mid 1970s, she visited a young man who had a long

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<sup>14</sup> KIN-555

<sup>15</sup> KIN-558 at Para 4.1 KIN-559 at Para 4.3.

<sup>16</sup> KIN-1323

<sup>17</sup> KIN-11760

<sup>18</sup> KIN-561 at Para 5.2.

<sup>19</sup> KIN-11798

term placement in the home.<sup>20</sup> Notwithstanding this there can be no doubt that MoHA inspectors would have been reasonably well acquainted with the operation of the hostel and its staff. Some of these visits may have predated the Hughes Inquiry's 1960 starting point and the Hughes Inquiry noted that such visits were *"consistent with other evidence"* heard by the Hughes Inquiry *"relating to less formal contacts between the Ministry's Inspectors and Belfast Welfare Authority staff"*<sup>21</sup>.

3.3. Whilst the Hughes Inquiry criticised the scale and nature of the inspections from 1960 to 1973 it acknowledged that the *"Inspectors' less formal visiting of the hostel would have alerted them to overt signs of deteriorating standards"*<sup>22</sup>. It described the conclusion that insufficient attention was paid by the DHSS during the period from 1973 as *"inescapable"*, but acknowledged *"that the new format for inspection reports introduced in February 1976 was an advance on what had gone before, although it may have fallen rather short in terms of its provisions for assessing some aspects of child care... The Department's evidence satisfied us that the low frequency of inspections arose more from constraints on professional resources than from inspections being given a deliberately low priority"*<sup>23</sup>.

3.4. As suggested above (paragraph 1.5), the SWAG emphasis was on supporting and advising care providers rather than a more regimented inspection function. As was noted above in relation to Bawnmore, this was consistent with the policy advocated in the Seeböhm Report albeit it was not explicitly referred to in the evidence to the Hughes Inquiry. Further, whilst SWAG visited a number of children's homes in this period, statutory homes tended to be visited with less frequency than those in the voluntary sector. This was found by the Department to be

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<sup>20</sup> Day 203 page 30.

<sup>21</sup> KIN-558 Para 4.1.

<sup>22</sup> HIA-701.

<sup>23</sup> HIA 758-759 Para 4.19

consistent with contemporaneous practice elsewhere in relation to statutory homes. Evidence from a former Deputy Chief Inspector, SSI England confirmed that he was unaware of any systematic visiting of statutory homes in England, either formally or informally before 1985<sup>24</sup>. This is consistent with Ms McAndrew's recollection of there being no inspection of community schools with education in England during the early 1980s<sup>25</sup>.

3.5. The statutory visiting requirements placed upon the Belfast Welfare Authority, later the EHSSB, in relation to Kincora were discharged in general compliance with the Children and Young Persons (Welfare Authorities' Homes) Regulations (NI), 1952<sup>26</sup> ("the 1952 Regulations") and the Conduct of Children's Homes Direction (NI) 1975<sup>27</sup> ("the 1975 Direction"); however they failed to identify and deter abuse of children. The Hughes Inquiry concluded that statutory inspections by the Children's Officer were *"unlikely to detect cases of homosexual misconduct unless some sign of distress in a resident became apparent or a complaint was made."* Even if MoHA or SWAG visits had been increased during this period, the conclusion reached in relation to the Children's Officer and Welfare Committee inspections applied with even greater force to MoHA and SWAG. It is clear that an increased frequency of inspections or visits by MoHA or SWAG, when considered against the standards of the day, would have been unlikely to detect abuse. The evidence of the victims of abuse in Kincora highlights the secretive and exploitative behaviour of the abusers who preyed on the most vulnerable children and young people in our society. The victims described their abusers as "cunning"<sup>28</sup> and described how they would be abused when they were alone and in a

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<sup>24</sup> Para 5 of letter of 18<sup>th</sup> May 2016 at GOV-1300.

<sup>25</sup> Day 203, page 82.

<sup>26</sup> HIA-292

<sup>27</sup> HIA-451

<sup>28</sup> Day 209 Page 116, HIA 199/R3.



manner that ensured no one else found out <sup>29</sup>. It is a striking feature of this module that that boys who were resident in Kincora were not aware of other boys being abused and that those who were being abused were not aware others were also being abused or that other staff members were also abusers.

3.6. Two pieces of evidence before the Hughes Inquiry referred to the DHSS before 1980.

3.6.1. Mr Morrow, a social worker, made a statement to police in February 1980 which referred to a 1977 decision in relation to Richard Kerr that Mr Scoular would have a discussion with Mr Bunting (both of the EHSSB) who “*presumably*”<sup>30</sup> approached the DHSS for help. The Hughes Inquiry heard evidence from the participants, to include Mr Morrow, and found that,

*“In evidence to us Mr Morrow accepted that he had no specific recollection of the Department being mentioned and, since none of the other participants referred to it, we are satisfied that this part of Mr Morrow’s police statement is inaccurate.”*<sup>31</sup>

3.6.2. In her 1982 statement to police, Mrs Gogarty suggested Mr Morrow had told her, that Mr Higham had told him, of being taken to Stormont and shown a file that would “*make his hair stand on end*”. Mr Morrow’s statement to police in 1982 indicated that he had no recall of Mr Higham saying the file came from “Stormont”<sup>32</sup>. Mr Morrow told the Hughes Inquiry he had no recollection of telling Mrs Gogarty that Mr Higham was ‘taken’ to see a file. Whilst Mr Higham accepted he may have referred to the ‘Mason file’ in this

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<sup>29</sup> Day 209 Page 116 and 117, HIA 199/R3 described how Mr Mains would ensure he was back in his own bed by 6am, before the housekeeper came on duty.

<sup>30</sup> HIA-821

<sup>31</sup> HIA-820 and HIA-821 at Para 4.177.

<sup>32</sup> HIA-822 at Para 4.181.

graphic terminology, the Hughes Inquiry, having heard the evidence, found that,

*“...but it is clear beyond a doubt that this file was never in the possession of the Department at Stormont and that Mr Higham was never taken there to view it or any other file. It is our view that Mr Morrow embellished what he was told by Mr Higham when passing it on to Mr Gogarty, who was thereby misinformed.”*

3.7. It is clear the Hughes Inquiry found, consistent with the Department's position and the evidence before this Inquiry in this module, that the DHSS was unaware of any of the allegations or suspicions held about Kincora before the 24<sup>th</sup> January 1980. The DHSS did not have contemporaneous knowledge of the relevant information brought to the attention of HSS Boards nor was it responsible for the 'missed opportunities' or 'failings' which have been accepted by the Health and Social Care Board and the Police Service of Northern Ireland.

#### **4. The Departmental Response to Kincora.**

4.1. Before outlining its robust response to the Kincora abuse coming to its attention, it is useful to consider the Departmental responsibilities in respect of residential childcare.

4.1.1. Prior to the 1973 reorganisation the Ministry of Health and Local Government (from 1965 the Ministry of Health and Social Services) had responsibility for the provision of Welfare Services as a whole under the Public Health and Local Government (Administrative Provisions) Act (Northern Ireland) 1946, (“the 1946 Act”), and the Welfare Services Act (Northern Ireland) 1949, although there was no specific provision for child care services within this legislation. The 1946 Act designated the council of each county and county borough to be the health authority and the welfare authority for the area of that county or county borough. The welfare functions of each authority were to be performed through a committee of the authority, known as the “Welfare Committee”.

4.1.2. Under the Children and Young Person’s Act (Northern Ireland) 1950, (“the 1950 Act”), and the subsequent Children and Young Person’s Act (Northern Ireland) 1968, (“the 1968 Act”), the Welfare Authorities and subsequently HSS Boards were respectively required to provide welfare services for children and young people on behalf of MoHA and the DHSS. With reference to residential childcare MoHA and the DHSS were empowered to inspect children’s homes; provide financial assistance for residential staff training; and in the case of the voluntary sector, register such homes and, if necessary, provide capital grant aid.<sup>33</sup>

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<sup>33</sup> Hughes Report para 2.3 at HIA-671.

4.1.3. Welfare Authorities were required to appoint a Children's Officer<sup>34</sup> to undertake the control and supervision of children in care and who was responsible to the Welfare Officer<sup>35</sup>. The 1952 Regulations, which remained in force until the issue of the 1975 Direction, required the Welfare Authority to "*ensure that each Home in its charge is conducted in such a manner and on such principles as will further the well-being of the children*"<sup>36</sup> and to arrange for each home to be visited at least once a month by a member of the Welfare Committee<sup>37</sup>. The 1975 Direction imposed a similar duty on HSS Boards to ensure that each home was "*conducted in such a manner and on such principles as will further the well-being of the children in the home*"<sup>38</sup>. It is of note that the explanatory memorandum to the 1975 Direction described the quarterly visits to a Home by a member of the Personal Social Services Committee and monthly visits by a social worker as "*routine inspections*"<sup>39</sup>. Children in residential care, unlike those children boarded out, did not under the 1952 Regulations or 1975 Direction have monthly visits by the social workers responsible for them. However they did benefit from the multi layered inspection regime set out above. Dr Harrison confirmed that "for many, many years, not just here but in other parts of the UK there has not been a statutory imperative in regulation for children in residential care to be visited monthly"<sup>40</sup>. The monthly visiting of each child by his/her social worker had, however, been made a requirement by the DHSS in its monitoring and standards guidance issued on foot of the Hughes Report.

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<sup>34</sup> Section 89 of the 1950 Act.

<sup>35</sup> Hughes Report para 2.4 at HIA-671.

<sup>36</sup> Art. 4 of the 1952 Rules.

<sup>37</sup> Art. 5 of the 1952 Rules.

<sup>38</sup> Para 3(1) of the Direction – HIA-452

<sup>39</sup> HIA-457

<sup>40</sup> Day 223 – page 56.

4.1.4. The MoHA's power of inspection of both voluntary and statutory homes<sup>41</sup> was discharged by Children's Inspectors who reported to MoHA until around 1972 when they became part of the SWAG within the Ministry of Health and Social Services.

4.1.5. The Health and Personal Social Services (Northern Ireland) Order 1972 provided a new administrative structure for the health and personal social services. The Ministry of Health and Social Services, subsequently the DHSS, had a general duty to provide or secure the provision of personal social services in Northern Ireland whilst MoHA was given the duty, under Articles 72 and 73, to provide or secure the provision of personal social services under inter alia the 1968 Act. MoHA delegated these duties to the HSS Boards by the Functions of Health and Social Services Boards (No 2) Direction (Northern Ireland) 1973, the "1973 Direction". The functions were thereafter exercised by the HSS Boards. The DHSS retained responsibility for the inspection of children's homes under the power contained within the 1968 Act. The HSS Boards therefore had primary responsibility for the exercise of these functions in relation to children and young people in statutory homes, save that the DHSS retained a power to inspect children's homes.

4.1.6. In practical terms, HSS Boards had immediate and direct responsibility for the running, management and monitoring of their own children's homes. The Department's predecessors had a general oversight role in relation to the provision of residential childcare which included the power of inspection of statutory and voluntary homes.

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<sup>41</sup> S. 136 of the 1950 Act and S. 168 of the 1968 Act.

## Departmental response

4.2. The DHSS responded robustly and vigorously to the Kincora abuse coming to light. Examples of this response are set out below.

4.2.1. In May 1980 the DHSS Permanent Secretary concluded that that whilst no system of inspection can guarantee either to prevent or detect abuse, the DHSS had to put the system of inspection onto a more formalised and regular basis with greater resources channelled into inspection<sup>42</sup>. A more rigorous, robust inspection methodology was developed and SWAG carried out inspections of all of the children's homes in Northern Ireland. Follow up inspections took place to ensure implementation of the findings. The Hughes Inquiry acknowledged *"...the positive aspects of the new arrangements, namely the comprehensive scope of the inspections and reports and the substantial commitment of professional resources which this programme required. Our examination of the reports...satisfied us that the Department has made significant progress in making up the deficiencies in its information base..."*<sup>43</sup>

4.2.2. The 'Sheridan Report', as it has become known, was commissioned from the Department of Health and Social Security in England (London). This reported in June 1982<sup>44</sup>. Many of its recommendations were adopted and implemented before the Hughes Inquiry reported. For example it recommended discussion with the statutory and voluntary bodies to establish an increased monitoring expectation. This was undertaken with the 1983 DHSS circular, *"The Monitoring of Residential Child Care Circular HSS (CC) 6/83"*<sup>45</sup>, being aimed at strengthening the monitoring

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<sup>42</sup> KIN-526 at Para 2.7.

<sup>43</sup> KIN-75360 at Para 13.58.

<sup>44</sup> HIA 655

<sup>45</sup> HIA-640

arrangements of statutory homes by HSS Boards. It placed on HSS Boards the expectation that when they place children in voluntary homes they must satisfy themselves about the standards of care being provided for each child. In relation to voluntary homes the DHSS engaged in consultation with the voluntary sector to establish more rigorous self-monitoring arrangements and greater accountability in terms of reporting.<sup>46</sup>

4.2.3. In January 1985 the DHSS issued a paper entitled *“The Statutory/Voluntary Relationship in the provision of childcare”*<sup>47</sup>. This sought to address the financing and wider future of the voluntary sector residential childcare.

4.2.4. In 1986, SWAG in collaboration with the HSS Boards’ Assistant Directors of Social Services, agreed a comprehensive set of monitoring and inspection standards for residential child care. A programme of annual inspections of voluntary homes and 3 yearly inspections of statutory homes was devised and from late 1986 was implemented by the newly designated Social Services Inspectorate (SSI). The programme included a strong emphasis on the need for inspectors to speak directly to children and seek confidential feedback from children and their parents regarding aspects of their care in the home.

4.2.5. When it was published in 1986, the DHSS embraced the recommendations of the Hughes Inquiry. Dr Harrison described its implementation as

*“...the most significant milestone in the development of residential child care policy and practice in Northern Ireland until the*

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<sup>46</sup> SND-15649 – the relevant section is at Para 51 which is at SND-15673

<sup>47</sup> HIA 4048

*introduction of the Children (NI) Order 1995, together with its regulatory framework and associated guidance.*<sup>48</sup>”

4.3. The initiatives devised and implemented post 1980 led to Northern Ireland having the highest proportion of professionally qualified social work staff in residential child care of anywhere in the UK<sup>49</sup>. Ms McAndrew of the Health and Social Care Board gave evidence that when she came to work in Northern Ireland in 1996 the implementation by the DHSS of the Hughes Inquiry recommendations and other policy initiatives was evident in the inspections she carried out<sup>50</sup>. She compared Northern Ireland favourably with her experience in England noting

*“...there was significant difference in the standard and quality of residential childcare from what I had experienced... So clearly the work of the policies and procedures was being effective.”*<sup>51</sup>

4.3.1. In 1994, SSI further developed the standards for inspection and monitoring of children’s homes<sup>52</sup>. Homes were examined against defined and measurable standards of quality and care, until the inspection function was transferred in 1996 to the HSS Boards’ Registration and Inspection Units<sup>53</sup>.

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<sup>48</sup> GOV-683.

<sup>49</sup> GOV-685.

<sup>50</sup> Day 203, page 48.

<sup>51</sup> Day 203, page 48.

<sup>52</sup> “Quality Living Standards for Services: Children who live away from Home.” See Statement of Dr. Harrison; GOV-683 Para 1.14.

<sup>53</sup> Statement of Dr. Harrison; KIN- 526 at Para 2.8



## 5. Conclusion

5.1. The DHSS had no knowledge of the Kincora abuse until January 1980. The media reports that brought this to light precipitated several police investigations and the establishment of a major public Inquiry, namely the Hughes Inquiry. It is regrettable that a number of those who have been responsible for continuing allegations in respect of Kincora have not come forward to give evidence and have it tested. The Department recognises the endeavour of this Inquiry to leave no stone unturned in its efforts to address these issues, and is confident a forensic eye will be turned to these, like all of, the issues in this Inquiry.

5.2. It is clear that the Kincora allegations, the convictions in 1981 and the findings of the Hughes Report were a 'watershed' in relation to knowledge of the systematic abuse of children by staff responsible for their care. Dr. Harrison confirmed that whilst there may have been individual knowledge amongst social work professionals of the potential for abuse by adults or peers, institutional sexual abuse of children by staff was not recognised as a phenomenon by health and social care professionals until the early 1980s<sup>54</sup>. Given the robust manner in which the DHSS reacted to knowledge of the Kincora abuse, it is a matter for this Inquiry to consider if the missed opportunities identified in the evidence during this module would have been likely to have brought both the abuse to light earlier and brought forward this watershed moment.

5.3. At present the childcare landscape bears little if any resemblance to the landscape dealt with in this module. That is not to say statutory and voluntary bodies have become complacent, rather it is to reflect

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<sup>54</sup> KIN-527.

the positive change and constant vigilance that is a watchword for today's residential childcare environment.

Dated this 21st day of July 2016.

Andrew McGuinness

Bar Library

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

**MODULE 15**

**CLOSING WRITTEN SUBMISSIONS FOR  
THE HEALTH AND SOCIAL CARE BOARD**

June 2016

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## **1. INTRODUCTION**

- 1.1 The Inquiry is tasked to investigate historical institutional abuse and examine if there were systemic failings by institutions or the State in their duties towards those children in their care between the years of 1992 - 1995.
- 1.2 In Module 15, the Inquiry has heard evidence in respect to two institutions:
  - i. Bawnmore Children's Home, Newtownabbey.
  - ii. Kincora Boy's Hostel, Belfast.
- 1.3 The Health and Social Care Board (Board) Module 15 closing written submission is comprised of three parts: Part One concerns Bawnmore Children's Home, Newtownabbey; Part Two concerns Kincora Boy's Hostel, Belfast; and Part Three addresses an apology.
- 1.4 The Board has confined its written submissions to the following:
  1. Background
  2. The Facts
  3. Kincora: The Systems
- 1.5 These submissions, therefore, do not address the knowledge and/or actions of other Core Participants, save where there has been an express allegation that information was known by or imparted to the Board's predecessors. Further the Board has not addressed developments after the media attention in respect of Kincora, or wider governance issues, as these have been detailed in Module 14.
- 1.6 If the Inquiry has any further issues outstanding for the Board as a

result of evidence in this Module, the Board will respond accordingly.

PART ONE

**BAWNMORE CHILDREN'S HOME, NEWTOWNABBEY**

## 2. BACKGROUND

- 2.1. Bawnmore Home for Children ("Bawnmore") was officially opened by Belfast Welfare Authority on 14 May 1952<sup>1</sup> and it ceased operation on 30 March 1977.
- 2.2. Between 1 October 1973 and 30 March 1977, Bawnmore was the responsibility of the Northern Health and Social Services Board, following the reorganization of Health and Social Services in Northern Ireland.
- 2.3. When Bawnmore opened in 1952 it was initially a home for boys and girls operated by the Belfast Welfare Authority. Correspondence from the Ministry of Home Affairs dated 28 August 1961 conveyed Ministerial approval to amendments in the establishment of Bawnmore noting: *"It is understood that these amendments are being made in connection with the setting up of a home for maladjusted boys"*<sup>2</sup>.
- 2.4. Bawnmore provided accommodation for 28 children<sup>3</sup>. However, contemporaneous records show that, at times, the Home was over occupied. For example, it is known that in June 1969, there were 31 boys in residence<sup>4</sup>, there were 33 in September 1969<sup>5</sup> and by October 1969, the number had reduced to 29<sup>6</sup>.
- 2.5. During its years of operation, there were significant problems associated with the state of the accommodation at Bawnmore. This is well demonstrated by the following chronology:

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<sup>1</sup> BWN 122

<sup>2</sup> BWN 124

<sup>3</sup> BWN 5596

<sup>4</sup> BWN 7678

<sup>5</sup> BWN 7678

<sup>6</sup> BWN 7683



- In August 1964, Councilor McGivern reported the conditions in the home generally satisfactory but *“he suggested that the structure and layout of this building was not suitable for a Children’s Home.”*<sup>7</sup>
- In November 1965, the Welfare Committee record notes that *“The Home was reasonably clean and warm, but has an atmosphere of cheerlessness as no one has time to provide the small “touches of homeliness” that one notices in the other homes, and several of the rooms need redecorating”*. By 27 January 1966, minutes record that redecoration of the home was in progress, and by 16 February 1966 it was recorded *“.. the house presented a much more cheerful aspect now that the redecoration of the bedrooms has been completed”*.<sup>8</sup>
- By early 1967 records show that Bawnmore needed to be redecorated. This continued as a theme until March 1969, when it was recorded: *“Material conditions in the home leave a lot to be desired and efforts are being made to effect an improvement”*<sup>9</sup>.
- Following reorganization in 1973, records show that *“the home was in poor physical condition. A high level of vandalism and an almost self destructive behaviour existed among the boys. In addition, repairs were required to much of the furniture, the floor coverings, roof and gutterings. What remaining furniture and furnishings that existed were antiquated.”*<sup>10</sup>
- With the receipt of the full year’s allocation of monies in April 1974, the physical surroundings within the unit were tackled *“and resulted*

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<sup>7</sup> BWN 182

<sup>8</sup> BWN 184-186

<sup>9</sup> BWN 188

<sup>10</sup> BWN 130

*in a virtual total refurbishing of the unit".<sup>11</sup>*

- Throughout 1975 the Northern Board focused on developing a group living system in Bawnmore. Also, at this time work was undertaken to make necessary alterations to the bathrooms. By February 1976 the report indicates: *"the work in bathrooms was almost complete and the group system had settled down and was beginning to produce benefits in standards of child care"*.

- 2.6. It seems that the boys who were resident in the Home contributed to its poor physical state through vandalism. It is recorded that in mid-October 1974, vandalism reached a peak *'with seventeen windows being broken in the laundry by the boys'*<sup>12</sup>.
- 2.7. The location of the home was also problematic as difficulties arose with the local community, exacerbated by the general security situation. BM 13 recalls that:
- "[t]he unit was located immediately above Bawnmore estate going up Mill Road from the Shore Road, such that one would be looking down on the roofs of the houses below. Bawnmore was a strongly Nationalist area, and there was regular friction between young people from the area and the children in the unit. Staff were required to escort the children on foot each morning and afternoon to and from the bus stops on the Shore Road where they caught buses to school, to prevent fights taking place"*.
- 2.8. A report dated 13 April 1984 also notes that *"Seventeen serious incidents were recorded during 1975 and some twenty-four recorded during 1976. Staff and children were molested and the buildings frequently attacked and damaged. Meetings were held with local community representatives, clergy, teachers, police,*

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<sup>11</sup> BWN 133

<sup>12</sup> Ibid.

*etc. but to no avail as the problem worsened*"<sup>13</sup>.

- 2.9. The conclusion reached by October 1976 was that "*the only satisfactory answer was to seek alternative premises*". Bawnmore subsequently closed on 30 March 1977, at which time the children transferred to Coulter's Hill Children's Home, Ballyclare.

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<sup>13</sup> BWN 130 at 134

### 3. THE FACTS

- 3.1. Three Applicants gave evidence to the Inquiry about their time in Bawnmore.

#### HIA 83

- 3.2. HIA 83 was placed in Bawnmore between 10<sup>th</sup> December 1976 and March 1977<sup>14</sup>, when he was 14 years old.

- 3.3. In his witness statement, HIA 83 states he was bullied at Bawnmore. A witness statement written by BM13, who worked in Bawnmore and remembers HIA 83, says:

*“As a general statement if this individual was to claim that he experienced bullying during his stay at Bawnmore I would have no difficulty in accepting that to be true, however it is also the case that this was an endemic problem within that environment affecting many children and is something that as a staff group we were fully aware of and did our best to manage”<sup>15</sup>*

- 3.4. BM 13 was also clear that, in relation to the allegation in HIA 83’s statement that “...I told [BM13] I was getting sick of the bullying and I felt I had to tell someone but he did nothing”, he had no recall of any specific incident where this happened although he named HIA 83 as “one of the children staff would have identified as vulnerable and prone to being bullied”<sup>16</sup>.

- 3.5. On Day 209, BM 4 was asked whether he remembered bullying as being much of a problem in Bawnmore and BM4 said

*“It is inherent in boys to bully and there would have been occasions, but you had to*

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<sup>14</sup> When he transferred to Coulter’s Hill Children’s Home with the other residents

<sup>15</sup> BWN 35031at BWN 35035, paragraph 18

<sup>16</sup> Ibid. paragraph 17

*watch and supervise, and you would be aware who was a bully, you know, and keep an eye on it.”<sup>17</sup>*

- 3.6. In the Board’s submission, the fact that previous residents of Bawnmore may have experienced bullying is not in itself evidence of systemic abuse of children. Nor is it evidence in itself of a systemic failing.
- 3.7. In the Board’s view, before finding that such failings occurred, there would need to be evidence that staff and Managers did not respond appropriately to known incidents of bullying such that their inaction either facilitated or condoned the continuation of the bullying. On the evidence available, the Board has no indication that this situation pertained in Bawnmore.

## HIA 112

- 3.8. HIA 112 was placed in Bawnmore, aged 11 years, on 11 May 1966. However, no records have been found in regard to HIA 112 to say how long he lived in Bawnmore.
- 3.9. Like HIA 83, HIA 112 recalls bullying although in his evidence on Day 208, HIA 112 likened it to ‘*the alpha male*’ and said ‘*it was nothing really serious, you know*<sup>18</sup>.’
- 3.10. However, in his statement to the Inquiry, HIA 112 has made serious allegations against a number of staff namely:
- Sexual abuse by BM 1 [REDACTED]
  - Sexual abuse by BM 3 [REDACTED]
  - Physical abuse, emotional abuse and cruelty by BM 4 [REDACTED], which has been denied by him in his written and oral evidence to the Inquiry<sup>19</sup>.

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<sup>17</sup> Transcript Day 209, page 19, lines 2-7

<sup>18</sup> Transcript Day 208, page 82, lines 2-5

- 3.11. The circumstances of BM 1, his employment and complaints made against him, including convictions, are detailed later in this Chapter at paragraphs 3.34. *et seq.*
- 3.12. HIA 112's allegations about BM 1's behaviour towards him in Bawnmore are denied by BM 1<sup>20</sup> and they have not been adjudicated upon.
- 3.13. Similarly, HIA 112's allegations against BM 3 have neither been investigated by the police nor adjudicated upon, as HIA 112 spoke about them first to this Inquiry. Moreover, BM 3 is recently deceased and, before his death, there is no indication that he knew about or had any opportunity to respond to any of the allegations made by HIA 112.
- 3.14. In the Board's submission, it is noteworthy that no other person has made allegations of abuse against BM 3, either in this Inquiry, the Hughes Inquiry or the police investigations that took place in the wake of the newspaper reporting of the Kincora scandal. Rather, there is evidence that BM 3 was highly regarded by former residents. This is demonstrated by the following examples:
- i. On Day 208, HIA 532 told the Inquiry that he BM 3 was '*a great guy*'<sup>21</sup> and that he '*loved*' him.<sup>22</sup>
  - ii. On Day 210, HIA 409, who had no complaint to make about his time in Bawnmore over three years between 1971 and 1974 described a good relationship with BM 3 and said he was a "*lovely man*"<sup>23</sup>;
  - iii. In 2004, a former resident of Bawnmore wrote to the Department and, *inter alia*, said he was making a request for consideration of an

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<sup>19</sup> BWN 35029

<sup>20</sup> BWN 35030

<sup>21</sup> Transcript Day 208, page 120, line 8

<sup>22</sup> *Ibid*, page 123, line 1.

<sup>23</sup> Transcript Day 210, page 4, lines 5 – 13

Honour for BM 3, citing that he and his brothers had suffered physical and psychological abuse from the female carers which ended when BM3 took over charge of the Home<sup>24</sup>.

### **HIA 532 / B1 / R13**

- 3.15. In 1980, HIA 532 told the police about sexual abuse he suffered whilst resident in Bawnmore. As a result, Mr. Robert Elder and Mr. Peter Bone were each convicted of sexual offences against HIA 532.
- 3.16. HIA 532 also told police in 1980 that a third man, S2, sexually assaulted him in Bawnmore. S2 was employed at Bawnmore from 24 July 1967 until 31 March 1968, first as an Assistant Housefather and then as Deputy Superintendent. S2 was not traced by the police in 1980 and, when police made contact with him in 1982, he denied any sexual activity between himself and HIA 532, saying *"we slept together in a double bed and as far as I am concerned nothing took place...the reason why I took the child home was to offer him friendship and the opportunity of a family home."*<sup>25</sup> However, in 1985, S2 admitted to police that *"on one occasion just before I married in 1968 I slept with [HIA 532] in my parents home and I remember masturbating him."*<sup>26</sup>
- 3.17. S2's admission means that HIA 532 suffered sexual harm whilst resident in Bawnmore by three different men, all of whom were placed in a position of trust and it is noteworthy that the systems failures identified by the Board in its statement dated 6 May 2016 all relate to HIA 532's care and supervision whilst in Bawnmore.
- 3.18. In paragraph 82(a) of its statement dated 6 May 2016, the Board accepted that HIA 532's complaint against Mr. Elder ought to have been recorded in

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<sup>24</sup> BWN 109, paragraph 41 and BWN 7401

<sup>25</sup> BWN 20339

<sup>26</sup> BWN 20217

writing to ensure the information was shared with relevant professionals. In particular “ [HIA 532’s] complaint should have prompted [B3] to report in writing to the Children’s Officer with a view to his considering referral to the police”<sup>27</sup>

3.19. The Hughes Inquiry received disputed facts about what HIA 532 told BM 3 about Mr. Elder. HIA 532 gave evidence that he had made a complaint to BM 3 about both photographs and being taken from his bed in the middle of the night<sup>28</sup>. BM 3 told the Hughes Inquiry that he made no allegation of sexual interference to BM 3<sup>29</sup>. However, Mr. Elder’s police statement accepted that there had been sexual behaviour between him and HIA 532, saying that he recalled that HIA 532 had told BM 3 about that happening, continuing to say “[BM3] approached me about this and I denied it.”<sup>30</sup>.

3.20. At paragraph 6.38, Hughes reported that “on balance, however, we believe that the evidence is that a complaint about Mr. Elder’s homosexual activities was made and that [BM3] was deceived by a denial and a story about the photographs which he should at least have sought to check by insisting on their production”<sup>31</sup>.

3.21. Despite this finding, in HIA 532’s evidence to this Inquiry on Day 208, he remained unsure if he had spoken to BM 3 about Mr. Elder sexually assaulting him. This is seen during HIA 532’s exchanges with Ms. Smith QC on Day 208, which includes the following:

Q. What I wanted to be clear was, HIA 532, did you say something more than, you know --

A. I don't really -- I can't really be honest and say "Yes". You know what I mean? I can't really say I actually said that he was abusing me too, you know, but I know

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<sup>27</sup> HIA 872, paragraph 6.38

<sup>28</sup> HIA 870, paragraph 6.34

<sup>29</sup> HIA 871, paragraph 6.36

<sup>30</sup> BWN 20091

<sup>31</sup> HIA 872



*for definitely, like, I went to his bungalow and told him about the photographs.”<sup>32</sup>*

- 3.22. In the Board’s submission, the continuing uncertainty in HIA 532’s mind about what he told BM 3 (which is understandable given the lapse in time) underscores the need for his complaint about Mr. Elder to have been recorded in writing and submitted to the Children’s Officer. This would then have formed the basis for further action, including consideration of a referral to the police as indicated in the Hughes report.
- 3.23. In paragraph 82(b) of its statement dated 6 May 2016, the Board noted that the relationship between HIA 532 and Mr. Bone went *“virtually unremarked in the Social Welfare Officer’s notes”*. The Board submits that this may have arisen from either a breakdown in communicating information from the residential staff to the fieldwork staff, or through a lack of recording by the fieldwork Social Welfare Officer and, as records from the Home are not available, the Board is not able to confirm which difficulty arose. Notwithstanding this, the Hughes Inquiry found and the Board accepts that *“[t]he result was that this aspect of his supervision at the home was less than satisfactory”<sup>33</sup>*
- 3.24. In paragraph 82(c) of its statement dated 6 May 2016, the Board also accepted, as detailed by the Hughes Inquiry, that between 1968 and 1970 *“there do not appear to have been any guidelines governing visitors taking children out of the home. We consider that this was a material gap in the Belfast Welfare Authority’s arrangements for the supervision of children in its care”<sup>34</sup>*
- 3.25. The paragraph 82(c) concession made by the Board flows from Mr. Robert Moore’s evidence to the Hughes Inquiry that in the 1968 to 1970 period there were no formalised procedures relating to members of the public

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<sup>32</sup> Transcript Day 208, Pages 120 – 123 for full exchange

<sup>33</sup> HIA 872, paragraph 6.39

<sup>34</sup> HIA 864, paragraph 6.13

visiting homes taking children out occasionally although there was a formal vetting procedure for people who wanted to befriend a child in care on a more continuous basis.

- 3.26. It is important to note, however, that the Hughes report concluded:

*"We do not consider there is any evidence to suggest that a formal vetting procedure for visitors to the home could have prevented the offences for which Mr. Bone was convicted. Mr. Bone was a married man, employed by a public authority, was known to the Officer-in-Charge of the home and had no previous convictions. He had a connection with the Scouting movement which could reasonably have been taken by the Authority as evidence of a genuine, properly motivated interest in youth work..."*<sup>35</sup>

- 3.27. The Hughes Report, at paragraph 6.15, also found that the monthly visiting requirements under the Welfare Authorities Homes Regulations 1952 were met by Mrs. Wilson from February 1963 until September 1965 with only a single exception; from September 1965 until the end of 1967 by Ms. Brown and Mr. Moore with some omissions and that there was almost full compliance from early 1968 to September 1973.<sup>36</sup>

- 3.28. The Hughes Report also highlights, at paragraph 6.18, that the offences of Mr. Elder and Mr. Bone were committed at a time when inspections of the Home by Mrs. Wilson were regular and that Mrs. Wilson made a statement to the Hughes Inquiry to the effect that she never received a complaint of a sexual nature relating to any boy or member of staff at Bawnmore. Hughes concluded that:

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<sup>35</sup> HIA 864, paragraph 6.12

<sup>36</sup> HIA 864

*"...the failure of regular inspections to prevent or detect the offences lay in the nature of the activity. We do not believe that Mrs. Wilson could have detected the offences in the absence of specific signs of distress or of any complaint made directly or indirectly to her. We find no basis for criticism of the statutory inspections by officials in the relevant period."*<sup>37</sup>

- 3.29. In reaching this conclusion, the remit of the Hughes Inquiry was limited to homosexual abuse. During Module 14 this analysis was referred to in paragraph 5.2.8 of Ms. McAndrew's statement and was developed during her oral evidence in discussion between the Chairman and Ms. McAndrew to consider the capability of an alert visitor to pick up visible signs of either physical abuse or physical neglect. This discourse concluded with the following exchange:

*A. "I think it's difficult to draw a direct correlation between that visitor absolutely picking up on abuse in the home.*

*Q. I think the most one can say is that the absence of a visitor reduced the possibility of detection, but how much more than that one can say is perhaps doubtful."*<sup>38</sup>

### **Mr. Elder**

- 3.30. As detailed, Mr. Elder had a period of placement in Bawnmore Children's Home associated with his studies at Rupert Stanley College in 1967 / 1968. He was not a permanent member of staff. It is known that he was subsequently employed by the Northern Board as a Fire Prevention Officer, no complaint having been made against him until the police enquiries that commenced in January 1980. He was subsequently convicted of indecent assault in December 1981 and was dismissed from his employment with the Board in March 1982.

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<sup>37</sup> HIA 865, paragraph 6.18

<sup>38</sup> Transcript Day 204, page 68, lines 8-25, page 69-71 for full discussion.

- 3.31. It was in October 1983 that the Department of Health introduced the pre-employment consultancy. This had relevance to specific professions only within Northern Ireland. The English system, as noted by the Hughes Inquiry, had been developed much earlier, with a register of persons deemed to be potentially unsuitable for employment in the child care field being maintained from 1952. The Hughes Inquiry considered that similar arrangements should have been made by the Ministry of Home Affairs<sup>39</sup>. The Board agrees that the arrangement would need to have been made at that level to have regional effect across Northern Ireland by way of a centralized system. It should also have been easier given Northern Ireland's size, to achieve this, given it was already being implemented in England.
- 3.32. On an unknown date, which may indicate that the action was taken in advance of the Pre Employment Consultancy Service being available, or it may arise from Mr. Elder not formally falling within its terms, the then Director of Social Services of the Northern Health and Social Services Board sent a memo to all his colleagues in Scotland, England, Wales and Northern Ireland in the following terms with reference to Mr. Elder:
- "If the above-named should apply to your Authority for any position which would bring him into contact with children or young people, I would advise you to contact me before considering his application"*<sup>40</sup>
- 3.33. The Board is further aware that the relevant successor Trust corresponded with local authorities in England during 2002 (Essex County Council) and 2006 (Shropshire County Council), each of whom appear to have been reviewing information held by them about those persons that would potentially pose a risk against vulnerable client groups. In the Board's

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<sup>39</sup> HIA 689, para 3.12

<sup>40</sup> BWN 35005

submission this demonstrates that the action taken by Mr. D D Smyth was received and acted upon by his colleagues. This should have ensured he could not achieve employment within the social services field, and could not thereby gain access to any more children to abuse.

BM1

- 3.34. BM1 was employed at Bawnmore Children's Home from 12<sup>th</sup> December 1965, when he was initially appointed as an Assistant Houseparent. In January 1967 the Welfare Committee approved his appointment as Housefather Grade I in the same home<sup>41</sup>. During the years 1968-1969, he was at Rupert Stanley College studying for a Certificate in Child Care. The Board has filed a statement from Ms. McAndrew dated 17 May 2016 addressing the circumstances of BM1 employment<sup>42</sup>.
- 3.35. BM1 left Bawnmore in 1975 to take up employment in Palmerston Reception and Assessment Centre within the Eastern Health and Social Services Board. On 17<sup>th</sup> September 1982 he was convicted of nine counts of indecent assault which occurred during the period March 1978 to July 1981 involving seven residents of that home and was given an absolute discharge. The circumstances of those offences are considered by the Hughes Inquiry in Chapter 8 of their report.
- 3.36. No contemporaneous complaint was made against BM1 during his employment in Bawnmore, but subsequent complaints have been made by HIA 112, (who first made such a complaint in his statement to this Inquiry)<sup>43</sup> and by BWN 20 [REDACTED] who first complained to the police by statement dated 22 April 1980<sup>44</sup>.

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<sup>41</sup> BWN 227

<sup>42</sup> BWN 222

<sup>43</sup> Transcript Day 208, pages 93 – 94: He did not speak to the police or to the Hughes Inquiry

<sup>44</sup> BWN 229

- 3.37. **BM1** was first suspended from his employment on 11<sup>th</sup> January 1982. This was prior to the Eastern Board receiving information from the police about complaints made against him, nor were they made aware of BWN 20's complaint<sup>45</sup>. It followed receipt of information about allegations made against him prior to his employment in Bawnmore Children's Home that do not appear to have been known at the time of his employment<sup>46</sup>. As is known to the Panel, there was no register of persons that presented a risk to children kept in Northern Ireland until the establishment of the Pre-Employment Consultancy Service by the Department of Health in October 1983. Evidence has not been seen in relation to the nature of the complaints said to have been made in the early 1960's in the context of **BM1** work in a youth club, particularly whether they were referred to and investigated by the police. It would therefore be a matter of speculation as to whether the earlier establishment of such a register would have potentially protected the nine victims in respect of whom he was subsequently convicted.
- 3.38. **BM1** was subsequently summarily dismissed from his employment with the Eastern Health and Social Services Board on 20<sup>th</sup> September 1982. An appeal heard on 25<sup>th</sup> October 1982 upheld his dismissal.
- 3.39. Thereafter, it is submitted, that there were determined efforts by the Board's predecessor to ensure that **BM1** interactions with children were limited. In her opening to the Bawnmore portion of Module 15, Ms. Smith QC pointed to documentation that evidenced the Eastern Health & Social Services Board's view that it had a duty to acquaint the County Commissioner of Scouts as to the details of the convictions, and wrote to

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<sup>45</sup> HIA 906, paragraph 8.17 and 8.18 of the Hughes Report

<sup>46</sup> BWN 239 and Ibid., paragraph 8.19 of the Hughes Report

police seeking the boys' statements<sup>47</sup>.

- 3.40. After some persistence on the part of the Eastern Board, the police eventually confirmed that the Board's understanding of the nature of the allegations was correct. By letter of November 1987 the police indicated to the Chief Legal Advisor, Central Services Agency:

*"You now seek confirmation of allegations made against BM1 in three particular cases and I must inform you that the allegations enumerated in the second paragraph of your letter are substantially correct. I trust this information will be sufficient to meet your requirements."*<sup>48</sup>

### **Concluding Remarks**

- 3.41. Both Messieurs Elder and Hendry were convicted in the early 1980's of offences that had taken place in the context of residential child care. They were each dismissed from their employment. Thereafter the relevant Health and Social Services Boards took steps to acquire and disseminate information. This, it is submitted, demonstrates an awareness by the Board's predecessors to ensure that children generally were protected from future abuse by those that had shown a propensity towards such behaviours.
- 3.42. This may also be further evidence of the change in social work undertaking of the nature of institutional and sexual abuse that has been defined as occurring during the 1980's, and which was likely effected in Northern Ireland through the Kincora scandal which will be considered in Part 2 of these submissions.

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<sup>47</sup> Suite of relevant correspondence at BWN 20674 – BWN 20697

<sup>48</sup> BWN 20697

PART TWO

KINCORA BOY'S HOSTEL, BELFAST



## 4. BACKGROUND

### Years of Operation

- 4.1. Kincora Boys Hostel was opened by Belfast Welfare Authority on 6 May 1958. After local government reorganisation on 1 October 1973 the responsible authority for Kincora was the East Belfast and Castlereagh District of the Eastern Health and Social Services Board.
- 4.2. On 10 July 1980, the Personal Social Services Committee of the Eastern Health and Social Services Board agreed that the use of Kincora Boys' Hostel should be phased out<sup>49</sup> and all existing residents had been found alternative accommodation by 1 October 1980 which brought the use of the Hostel to an end<sup>50</sup>.

### Aim and Remit

- 4.3. A report dated 28 February 1958 and signed by Mr. Jack Magee, Welfare Officer said that

*"The hostel will be used to provide accommodation for boys over school age and particularly those whom it has not been possible to board out i.e. those who may have a parent who wishes to visit, and any that are difficult socially.*

*These boys would normally pass out of care on attaining the age of 18 years, but it may be necessary to permit some to remain in the hostel until they are 21. In these circumstances, the necessary approval will be sought from the Ministry of Home Affairs."*<sup>51</sup>

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<sup>49</sup> KIN 1120

<sup>50</sup> KIN 1122

<sup>51</sup> KIN 1129

Mr. Magee continues by detailing twelve rules that the residents would be expected to co-operate with.

- 4.4. On Day 218, Mr. Bunting gave evidence to the Inquiry. He drew the Panel's attention to the language used by Mr. Magee, Welfare Officer in this report. According to Mr. Bunting, it is of significance that the term '*warden*' was used, as this denoted something akin to 'a youth hostel'. In the Board's submission, Mr. Magee's terminology together with the emphasis within the rules detailed on residents assisting with the day to day running of the hostel and contributing to their maintenance underscores that Kincora was a particular type of institution, designed to prepare adolescent boys for independent living.
- 4.5. Mr. Bunting's witness statement also referenced that the Hostel was established pursuant to Section 96 of the Children and Young Persons Act 1950. The key elements of that provision state:
  - (1) *A welfare authority may make arrangements for the accommodation near the place where they may be employed, or undergoing education or training of persons –*
    - (a) *who have attained the upper limit of compulsory school age but have not attained the age of twenty-one; and*
    - (b) *who are, or have at any time after ceasing to be of compulsory school age been, in the care of the welfare authority;*
  - (2) *A welfare authority may, with the approval of the Ministry, make contributions to the cost of the accommodation and maintenance of any such person as is mentioned in the preceding sub-section, being a person who has attained the age of eighteen, in any place where he may be employed or seeking employment, or undergoing education or training...* <sup>52</sup>

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<sup>52</sup> HIA 231

4.6. Referring back to Mr. Magee's report it is noted that the eighth of the "rules" that would be provided to residents was: *"Efforts will be made to find suitable employment on behalf of the residents"*<sup>53</sup>. Further in an undated document, 'The Conditions of Appointment of Warden at Working Boy's Hostel, Upper Newtownards Road, Belfast', seven particular duties were outlined of the Warden, the third of which was: *"To make contacts with reputable industrial firms which afford opportunities for apprenticeships"*<sup>54</sup>. These, it is submitted, underscore the intended function of the Hostel as being for those boys who had completed their education and who were now engaged in employment. For those that had not attained employment, it is seen that one duty of the Warden was to assist them in so doing. In his evidence, HIA 199 recalled: *"Well, I just emphasise that that was the purpose of Kincora... it was to get us into the work environment and it was to help ease us into life after Kincora after your 18<sup>th</sup> birthday. It was to ready you for what was ahead."*<sup>55</sup>

4.7. After the legislative change, and the enactment of the Children and Young Persons Act 1968, Kincora continued to function as a hostel within the definition of Section 121. That stated

(1) *A welfare authority may, with the approval of the Ministry, provide hostels for persons –*

*(a) who are over compulsory school age but have not attained the age of twenty-one; and*

*(b) who are, or have at any time after ceasing to be of compulsory school age been, in the care of the welfare authority;*

(2) *A welfare authority may accommodate in hostels provided under this section persons who fulfil the conditions specified in paragraph (a), but not those specified in paragraph (b) of subsection (1), as well as persons who fulfil the*

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<sup>53</sup> KIN 1129

<sup>54</sup> KIN 1146

<sup>55</sup> Transcript Day 209, page 71, lines 2 – 8

*conditions specified in both those paragraphs; and a welfare authority, in determining how much hostel accommodation to provide under subsection (1), shall have regard to the desirability of facilitating the association of persons who fulfil the conditions specified in both those paragraphs with persons who do not.*<sup>56</sup>

- 4.8. While the Board has not had sight of the registration certificate issued to the Hostel by the Department, this analysis is supported by the SWAG inspector's description of the "Aim and Regime of the Hostel" in 1979 which was in the following terms:

*"To prepare adolescent boys who are shortly to leave the care of the Board for independent living and to offer them, as far as possible, a way of life similar to that in a normal, flexible, well supervised home."*<sup>57</sup>

- 4.9. The same SWAG report dated 29 August 1979 by Mr. O'Kane identified that Kincora at that time had a maximum capacity of "9 boys. The Hostel formerly accommodated 11 residents, but with the discontinued use of the attic accommodation the number was reduced to 9".

- 4.10. An undated document entitled 'Conditions of Appointment of Assistant Warden Kincora, Working Boys Hostel, 236 Upper Newtownards Road, Belfast 4' , refers to the Hostel '*accommodating approximately 10 boys*'.<sup>58</sup> Other contemporaneous records of the number of residents from time to time include:

- i. Reports given to the Welfare Committee and recorded in the minutes of their meetings including, by way of example:
  - a. February 1961 - 11 boys in residence<sup>59</sup>;

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<sup>56</sup> HIA 377

<sup>57</sup> KIN 1134

<sup>58</sup> KIN 1183

<sup>59</sup> KIN 140350

- b. October 1964 – 13 boys in the Hostel<sup>60</sup>;
    - c. October 1969 – 7 boys resident<sup>61</sup>;
  - ii. The available monitoring reports show that in October and November 1973 there were 8 boys in residence<sup>62</sup>;
  - iii. In November 1976 there were 10 boys in Kincora “*necessitating one boy sleeping on a make-shift bed on the landing*”<sup>63</sup>. This remained the position in December 1976<sup>64</sup>.
- 4.11. Ms. McAndrew’s overview statement dated 23 May 2016, highlights that Kincora hostel was used on occasions by the Board’s predecessors to accommodate boys who had not reached compulsory school age. Further to the information in Ms. McAndrew’s statement, the Board has carried out a complete analysis of the Kincora admissions register to determine the nature and extent of admissions of boys who had not yet reached compulsory school age which is attached to these written submissions at Schedule 1.
- 4.12. The analysis shows that while the Hostel was operated by Belfast Welfare Authority (1958 – 1973) the vast majority of admissions were of boys over 15, which was the relevant age for compulsory school age at that time. Admissions of boys under 15 were, in the main, of a short term nature with long-term admissions of boys aged under 15 relating to those that aged 14 years 6 months or older, save in five identified circumstances:
- i. HIA 199 / R 3, aged 14 years [REDACTED] when admitted on 22 February 1960. He remained resident until 6 June 1961<sup>65</sup> and had further readmissions thereafter;
  - ii. KIN 2, aged 14 years when admitted on 25 July 1961. He had an older

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<sup>60</sup> KIN 140533

<sup>61</sup> KIN 140619

<sup>62</sup> KIN 1301

<sup>63</sup> KIN 1304

<sup>64</sup> KIN 1305

<sup>65</sup> KIN 11921 – 22

brother already in residence, and remained in the Hotel until 2 February 1963<sup>66</sup>;

iii. KIN 127, aged 14 years [REDACTED] when admitted on 8 December 1961.

He resided in the Hostel until 29 March 1963<sup>67</sup>;

iv. KIN 136, aged 14 years [REDACTED] when admitted on 9 August 1963. He was to remain for almost 1 year until 2 August 1964<sup>68</sup>;

v. KIN 24, aged 14 years [REDACTED] when admitted on 9 September 1966.

He was discharged on 8 March 1967.

There is a further, possible sixth, long-term admission of a boy aged under 15, in these 15 years (1958 – 1973) of KIN 111, who was aged 14 years [REDACTED] when admitted on 30 November 1961. The admission book does not, however, detail his discharge date and thus his length of stay is unknown.

4.13. There were no long-term admissions of children aged under 14 years. Short-term admissions of younger children, namely those aged 13 or under, are seen for the first time in 1964. The longest of those admissions was for two weeks, with them in the main being for a number of nights only.

4.14. Reorganisation in October 1973, also coincided with a raising of the compulsory school age to 16 in April of the same year<sup>69</sup>. During the following years, when the Hostel was operated by a District of the Eastern Health and Social Services Board, very short-term admissions of children aged 13 or younger continue to be seen. The only long-term admission of a boy in this category was R15, who was admitted, aged 13 years [REDACTED], with his older brother from November 1973 to September 1974<sup>70</sup>. The admission of 14 year olds continued, with those boys also, in the main being

<sup>66</sup> KIN 11929 – 30. His brother was admitted on 24 July 1960 aged 16 years [REDACTED]: KIN 11923 – 3

<sup>67</sup> KIN 11931 – 2

<sup>68</sup> KIN 11941 – 2

<sup>69</sup> Education and Libraries (Northern Ireland) Order 1972, Article 36, which came into force on 1<sup>st</sup> April 1973 by virtue of Article 1(2).

<sup>70</sup> KIN 12016 – 7

short term admissions save for one identified exception and a further three possible exceptions:

- i. KIN 273, aged 14 years [REDACTED] when admitted on 15 October 1974. He is not a confirmed exception as his discharge date is not recorded<sup>71</sup>;
- ii. [REDACTED] who is the only confirmed exception, having been aged 14 years [REDACTED] when he was admitted on 27 June 1975. He was to remain in the Hostel for over 2 years until October 1977. A note in the admission book confirms that his admission was approved by the District Social Services Officer<sup>72</sup>;
- iii. KIN 177, aged 14 years [REDACTED] when admitted on 15 December 1978. As no discharge date is recorded, it is not known how long he was in fact resident in the Hostel<sup>73</sup>;
- iv. KIN 208, aged 14 years [REDACTED] when admitted on 2 November 1969 for almost 3 months until 23 January 1980. He was also readmitted aged 14 years [REDACTED] on 4 February 1980. No discharge date is recorded for his second admission, but it is known that all boys had left the Hostel by October 1980 and thus this admission was for no more than 8 months<sup>74</sup>.

4.15. With the raising of compulsory school age and the admission of 15 year olds, the change seen, however, is that the majority of admissions to the Hostel were now made up of admissions of boys aged under compulsory school leaving age.

4.16. On Day 218, Mr. Bunting, who was Children's Officer in Belfast Welfare Authority between November 1971 and October 1973, agreed that it was not acceptable for school boys to be accommodated in Kincora as Castle Priory recommended much higher levels of staff for school age children<sup>75</sup>. Moreover, the facilities at Kincora were not designed for younger children.

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<sup>71</sup> KIN 12020 - 1

<sup>72</sup> KIN 12026 - 7

<sup>73</sup> KIN 12038 - 9

<sup>74</sup> KIN 12042 - 3

<sup>75</sup> Transcript Day 218, page 108, line 24 - page 109, line 8

Mr. Bunting noted that *"I think initially the two attic rooms were to be used for recreational purposes as far as I am aware, billiard table or something like that... But there was nothing... In fact there weren't any suitable grounds outside for outdoor play"*. While he noted that there were playing fields to his knowledge behind the home, there absolutely nothing within the curtilage of Kincora, rather the only recreational activity appeared to be watching TV.<sup>76</sup>

- 4.17. Welfare Committee minutes show that attention was paid to the need for recreational activities outside the Hostel for all residents in the early years of its operation. The Committee recorded at its meeting on 2 December 1964 that recreational facilities, including physical education, were provided in the evenings at Strandtown Primary School. The Committee agreed, at that time, to the boys making use of those facilities on two evenings each week, with the cost of same to be shared: 25% to be paid by the Welfare Committee; 75% to be met by the Education Committee<sup>77</sup>. There were also later efforts, in 1976, to request the use of local playing fields for the residents, but unfortunately this was not achieved<sup>78</sup>.
- 4.18. Mr. Bunting also told the Inquiry that children below compulsory school leaving age were placed in Kincora of necessity because there was nowhere else to place them in the statutory or voluntary sector, they having been removed from a situation of harm or risk of harm. This is supported, it is submitted, by the analysis of admissions undertaken, wherein it is noted that many of the very short-term placements of younger children were brought to an end by discharge to an alternative, age appropriate, children's home. This an indicator that there was a lack of appropriate residential provision and, whilst recognising that this is in the context of finite resources, the Board also notes that in her statement at GOV 800, Dr

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<sup>76</sup> Transcript Day 218, page 109, line 12 – page 110, line 14

<sup>77</sup> KIN 140536

<sup>78</sup> KIN 90748 – KIN 90750



Harrison accepts that *“the role of the DHSS was to ensure the availability of residential child care services that were adequate and sufficient to promote the social welfare of children who needed them.”*<sup>79</sup>

## Staffing

- 4.19. Mr. Joseph Mains was appointed as Warden of Kincora Boys’ Hostel in March 1958, having had previous experience as Warden of another boys’ home operated by Belfast Welfare Authority over a period of 14 months from 1 January 1956 until its closure in February 1957<sup>80</sup>. Mr. Mains remained in post until he was placed on precautionary suspension on 4 March 1980<sup>81</sup> and then dismissed following his conviction, in December 1981, for sexual offences against boys who had resided in the hostel.
- 4.20. Mr. Mains was the lone member of caring staff in the first 4 years of operation from May 1958 to March 1962 working alongside <sup>Elizabeth</sup> McCullough who began employment as a cook in Kincora on 13 July 1958 and remained employed in that capacity until the Hostel closed in October 1980. While Mr. Mains had no support from additional caring staff the Welfare Committee minutes record other staff having to be seconded to the Hostel to assist as follows:
- i. Ms. Margaret McCaig was seconded from Williamson House and required to live in the Hostel from 21 September through October 1958 during the absence of the Warden<sup>82</sup>. While the reason for Mr. Mains’ absence is not recorded, it is noted in earlier minutes that he was unwell<sup>83</sup>;
  - ii. The Welfare Officer’s Report for a Committee Meeting on 20 December

<sup>79</sup> GOV 800, paragraph 5.6.

<sup>80</sup> KIN 1142: Mr. Mains’ Application Form also notes involvement with St John’s Ambulance from 1949 and 7 years experience as a Male Nurse at Purdysburn Hospital.

<sup>81</sup> KIN 1138

<sup>82</sup> KIN 140020

<sup>83</sup> KIN 140016: Welfare Committee, 14<sup>th</sup> October 1958: “It is hoped to restrict the number of admissions during the unfortunate illness of the Warden”.

1960 records *"To report that Mr. John Rea, Gardener/Handyman, Ben Madigan, was seconded to Kincora during the absence of the Warden on annual leave from 4<sup>th</sup> to 17<sup>th</sup> December 1960 ...."*<sup>84</sup>

- 4.21. While the staffing situation may now be observed with some concern, it is noted that during this period the early years' of Kincora's operation there is no documented concern within the minutes of the Welfare Committee. To the contrary their meeting on 24 November 1959 recorded the Children's Officer's report thus:

*"Visited on 18<sup>th</sup> November. There are at the moment nine boys in residence but I think it should be quite feasible to arrange for ten to be accommodated on a permanent basis without overcrowding. The boys are all well and most of them are in regular employment."*<sup>85</sup>

At a subsequent meeting on 2 March 1960 it was reported that there were then ten boys in residence<sup>86</sup>.

- 4.22. The creation of a post of Assistant Warden was recommended by the Welfare Committee on 7 November 1961, on which date there were 11 boys reported by the Children's Officer to be in residence. The minutes also record the Children's Officer having a view: *"nevertheless I hope it will be possible for Kincora to be used for short stay accommodation only as I feel that foster-homes or suitable lodgings are a more normal environment for the adolescent boy"*<sup>87</sup>. The creation of the Assistant Warden post was approved by the Ministry of Home Affairs by letter dated 15 December 1961.

- 4.23. Mr. W A Robinson was approved as the first appointment to the post of

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<sup>84</sup> KIN 140318

<sup>85</sup> KIN 140232

<sup>86</sup> KIN 140281

<sup>87</sup> KIN 140402 and KIN 140403

Assistant Warden from 1 March 1962<sup>88</sup>. He remained in post for just over 7 months before his resignation with effect from 24<sup>th</sup> October 1962<sup>89</sup>. After Mr. Robinson's resignation minutes of the Welfare Committee record that the next appointment as Assistant Warden was Mr. Thomas Smith, who took up duty on 1<sup>st</sup> July 1973<sup>90</sup>. He remained in post for 11 months, resigning with effect from 31<sup>st</sup> May 1964<sup>91</sup>. The first advertisement for a replacement for Mr. Smith resulted in no applications for the post being made<sup>92</sup>.

4.24. Mr. Semple was then employed as Assistant Warden from September 1964 until February 1966 "*when he resigned for domestic reasons*". The Board accepts, however, that Mr. Semple's departure was, at least in part, triggered by his inappropriate relationship with B 3/R 1, which was known about by Mr. Mains who had warned Mr. Semple, on two occasions, to stop it. As with the other caring staff in the Hostel, comment has been made about the lack of his qualifications. The Board now notes that the Welfare Committee agreed to send Mr. Semple on a training course held between 18 – 29 January 1965 in Manchester<sup>93</sup>.

4.25. After Mr. Semple's resignation the post remained vacant for significant periods. This difficulty was recognised by the Welfare Officer who reported to the Welfare Committee on 22<sup>nd</sup> March 1966. On that date he requested and received authority to second a Welfare Assistant to the Home for a period up to a maximum of 20 hours per week<sup>94</sup>. It is known that following this, from May to September 1966, such assistance was given by Mr. Maybin.

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<sup>88</sup> KIN 1170 and 1171

<sup>89</sup> KIN 140442

<sup>90</sup> KIN 140486

<sup>91</sup> KIN 140521

<sup>92</sup> KIN 140524

<sup>93</sup> KIN 140535

<sup>94</sup> KIN 140576

4.26. Between 1 June 1964, after the resignation of Mr. Smith, and 26 April 1968 it was recorded that Mr. Mains had been *“without the help of an Assistant Warden for a total of approximately 20 months”*<sup>95</sup>. Difficulties continued throughout 1968. The post was advertised on five occasions during 1968. During this period, the Welfare Committee sought and was granted approval from the Ministry of Home Affairs to two honorarium payments of £100.00, in July 1968, and £125.00, in May 1969, *‘in view of the additional responsibility and hours worked’* and as a result of his inability to take leave *‘owing to the post of Assistant Warden being vacant the greater part of the past few years’*<sup>96</sup>. On 2 April 1969 the Welfare Committee noted:

*“There are 9 boys resident. It is fortunate that this is a particularly settled group of boys as the Assistant Warden has not yet taken up duty. Conditions in the Hostel are satisfactory”*<sup>97</sup>

4.27. The post was re-advertised in April 1969, at which time Mr. Semple successfully applied for reappointment as Assistant Warden. He was appointed from June 1969. In December 1981, Mr. Semple was convicted of offences that predated 1969, the Hughes Inquiry accepted that there was no evidence of any complaint against him being brought to the attention of the responsible authority at the time.<sup>98</sup> This remains the state of the evidence at the conclusion of Module 15. Like Mr. Mains, Mr. Semple was placed on precautionary suspension on 4 March 1980 and then dismissed following his conviction, in December 1981, for sexual offences against boys who had resided in the hostel.

4.28. Mr. McGrath took up employment as Housefather in Kincora in August 1971. The job specification indicated that preference would be given to

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<sup>95</sup> KIN 1173

<sup>96</sup> KIN 1158 – 1160 for 1968; KIN 1161 – 1163 for 1969

<sup>97</sup> KIN 140602

<sup>98</sup> HIA 691-692, paras 3.17 and 3.18

candidates with a working knowledge of the running of a children's home and a salary supplement was offered to those with a Certificate in Child Care or similar qualification. Mr. McGrath had neither. He was in receipt of favorable references from two Ministers of religion, which the Hughes Inquiry considered were "of limited value in determining his suitability for work in residential child care"<sup>99</sup> Like his colleagues, Mr. McGrath was placed on precautionary suspension on 4 March 1980 but he then left his post under a job release scheme in December 1980. In December 1981, Mr. McGrath was convicted of sexual offences against boys who had resided in the hostel.

- 4.29. In addition to the cook, <sup>Elizabeth</sup> ~~McCullough~~ referenced above, <sup>Elizabeth</sup> ~~Smyth~~, who undertook laundry and cleaning tasks, commenced employment in the Hostel on 15 November 1966<sup>100</sup> and remained in post until the Hostel closed. She initially worked from 7am to 12.30pm. After the appointment of Mr. McGrath she described "*my hours were reduced from 8am – 12noon*". She recalled in a statement to the Sussex police that after Mr. McGrath had worked in Kincora for about two years she was told by Mr. Mains to return to her previous hours after a complaint by R15 "*that Mr. McGrath had told him to zip up his trousers*". Her statement continued: "*I couldn't understand why McGrath's comment should cause so much bother but I agreed to return to my previous hours. Once back to making an early start at the hostel I resumed waking up the boys in the morning as I had done before. I do recall Mains asked me particularly to wake up a boy called [HIA 533] although he never gave me any reason why.*"<sup>101</sup>

- 4.30. In his written statement dated 23 June 2016, which was confirmed in his oral evidence on Day 218, Mr. Bunting has stated that the Department of Health and Social Services issued staffing guidelines in April 1974 and that for

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<sup>99</sup> HIA 692, para 3.19

<sup>100</sup> KIN 1227-1229

<sup>101</sup> KIN 40612

hostels the ratio was 1 staff member to 3.5 young people. Mr. Bunting expressed the view that, *“In light of these guidelines in which duty hours of staff were accounted for, and in accordance with Group 3 of the Castle Priory Recommendations, Kincora was, at least by 1974, adequately staffed.”*<sup>102</sup>

4.31. Mr. Bunting has also explained to the Inquiry his plan to completely redevelop the Hostels in the Belfast Welfare Authority area and how these plans had to be shelved post re-organization due to inadequate provision combined with the increased demand for residential care. In his statement, Mr. Bunting explained that *“although the increase in staffing did not take place in Kincora as per other Children’s Homes, it was kept under review and the level of staffing was maintained in accordance with Group 3 of the Castle Priory recommendations”*<sup>103</sup>.

4.32. In reviewing the staffing complement over time in Kincora, the Board accepts that Kincora was understaffed for a prolonged periods of its operation and, in the words of Mr. Bunting on Day 218, this was an *‘unsafe’*<sup>104</sup> situation for both the residents and staff alike.

4.33. In the Board’s view, the staffing establishment in Kincora between March 1958 and December 1961 was unacceptably low. It appears, however, that reasonable attempts were made thereafter to recruit a suitable Assistant Warden and, although the post was filled in March 1962, it was subsequently vacated and remained so from time to time until Mr. Semple’s re-appointment to the post in 1968.

4.34. On the basis of the evidence available, it appears that *“there were enormous*

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<sup>102</sup> KIN 197 at KIN 199, paragraph 13

<sup>103</sup> Ibid, at KIN 200, paragraph 20

<sup>104</sup> Day 218, page 153, lines 1 – 2 “Well, it wasn’t – it wasn’t safe. It couldn’t be safe with just one person there”

*challenges in terms of recruiting and getting staff for the hostel”*<sup>105</sup> and, as a result, there were significant periods of time when Mr. Mains was left to work alone with the domiciliary assistance of <sup>Elizabeth</sup>McCullough and <sup>Elizabeth</sup>Smyth .

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<sup>105</sup> Day 215, page 161, lines 7 – 8

## 5. THE FACTS

### The Abuse

- 5.1. As already detailed, three members of the caring staff in Kincora Boys' Hostel were convicted of sexual offences in December 1981. These offences had occurred over a period of two decades, with the earliest offences being those committed by Mr. Mains against R 2 which dated as early as 1961, and the latest being those committed by Mr. McGrath against R 22 which continued to 24 January 1980. The convictions relate to offences by Messieurs Mains, Semple and McGrath against a total of 15 boys<sup>106</sup>.
- 5.2. In a statement dated 6 May 2016, the Board noted that it "*condemns all acts of abuse*"<sup>107</sup>. The intention of taking children and young people into care is to protect them and safeguard their welfare. It is a matter of sadness and regret that this was not the experience of those residents who were abused in Kincora. In making the submissions that follow, it is not the intention of the Board to detract from that in any way.
- 5.3. It is necessary to address the circumstances of the abuse in light of the allegations that have been repeatedly disseminated, particularly through media outlets, that Kincora was at the centre of a vice ring and that the abuse was connected with child prostitution. For the purpose of these submissions these are referred to as "the wider allegations".
- 5.4. In the Board's view the evidence in this Module has demonstrated that the sexual abuse that occurred was abuse of individual boys by individuals.

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<sup>106</sup> Mr. Mains was convicted of offences against 4 boys; Mr. Semple was convicted of offences against 2 boys; Mr. McGrath was convicted of offences against 11 boys. Messieurs Mains and Semple were each convicted in respect of abuse of R7; Messieurs Mains and McGrath were each convicted in respect of abuse of R9.

<sup>107</sup> KIN 1086, Statement of Fionnuala McAndrew dated 6 May 2016, paragraph 12



5.5. In his opening of the Module, Mr. Aiken BL undertook a detailed analysis of what the residents of Kincora, including those that experienced abuse, had to say about the abuse that was suffered by them. The Board does not intend to rehearse this, but would rely on same as supporting the submission that the wider allegations are not supported by the evidence. Their characterisations of feeling shock or surprise upon reading the media reports are also supported by statements made by the domestic staff that worked in the Hostel and thus had an opportunity to interact with both the residents and the abusers on a regular basis over a prolonged period.

5.6. Elizabeth McCullough, Domestic, was employed in Kincora from 1959 to 1980. She gave a statement to the RUC on the 13<sup>th</sup> March 1980 in which she stated:

*"I work at Kincora Boys Hostel doing general cleaning and cooking for the boys. My hours are 12am – 7pm Monday, Tuesday and Friday. Saturday and Sunday I work from 9am – 7pm. I have worked at Kincora for 21 years. Never during the whole time I have been there did I ever see or hear anything that would make me suspect there was anything of a homosexual nature going on in the hostel"*<sup>108</sup>

She gave a further statement to Sussex Police in relation to the wider allegations on 21 September 1982 wherein she detailed:

*"During the twenty two years I was at Kincora I never saw any of the boys being knocked about or abused. The newspaper stories about Kincora gave me an awful shock. I didn't know anything like that was going on at all."*<sup>109</sup>

5.7. Elizabeth Smyth, Domestic was employed in Kincora for 16 years from 1964 – 1980. She gave a statement to the RUC on 21<sup>st</sup> March 1980 detailing that she worked Wednesday and Thursday 7am – 7pm, with her shift the rest of the week being 7am – midday. She noted:

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<sup>108</sup> KIN 11657

<sup>109</sup> KIN 40611

*"I have never in all the years I have worked there, ever had any reason to suspect there was any kind of homosexual things going on..."<sup>110</sup>*

She gave a further statement to Sussex Police on 21 September 1982 stating:

*"Throughout the years that I worked there I saw nothing to complain of..."<sup>111</sup>*

She did, however, have knowledge in relation to an incident between Mr. McGrath and R15 which has been detailed above in Chapter 4 at paragraph 4.29.

- 5.8. These two members of staff, it is submitted, had the best opportunity to observe and understand the atmosphere in the Hostel on a daily basis. They were unaware of homosexual behaviour, sexual abuse or the wider allegations and observed nothing that led them to suspect or believe that such occurrences were happening. This serves to underline the secret nature of the abuse that occurred.
- 5.9. While there were staff employed by the predecessors of the Board that were aware of complaints or concerns, which will be addressed further below, there were equally many members of staff who engaged with the police during their enquiries in 1980 and 1982 to confirm that they had no knowledge or concern about the care being provided at Kincora to residents for whom they held fieldwork responsibility. A detailed analysis of those statements is appended to this submission at Schedule 2.

## **Knowledge**

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<sup>110</sup> KIN 10135

<sup>111</sup> KIN 40612

- 5.10. It is however clear that over the years from 1967 onwards, information did come into the possession of the Board's predecessors. The evidence as to the nature of information received, and the response given to it, was carefully analysed by the Hughes Inquiry who reported on 31 December 1985.
- 5.11. The Board was aided by the forensic approach of that inquiry, through both the available transcripts of evidence and the resulting report, in providing an analysis of the opportunities presented in a statement dated 29 April 2016<sup>112</sup>.
- 5.12. This Inquiry is now to consider the actions and responses of the Board's predecessors. It is respectfully submitted that in undertaking that task weight should be attached to the findings already made in the Hughes Inquiry. This submission is made having regard to:
- a. Unlike the actions of the RUC, Army and Intelligence Services, the actions of Social Services were within the remit of that Inquiry and were therefore subject to close examination;
  - b. While still some 18 years removed from the initial allegations in 1967, the evidence was considered at a more proximate time than can now be achieved in 2016. This, it is submitted, is relevant to their ability to consider the attitudes, beliefs, and practices of the time which at a further 30 years removed may be much harder to understand or contemplate in 2016;
  - c. The Hughes Inquiry panel had the opportunity to hear directly from witnesses involved in each of the circumstances identified;
  - d. The Hughes Inquiry panel included Mr. Harry Whalley<sup>113</sup> and therefore there was a social work reflection of the evidence heard.

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<sup>112</sup> KIN 1001 – 1033

<sup>113</sup> He held the post of Director of Social Services for Brent County Council during the 1970's.

- 5.13. In making this submission the Board also relies on the dicta of Lord Hoffman in Piglowska v Piglowski [1999] 1 WLR 1360 wherein, at 1372, he referred back to his earlier comments in Biogen Inc v Medeva plc [1997] RPC 1 at 45:

*“The need for appellate caution in reversing the trial judge’s evaluation of the facts is based upon much more solid grounds than professional courtesy. It is because specific findings of fact, even by the most meticulous judge, are inherently an incomplete statement of the impression which was made upon him by the primary evidence. His expressed findings are always surrounded by a penumbra of imprecision as to emphasis, relative weight, minor qualification and nuance ... of which time and language do not permit exact expression, but which may play an important part in the judge’s overall evaluation”*

While this Inquiry is not exercising an Appellate function, the Board submits that these comments, which have recently been cited with approval by the Supreme Court<sup>114</sup> underpin the advantage held by a decision maker who had an opportunity to appraise the witnesses give direct evidence before them. In this respect, it is submitted, the panel in the Hughes Inquiry have that advantage over this present Inquiry insofar as oral evidence was given on matters directly considered by them. Thus a parallel exists.

- 5.14. A particular example arises with respect to the element of the 1967 complaints relating to Mr. Mains placing his hands down a boy’s underpants. In giving her evidence on Day 215, 27 June 2016, Ms. McAndrew was unable to conceive of any circumstances in which a Warden putting his hands down a 15 year old boy’s underpants in 1967 was a “proper thing to do”<sup>115</sup>. In 1985, however, the Hughes Inquiry, having heard evidence directly from Mr. Mason under examination-in-chief and cross-

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<sup>114</sup> Re B [2013] UKSC 33 at paragraph 41

<sup>115</sup> Transcript Day 215, page 149, line 18 – page 152, line 2 for full discussion between Ms. McAndrew and the Chair

examination <sup>116</sup>, had “*little difficulty*” in finding that explanations offered by Mr. Mains to Mr. Mason to each of the allegations made were “*individually plausible*”<sup>117</sup>. In the absence of this Inquiry having heard direct evidence from the relevant witness, the Board submits that it should be slow to adopt a different conclusion.

- 5.15. With those matters borne in mind, the Board analysed the findings made and identified to this Inquiry that there had been nine “missed opportunities” to detect or prevent abuse in Kincora. Two were identified during the period 1958 to 1973 when Belfast Welfare Authority were responsible for the Hostel. These occurred in 1967 and 1971. A further seven were detailed between 1<sup>st</sup> October 1973 and 24<sup>th</sup> January 1980, during which period the Hostel was managed within the East Belfast and Castlereagh District of the Eastern Health and Social Services Board, four of which occurred during the years 1976 and 1977. A timeline charting these events across the period of operation of the Hostel is appended to these submissions at Schedule 3.
- 5.16. On each of these nine occasions, some information came to the attention of those employed by the Board’s predecessor which ought to have prompted further action, but did not, or which ought to have been shared with relevant colleagues, but was not. It is, however, also important to note that in identifying that opportunities were missed, the Board adopted the findings of the Hughes Inquiry that the outcome of further action would be a matter of speculation or conjecture. Thus, it is submitted, it cannot be concluded decisively that had different actions been taken no further abuse would have taken place in Kincora. The one exception to this general

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<sup>116</sup> KIN 71544 – 5: Examination-in-Chief by Counsel to the Inquiry on the issue during which Mr. Mason demonstrated putting his hand near the waistband and under the waistband; KIN 71559 – 60: Cross-Examination by Senior Counsel to the Inquiry; KIN 71584 – 5: Cross-Examination by Senior Counsel for a resident. The Board also notes Mrs. Wilson’s evidence on the issue at KIN 71651 – 71653 wherein she gave a view that the explanation was reasonable.

<sup>117</sup> HIA 738, para 3.117

principle being the response to complaints received in 1971 which were neither referred to police nor subject to a full internal investigation when the former action was not taken. As to that occasion the Board accepts the finding of the Hughes Inquiry that:

*“we consider that, on the balance of probabilities, referral of the “Mason File” to the police in 1971 would have proved decisive in the discovery of Mr. Mains’ and Mr. Semple’s homosexual activities and would have created a major deterrent to future misconduct”<sup>118</sup>*

- 5.17. An overview of each of the nine “missed opportunities” is detailed below to address the questions posed by Mr. Aiken BL in his opening of this Module, namely:

*Who was abused?*

*By whom?*

*Who knew about it?*

*What did they know?*

*When did they know about it?*

*What did they do with that knowledge?*

*What ought they to have done with it?<sup>119</sup>*

## **1. September 1967**

- 5.18. In September 1967 Belfast Welfare Authority received complaints from two boys, R5 and R6, about behaviours of Mr. Mains. These were reduced to writing. A thorough investigation was undertaken of the complaints by Mr. Henry Mason, Chief Welfare Officer<sup>120</sup>. He had access to full information and conducted an interview with Mr. Mains in relation to the allegations

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<sup>118</sup> HIA 745, paragraph 3.164

<sup>119</sup> Transcript Day 204, page 23, lines 1 – 7

<sup>120</sup> KIN 71533: Mr. Mason’s employment history was detailed in his evidence to the Hughes Inquiry. He took up employment with Belfast City Welfare Department in 1949 as the Assistant Administrative Officer. He was appointed City Welfare Officer in 1960.

made. He formed a view that there was no “*prima facie indication of wrongful conduct*” and recalled submitting the file of his investigation to the Town Clerk, Mr. John Dunlop. Mr. Moore, Children’s Officer, may also have been involved in interviewing R5, but he did not recall same.

- 5.19. Flowing from the view that Mr. Mains had offered plausible explanations Mr. Mason recorded three recommendations: (i) that Mr. Moore should interview the boys again and explain to them to reason for the incidents; (ii) a closer supervision of Kincora; (iii) a careful sifting of any further information which might come our way. A file was opened which has come to be known as “the Mason File”.
- 5.20. The Board identifies the following as steps which ought to have been taken with this information:
  - i. There ought to have been written records of steps taken by Mr. Mason to implement his recommendations, specifically a written direction should have issued to Mr. Moore;
  - ii. The Town Clerk ought to have reported the matter to the Chairman of the Welfare Committee.
- 5.21. It is also true that the safest course for Mr. Mason to take would have been to make a recommendation to the Town Clerk that the matter be referred to police. This was recognised by the Hughes Inquiry and described as “*clear in retrospect*”<sup>121</sup>. The Board has accepted that this was a missed opportunity to potentially have an investigation into Kincora, however, in the Board’s submission, the fact the safest route was not taken does not in itself amount to a systems failure having regard to the thorough investigation undertaken by Mr. Mason and the outcome thereof.

## 2. August 1971

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<sup>121</sup> HIA 728, paragraph 3.118

- 5.22. The Mason File was reopened following receipt of a written complaint from R8 which was sent in duplicate to the fieldwork sub-office and Belfast Welfare Officer Headquarters. The two letters were “*virtually identical in form and content*”<sup>122</sup>. The complaints related to behaviours of Mr. Mains towards R8, alleged similar behaviours towards R33 and detailed knowledge of a relationship between Mr. Mains and R2. The fact of the complaint was known to the Welfare Officer and Senior Welfare Officer at the Divisional Office, who also informed their Divisional Welfare Officer, Mr. Bunting, of the receipt of the complaint upon his return from leave. The Welfare Officer and Senior Welfare Officer did not notice the writing on the envelope that was handed in to the sub-office, “To Be Handed in at Central Police Station”, the letter having been opened before it was given to them. The investigation of the complaint was commenced by Mr. Henry Mason, Chief Welfare Officer who was assisted by Mr. William Johnston, Deputy Town Clerk who had been directed to assist by the Town Clerk to whom the the complaint had been referred.
- 5.23. R8 was interviewed, as was R33 who had featured in R8’s complaint and who corroborated same. No written record of these interviews appeared to have been retained on the Mason File.
- 5.24. No further steps were taken in the investigation at that time. Rather on 25 August 1971 a recommendation was made to the Town Solicitor, Mr. John Young, that the complaint be referred to police. This recommendation was not actioned or taken up. There is no record of the reasons for this decision.
- 5.25. The Board accepts that the following actions which ought to have been taken in relation to this complaint:
- i. Written records of the interviews with R8 and R33 ought to have been

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<sup>122</sup> HIA 737, para 3.141



- made and retained on the file;
- ii. The complaint ought to have been referred to the police;
  - iii. In the event that it was not, the decision and reasons for same ought to have been recorded in writing;
  - iv. In the absence of a referral to police, there ought to have been a full internal investigation carried out of all matters alleged. Subject to the outcome of that full investigation, disciplinary proceedings may have followed;
  - v. The Chairman of the Welfare Committee ought to have been informed;
  - vi. There ought to have been a written direction or procedure put in place to ensure if there were any further allegations about Kincora that they would be referred to Headquarters;
  - vii. The Mason File ought to have been formally referred to Mrs. Wilson and Mr. Bunting, upon his appointment as Children's Officer, to ensure staff that were responsible for line management of the Hostel were fully acquainted with the complaints that were known to have been made;

### 3. January 1974

- 5.26. On 23 January 1974 an anonymous call was received by Mr. Colin McKay, Senior Social Worker within a fieldwork office of the East Belfast and Castlereagh District at Holywood Road. The evidence considered by this Inquiry, it is submitted, identifies Roy Garland as the source of that call. That was not, however, known at the time and the anonymous nature of the call resulted in any follow up enquiries with the referrer being impossible.
- 5.27. The substance of the information shared related to concerns about the behaviours of Mr. McGrath who was alleged to have: *"made improper suggestions to the boys; had gone to live in the hostel for this purpose, the Kincora Hostel; and had written a note to one of the boys making improper suggestions"*<sup>123</sup>.

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<sup>123</sup> KIN 71976 (Evidence of Colin McKay) and HIA 766, para 4.41 of the Hughes Report

- 5.28. This information was passed through Mr. Brian Todd, Assistant Principal Social Worker, to Mrs. Mary Wilson, Principal Social Worker (Residential and Day Care) who had line management responsibility for the Hostel. Mrs. Wilson advised Mr. Mains of the information received, and, in the presence of Mr. McKay, interviewed Mr. McGrath. He denied the complaints and said that a similarly untrue allegation had been made about him previously. Mrs. Wilson's assessment was that he was telling the truth and not trying to hide anything, she also had confirmed that Mr. McGrath did not "live-in" and therefore knew that at least part of the information received was inaccurate. She reported the outcome of her investigation to Mr. Scoular.
- 5.29. The Board accepts the finding of the Hughes Inquiry in relation to steps that ought to have been taken, namely:
- i. this information ought to have been referred to the police;
  - ii. this information ought to have been shared by District Staff with Board Officers, namely Messieurs Gilliland and Bunting, Director and Assistant Director of Social Services respectively.

#### **4. May/September 1974**

- 5.30. In both May and September 1974 complaints were received from R15, who was resident in Kincora from 3 November 1973 to 20 September 1974. R15 described to the Hughes Inquiry that his first complaint was made shortly after being placed in the Hostel that Mr. McGrath "*had grabbed him by the genitals*". R15 first told his brother, then Mr. Mains. R15's parents were also told but no action was taken by them at this time.
- 5.31. Mr. Mains did not pass this information to Mrs. Wilson, his line manager. It does appear that he took steps within the Hostel as a result of this

information as previously detailed in Chapter 4 at paragraph 4.29.

- 5.32. The first time this came to the attention of R15's social worker, Miss McClean, was on 17 May 1974. She worked in a sub office of the North and West Belfast District. Miss McClean was told of the complaint by R15's mother, after R15 had made a second complaint of the same behaviour to her. Miss McClean met with Mr. Mains, who reported to Miss McClean that he had spoken to Mr. McGrath about it and there was no truth in the allegation. This complaint was discussed with the Senior Social Worker, Mr. Orr.
  
- 5.33. R 15's mother brought this to the attention of the Social Worker again in September 1974. A meeting was held between the mother, Social Worker and Senior Social Worker on 17 September 1974 at which time the focus moved to discussing a plan for R15 and his brother to be discharged from Kincora to the care of their sisters. Despite the meeting having been arranged in response to a complaint, no discussion was undertaken in relation to same.
  
- 5.34. The Board accepts that the following steps ought to have been taken:
  - i. Mr. Mains ought to have made a written record of the complaint made to him by R15 shortly after his placement in the Hostel;
  - ii. Mr. Mains ought to have shared the fact of this complaint, and the steps taken by him on foot of it, with his line management;
  - iii. The complaint made on 17 May 1974 ought to have been referred to Residential and Day Care Management, East Belfast and Castlereagh District;
  - iv. The Senior Social Worker ought to have assumed a greater role in the investigation of the complaint, given that the Social Worker involved was a trainee;
  - v. The complaint made in September 1974 ought to have been referred to

Residential and Day Care Management, East Belfast and Castlereagh District.

## 5. 1975 Rumour

5.35. This fell to be considered by the Hughes Inquiry because Mr. Maybin honestly reported to police in 1982 that he recalled hearing a rumour in 1975 to the effect that Mr. Mains was a homosexual. There was no information known to him that offences were taking place, and the Board respectfully submits that it is important to recall in the assessment of all information in this Inquiry that one does not follow the other. Homosexuality in itself is not indicative of, or evidence of, boys being abused.

5.36. Further, as described by Ms. McAndrew in her evidence this information had the description of rumour and *“that is always a difficult balance... I think quite clearly any employer, whilst having to have the protection of children as paramount, they do have to give some regard and due regard to the reputation of their staff”*<sup>124</sup>.

5.37. However, the Hughes Inquiry found that this information ought to have been reported to Residential and Day Care Management within the District and the Board does not resile from that finding. It was also noted, however, that this in itself was unlikely to prevent or detect abuse. Knowledge of it may have influenced the response of management to future information.

## 6. January / March 1976

5.38. On a date determined by the Hughes Inquiry to be almost certainly in or around a date between January and March 1976, Ms. Fiddis, a Health Visitor, reported information received by her to Ms. Marion Reynolds, a

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<sup>124</sup> Transcript Day 215, page 141, lines 19 – 24

Social Worker in the Holywood Road office of the East Belfast and Castlereagh District.

- 5.39. The information shared and communicated was not recorded in writing. The Hughes Inquiry found that this rumour related to Mr. Mains, and was founded in an ex-resident having received in-patient treatment at Purdysburn Hospital for depression, which he associated with his experiences at Kincora. The Hughes Inquiry considered that the information pointed in the direction of R2, who had undergone psychiatric treatment in Purdysburn Hospital in 1973 and was admitted again in March 1976<sup>125</sup>.
- 5.40. Ms Reynolds appropriately passed this information to Miss McGrath, Principal Social Worker (Residential and Day Care) who was in line management for Kincora from 1 January 1976. Ms Hilary Reid, Social Worker, was present with Ms Reynolds while this information was passed by telephone call.
- 5.41. The Board is not in possession of any evidence that any further step was taken in relation to this information at that time.
- 5.42. The Board accepts:
- i. There ought to have been a written record made of this information received;
  - ii. The information received ought to have been followed up by Ms. McGrath;
  - iii. Miss McGrath ought to have alerted Mr. Scoular to this information.

## 7. March 1976

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<sup>125</sup> HIA 784 - 785, paras 4.93 and 4.94

5.43. On 19 February 1976 DC Cullen of the RUC met with Mr. Bunting, Assistant Director of Social Services (Family and Child Care). Mr. Bunting was informed of allegations that Mr. McGrath was involved in paramilitary activity and homosexual behaviour. There was no information that either activity directly involved boys in Kincora.

5.44. This prompted Mr. Bunting's memory of the Mason File, which had been given to him by Mr. Mason in or around June 1973 in advance of re-organisation, and which had languished in Mr. Bunting's drawer from that time. The following exchange in evidence to this Inquiry demonstrates Mr. Bunting's frank acceptance that this file should have been passed to those in direct management of the Hostel at an earlier stage:

*Q: -- would it not have been appropriate for you just immediately to hand it on to the person who did have that role?*

*A: Yes, yes, it would and, as I say, I overlooked that. You know there's no question of that.<sup>126</sup>*

5.45. In February 1976 Mr. Gilliland was briefed and a further meeting took place involving DC Cullen and both Board Officers on 15 March 1976, following which DC Cullen was permitted to take a copy of the Mason File. He was also provided with a list of residents discharged from Kincora over previous years. Mr. Bunting also briefed Mr. Scoular, District Social Services Officer, East Belfast and Castlereagh District. Mr. Scoular therefore received information from Board level, but he did not reciprocate by communicating to the Board the information about the anonymous call in January 1974 that was known to him.

5.46. After March 1976, despite telephone calls at intervals over the following period of up to 18 months, there was no further substantive information

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<sup>126</sup> Transcript Day 218, page 122, lines 9 - 13

received by the Eastern Health and Social Services Board in relation to what they believed was an ongoing police investigation.

5.47. The Board accepts:

- i. The Mason File and the information contained on it, should have been shared with the District staff responsible for managing Kincora at the earliest opportunity following re-organisation;
- ii. The District Social Services Officer ought to have shared with the Board Officers the information known to him about the January 1974 anonymous telephone call;
- iii. The Director of Social Services ought to have given a written direction to Mr. Scoular about steps to be taken in light of the information available;
- iv. After Mr. Scoular received the Mason File, he ought to have briefed Ms. McGrath with the contents of same<sup>127</sup>;
- v. There ought to have been a formal record of the Board's engagement with Police after March 1976;
- vi. When no substantive up-date was received from the police, there ought to have been engagement with a higher ranking officer, particularly ACC Meharg;
- vii. The information received by Board Officers ought to have been communicated to the Chairman of the Personal Social Services Committee and the members of the Eastern Health and Social Services Board;
- viii. The information received from police ought to have been shared with the Department of Health and Social Services.

## 8. August 1977

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<sup>127</sup> Mr. Scoular was briefed in respect of same in March 1976. Ms. McGrath was appointed on 12 January 1976 [KIN 72827]. She recalled that she did not see the Mason File until the Autumn of 1977 [KIN 72829] when it was also seen by Mr Higham. He was not appointed until August 1976 and his position is considered in the next section.

- 5.48. On 19 August 1977, Miss Hyland, Social Worker, undertook a visit to R18, a resident in Kincora for whom she had fieldwork responsibility. Concerns about his presentation led to her probing him and learning that he was concerned about the attitude of Mr. McGrath because: he had been having long and intimate conversations about sex with Mr. McGrath; Mr. McGrath had embraced him on two separate occasions.
- 5.49. Miss Hyland brought her concerns to the attention of Mr. Mains on 20 August 1977. He already had knowledge of it, but had not previously told her. A later record prepared by him contained more detail than he gave to her. Miss Hyland asked if he intended to bring the information to the attention to Mr. Higham, Assistant Principal Social Worker now in direct line management of Mr. Mains. She was not satisfied that he would and discussed the concerns with her own Assistant Principal Social Worker, Mr. Chard. Miss Hyland then liaised directly with Mr. Higham about her concerns, which were two-fold. The statements of R18, and the failure of Mr. Mains to pass this information on.
- 5.50. This culminated in a meeting between Ms. Hyland, Mr. Higham and Mr. Mains on 12 October 1977. On 18 October 1977 Mr. Higham reported directly on the matter to Mr. Scoular, who responded by memo dated 20 October 1977. That memo recorded: *"I feel we will have to "grasp the nettle" and some way discuss the whole situation with Mr. McGrath in the near future..."*. It also recorded the need for Miss McGrath and Mr. Higham to have an early discussion with Mr. Scoular.
- 5.51. The Board accepts:
- i. Mr. Mains ought to have shared information known to him with the fieldwork social worker for the child when received;

## 9. October 1977



- 5.52. On 4 October 1977, <sup>Richard Kerr</sup>, who was resident in Kincora from 27 June 1975, was arrested with <sup>Stephen Waring</sup> in connection with burglaries that had occurred in the area. The arresting officer, DC Scully, observed <sup>Richard Kerr</sup>'s demeanour throughout the day and became concerned through his words and actions that <sup>Richard Kerr</sup> such that he asked <sup>Richard Kerr</sup> if he was in a relationship with Mr. Mains. DC Scully was suspicious of Mr. Mains and had also seen him regularly in the company of R2, who in his view was "*a well known homosexual*".
- 5.53. DC Scully shared his concerns with Ms. Gogarty, <sup>Richard Kerr</sup>'s Social Worker, who in turn shared the information with Mr. Morrow, her Senior Social Worker. These concerns were shared with Mr. Higham, and were ultimately disseminated throughout those in line management for Kincora, being Miss McGrath and Mr. Scoular. A meeting of all concerned was convened at the headquarters of the East Belfast and Castlereagh District at Purdysburn.
- 5.54. No disclosure was made by <sup>Richard Kerr</sup> of any relationship with Mr. Mains. On 25 November 1977 however a record was made by Mr. Higham that he had received a telephone call from Mr. Morrow that recorded Mr. Higham stating "*that he had spoken to [ <sup>Richard Kerr</sup> ] at Rathgael and had been told that [ <sup>Richard Kerr</sup> ] had been approached by Mr. McGrath. This had been a sexual approach but he has never had any sexual dealings with Mr. Mains or Mr. Semple.*"<sup>128</sup>
- 5.55. Mr. Higham confirmed in his evidence to the Hughes Inquiry that he had not personally passed this note on to police. His recollection was that the matter had been discussed with Mr. Morrow and an opinion reached that the information was untrue because previously all his allegations had been towards Mr. Mains.<sup>129</sup> He further gave evidence that "*that boy was*

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<sup>128</sup> KIN 10972. It is also recognised that Mr. Morrow's evidence to the Hughes Inquiry conflicted with that of Mr. Higham, but the contemporaneous record was given weight by the Committee who preferred the evidence of Mr. Higham.

<sup>129</sup> KIN 73415

*interviewed on four or five occasions by different people, and there was no substance to his allegation....” before querying whether every piece of information should be provided to police.*

5.56. The Board accepts:

- i. Given the District Social Services Officer’s engagement with the Officers of the Eastern Board which commenced in 1976, and his belief of an ongoing police investigation, he ought to have brought the concerns of police about <sup>Richard</sup><sub>Kerr</sub>’s relationship with Mr. Mains to the attention of Board Officers. He should have similarly shared the information about R18;
- ii. The allegation by <sup>Richard</sup><sub>Kerr</sub> that he was approached by Mr. McGrath ought to have been the subject of investigation with a written report;
- iii. Having regard to the involvement of both police and Board Officials in respect of issues relating to Kincora by this date, the allegation by Richard Kerr about Mr. McGrath should have been shared with both of those organisations to ensure they were kept fully informed;
- iv. The reports on the monthly visits to Kincora, undertaken pursuant to the 1975 Direction, which were submitted en bloc and often late, did not contain any information about the issues arising in respect of R18 or Richard Kerr to properly inform the Eastern Board about matters arising within the Hostel;
- v. Mr Higham’s evidence indicated that, having been appointed from August 1976, he was not apprised of the contents of the Mason File until late 1977<sup>130</sup>. He ought to have been briefed in respect of same upon his appointment given it was within his responsibility to undertake the monthly visits to Kincora pursuant to the 1975 Direction.

## Other Evidence

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<sup>130</sup> KIN 10810: Statement of Mr. Higham to RUC dated 18<sup>th</sup> February 1980. KIN 73031: Oral evidence of Mr. Higham to the Hughes Inquiry.

- 5.57. There was a further complaint that was considered by the Hughes Inquiry, but has not been addressed above as the Board did not consider that it gave rise to a missed opportunity<sup>131</sup>. That was a complaint that Mr. Mains had slapped a boy (unnamed) on the buttocks that was made in or around 1970. It was investigated by Mr McCaffrey. No contemporaneous documents have been identified in relation to the investigation of this complaint, which was determined by the Hughes Inquiry to have “*no obvious homosexual colour*”<sup>132</sup>. They also concluded that it would not have provided Mr. Mason with “*sufficient corroboration of his residual doubts*” following the 1967 complaints.
- 5.58. This complaint was known to Mr. Mains (who was interviewed), Mr. McCaffrey (who investigated), and Mr. Moore, Children’s Officer. Mrs. Wilson made a statement to police that she was not informed of this<sup>133</sup>. Mrs. Wilson was in the role of directly monitoring the Hostel through monthly visits at this time. The Board now considers that Mrs. Wilson ought to have been told of this complaint, and the outcome of the investigation undertaken. Taking steps to ensure that the relevant staff were fully informed could only have enhanced their role in monitoring the Hostel by ensuring they were equipped to be alert.
- 5.59. In addition to the events summarized above, as the evidence has developed the Board has become aware of other discrete pieces of information relevant to Kincora and the care provided to residents which were not the subject of detailed comment by the Hughes Inquiry.
- 5.60. A statement made by KIN 14 [REDACTED] details that in 1968 KIN 66 [REDACTED]. [REDACTED], told him “*to be careful when I was having a bath or in the shower or*

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<sup>131</sup> KIN 1008, paragraphs 33 – 35 of the Board’s statement dated 29 April 2016

<sup>132</sup> HIA 735, para 3.136

<sup>133</sup> KIN 40741 – “I do not recall Tony McCAFFREY ever telling me of his investigating a complaint of improper conduct by MAINS against one of the boys”

*when I was changing of a man called [R2] and also of the man in charge, Mr.*

*Mains...*"<sup>134</sup>. The Board has addressed this at paragraphs 39 *et seq*<sup>135</sup> of the supplemental statement dated 27 May 2016 and accepts, in the absence of a statement from KIN 66, and if KIN 14's statement is true, that there was a failure by KIN 66 in 1968 to share his concerns about Mr. Mains and R2 with those in line management for the Hostel.

- 5.61. At paragraphs 30 *et seq*<sup>136</sup> of the Board's supplemental statement dated 27 May 2016, information about knowledge held by Mr. Mains and the actions he took in respect of same was addressed.
- 5.62. During Mr. Semple's first period of employment in Kincora, from 1964 to 1966 he abused two boys, R1/B3 and R7. It is clear from the transcripts of Mr. Semple's police interview on 1 April 1980 that Mr. Mains had knowledge of Mr. Semple's sexual encounters with R1/B3 and warned him to stop the behaviour on two separate occasions<sup>137</sup>.
- 5.63. Further during Mr. Semple's second period of employment and after 1971 when Mr. McGrath joined the staff at Kincora, Mr. Semple was aware of and brought to his line manager, Mr. Mains' attention, complaints by R15, R9, R10, R17 that they had been interfered with by Mr. McGrath<sup>138</sup>.
- 5.64. It is therefore known that Mr. Mains, Warden of the Hostel, did not report abuse that he was aware of occurring within Kincora to his superiors. There is no doubt that was a significant personal failing on his part that persisted across two decades.
- 5.65. In giving evidence on Day 223, Dr Harrison referenced an investigation that

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<sup>134</sup> KIN 10147

<sup>135</sup> KIN 1467

<sup>136</sup> KIN 1465

<sup>137</sup> KIN 10391 and 10391

<sup>138</sup> KIN 10388

she undertook in relation to a complaint against Mr. Mains<sup>139</sup>. It is understood that this refers to a boy R35 who Dr Harrison supervised during his placement in Kincora and while she was employed by Dr Barnardo's whom she joined in July / August 1976<sup>140</sup>.

5.66. The Board notes that Dr. Harrison gave police statements about a complaint of "frisking" undertaken by a staff member that was drunk. This complaint was made by R 35 after his discharge from Kincora, and which was said to have been by a member of staff other than Mr. Mains. The Board has not seen evidence that this was brought to the attention of the management of the Hostel, and it was not analysed in detail by the Hughes Inquiry. This may have been as a result of Dr Harrison's conclusion that the incident had no sexual connotation. No reference is contained in any of Dr. Harrison's three police statements to a non-sexual complaint against Mr. Mains that was investigated<sup>141</sup>. It is noted, however, that in her oral evidence to the Hughes Inquiry she referenced, with respect to R 35: "*... he had on another occasion made a complaint about a member of staff which had nothing to do with homosexual activities*". No further detail appears in her evidence, although she does elaborate that R 35's time at Kincora "was a relatively happy one" giving the credit for same to Mr. Mains and his staff.

5.67. In the absence of further detail in respect of the complaint now referenced, the Board is unable to comment further on this evidence.

### **The Applicants' Evidence**

5.68. In Module 15 the Inquiry has heard from five Applicants in relation to Kincora. The Board accepts that each of them experienced sexual abuse

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<sup>139</sup> Transcript Day 223, page 33, lines 5 – 20

<sup>140</sup> KIN 72811

<sup>141</sup> KIN 11678: Statement to RUC, 27th March 1980; KIN 20604: Statement to RUC, 26th February 1982; KIN 40773: Statement to Sussex Police, 21st September 1982

whilst in residential care. The focus for the submissions below has therefore been on the following key issues: firstly, what, if anything, was known about their abuse at the time and if information was known what was done with it; secondly, what does their evidence indicate in respect of the 'wider allegations'.

#### 5.69. HIA 532/ B 1/ R 13

5.69.1. HIA 532 gave evidence on Day 208. No person was convicted of offences against him while in Kincora, but convictions did take place in relation to abuse he suffered in Bawnmore as addressed in Chapter 3.

5.69.2. HIA 532 had three placements in Kincora: 9<sup>th</sup> April 1972 – 26<sup>th</sup> August 1973, a period of 1 year, 4 ½ months when he was aged 16 to 17; seven weeks from 7<sup>th</sup> September – 29<sup>th</sup> October 1973; 6<sup>th</sup> December 1973 – 5<sup>th</sup> February 1974<sup>142</sup>. He gave evidence of sexual abuse suffered at the hands of Mr. McGrath.

5.69.3. HIA 532 confirmed that he had not reported the abuse to anyone at the time as he was too embarrassed. He confirmed that he did not tell his Social Worker. That corresponds with his Social Worker's recollection, who confirmed in a statement to the police on 27 February 1980 that no complaint had been made by HIA 532 to him<sup>143</sup>.

5.69.4. HIA 532's evidence, it is submitted, did not support the wider allegations that have been made. He continued to affirm the contents of a statement made to the Sussex Police on 13 May 1982 wherein he outlined that he had no knowledge of anything happening to any other boys, and had no knowledge of any men being involved other than

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<sup>142</sup> KIN 12008 - 12009

<sup>143</sup> KIN 10228

those that had been convicted. He had no knowledge of prostitution or what has been described of a vice ring, stating:

*"I was there, I knew what was happening whilst I was there and if there had been any prostitution and that, I would have known about it."*<sup>144</sup>

#### 5.70. HIA 199/ R 3

5.70.1. HIA 199/R 3 gave evidence on Day 209. In December 1981 Mr. Mains was convicted of one count of buggery and one count of indecent assault against him.

5.70.2. HIA 199 had two placements in Kincora, 22 February 1960 – 6 June 1961 (15 months); 19 June 1961 – 15 July 1962 (13 months); 8 August 1962 – 5 August 1963 (12 months). He later visited and stayed in Kincora after his 18<sup>th</sup> birthday.

5.70.3. HIA 199 was first placed in Kincora aged 14 years [REDACTED] with it being suggested that he was *"too much for the ladies of Williamson House to handle"*<sup>145</sup>. The context showed that he had been placed in Kincora after reports indicate that he had spent time in St Patrick's Training School and Purdysburn. HIA 199 himself acknowledged *"I had a very bad temper. I was a very bad tempered boy"*<sup>146</sup> which he considered was a result of his experiences in the community. He believed he was *"recommended to Mains because of my behaviour and that he could be a controlling influence of my behaviour"*<sup>147</sup>.

5.70.4. In his evidence HIA 199 confirmed that he did not disclose the abuse at

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<sup>144</sup> KIN 40682 and Transcript Day 208, page 137, lines 8 – 24

<sup>145</sup> Transcript Day 209, page 52, lines 15 – 18

<sup>146</sup> Transcript Day 209, page 55, lines 1 – 3

<sup>147</sup> Transcript Day 209, page 55, lines 20 – 22

the time, referencing his understanding that while he had nobody, Mr. Mains had a powerful family, namely his brother whom the Applicant knew was a member of the RUC in Londonderry. He also recollected members of the Welfare Authority visiting monthly to inspect the Hostel, but viewed those people as respectable people in authority, all of whom Mr. Mains knew.<sup>148</sup> The Board notes that while HIA 199 would have had an assigned Welfare Officer, his periods of residence in Kincora pre-date the introduction of the monthly visiting policy.

5.70.5. As regards the 'wider allegations' HIA 199's evidence did not support same. He confirmed that Mr. Mains had never taken him to a public house for drinking, had never introduced him to other men for sexual reasons, and he had no knowledge of any child or other prostitution while he was there, or any vice ring<sup>149</sup>.

#### 5.71. Clinton Massey

5.71.1. Clinton Massey gave evidence on Day 209. In December 1981 Mr. McGrath was convicted of one count of indecent assault as a result of abuse of this Applicant. Massey described significant abuse to this Inquiry, including rape, which he previously felt unable to reveal. Massey was resident in Kincora from 30 April 1973 – 24 October 1973 (6 months).

5.71.2. Massey's Social Worker was aware that he was unhappy in Kincora, although her understanding was that this stemmed from poor relationships with his peers in the home. He would continue to spend time also with staff from Marmion Children's Home, Hollywood, where he had lived, and despite having good relationships there, no

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<sup>148</sup> Transcript Day 209, pages 63 – 65

<sup>149</sup> Transcript Day 209, page 98, lines 9 – page 99, line 9



contemporaneous disclosure of abuse was made to them either. It does appear, however that an attempt was made to make a complaint to police about staff at Kincora hitting him<sup>150</sup>.

- 5.71.3. <sup>Clinton Massey</sup> believes that the 'wider allegations' have credibility and he *"strongly suspect[s] that the security forces or security services were involved..."*<sup>151</sup> The Board notes that he has formed this view having become aware of the media reports, and having read 'Who Framed Colin Wallace?' by Paul Foote. It is respectfully suggested that his own personal knowledge and experience is best captured by his evidence to police in 1982 that he first learnt of allegations of a vice ring from the television and he knew nothing of it himself at the time<sup>152</sup>.

5.72. Ronald Hugh Graham

- 5.72.1. <sup>Ronald Hugh Graham</sup> gave evidence on Day 210. Mr. McGrath was convicted of one count each of buggery, gross indecency and indecent assault involving Graham. Graham had three placements in Kincora: 2 December 1974 – 4 January 1975 (1 month); 10 – 11 January 1975 (1 night); 13 February – 10 June 1975 (4 months).

- 5.72.2. In his evidence <sup>Ronald Hugh Graham</sup> confirmed that the abuse he suffered in Kincora occurred during his third and final admission. While he had therefore expressed views after his earlier admissions that he did not want to go back to Kincora, this was not because of any abuse, rather it was because he *"did not get on with Joe Mains"*<sup>153</sup> Further while the Applicant believed that his Social Worker didn't make any attempt to find out the reason he did not wish to return to Kincora, the Board notes her statement to the

<sup>150</sup> Transcript Day 209, page 146, line 17 – page 147, line 3

<sup>151</sup> Transcript Day 209, page 165, lines 11 – 13

<sup>152</sup> Transcript Day 209, page 151, lines 10 – 25

<sup>153</sup> Transcript Day 210, page 10, line 12 – page 11, line 25 for full discussion.

RUC on 9 June 1980<sup>154</sup>. Certainly by that date she was able to give the same explanation as the Applicant has given this Inquiry, citing *“he wasn’t happy at Kincora and didn’t get on with the staff”*.

5.72.3. Ronald Hugh Graham alleged that after the first sexual assault he sustained at the hands of Mr. McGrath he cut his wrist. He detailed that his Social Worker knew of this but failed to read the signs<sup>155</sup>. The Board has confirmed that no reference to such an event has been located in the contemporaneous social work records<sup>156</sup>.

5.72.4. Ronald Hugh Graham confirmed that neither Social Worker named by him was aware of the abuse he suffered in Kincora<sup>157</sup>. The Board also notes that he was later known to an After Care Social Worker attached to Rathgael Training School. He made a statement to the RUC on 21 March 1980 confirming that at no time during his involvement did Graham make any allegation about homosexual activity by anyone<sup>158</sup>.

5.72.5. In respect of evidence that may be relevant to the ‘wider allegations’

Ronald Hugh Graham described Mr. Mains taking him and three or four other boys to a hotel in Bangor<sup>159</sup>. He described each going into the hotel in turn, for a period of between five and fifteen minutes before coming out crying. He himself did not go into the hotel and did not ask them at the time what had happened or why they were upset. He said that he now believed that boys were abused in that hotel, but confirmed he had formed this view *“...afterwards, a long time afterwards, you heard the stories then, like.”*<sup>160</sup>

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<sup>154</sup> KIN 10270

<sup>155</sup> Transcript Day 210, page 12, lines 5 – 7

<sup>156</sup> KIN 116, HSCB Response Statement, para 11

<sup>157</sup> KIN 036, Ronald Hugh Graham’s statement, paragraphs 42 and 43. Although it is noted that the Social Worker identified in his records had a different name.

<sup>158</sup> KIN 11708

<sup>159</sup> KIN 035, paragraphs 36 – 38 of his statement; Transcript Day 210, page 13, line 25 – page 17, line 4 for full discussion with Senior Counsel to the inquiry, and page 43, line 24 – page 47, line 1 for full discussion on the same allegation with the Chair.

<sup>160</sup> Transcript Day 210, page 16, lines 23 – 24

5.72.6. Earlier in these submissions the Board has highlighted that one of the duties placed on Mr. Mains as Warden was to assist the boys in finding employment. In the absence of information that would allow further investigation into <sup>Ronald Hugh, Graham</sup> s memories as detailed, such as names of other boys on the bus that day, the Board is unable to offer a definitive response. It is, however, of interest that the year prior to <sup>Ronald Hugh 's Graham</sup> placement in Kincora, the Welfare Committee minutes record that another resident had been placed in residential employment in the Queen's Court Hotel, a hotel that was located on the seafront in Bangor, County Down<sup>161</sup>. There is, therefore, in the Board's submission, at least the potential of an innocent explanation for Mr. Mains taking boys to a hotel setting.

### 5.73. James Miller

5.73.1. James Miller gave evidence on Day 210. Mr. McGrath was convicted of offences against him. Miller was placed in Kincora from 15 October 1977 – 20 June 1978, a period of 8 months.

5.73.2. Miller described his knowledge that Mr. McGrath was involved with Tara, and his view that he was letting him know that he was "*well connected*" as a "*veiled threat*" not to complain<sup>162</sup>. He also described that while social workers did attend Kincora on a regular basis, he did not see them on his own: "*One of the housemasters would have to be present so that you didn't say anything, you know. I mean, they thought of everything, you know.*"<sup>163</sup> While he gave evidence that he dropped hints that everything was not alright at Kincora: "*...I realise now that you would*

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<sup>161</sup> KIN 140515

<sup>162</sup> Transcript Day 210, page 74, line 8 – page 75, line 9. At page 90, lines 14 – 16 that there was never any explicit threat.

James accepted  
Miller

<sup>163</sup> Transcript Day 210, page 78, lines 11 – 18

*probably need to be psychic to understand...*"<sup>164</sup>.

5.73.3. James Miller said that he told his Social Worker, KIN 335, what was going on but he didn't believe him, but accepted in his evidence that had had not told him "*outright*" and that he had "*never actually told him explicitly*"<sup>165</sup>. This accords with a police statement made by KIN 335 on 17 April 1980<sup>166</sup> which he has affirmed to this Inquiry<sup>167</sup>.

5.73.4. When the 'wider allegations' are considered, it is submitted that James Miller's evidence lends weight to the secret nature of the abuse undertaken, with no discussion taking place, even between the boys, as to what was occurring<sup>168</sup>.

## Colin Wallace

5.74. On Day 221, Mr Aiken BL identified six allegations of Mr Wallace that he suggested the Inquiry should consider. Two of the assertions made by Mr. Wallace, who has failed to engage with this Inquiry, bear upon the Board as a Core Participant to this inquiry. These are:

- i. "*Did he have contact with a female social worker in 1972 about William McGrath abusing a boy in his care and thereafter take the course he says he took on foot of it by telling another officer and being told that the matter was already in hand?*"<sup>169</sup>
- ii. "*Did he make an anonymous call from London to Belfast Social Services in 1975 to try to sound the alarm?*"<sup>170</sup>

5.75. Relevant to each of these claims is the fact that extensive enquiries have

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<sup>164</sup> Transcript Day 210, page 83, lines 4 – 11

<sup>165</sup> Transcript Day 210, page 83, line 24 – page 84, line 1 and page 85, lines 5 – 7

<sup>166</sup> KIN 10294

<sup>167</sup> KIN 170, Statement of KIN 335 dated 10 June 2016

<sup>168</sup> Transcript Day 201, page 86, lines 7 – 9

<sup>169</sup> Transcript Day 221, page 34, line 24 – page 35, line 3

<sup>170</sup> Transcript Day 221, page 35, lines 15 – 16

previously been undertaken by the Royal Ulster Constabulary in 1980 and 1982, the Sussex Police in 1982 and the Hughes Inquiry across 1984 and 1985.

- 5.76. This Inquiry has had sight of the breadth of the police investigations. This Inquiry is also aware of the intense media interest in relation to the events at Kincora, even if the information published has not always been entirely accurate. It has been possible to identify and trace the source of anonymous calls to both the police and Board in 1973 and 1974 respectively.
- 5.77. Further, it is submitted, that even at the remove of almost 50 years from the first written complaints made in 1967 the Board has been able to produce to this Inquiry contemporaneous documents relating to that investigation.
- 5.78. There is a complete absence of any information to corroborate either of Mr. Wallace's claims that relate to the Board's predecessors, and at no time has any person in the employ of either the Belfast Welfare Authority or the Eastern Health and Social Services Board been identified that was able to corroborate or confirm the assertions made by Mr. Wallace. Mr. Wallace has also made it clear that he would not provide the name of this alleged "source" under any circumstances.
- 5.79. Mr Wallace's account to Liam Clarke of the Belfast Telegraph<sup>171</sup> appears to suggest that his alleged encounter with a social worker was prompted by an initial communication with the Army, "*the emphasis changed in late 1972 when we got a call from a woman....*", yet no record of such a call has been identified. It is also of note that Mr. Wallace appears to have told Mr Clarke that the woman was "*either a Welfare Officer or Probation Officer*" and thus in the context of that article no definitive link between Mr. Wallace and Belfast Welfare Authority in 1972 is asserted. Mr. Aiken BL also noted, in his

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<sup>171</sup> KIN 122512 – published 17<sup>th</sup> July 2014

analysis of this material<sup>172</sup>, that Mr. Wallace claims that information was passed to him at this time about abuse by Mr. McGrath although the analysis of when other agencies first received referrals about him shows the police first received information about Mr. McGrath on 23 May 1973<sup>173</sup> with social services first receiving any complaint through the anonymous telephone call in January 1974. The clarity that this was an allegation against Mr. McGrath comes from the analysis of the same episode in Paul Foote's book: *Who Framed Colin Wallace*<sup>174</sup>. There the employment of the asserted woman was described thus: "*She didn't say what her job was or give her name, but she was clearly a welfare worker of some kind*". Thus Mr. Wallace's accounts of this meeting suggest that he met with a female, whose name he did not know, that he may have assumed was employed by the welfare authority, but this was not, it seems, directly confirmed by her. Further, it also raises a question as to why a Social Worker would have thought to make contact with the Army on such an issue.

5.80. The Inquiry will also be aware of the document known as "GC80" which was purportedly written on 8 November 1974<sup>175</sup>. This purports to reference a "source" at paragraph 7, anticipated to be a reference to the same alleged source. The Board does not accept any matters contained within GC80 that bear on its actions or knowledge. It is not intended to rehearse a lengthy analysis on behalf of the Board about the provenance of the document generally. That has been undertaken by other Core Participants, with the frailties of the document examined during the public hearings on Day 222. The following key points relevant to the Board's predecessors would, however, be made:

- i. At paragraph 4 reference is made to the Mason File. This Inquiry has heard that it remained in Mr. Bunting's drawer from October 1973 until

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<sup>172</sup> Transcript Day 221, page 37, line 20 – page 38, line 22

<sup>173</sup> KIN 1619

<sup>174</sup> KIN 5200 and Transcript Day 221, page 145, line 10 – page 148, line 14

<sup>175</sup> KIN 35081

February 1976. It could not, therefore, have been accessed by Mr Wallace to author this document in November 1974;

- ii. There has been no evidence, before the Hughes Inquiry or this Inquiry, of any internal investigation against Mr. McGrath conducted by Belfast Welfare Authority in 1972/3. There has been no evidence of any complaint made against him during that time period that would have warranted such an investigation;
- iii. It is not accepted that Mr. Orr would have been in a position to confirm any complaint or investigation in 1973 as asserted. The first complaint known to have come to his attention was by R 15 and is dated to May and September 1974. Further from 1971 – 1973 Mr. Orr did not work in Belfast. He was a Social Worker in Down County Welfare Authority. He moved to the North & West Belfast District of the Eastern Health and Social Services Board in November 1973<sup>176</sup>;
- iv. Reference is made in the document to allegations in Bawnmore, Westwinds and Burnside. There was no knowledge of any complaint about abuse in Bawnmore until after January 1980. No members of staff were convicted of any offences in contact with Westwinds (also known as Valetta Park). While one resident was known to have been abused between April 1974 and August 1975, this abuse was committed by a family member. It was, however, to be inaccurately conflated with Kincora after January 1980.
- v. There has been no evidence that *“key individuals in the Welfare Department were themselves homosexuals and thus, not only appointed homosexuals to such posts but also covered up the offences..”*. This is said, in paragraph 8, to have been a claim by a source that is redacted in the document. It is untrue and not substantiated by any evidence seen in the extensive enquiries into events at Kincora.

5.81. As regards the second allegation of Mr Wallace that touches upon the

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<sup>176</sup> KIN 72686: Mr Orr’s oral evidence to the Hughes Inquiry

Board's predecessor, namely that he made a telephone call from London in 1975, Ms. McAndrew confirmed in her supplemental statement dated 27 May 2016 at paragraph 28:

*"Having regard to the contemporaneous documentation of its predecessor that is now available to the Board, to the best of its knowledge and belief, the Eastern Health and Social Services Board did not receive an anonymous telephone call in respect of Kincora in 1975."*<sup>177</sup>

No additional evidence has come to the Board's attention during the oral hearings of Module 15 that changes this assessment.

- 5.82. The Board therefore suggests that insofar as the evidence of Mr. Wallace touches upon its predecessors, that same should be treated with caution and given little weight. Chiefly, the Board would submit that the Inquiry should not find that there was any knowledge held by an employee of Belfast Welfare Authority that was capable of being imparted to Mr. Wallace other than is expressly acknowledged herein. Nor should this Inquiry find that any knowledge was invested in any member of staff of the Eastern Health and Social Services Board through a telephone call from Mr. Wallace in 1975.

### **Concluding Remarks**

- 5.83. In this Chapter the Board has sought to address the evidence in relation to the key questions posed by Mr. Aiken BL at the opening of this Module. In the next Chapter the Board will turn to the analysis of the central question: whether systems failures by the State defined by the Inquiry in the widest sense in respect of this Module caused, facilitated or failed to prevent abuse occurring in Kincora.

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<sup>177</sup> KIN 1464, paragraph 28



## THE SYSTEMS

- 5.84. In opening Module 15 Mr. Aiken BL posed questions which were addressed in Chapter 5. He then continued by confirming that they were identified with the aim of *“always coming back to the central question for this Inquiry whether systems failures by the State defined by the Inquiry in the widest sense in respect of this module caused, facilitated or failed to prevent abuse occurring in Kincora”*<sup>178</sup>. This issue will be addressed in this Chapter.
- 5.85. In making its submissions and concessions, the Board asks the Inquiry to bear in mind the circumstances of the time. Civil unrest in Northern Ireland had its roots in the the formation of a civil rights movement in Belfast in January 1967. The date widely accepted as being the day “the troubles” began was 5 October 1968 following a civil rights march in Derry. In summer 1969 the first deaths of the conflict occurred, with “no go areas” and peace walls established by the end of that year. The unrest intensified over the early 1970’s. August 1971 brought particular pressures upon welfare services in Northern Ireland following the introduction of internment. Significant efforts had to be directed, in response, towards managing the impact upon families of these events, with significant numbers in Belfast requiring to be provided with emergency accommodation. These were therefore challenging times for the service.
- 5.86. These challenges were evident from the evidence of Mr Bunting on Day 218 when he agreed that the impact of the mass movements of population resulted in a small number of people having to cope with an enormously more demanding and complex situation. He described that it:

*“...left us in a position really that we still had to continue -- in terms of the child care services we still had to continue to run those services, but at the same time we*

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<sup>178</sup> Transcript Day 204, page 23, lines 8 – 12

*had to manage and deliver the relief services..."*<sup>179</sup>

- 5.87. In addressing this contextual point, in evidence Ms. McAndrew accepted that this *"doesn't excuse not following through on an investigation, but it might put into context... why some things did or did not happen"*<sup>180</sup>.
- 5.88. A second important context arises from the attitudes, beliefs and practices of the time. In this respect the Board would reiterate the submission made throughout the course of this Inquiry that there is a need to view events through the lens of standards then applicable. In particular, the Board would highlight that prior to 1980 many employees working within residential child care were not qualified Social Workers. Further social work was developing as a profession, with knowledge increasing about the types of abuse that could be experienced by children. Finally, it is submitted that the evidence throughout the course of this Inquiry has tended to demonstrate that knowledge in Northern Ireland of the potential for institutional abuse increased after 1980.
- 5.89. The Board submits that in considering what was suggested by Senior Counsel to the Inquiry to amount to *"more than one missed opportunity, just missed opportunity after missed opportunity after missed opportunity"* that the context of the time should be given some weight in considering the position that individual staff were in. The Board, however, recognizes *"it's possible that any single different action on behalf of the staff might have changed something"* and as was suggested by Ms. McAndrew there was *"an accumulation of opportunities perhaps around sharing of information and recording"*<sup>181</sup>.

## Communication

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<sup>179</sup> Transcript Day 218, page 147, lines 9 – 13

<sup>180</sup> Transcript Day 215, page 139, lines 15 – 24

<sup>181</sup> Transcript Day 215, page 143, lines 14 – 24

- 5.90. In each of the specific incidents considered in this Chapter above, it is accepted by the Board that there needed to be stronger lateral and vertical communication within its predecessor organisations. This can also be described as the dissemination and sharing of information, which has been identified as “*a critical theme*”<sup>182</sup> in relation to the series of missed opportunities now accepted.
- 5.91. Communication is an important system to ensure that people are enabled to bring together all the relevant information, which in turn allows decisions to be made on an informed basis. It allows a “*joining up of the dots*”.<sup>183</sup> It has been posited that had all the information been joined up earlier, then action may have been taken before the media interest in January 1980.
- 5.92. Given the evidence throughout this Inquiry has suggested that the landscape in relation to the understanding of institutional abuse in Northern Ireland changed in light of the events at Kincora being uncovered, it could be said that an earlier uncovering of the abuse could have had a significant effect. It is, however, submitted that such a conclusion is one that can only be based on speculation and conjecture of what might have happened or what could have happened.
- 5.93. The Board does, however, acknowledge James Miller’s evidence on Day 210 when he said:

*“I mean, the fact in hindsight that all three of them were involved in this sort of stuff is still mind boggling to me, you know, and the thing that hurt me most about it was that the authorities really did know about it beforehand. So I – I went in in 1977. So they knew about it long before then. So it was maybe a bad, you know,*

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<sup>182</sup> Transcript Day 215, page 158, lines 9 – 20 for full discussion

<sup>183</sup> Transcript Day 215, page 155, line 24 – page 156, line 6

*place to put me into. Does that make sense?"*<sup>184</sup>

- 5.94. In addition, there are clear examples between 1967 and 1980 of communication within the predecessor organisations failing both laterally and vertically.
- 5.95. By way of example, failures in lateral communication were particularly seen when information held by a different District or in a fieldwork office was not passed to those staff in Residential and Day Care for East Belfast and Castlereagh District that were in line management for the Hostel. A key example being the complaints that were made by R15 in May and September 1974. These were received by fieldwork staff in the North and West Belfast District in 1974, but were not communicated across to the District that held responsibility for the Hostel.
- 5.96. Failures in vertical communication occurred, it is submitted, from what may be described as the very bottom, to the very top of a hierarchical structure. The result was that vital information was not shared between different levels of management of the Board's predecessor organisations. The following illustrations are particularly noted:
- i. The failure of Mr. Mains to report to his management complaints made by residents or information brought to his attention by Mr. Semple about abuse within the hostel;
  - ii. The lack of information flow from the District to the Officers at Eastern Board Headquarters, particular from mid 1976 onwards;
  - iii. The absence of disclosure to both the Welfare Committee and the members of the Eastern Health and Social Services Board by senior management as to events and issues arising within the Hostel.
- 5.97. Within these structures there was also a key failing to share information

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<sup>184</sup> Transcript Day 210, page 122, line 24 – page 123, line 6

from the top to the bottom. Following reorganisation in October 1973 there was a failure by Headquarters of the Eastern Board to bring the Mason File to the attention of District Staff who had responsibility for the running of the Hostel.

- 5.98. These failures occurred within a system that did not have a specific complaints policy for children in the residential care system. The lack of such a policy within Belfast Welfare Authority was not the subject of criticism by the Hughes Inquiry, as the absence of same “*merely reflected the general practice throughout welfare services in the United Kingdom*”<sup>185</sup>. It is submitted that this Inquiry should not take a different approach.
- 5.99. This may however be a further indication that perhaps in the mid-1970’s a complaint by a child would not have been taken as seriously as it would today. Rather “*concerns about sharing information that was unsubstantiated or rumours would have been perhaps uppermost in people’s minds, much more so than we would today where we – you know, as far as we are concerned, we share information, because the protection of the children is paramount..*”<sup>186</sup>.
- 5.100. Communication and sharing of information also broke down, it is submitted, between agencies. Specifically, between the Board’s predecessors and the police. From the evidence there was a failure by the Welfare Authorities to refer information to the police in 1967, 1971 and 1974, while the police failed to refer allegations about a member of staff, Mr. McGrath, to Belfast Welfare Authority as his employer in 1973. This served to leave additional dots unjoined, as not only were disparate pieces of information within the Board’s predecessor organisation not collated, they remained ignorant of intelligence held by another agency. More fundamentally, however, in 1971 the failure to refer the complaints of R8 to

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<sup>185</sup> HIA 703, para 3.46

<sup>186</sup> Transcript Day 215, page 142, lines 6 – 14. Oral evidence of Fionnuala McAndrew.

the police left his full complaint uninvestigated.

- 5.101. This element of multi-agency communication is, in particular, a reflection upon the past and an indication of practice within both social services and the police at that time. Systems in place today are unrecognizable, with major developments in multiagency working, particularly through protocols for joint working between social services and the police to investigate complaints of abuse.

### **Record Keeping**

- 5.102. The Board has acknowledged that failures in record keeping, at times, contributed to the errors and opportunities that were missed as detailed above.
- 5.103. Record keeping has a valuable role to play. Firstly, it ensures from a governance perspective that the nature of decisions made, and the reasons for those decisions, can be reviewed as may be necessary at a later date. Secondly it can act as a prompt to the taking of further action as may be necessary upon receipt of information.
- 5.104. The lack of records about key matters, such as what happened after Mr. Mason's August 1971 memo was sent to the Town Solicitor, leaves unanswered questions about why no further action was taken and this is unacceptable.
- 5.105. Further, the lack of written record about the outcome of the 1971 complaint also signaled the beginning of an uncoordinated, individualized response to subsequent similar fact allegations. This might have been different if a process was put in place in 1971 to ensure that the previous matters would be looked at again if more matters of concern came to light.

- 5.106. It is a matter of conjecture, however the lack of written records in relation to any decision taken not to refer the matter to police, perhaps also had implications in relation to the failure to thereafter undertake a full investigation. Had there been a written record or direction, it may have prompted a review of the steps taken to that date, with identification of the matters that remained to be taken forward.
- 5.107. This link between the lack of a written record and a failure to take appropriate and necessary steps on foot of information received, was made by the Hughes Inquiry in relation to the information shared with Miss McGrath in early 1976. That panel considered that the lack of a written record perhaps contributed to the lack of prominence given to the issue by Miss. McGrath, which likely led to her failure to meet with Ms. Fiddis, which likely led to her failure to share the information with her District Social Services Officer.
- 5.108. Record keeping is also an important means to strengthen lateral and vertical relationships within organisations. The Board has recognised that at key times it was not good enough to offer the protection that residents of Kincora deserved.

### **Monitoring**

- 5.109. As the panel will be aware there were two levels of internal monitoring that were required to be undertaken by the legislation.
- 5.110. From 1958 – 1973, insofar as Kincora were concerned these were:
- i. Monthly visiting by the Children's Officer;
  - ii. Monthly visiting by a member of the Welfare Committee.

5.111. From 1973 these activities were continued by the Board after reorganization, albeit that the new Direction to address the new bodies did not issue until 1 December 1975 which then required:

- i. Monthly visiting by a Social Worker, who was attached to the Residential and Day Care Management team;
- ii. Quarterly visiting by a member of the Personal Social Services Committee.

5.112. These systems were designed to monitor the care being provided to children. Yet these systems failed to protect residents of Kincora and the Board has identified that there were deficits in the monitoring activities of its predecessor organisations. Crucially, monitoring reports did not communicate vital information of a child protection nature to people who needed to know at Board Headquarters Level. This is particularly observed in the reports submitted in late 1977 where no mention was made of the issues being investigated and discussed about both R18 and <sup>Richard</sup><sub>Kerr</sub>, and about which the Officers of the Board had not been otherwise informed<sup>187</sup>.

5.113. The Board has accepted that the systems to implement statutory monitoring during Kincora's operation were underdeveloped and the Inquiry has heard from Mr. Bunting, a most experienced and highly regarded practitioner in this field, who has said he regards the lack of policy for monitoring post re-organization as a significant flaw in the system. Specifically, the Board has identified the following as underdeveloped:

- i. The role of the visiting Social Worker under the 1975 Direction and the information that ought to be contained within reports provided;
- ii. There was a "considerable time lag" between October 1973 and mid 1974 before the members of the Personal Social Services Committee were given guidance on their statutory duties under the 1952 SR&O.

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<sup>187</sup> KIN 140880 – Mr Higham's monitoring report of 6<sup>th</sup> January 1978, which relates to visits undertaken to the Hostel during October and November 1977



## Media Attention

- 5.114. It is clear that the events in Kincora came to prominence as a result of media attention, commencing with the publication of an article in the Irish Independent on 24 January 1980. This followed an approach by two Social Workers to a journalist.
- 5.115. In addressing these events, the Hughes Report noted that the media reports were largely based upon misinformation. Some contribution to that came from some Social Work professionals.
- 5.116. By statement dated 27 May 2016, the Board acknowledged the findings of the Hughes Inquiry and the Sussex Police investigation in respect of same<sup>188</sup>.

## CONCLUDING REMARKS

- 5.117. The Board, it has submitted, has engaged in careful reflection on the evidence given to the Hughes Inquiry, the findings then made and further matters that arise having regard to the terms of reference of this Inquiry. The submissions above identify deficits and failings in key areas of good social work practice, namely the sharing of information, communication and monitoring.
- 5.118. It does not, however, always follow that any of the individual actions in themselves, if changed, would have prevented or detected the abuse that was occurring in Kincora at an earlier date.

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<sup>188</sup> KIN 1466, paragraphs 36 – 38; HIA 798, paragraph 4.213 (Hughes Report); KIN 40371, paragraph 933 (Sussex Investigation).

5.119. Further, and importantly, it is argued that there is and has been no evidence that indicates any effort, attempt or decision to cover up the activities in Kincora by staff in management positions within the welfare system. There is further no evidence that actions were taken with a deliberate intent to protect the institution.

**PART THREE**

**APOLOGY**

## 6. APOLOGY

- 6.1. In this written submission for Module 15 it is with sadness and regret that the Health and Social Care Board recognises that the systems in place to protect children in care, failed to protect those residents of Kincora and Bawnmore who experienced abuse. Further, in the case of Kincora, that repeated opportunities were missed over a prolonged number of years to detect and prevent abuse and report complaints of abuse by some former residents to the police.
- 6.2. The Board's intention when receiving all children into care is to safeguard their best interests and provide them with support and protection. This Inquiry has heard from residents that suffered abuse. In paragraph 6.35 of this submission the Board has said that it does not always follow that any or all systemic failings, if changed, would have prevented or detected abuse.
- 6.3. Nevertheless, the Health and Social Care Board is sorry that abuse occurred and acknowledges that this has had a devastating impact on the lives of some former residents of the institutions examined in this Inquiry. To all those former residents of institutions, who were in the care of the Board's predecessors, and for whom the welfare authorities' standards were such that there were systemic failings that failed to prevent or detect abuse, the Health and Social Care Board offers a wholehearted apology.

**SCHEDULE 1:****Analysis of the Kincora Admission Book as referred to in Chapter 4, paragraph 4.11.**

This analysis of the admission book is to detail those boys that were admitted to Kincora before they attained the upper limit of compulsory school age. The analysis only counts the numbers of boys admitted for the first time (readmissions are not counted). Those noted as “?” are those for which a definite age cannot be calculated.

From 1958 – 1973 admissions are therefore highlighted of boys under the age of 15.

**1958**

The first admission to Kincora is recorded as 10 May 1958. **KIN 11911-2.**

During the remainder of 1958 there were a total of 12 admissions. Only one is identified as being possibly aged under 15:

1. KIN 78, was admitted on 14 July 1958. His date of birth was recorded as the same as his admission date and is therefore inaccurate in this entry, however on readmission his date of birth was recorded as [REDACTED] This would indicate he was aged 14 years [REDACTED]  
[REDACTED]. **KIN 11913 - 4 and KIN 11917 - 8**

**1959**

During 1959 there were a total of 13 admissions. Only one is identified as being possibly under 15:

- ? KIN 82 was admitted for 1 night, 27 – 28 June 1959. A full date of birth is not recorded in the admission book, rather it records “?1943?”. If it is accurate that he was born during that year then he was aged over 15 on admission. **KIN 11917 - 8**

**1960**

During 1960 there were a total of 14 admissions. Two are identified as being aged under 15, with one further possible query:

2. KIN 87 was admitted for 2 nights from 10 – 12 February 1960. He was aged 14 years [REDACTED]. He was discharged on this occasion to Williamson House Children's Home. He was readmitted on 30 June 1960, aged 14 years [REDACTED] and was to stay until 6 April 1961. **KIN 11921 – 22**
- ? KIN 92 was admitted for 16 months from 12 February 1960 – 5 June 1961. His date of birth is recorded with a day and month only. It is not therefore possible from the admission book to confirm his age. **KIN 11921 – 22**
3. HIA 199/R 3 was admitted on 22 February 1960 aged 14 years [REDACTED]. He remained on this admission for 17 months until 6 August 1961. **KIN 11921 – 22**

**1961**

During 1961 there were a total of 14 admissions. Three are identified as being aged under 15, with one admission queried:

- ? KIN 109 was admitted for 2 nights between 19 – 21 June 1961. His age is unknown as no date of birth was recorded. **KIN 11929 – 30**
4. KIN 2 was admitted aged 14 years from 25 July 1961 – 2 February 1963. It is noted that his older brother HIA 104 was already in residence having been admitted on 24 July 1960. **KIN 11929 – 30** and **KIN 11923 – 4**
5. KIN 111 was admitted 30 November 1961 aged 14 years [REDACTED]. No discharge date is recorded so the length of his stay is not confirmed. **KIN 11931 – 2**
6. KIN 127 was admitted on 8 December 1961 aged 14 years [REDACTED]. He remained for 16 months until 29 March 1963. **KIN 11931 – 2**

**1962**

During 1962 there were a total of 8 new admissions. There were no admissions confirmed as being underage, but two queries arise:

- ? KIN 76 was admitted for 1 night from 14 – 15 February 1962. No date of birth is recorded and thus his age is unknown. **KIN 11931 – 2**
- ? KIN 105 was admitted for 1 night from 25 – 26 April 1962. No date of birth is recorded and thus his age is unknown. **KIN 11933 – 4**

### 1963

During 1963 there were 18 new admissions. Two are identified as being aged under 18, with one further query:

- 7. KIN 138 was admitted for almost 2 years from 17 May 1963 – 11 April 1965. He was aged 14 years [REDACTED] on admission. **KIN 11937 – 8**
- ? KIN 120 was admitted for three nights from 3 – 6 August 1963. No date of birth is recorded in the Admission Book to identify his age. There is a record that he is to be discharged to police, to be escorted by bus to Sligo. **KIN 11939 – 40**
- 8. KIN 136 was admitted for the first time for a period of 1 year from 9 August 1963 – 2 August 1964. He was aged 14 years [REDACTED] on this admission. He was later readmitted for a second time. **KIN 11941 – 2**

### 1964

During 1964 there were a total of 16 new admissions. Four have been identified as aged under 15:

- 9. KIN 139 was admitted for 4 nights from 29 February – 4 March 1964, aged 10 years [REDACTED]. He was discharged to Bawnmore Children's Home. The book also reflects that his admission was authorised by Mrs Wilson. **KIN 11944 – 5**
- 10. KIN 142 was admitted for 14 nights from 13 – 27 March 1964, aged 11 years [REDACTED]. He was discharged to Bawnmore Children's Home. A note appears to have been made regarding authorisation of this admission but it is difficult to read. His discharge was authorised by Ms. Brown. **KIN 11944 – 5**
- 11. KIN 143 was admitted for 10 nights from 31 July – 10 August 1964, aged 12 years [REDACTED]. He was discharged to Bawnmore Children's Home. **KIN 11946 – 7**

12. KIN 147 was admitted for 2 nights from 4 – 6 November 1964, aged 13 years [REDACTED]. He was discharged to De La Salle. A note in the Admission Book records: “As directed by Chil... Officer Mrs Brown” **KIN 11948 – 9**

## 1965

During 1965 a total of 33 first admissions have been counted. Five have been identified as aged under 15, with two further queries:

- ? KIN 169 was admitted for 1 night from 3 – 4 March 1965. His age is unknown as no date of birth was recorded. He was discharged to Rubane. **KIN 11950 – 1**
13. KIN 163 was admitted for 1 night, 3 – 4 March 1965. His date of birth indicates that he was aged 6 years [REDACTED]. He was discharged to Rubane. **KIN 11950 – 1**
- ? KIN 140 was admitted for 2 nights from 31 August – 2 September 1965. No date of birth was recorded in the Admission Book and thus his age is unknown. There is however a note “Left Kincora of his own accord” which may suggest that he was older. **KIN 11956 – 7**
14. KIN 10 was admitted for 1 night from 5 – 6 September 1965. While his date of birth suggests in this entry that he was aged 4 years [REDACTED] a later admission indicates that he was in fact 10 years older, thus 14 years [REDACTED] on this admission. He was discharged to Bawnmore Children’s Home. **KIN 11959 – 9** and **KIN 11962 – 3**
15. KIN 174 was admitted from 11 October – 5 November 1965. He was aged 14 years [REDACTED] **KIN 11960 – 1**
16. KIN 172 was admitted for 3 nights from 17 – 20 November 1965, aged 14 years [REDACTED]. He was discharged to De La Salle. **KIN 11960 – 1**
17. KIN 153 was admitted for 1 night on 17 November 1965. His age is recorded as “About 10 years old”. He was discharged to De La Salle. **KIN 11960 – 1**

## 1966

During 1966 23 new admissions were identified. Two were aged under 15:



18. KIN 24 was admitted for 6 months from 9 September 1966 – 8 March 1967. He was aged 14 years [REDACTED] on admission. **KIN 11968 – 9**
19. KIN 314 was admitted for 1 night from 6 – 7 November 1968. He was discharged to RVH then readmitted for a further night on 14 November 1968. He was aged 13 years [REDACTED] on both admissions. **KIN 11968 – 9**

## 1967

During 1967 there were 21 admissions noted, one of which may be dated incorrectly as it states 1965. Two are identified as boys under 15, with one query;

20. KIN 235 was admitted for almost 1 month from 3 – 30 July 1967, aged 14 years [REDACTED]. **KIN 11974 – 5**
- ? KIN 230 was admitted for 12 nights from 25 August – 6 September 1967. No date of birth was recorded. He was discharged to Bawnmore **KIN 11976 – 7**
21. KIN 305 was admitted for 3 nights from 16 – 19 October 1967, aged 13 years [REDACTED]. He was discharged to his mother. **KIN 11978 – 9**

## 1968

During 1968 there were a total of 29 first admissions. In this year eight were identified as being under 15, including two sets of two siblings:

22. KIN 219 was admitted for 1 night, 8 – 9 May 1968, aged 12 years [REDACTED]. He was discharged to Bawnmore. **KIN 11980 – 1**
23. KIN 270 admitted for 1 month, 11 May – 12 June 1968. He was aged 11 years [REDACTED] and was discharged to his parents. **KIN 11980 – 1**
24. KIN 320 was admitted for 3 nights, 10 – 13 June 1968. He was aged 9 years [REDACTED] and was discharged to his father. **KIN 11982 – 3**
25. KIN 263 was admitted for 1 night on 7 July 1968, aged 14. He was admitted with his 15 year old brother and had a home address in Scotland. **KIN 11984 – 5**
26. KIN 192 was admitted for 3 nights, 13 – 16 September 1968, aged 12 years [REDACTED]. He was discharged to Macedon. He was admitted with his brother...

27. KIN 310 who was admitted for the same period aged 14 years [REDACTED] and was also discharged to Macedon. **KIN 11986 - 7** and **KIN 11988 - 9**
28. KIN 227 was admitted for 6 nights, 24 - 30 September 1968, aged 10 years [REDACTED]. The Admission Book records that his mother was in hospital. He was admitted with his brother...
29. KIN 246 who was admitted for the same period and reason aged 9 years [REDACTED] **KIN 111988 - 9**

## 1969

In 1969 a total of 22 first admissions were identified. Five were aged under 15, with one additional query:

30. KIN 213 was admitted for 1 night, 22 - 23 January 1968, aged 12 years [REDACTED]. He was admitted from Musgrave RUC. **KIN 11990 - 1**
- ? KIN 196 was admitted with HIA 213 and another boy aged over 15. No date of birth is recorded for him and thus his age is unknown. **KIN 11990 - 1**
31. KIN 248 was admitted for 1 night on 22 October 1969, aged 14 years [REDACTED]. **KIN 11994 - 5**
32. KIN 270 was admitted again for over 1 month from 22 November - 30 December 69. He turned 12 during the admission. He was admitted from Williamson House and was discharged to Bawnmore. He was readmitted in 1971 from 4 - 12 February 1971 aged 13 years [REDACTED]. **KIN 11996 - 7**
33. KIN 43 was admitted for 2 months from 20 December 69 - 12 February 1970, aged 12 years [REDACTED]. The Admission Book contains a note "To Bawnmore via Rathgael" **KIN 11996 - 7**
34. KIN 33 was admitted for 4 nights from 25 - 29 December 1969, aged 7 years [REDACTED]. He is the brother of KIN 270 (at number 32 above) and they were both resident during this time. KIN 33 was also readmitted from 5 - 12 February 1971 aged 8 years [REDACTED] (which corresponds with his brother's readmission). **KIN 11996 - 7**

## 1970

During 1970 a total of 9 first admissions were noted. Two were aged under 15, being a sibling group:

35. KIN 226 was admitted for 10 nights from 4 – 15 June 1970, aged 14 years with his brother...

36. KIN 37 who was admitted for the same, aged 12 years [REDACTED]. These brothers were discharged together to Macedon, and were each also readmitted to Kincora on various occasions after they were 15. **KIN 12000 – 1**

## 1971

During 1971 there were 13 admissions noted, with four identified as aged under 15. [REDACTED]s:

37. KIN 42 was admitted for 2 weeks from 14 – 28 May 1971, aged 14 years [REDACTED]. He was discharged to Bawnmore and was readmitted to Kincora after his 15<sup>th</sup> birthday. **KIN 12002 – 3**

38. KIN 268 was admitted for 2 months, 14 May – 13 July 1971, aged 14 years [REDACTED]. **KIN 12004 – 5**

39. KIN 217 was admitted for 3 years. He was aged 14 years [REDACTED] when admitted on 28 May 1971. **KIN 12004 – 5**

40. KIN 294 was admitted for 1 year on 28 May 1971. He was aged 14 years [REDACTED] on date of admission. **KIN 12004 – 5**

## 1972

During 1972 15 boys were admitted, with three being aged under 15, including one sibling group of two:

41. KIN 41 was admitted for 1 week, 2 – 9 February 1972 when aged 14 years [REDACTED]. He was discharged home. **KIN 12008 – 9**

42. HIA 123 was admitted for 2 nights from 30 September – 2 October 1972, aged 12 years. He was admitted with his brother...

43. KIN 247 who was admitted for the same 2 nights, aged 11 years [REDACTED]. No information is recorded in relation to where these brothers were discharged to.

Their admission is recorded as being authorised by Mr Bunting. **KIN 12012 – 13**

As detailed in the submissions at paragraph 4.14, compulsory school age was raised to 16 from 1 April 1973. From this point therefore admissions were analysed to identify admissions under that age.

### 1973

In 1973 a total of 9 new admissions were identified with three being aged under 16, including one sibling group of two brothers:

44. KIN 307 was admitted from 13 – 31 October 1973, when aged 15 years [REDACTED]. He was discharged to his home address. **KIN 12016 – 7**
45. R 15 was admitted on 3 November 73 – 20 September 1974, aged 13 years [REDACTED]. He was admitted with his brother...
46. KIN 224 who was 15 years [REDACTED] on admission. These brothers were discharged to the care of their older sisters. **KIN 12016 – 7**

### 1974

During 1974, 16 admissions are noted with nine boys aged under 16 on admission. This included one sibling group of three brothers:

47. KIN 306 was admitted on 21 February 74 for 6 nights aged 14 years [REDACTED]. He was readmitted twice on 5 April 74 and 23 May 74 each for around 2 weeks when he remained under 16. **KIN 12016 – 7**
48. KIN 229 was admitted for 2 nights between 2 – 4 May 1974, aged 13 years [REDACTED]. He was discharged to Benview Family Group. **KIN 12018 – 9**
49. KIN 203 was admitted for 1 night, 17 – 18 June 1974 with his older brother who was over 16. He was aged 14 years [REDACTED]. They were discharged to Glasgow. **KIN 12018 – 9**
50. KIN 289 was admitted from 6 – 22 July 1974, aged 14 years [REDACTED]. He was discharged to Rathgael before being readmitted in August 1974 when still 14. His discharge date is not recorded on this occasion. **KIN 12018 – 9**

51. KIN 286 was admitted from 18 August – 9 September 1974, aged 14 years [REDACTED]  
[REDACTED] He was discharged to Bawnmore. **KIN 12020 – 1**
52. KIN 273 was admitted on 15 October 1974, aged 14 years [REDACTED]. Duration not known as his discharge date was not recorded. **KIN 12020 – 1**
53. KIN 308 is the first of three young brothers. He was admitted aged 9 years [REDACTED]  
[REDACTED]
54. KIN 264 who was aged 9 years [REDACTED] and...
55. KIN 200 who was aged 7 years. These three brothers were admitted for 9 nights 16 – 25 December 1974. They were discharged home. **KIN 12022 – 3**

### 1975

Total admissions in 1975 were 12. Of these six are identified as aged under 16:

56. KIN 299 was admitted for 2 nights from 24 – 26 April 1975. He was aged 14 years [REDACTED]. Note indicates RUC involvement. **KIN 12024 – 5**
57. KIN 281 was aged 10 years [REDACTED] when he was admitted with his two brothers...
58. KIN 279, who was aged 9 years, and...
59. KIN 280 who was also aged 9 years. These three brothers were admitted for 11 nights from 28 May – 9 June 1975 before being discharged to Corrymeela. **KIN 12024 – 5**
60. [REDACTED] was admitted on 27 June 1975, for over 2 years. On admission he was aged 14 years [REDACTED]. **KIN 12026 – 7**
61. R 35 was admitted for almost 2 years from 4 September 1975 – 16 August 1977. He was aged 15 years [REDACTED] on admission. **KIN 12026 – 7**

### 1976

During 1976 5 admissions are recorded. Three of these five boys were under 16:

62. HIA 533 was admitted from 21 June 1976 – 23 September 1977. He was aged 15 years [REDACTED] on admission. **KIN 12028 – 9**
63. R 37 / KIN 372 was admitted from 5 August 1976 – 4 October 1977. He was aged 15 years [REDACTED] on admission. **KIN 12028 – 9**

64. KIN 54 was admitted from 12 October 1976 – 22 October 1979. He was aged 15 years [REDACTED] on admission. **KIN 12028 – 9**

## 1977

During 1977 out of 13 admissions, eleven are identified as being aged under 16:

65. R 18 was admitted on 12 May 1977. No discharge date appears in the Admission Book. He was aged 15 years on admission. **KIN 12030 – 1**
66. KIN 50 was aged 14 years [REDACTED] when he was admitted on 16 May 1977. He was discharged on 8 November 1977. **KIN 12030 – 1**
67. KIN 51 was admitted 19 May – 27 June 1977, his date of birth indicates he was aged 13 years [REDACTED], but a comment “*discharged himself to mother’s home*” perhaps suggests he was older. **KIN 12030 – 1**
68. KIN 238 was admitted from 24 May – 10 June 1977. He was aged 15 years on admission. **KIN 12032 – 3**
69. KIN 272 was admitted for 1 night from 3 – 4 July 1977. He was aged 15 years [REDACTED]. **KIN 12032 – 3**
70. KIN 48 was admitted 26 July 1977 – 24 February 1978, aged 15 years [REDACTED]. He was readmitted for second time when over 16 in March 78. **KIN 12032 – 3**
71. KIN 266 was aged 12 years [REDACTED] when he was admitted with his two brothers...
72. KIN 321, aged 11 years, and ...
73. KIN 380 aged 13 years [REDACTED]. These three brothers were admitted on 6 October 1977 to an unknown discharge date. **KIN 12032 – 3**
74. KIN 53 was admitted for 16 nights between 14 October – 2 November 1977 aged 14y [REDACTED]. He was discharged to his father. **KIN 12034 – 5**
75. James Miller was on admitted 19 October 1977, aged 15 years [REDACTED]. He was discharged 8 months later on 20 June 1978. **KIN 12034 – 5**

**1978**

During 1978, of 12 first admissions, seven boys were identified as under 16:

76. KIN 277 was admitted for 2 nights, 1 – 3 February 1978, aged 15 years [REDACTED].

It appears he was discharged home. **KIN 12034 - 5**

77. KIN 304 was admitted for 4 months from 24 February – 28 June 1978, aged 14 years [REDACTED]. **KIN 12037 - 8**

78. KIN 176 was admitted for 3 weeks 22 March – 13 April 1978 aged 15 years [REDACTED] **KIN 12037 - 8**

79. KIN 210 was admitted on 18 May 1978 – unknown discharge date. He was aged 15 year [REDACTED] on admission. **KIN 12038 - 9**

80. KIN 55 was admitted for almost 1 month from 1 – 29 August 1978, no date of birth was recorded but a note indicates he was aged 12 years. He was discharged to Children's Home North Belfast. **KIN 12038 - 9**

81. KIN 56 was admitted from 11 October 1978 – 21 April 1979. He was aged 15y [REDACTED] on admission. **KIN 12038 - 9**

82. KIN 177 was admitted on 15 December 1978 – unknown discharge date. He was aed 14 years [REDACTED] on admission. **KIN 12038 - 9**

**1979**

During 1979 out of 8 admissions, six boys were aged under 16 on their admission:

83. KIN 211 was admitted 11 January 1979 – unknown discharge date. He was aged 15 years [REDACTED] on admission. **KIN 12040 - 1**

84. KIN 212 was admitted for 2 nights from 8 – 10 May 1979. He was aged 15 years [REDACTED] on admission. **KIN 12040 - 1**

85. KIN 58 was admitted 27 June 1979 – unknown discharge date. He was aged 15 years [REDACTED] on admission. **KIN 12040 - 1**

86. KIN 319 was admitted for 2 nights, 2 – 4 August 1979, aged 15 years [REDACTED]. He was admitted with his brother...

87. KIN 216 who was aged 13y [REDACTED]. Both brothers were discharged to Orana Children's Home, Newry. **KIN 12040 - 1**

88. KIN 208 was admitted for over 2 months from 2 November 79 – 23 January 1980, aged 14 years [REDACTED]. He was readmitted in February 1980 when still aged 14. **KIN 12042 – 3**

**1980**

Only 1 admission is recorded for 1980, it being known that publicity in respect of Kincora began on 24 January 1980, with the Hostel being closed from October 1980. That single admission was a boy aged under 16:

89. KIN 312 was admitted on 23 January 1980, until an unknown date, aged 13 years [REDACTED]. His admission is noted to have been authorised by Hugh Connor. **KIN 12042 – 3**



**SCHEDULE 2:**

**Analysis of Evidence from Social Workers that had no knowledge of abuse, nor saw any matter to cause them concern in the Hostel, as referred to in Chapter 5, paragraph 5.9.**

This chronology has been prepared with reference to statements given by Social Workers to Police during the 1980 and 1982 investigations by the RUC and the 1982 enquiries led by the Sussex Police. It details only those members of Social Services Staff that confirmed they had no knowledge of any untoward happenings in Kincora.

There were of course staff that did have knowledge of certain events in Kincora, or information said to relate to Kincora. They have been identified through the statement submitted by the Board dated 29 April 2016, and in the body of these submissions.

1. The Welfare Officer for KIN 1, who was admitted to Kincora between the **2 May 1963 and 7 November 1964**, made a statement to the RUC on 4<sup>th</sup> July 1980 *"At no time did I receive any complaint from [KIN 1] or any boy resident in Kincora relating to homosexual activities in Kincora. I never heard from any person of any homosexual activity connected with the home"*. **KIN 10157**
2. During the **summer of 1965** a Welfare Officer gave assistance to the home on a temporary basis through overtime for **5 months**. He gave a statement to Sussex Police on 24 September 1982 detailing that he worked there *"for about five months, two or three evenings a week mainly during the Warden's absence. I did not reside at the hostel. During the time I worked at Kincora I did not see or hear anything untoward. I received no complaints from any boys residing there of improper behaviour towards them by MAINS."* **KIN 40919**

3. On **6 January 1966** KIN 175 was admitted to Kincora for 6 days until 12 January 1966. His Social Welfare Officer made a statement to the RUC on 27<sup>th</sup> February 1980 that no complaint was made by this resident *"regarding members of staff or anyone else in Kincora"*. **KIN 10228**
  
4. On **29 April 1968** R8 was admitted to Kincora. He was later to write a letter in August 1971 about a homosexual advance that was made to him on his first night in the hostel by R34. R8 described that **Mr Mains** was made aware of this by him. The same Social Welfare Officer had responsibility for both boys, being responsible for R8 and having become Social Welfare Officer for R34 at some time after his placement in Kincora [he had two admissions: 21 August 1967 – 21 July 1968; 27 July 1968 – a date not recorded in the admission register]. Her statement to the RUC on 27<sup>th</sup> February 1980 **KIN 10173** suggests that this information was not shared with her, by Mr Mains, as the responsible social worker for both boys at the time. Rather it appears to have first come to her attention in August 1971 upon receipt of R8's letter.
  
5. On **30 October 1968**, KIN 295 was admitted to Kincora. He had the same Social Welfare Officer as referred to at paragraph 4 above. On 27 February 1980 she made a statement to the RUC: *"I don't remember him ever making any complaint about the staff or the other boys in Kincora"*. **KIN 10173**. He remained in Kincora until 10 April 1971.
  
6. On **1 April 1971** KIN 27 was admitted to Kincora, where he would remain until 7 July 1971. A Trainee Social Worker made a statement to the RUC in respect of involvement with him on 2 May 1980 **KIN 10182**. She recalled [his] family being on her caseload and visiting Kincora, but could not remember whether or not it was in connection with KIN 27. She did however recall meeting with him at the Hollywood Road office and seeing his family at the family home. She stated: *"To my recollection [KIN 27] at no time made any allegation of either homosexual or physical assault.... On any visit I made to Kincora I do not remember*

*having ever had cause to suspect that homosexual activities were taking place or had taken place in the hostel. I may have had other boys placed in Kincora, however I cannot remember this, nor do I remember any boys in my caseload making any allegations of homosexual activities in Kincora or any other hostel."*

7. On **8 April 1972** HIA 532/B1/R13 was admitted for the first of three times to Kincora. His placements were: 8 April 1972 – 6 August 1973, 8 September 1973 – 29 October 1974, 6 December 1973 – 25 February 1974. His Social Welfare Officer was the same officer as referred to at paragraph 3 made a statement to the RUC on 27<sup>th</sup> February 1980 that *"At no time while under my supervision did [he] make any complaints regarding members of the staff or anyone else in Kincora"*. **KIN 10228.**
  
8. On **23 March 1973** R 10 was admitted to Kincora, where he was placed for in excess of 4 years until April 1977. The Social Worker responsible for him from his admission until September 1975 made a statement to the RUC on 22 April 1980: *"I visited [R10] approximately once per month during the period March 1973 until September 1975 when the case was passed over to another Social Worker. During that period, at no time did [R10] indicate to me that there was any homosexual activity occurring in the hostel or that he had been approached by any member of staff or other inmate.... On each visit I would have spoken to one of the staff in the hostel and I never got any indications or impressions that there was any homosexual activity taking place within the unit. The staff always co-operated with my fully in any social work plans which I would have had for [R10]"* **KIN 10234.**
  
9. On **12 October 1973** KIN 44 was admitted to Kincora. He was placed until 10 June 1974 and then had a further admission from 13 August – 3 September 1974. His Social Worker made a statement to the RUC on 24 July 1980: *"I visited [KIN 44] in Kincora approximately once per month and at no time did he ever make any complaints of a homosexual nature to me, either concerning the staff or other boys. [KIN 44] absconded from Kincora on several occasions but told me his reasons were due*

*to bullying by other boys in the hostel” KIN 10249. KIN 44 was also known to another Social Worker who made a statement to the RUC on 11<sup>th</sup> April 1980 stating in respect of two boys known to her in Kincora: “Both boys seemed happy in Kincora and neither of them ever made any complaints to me regarding homosexual activity in Kincora. During any of my visits to the Hostel everything seemed normal” KIN 10248.*

10. On **6 October 1974** R17 was admitted to Kincora. He remained there until 8 March 1976, with a second admission following from 5 May 1976 – 28 August 1976. He was known to three Social Workers. They each made statements to the RUC. The first stated on 27<sup>th</sup> February 1980: *“[R17] was happy in Kincora in fact he was very loath to leave it. At no time did he make any allegations about anyone in the Hostel” KIN 10254.* The second stated on 25<sup>th</sup> April 1980: *“I visited him on a regular basis for some time after admission and saw both [R17] and staff and at no time had I any indication that [R17] or staff were involved in any homosexual activity. [R17] was something of a ‘loner’ and had difficulty in communicating but as far as I was concerned he appeared to settle fairly well into the hostel” KIN 10263.* The third stated on 12 March 1980 that while there was limited communication: *“At no time did he ever mention or imply that there was anything of a homosexual nature going on in the hostel. He never made any allegations against staff or boys” KIN 11659*

11. On **21 October 1974** R9 was admitted to Kincora where he was placed until 19 April 1977. He was visited during his admission by his Social Worker who made a statement to the RUC on 24 April 1980 stating: *“I visited [R9] at Kincora approximately once per month and at no time was I aware of any homosexual activity between staff and residents. The only incident which I can only vaguely recall was mentioned to me by Mr Mains. It concerned [R9] and another boy, whom I think was his room-mate. From what I can recall there was some question of the two being interrupted while having some degree of physical contact with each other. I cannot remember any exact details but I do know that I did not feel that the incident was of a*

*very serious nature, since there could have been other explanations for the boys' behaviour". She did not discuss the peer incident with any other person, particularly her Senior Social Worker KIN 10207*

12. On **2 December 1974** Ronald Hugh Graham was admitted to Kincora for the first of three admissions which were: 2 December 1974 – 4 January 1975, 10 – 11 January 1975, 13 February – 10 June 1975. His Social Worker made a statement to the RUC on 9<sup>th</sup> June 1980: *"During my dealings with [ Ronald Hugh Graham ] he had informed me that he wasn't happy at Kincora and didn't get on with the staff. He never made any complaints to me regarding sexual activity in the Home"* KIN 10270. Ronald Hugh Graham was also later known to an After Care Social Worker attached to Rathgael Training School. He made a statement to the RUC on 21 March 1980: *"During the time I have known him has never spoken of his past personal life and never made any alleagtions about homosexual activity by anyone"* KIN 11708
  
13. Also with reference to **1974** a Social Worker made a statement to RUC on 6 February 1982 stating: *"During my employment with EHSSB (1974 – 1976) I had occasion to visit Kincora both during the day and in the evenings. I had frequently met Joe Mains and Raymond Semple, but at no stage did I suspect or have any reason to be concerned about anything in either the way the hostel was managed, or the care of the young people"* KIN 20604. She made a further statement to Sussex Police on 21 September 1982: *"I do recall that from 1974 when I first became involved to any degree with Kincora I heard vague rumours to the effect that MAINS was a homosexual. These rumours were current among the Social Services staff although they did not extend to any incidents as far as I was aware. I was unaware of any complaints relating to MAINS' alleged homosexuality"* KIN 40773
  
14. On **28 May 1975** three brothers, KIN 279, KIN 280 and KIN 281, were admitted to the Hostel until 9 June 1975 when they were discharged to Corrymeela. On the admission date the eldest was aged 10 years [REDACTED]  
[REDACTED] Their Social Worker made a statement to

the RUC on 12 March 1980: *"During the twelve days or so whenever the boys were in Kincora I visited them and had no reason to be concerned about any aspect of their care during the time they spent in Kin1cora Hostel"* **KIN 11601**.

15. On **27 June 1975** <sup>Richard</sup><sub>Kerr</sub> was admitted to Kincora where he would remain until 1977. During a period of 12 – 18 months his care was supervised by the same Social Worker. He made a statement to the RUC on 19 March 1980: *"... I supervised [ <sup>Richard</sup><sub>Kerr</sub> ] for approximately a year or 18 months during his stay in Kincora Hostel. He was resident in Kincora for only part of this time. Although [ <sup>Richard</sup><sub>Kerr</sub> ] was under my supervision he was fairly uncommunicative with me. During his period of residence in Kincora Richard gave no indications to me in any way of behaviour he found disturbing. In my assessment of Kincora the regime of staff and boy gave me no cause for suspicion or concern with regards to homosexual behaviour"* **KIN 11639**
- Further information relevant to <sup>Richard</sup><sub>Kerr</sub> will be addressed in relation to 1977.

16. On **4 September 1975** R 35 was placed in Kincora from foster parents. His case was supervised by Dr Barnardo's [**KIN 12026-7**] during his placement which continued until 16 August 1977. In that context he was visited by a Social Worker employed by Dr Barnardo's who made a statement to RUC on 7 March 1980: *"During that time I had very regular contact with him, visits averaging about twice a month. At no stage since I have known {R35} has he made any definite allegations regarding homosexuality or indecent behaviour against any member of staff or residents in Kincora"* **KIN11678** She also confirmed that he did make an allegation after he left Kincora which is addressed in the submissions at paragraph 5.66.

17. On **21 June 1976** HIA 533 was admitted to Kincora. His Social Worker made a statement to the RUC on 17 April 1980: *"During [HIA 533]'s stay in Kincora I visited on several occasions and spoke to him... I can just say that for the short period that [HIA 533] was in Kincora and I was in charge of him [HIA 533] was happy and at*

*no stage did he say that he had been approached homosexually by any of the Kincora staff or other inmates” KIN 10221*

18. On **5 August 1976** Stephen Waring was admitted to Kincora from Rathgael Training School. As he was subject to a Training School Order he was supervised by staff from the Training School, however in advance of his permanent placement he had involvement with a Social Worker who was involved with his younger brother). She made a statement to the RUC on 14 May 1980: *“During the various conversations that I had with [ <sup>Stephen</sup> Waring ] whilst he was attending Kincora on a trial basis from Rathgael he gave me the impression that he was quite happy to be placed there when he was discharged from Rathgael. Once he was permanently placed in Kincora (August 1976) I had no more contact with him” KIN 11686*
19. On **12 October 1976** KIN 54 was admitted to Kincora until 22 October 1979. He was known to a Social Worker who had also supervised KIN 44 mentioned above at paragraph 9. As already noted, she made a statement to the RUC on 11<sup>th</sup> April 1980 stating in respect of two boys known to her in Kincora: *“Both boys seemed happy in Kincora and neither of them ever made any complaints to me regarding homosexual activity in Kincora. During any of my visits to the Hostel everything seemed normal” KIN 10248* He was also known to a Social Worker who had been involved with R 17 at paragraph 10 above. He made a statement to the RUC on 12 March 1980: *“My contact with him was spread over about 12 months with a break whilst I was at college in England. I had a fairly good rapport with [KIN 54] but at no time did he ever mention or imply there was anything of a homosexual nature occurring at the hostel. He made no allegations to me about any member of staff or any boy” KIN 11659* Finally he was also known between around October 1978 and October 1979 to a third Social Worker. He stated in a RUC Statement on 12 March 1980: *“At no time during my supervision of him did he ever make any allegations of a homosexual nature against any member of staff or boys” KIN 11612*

20. On **26 July 1977** KIN 48 was admitted to Kincora. He was placed until 24 February 1978 with a second admission from 23 March 1978 – 22 June 1979. His Social Worker made a statement to the RUC on 9 April 1980: *“During his stay there I visited him on a monthly basis and discussed his circumstances of that period. At no time did he make any complaint to me of boys or staff at the Hostel making any indecent or homosexual advances towards him. I at no time was aware of any rumours nor did I hear of any other incident of this nature at Kincora”* **KIN 10291**
21. On **19 October 1977**, James Miller was admitted to Kincora, where he remained until 20 June 1978. He was under the supervision of a Social Worker who made a statement to the RUC on 17 April 1980: *“At no time during the supervisory period while [ James Miller ] was in the care of the Board did he at any time make any representations or allegations to me about any homosexual activity or about any homosexual impropriety towards himself by either staff employed in Kincora or by other residents with whom he would have associated”* **KIN 10294**
22. In **early 1978** R 9 transferred to a new Social Worker who had taken over case responsibility from the Social Worker referenced at paragraph 11 above. He was not resident in Kincora during this Social Worker’s involvement with him, but she did know of continuing links for him with Kincora. On 24 April 1980 she made a statement to RUC confirming: *“From my talks with [R9] I knew that at the beginning when he first came back from London he visited Kincora regularly and sometimes had meals there.... At no time during my association with [R9] did he suggest or imply that there had been any homosexual activity or had been approached by any member of the Kincora staff or other residents to do any homosexual act. I felt at the time that the resumption of contact with [R9] and Kincora was of benefit to him in providing continuity of after care”* **KIN 10209**
23. On **12 January 1978** KIN 46 was readmitted to Kincora. His first placement was from 25 July 1975 – 29 April 1977. On this occasion he was resident from 12



January 1978 – 3 August 1978. From **February/March 1978** he was under the supervision of a Social Worker who made a statement to the RUC on 28 April 1990: *“At no time did I suspect anything of a homosexual nature was going on either between staff and boys or the boys themselves.... [KIN 46] made no complaint to me about any homosexual or indecent acts in Kincora or outside it”* **KIN 10277**

24. On **5 February 1978** KIN 260 was admitted to Kincora. He was discharged on 10 April 1978 before being readmitted from 11 June 1978 – 4 April 1979. He was supervised by the same Social Worker as <sup>James</sup> Miller referenced at paragraph 21. He noted in his statement to the RUC on 17 April 1980: *“At no time during the supervisory period did [KIN 260] at any time make any representations or allegations to me about any homosexual activity or about any homosexual impropriety towards himself by either staff employed in Kincora or by other residents with whom he would have associated”* **KIN 10294**

25. On **6 April 1978** R 21 was admitted to Kincora until 11 April 1978. He was later readmitted from 17 April 1978 – 1 August 1979. His period of care was supervised by a Social Worker, who made a statement to the RUC on 8 July 1980: *“I was the only social worker dealing with [R21] during his period of care and I can state that at no stage did [R21] suggest to me that any member of the staff at Kincora approached him in a homosexual manner. [R21] was a very quiet boy and kept to himself and did not mix with the other boys and at no stage did he suggest that he had been approached by any of them. As far as I am aware [R21] was happy during his stay in Kincora, but was keen to get a flat of his own”* **KIN 10296**

26. In **October 1978** R18's case transferred to a new Senior Social Worker. His Senior Social Worker was aware of concerns in August 1976 which have been addressed in Chapter 5 of these submissions. She continued to work with him in a counselling role thereafter. In her statement to the RUC on 8 February 1980 she confirmed: *“Although counselling sessions are confidential I can categorically state that [R18] made no further comments about the behaviour of Kincora staff even when*

*asked directly if there were any further problems of this kind” KIN 10280* The Senior Social Worker to whom he transferred, detailed in a statement to the RUC on 16 February 1980: *“While he has been in my care I have seen him approximately once every month. This visit takes the form of me calling to see him at Kincora Hostel and discussing any problems he might have.” ... “When [R18] first came into my care I was informed that he had at one point made a complaint concerning behaviour towards him by a member of the hostel staff, but he has never made any such complaint to myself. Since I have known [R18] he appears to get on with the hostel staff, that is Mr Joe Mains, Mr Semple and Mr McGrath quite well...”* He also detailed that he found the atmosphere in Kincora to be *“casual, neither happy, nor unhappy”* noting that on occasions heard the staff shouting at residents to enforce discipline, but this equally would have been witnessed in other hostels he visited **KIN 10283**

27. Also in **October 1978** a Student Social Worker, began a placement that included her visiting Kincora Hostel. She was also given access to the Mason File and therefore knew of the complaints in 1967 and 1971. On 6 February 1980 she gave a statement to the RUC: *“I started at the Hostel in October 1978 with a main responsibility to liaise with the inmates social workers and familiarise myself with the functions of the home and to learn about basic Welfare Work.”* Her role was answerable to Gordon Higham. *“I spoke to the boys at the Hostel quite a lot and at no time was any complaint or suggestion made that anything involving homosexual activity took place at the home.”* Having been allowed to read the Mason file, she stated: *“Mr Higham asked me to keep an eye on the situation in the Hostel in view of these allegations and other allegations that the boys were being hit in the Hostel. ... During my period in the hostel I visited .. on each Monday for approximately 1 hour, Tuesdays from 2pm – 8pm and possibly on Wednesdays” KIN 11627.*

28. In **January 1979** a new, Senior Social Worker (Residential and Day Care) assumed some of Mr Higham’s responsibilities, including in relation to Kincora Boys Hostel, for 3 months. He visited *“once, maybe twice a week”* as well as attending case reviews in relation to residents. After Mr Higham left his post at

the end of August 1979, he performed this function again in

**September/October 1979**. He made a statement to the RUC on 8 February 1980: *"During the two periods I was connected with the Kincora Hostel, I did not receive any complaints regarding homosexual activity. I was not aware of any such complaints made previously against Mr Mains and Mr McGrath. I was not told that there were any special problems with the hostel. During the period January – March 1979 I supervised [...], a Social Works Student on placement at the Hostel. She didn't inform me of anything unusual about the hostel. From time to time I looked at the file in relation to Kincora Hostel for administrative reasons. I did not notice any reports relating to misbehaviour. I had access to weekly reports submitted to District Headquarters at Purdysburn by Mr Mains. Having seen these I did not notice anything of an unusual nature"* **KIN 11862**

29. On **20 April 1979** R 22 was admitted to Kincora. He remained resident until after the publicity in January 1980. From **September 1979** for a period of around 6 months, his Social Worker confirmed in an RUC statement on 10 May 1980 that he visited R 22 both at Kincora and at work: *"During these visits [R22] made no reference to any homosexual acts or interference from staff members or anyone else at Kincora Hostel"*. **KIN 10303** In a second statement on 19 May 1980 he provided further information in relation to a complaint made after the publicity, initially to his grandmother, wherein *"[R22] implied that that McGrath was following and touching him and he would come into the bedrooms unexpectedly whenever they were changing"*. It was noted that he had no complaints against Mr Mains. He was too scared to tell Mr Mains [about McGrath] as he was another member of staff **KIN 10304**

30. During **July / August 1979** another Student Social Worker undertook a placement at Kincora. He made a statement to the RUC on 26 March 1980: *"At no time during my stay there did any of the boys make any allegations of a homosexual nature against any of the staff (or against any of the boys), nor did I hear of such allegations. While I was there I got on quite well with the boys and they were prepared*

*to share many confidences with me so I feel I might have got a hint if there was anything untoward going on but I didn't"* **KIN 11622**

31. From **December 1979** a new Senior Social Worker (Residential and Day Care) assumed a role in managing Kincora. He made a statement to the Hughes Inquiry on 16 July 1984 in which he stated: *"At no time prior to the publication of the story in the newspaper was I aware of any allegations surrounding Kincora nor was I advised on taking up my appointment that Kincora should receive special attention"* **KIN 75642** He also details the action that he took following the media publication on 24 January 1980, including sleeping in the Hostel that night.
32. At the beginning of **1980** a Senior Social Worker supervised the allocated Social Worker for KIN 59 who was admitted to Kincora in early 1980. She confirmed in a statement to the RUC on 23 February 1982 that no allegations by him were brought to her attention. **KIN 20598**

The Board also notes the statements of the female domestic staff employed in Kincora, <sup>Elizabeth</sup>McCullough and <sup>Elizabeth</sup>Smyth which are discussed in Chapter 5, at paragraphs 5.6 and 5.7. They should be added to the number of staff who did not receive any allegation or have concerns about the care being provided in Kincora Boys' Hostel.

**SCHEDULE 3:**

**Timeline of “Missed Opportunities” to prevent or detect sexual abuse accepted by the Health and Social Care Board, as referred to in Chapter 5, paragraph 5.15.**

10 <sup>th</sup> May 1958	First resident placed in Kincora. Joseph Mains is Warden
September 1964	Raymond Semple appointed as Assistant Warden
February 1966	Raymond Semple resigns as Assistant Warden
September 1967	<b>Missed Opportunity</b> following complaints of R5 and R6
June 1969	Raymond Semple reappointed as Assistant Warden
August 1971	<b>Missed Opportunity</b> following complaint of R8 William McGrath appointed as Housefather
1 October 1973	Reorganisation - Creation of Eastern H&SS Board.
January 1974	<b>Missed Opportunity</b> following anonymous call to Hollywood Road sub-office
May /September 1974	<b>Missed Opportunity</b> following complaints of R15
1975	<b>Missed Opportunity</b> following non-report of rumours
January/March 1976	<b>Missed Opportunity</b> following information from Ms Fiddis
Mid 1976	<b>Missed Opportunity</b> to collate all information known
August 1977	<b>Missed Opportunity</b> following concerns about R18
October 1977	<b>Missed Opportunity</b> as a result of failure to share information from the District to the Eastern Board
24 <sup>th</sup> January 1980	Publication of the Irish Independent Article

**Submissions**  
**on Behalf of the Department of Justice**  
**in Relation to the ‘Residual Millisle Issue’**

**Re: Richard Kerr**

**Martin Wolfe QC**  
**David Reid**

## Introduction

1. It will be recalled that during Module 10 the Inquiry investigated allegations of abuse raised by a number of former trainees of HM Borstal, Millisle (“the Borstal”).
2. At that time the Inquiry found that for logistical reasons it wasn’t possible to examine an admission made by former Hospital Officer William Edmonds that he had engaged in sexual relations with Richard Kerr whilst Kerr was a trainee of the Borstal, and after he had been discharged from the Borstal.
3. It was anticipated that Mr Kerr would be giving evidence to the Inquiry in relation to his experiences in the Kincora Boys Home, and therefore it was decided that it would be convenient to consider the Edmonds’ admissions during the hearing of the Kincora Module.
4. The Department submits that the issues raised by the admissions made by Edmonds should properly be regarded by the Inquiry as falling within the scope of Module 10, and should be considered as an extension of that Module.
5. There is no linkage whatsoever between the Department’s predecessors and the management and operation of Kincora, and nor is there any known connection between Mr Edmonds and the abusive events which allegedly took place at Kincora, save to say that Mr Kerr had been a resident there.
6. It is for these reasons that we have labelled these submissions as “*Supplementary Module 10 Submissions*.” The purpose of the Submissions is to address the evidence which has been presented to the Inquiry in relation to the admissions made by Mr Edmonds.

## **Factual Background**

7. The Department supplied the Inquiry with a statement (16 June 2016) setting out its response to the issues arising from Mr Edmonds admissions: KIN-4026.
8. It may assist the Inquiry if these submissions commence with a summary of the facts that emerge from the evidential material available to the Inquiry in connection with Mr Edmonds and his association with Mr Kerr, together with any appropriate comment.

### **(i) The admissions made by Mr Edmonds**

9. Mr Edmonds joined the Northern Ireland Prison Service on the 10 November 1975 and initially served in a role at HMP Magilligan. He transferred from Magilligan to the Borstal on 13 December 1976. This was initially a temporary transfer but it was made permanent from 7 March 1977. He resigned from the Northern Ireland Prison Service on 18 August 1979.
10. At Belfast Juvenile Court on the 1 November 1977, Mr Kerr was sentenced to a period of Borstal training. He had previously resided in Williamson House and Kincora Boys Home, and he had been detained in Rathgael. He was detained at the Millisle Borstal until the 1 February 1979.
11. The Department accepts that during his time at the Borstal it is probable that Mr Kerr encountered Mr Edmonds when obtaining medical treatment. Certainly, the opportunity for contact would have existed. From what he told police in a statement dated 10 April 1980, Mr Edmonds was privy to professional discussions amongst the medical and nursing staff at the Borstal in relation to Mr Kerr's homosexual tendencies. It is suggested in his statement that Mr Edmonds acquired this knowledge and then made approaches to Mr Kerr (KIN-108020).
12. In his police statement, Mr Edmonds admitted to committing a number of sexual acts with Mr Kerr in the Surgery of the Borstal during his employment as a Hospital Officer there (KIN-108018, 108019). He also admitted that he had a brief sexual relationship



with Mr Kerr after he was discharged from the Borstal. Mr Edmonds went on to tell the police that he did not have any homosexual relations with any other boys in the Borstal.

13. In a subsequent statement to police Mr Edmonds admitted to having participated in a number of homosexual relations with different men (KIN-108021), although none of those episodes were associated with his employment as a Hospital Officer.

**(ii) What did the Northern Ireland Prison Service know about Mr Edmonds?**

14. Dr Denis Elliott was employed as the Senior Medical Officer at HMP Magilligan from the Spring of 1975 until the Autumn of 1977. Mr Edmonds was a member of his team from December 1975. Dr Elliott told police on the 5 May 1980 that his observations of Edmonds caused him to reach “the conclusion that he possessed homosexual tendencies” (KIN-108013). The basis for this conclusion was not explained by Dr Elliott in his police statement, and is not otherwise known to the Department.
15. In his police statement Dr Elliott explained how he raised his concerns with the Prison Governor of Magilligan (Mr Cunningham), and when he became aware of Mr Edmonds’ transfer to a post in the Borstal he questioned his suitability for a position within Millisle in conversations with Mr Cunningham and Dr Robert McKeown, the Principal Medical Officer (Prisons). He also spoke to the Governor of the Borstal (Duncan McLaughlan) after Mr Edmonds’ posting had been confirmed as permanent.
16. In a statement, which he made to police on the 12 May 1980, Dr McKeown recalled that on some unspecified date he was approached by Dr Elliott who told him that he considered “Mr Edmonds to be unsuitable for duty as a Hospital Officer at Millisle Borstal because he suspected that Edmonds had homosexual tendencies.” (KIN-108014)
17. Dr McKeown acted on the report by contacting Mr Gerard Thompson to advise him of Dr Elliott’s suspicions. Mr Thompson was at that time employed in Prison Staffing Branch. Dr McKeown explained that Mr Thompson asked him to place his concerns in writing, but he was unable to do so. He told police that neither he nor Dr Elliott could

place their suspicions in writing because they did not have any proof that Edmonds was a practicing homosexual.

18. Mr Thompson confirmed the position in a statement which he made to police on the 15 May 1980. He explained that his responsibilities included the deployment of prison service staff to the various penal institutions (KIN-108015). He recalled how, in May 1977, Dr McKeown contacted him to report that he had heard that “Mr Edmonds might have homosexual tendencies.” Mr Thompson followed up this initial contact by writing to Dr McKeown to ask him to advise him “of the nature of any clinical evidence of fact or opinion which would suggest that the officer’s character was other than suitable for him to be employed at a young offenders institution.”

19. Mr Thompson advised police that he did not receive a written response from Dr McKeown. However, he made it his business to speak with Dr McKeown again and he established that “there was suspicion only” (KIN-108016). No other information was imparted which would have suggested that Mr Edmonds was an unsuitable appointment to the Borstal. In the circumstances Mr Thomson felt unable to interfere with Mr Edmonds’ appointment:

“In the absence of any evidence to substantiate the suspicion and as no further doubts were raised about him, Mr Edmonds remained at the Borstal Institution.”  
(KIN-108016)

20. Mr Duncan McLaughlan also made a statement to police (KIN-108017). He confirmed that he had been approached by Dr Elliott shortly after Edmonds had transferred to the Borstal. Dr Elliott had outlined to Mr McLaughlan that he was concerned that Mr Edmonds had been transferred to a post in the Borstal. Mr McLaughlan was told that those concerns centred around Dr Elliott’s “suspicions that Edmunds had homosexual tendencies.” It would appear that Dr Elliott did not further explain his suspicions or the grounds for them because Mr McLaughlan, like Mr Thompson, felt unable to take any action. He told the police,

“It was emphasised by Dr Elliott that he had no proof of any homosexual behaviour practised by Edmunds and therefore no action could not taken (sic).” (KIN-108017)

21. Thus, while it is quite clear that employees of the Northern Ireland Prison Service had suspicions or were aware of suspicions that Mr Edmonds could be a practicing homosexual before he transferred to a post in the Borstal, it is also clear that the suspicion could not be substantiated with hard evidence.
22. It is also important to emphasise that there is no evidence before the Inquiry to suggest that employees of the Northern Ireland Prison Service were aware that Mr Edmonds was behaving abusively towards Mr Kerr at the time when the latter was a trainee there. This information only emerged at the time of the police investigation in 1980, after Kerr had left the custody of the Borstal.
23. Furthermore, there is no evidence that the claimed behaviour of Mr Edmonds even aroused suspicions amongst his colleagues. In his police statement, Mr Edmonds spoke about the fact that he was nearly caught engaging in sexual activity with Mr Kerr by a Mr Vance (who presumably also worked in the Surgery at the Borstal). However, he managed to avoid detection and Mr Vance “didn’t seem to suspect anything.” (KIN-108018)
24. It should also be noted that in a social work report from the period it was highlighted that the indications that Kerr “has homosexual tendencies are tenuous” and it was emphasised that throughout his stay at the Borstal “there was no sign of homosexual tendencies.” (KIN-50886)

**(iii) What has Mr Kerr said about his experiences in the Borstal?**

25. So far as the Department is aware, Mr Kerr first spoke to police about life in the Borstal during their investigation of Kincora in 1980. In a statement dated 25 February 1980 he said:

“The Belfast Juvenile Court after I was a few weeks on remand in Rathgael Training School sentenced me to Borstal Training. In Woburn House I became very friendly with Billy Edmonds the Medical Orderly. He knew that I had no one to turn to and that I got no visits and no presents. He treated me different from the other boys by giving me things and letting me do things that he would not let the other boys do. After I was released from Borstal in February 1979 Mr Edmonds visited me twice at the Park Avenue Hotel where I was staying and had drinks with me. He called with me twice at the Bishops Court Hotel, Upper Newtownards Road. These visits happened between February 1979 and May 1979. I went to Preston in May 1979.” (KIN-108011)

26. Mr Kerr referred to the Borstal and Mr Edmonds again when he spoke to Sussex Police on the 26 October 1982. On this occasion (for the first time) he revealed that there had been sexual relations between the two of them, but importantly, he denied that anything had taken place in Borstal:

“I have been asked by Detective Superintendent Harrison about the statements that I made in 1980 to the RUC. The first statement is dated 25th February 1980. It is all true up to the point where I talk about my friendship with Billy Edmonds the medical orderly at Woburn House, Millisle. He didn't do anything to me whilst I was at Millisle but after I left he committed buggery upon me after I had gone to his house. The next morning he made a gift to me of a radio. Twice after that he saw me and attempted to have sex with me but I refused. I didn't tell the RUC about Edmonds bugging me when they interviewed me in 1980 because I was embarrassed and I thought they were only interested in Kincora.” (KIN-40796)

Emphasis added

27. The Department would make two points in relation to these statements:

- a. Firstly, any confusion which Mr Kerr may have had about the purpose of the police investigation in 1980 and any sense of embarrassment which he may have harboured had clearly disappeared by the time of the 1982 police investigation. By

**Supplementary Module 10 Submissions**

the date of that investigation he was able to speak freely about abusive and/or homosexual relationships outside of Kincora and without apparent difficulty.

- b. It is significant, therefore, that having referred police to the activities of Billy Edmonds outside of Millisle (and not necessarily complaining about those activities), Mr Kerr explicitly stated that nothing untoward occurred in Millisle (“he didn’t do anything to me”). Thus, on two separate occasions, both in 1980 and again in 1982, Mr Kerr had no complaint to make about his experiences whilst a Borstal trainee at Millisle.

28. However, the Department recognises that there is other material before the Inquiry which suggests that contrary to these statements, Mr Kerr may have been abused in Millisle:

- a. Transcript from Spotlight television documentary (7 October 2014): “Richard was in care from the age of five until he was 18, he was sexually abused at every public facility he was sent to.” (KIN-60013)
- b. Affidavit of Richard Kerr (sworn 16 February 2015): “[26] After I left Kincora I was also abused at Borstal and then abused again when I was sent to Williamson House...” (KIN-119506)

29. The Department has considered this additional evidence and has observed the absence of any defining detail: the nature of the abuse and the perpetrator(s) of the abuse have not been specified.

**Submissions**

**(a) The reliability of Mr Edmonds admissions**

30. The Department understands that Mr Kerr has never made any complaint at any time that Mr Edmonds engaged him in or sought to engage him in sexual relations whilst he was a trainee at the Borstal. Mr Kerr has not made any complaint whatsoever about Mr

**Supplementary Module 10 Submissions**

Edmonds or any other named member of the Borstal staff concerning their engagement with him whilst he was a trainee.

31. The Department would have wanted to use the opportunity afforded by the Inquiry to test Mr Kerr's vague claims that he was abused in the Borstal. Mr Kerr has not co-operated with the Inquiry and he did not attend the public hearings to give evidence in respect of his experiences in the Borstal.
32. The general complaint which Mr Kerr has made about the Borstal has emerged for the first time within the last two years, some 35 years or so after he first spoke to police about his associations with Mr Edmonds. The complaints which are now made are advanced through a documentary film-maker, and in an affidavit sworn by Mr Kerr to support another man's legal proceedings. They have not been made to police or to this Inquiry. The Department cannot respond to those complaints because they lack any meaningful detail.
33. The Department accepts that the admissions made by Mr Edmonds could well be reliable: he was suspected by Dr Elliott of being homosexual before he was posted to the Borstal; he might well have had access to information in the course of his duties in the Borstal indicating that Mr Kerr had homosexual tendencies; he might well have had the opportunity to use this information to proposition Mr Kerr and the opportunity to engage Mr Kerr in homosexual acts.
34. Moreover, it is unclear why Mr Edmonds would put himself at risk of a prosecution by making admissions when questioned by police if he had not actually participated in such acts.
35. However, the Department believes that it is not inconceivable that a person such as Mr Edmonds might untruthfully admit to wrongdoing for reasons which have not been explained. This is not implausible. Certainly, Mr Kerr's express denial that Mr Edmonds engaged in sexual relations with him during his Borstal training is an important feature of this narrative. Furthermore, it is notable that when interviewed by police, Mr Edmonds alleged that he had engaged in sexual relations with six other men (unrelated

to his employment of course). Police were able to interview five of them. Three of them denied any sexual involvement with Mr Edmonds (KIN-108006).

36. The Department has no way of knowing whether the admissions made by Mr Edmonds are reliable or not, since it has been unable to test his account in any way. He had left the employment of the Northern Ireland Prison Service at the time when he made his admissions to police, and therefore he could not be made amenable to the Department's investigatory or disciplinary processes. His admissions in respect of his conduct towards Mr Kerr, as well as his alleged sexual engagement with other men, were never the subject of prosecution after the DPP advised against one (KIN-108034).

37. It is submitted that the Inquiry cannot be satisfied that the account which Mr Edmonds gave to police is necessarily reliable. The police appear to believe that he was telling the truth (KIN-108035) but what he said to police has never been examined in a court-room or satisfactorily tested in any other forum. It is submitted that since the Inquiry has been deprived of the opportunity of hearing any evidence about the relations between Kerr and Edmonds, all that can be said is that he might have been telling the truth.

**(b) Assuming that Mr Edmonds account is reliable, could his conduct towards Mr Kerr have been prevented?**

38. The Department refers to and relies upon the contents of its statement, and makes the following salient points upon the assumption that the account given to police by Edmonds was in fact truthful:

- a. There is no suggestion that Mr Edmonds had abused any other prisoner before he was posted to the Borstal.
- b. His abusive behaviour at the Borstal was apparently restricted to one boy on a limited number of occasions; it was not widespread.
- c. The behaviour which came to Dr Elliott's attention and which caused him to be concerned about the appropriateness of positing Edmonds to the Borstal has not

been specified. At its height, it seemed that he had a non-specific concern that Edmonds was a homosexual. Apparently, there was never any suggestion made that he was a practicing homosexual, let alone any firm evidential basis for saying so.

- d. Dr Elliott's concerns were not ignored by the Northern Ireland Prison service. They were examined and followed up, particularly by Mr Thompson. He asked whether there was any information or evidence of substance which would demonstrate that Mr Edmonds was not suitable for employment in a penal institution catering for young men. This was a reasonable question to ask.
- e. Mr Thompson wasn't setting the bar too high by posing this question, and nor was he failing to take seriously the need to protect trainees. He was told that the case against Mr Edmonds was merely a suspicion that he was homosexual. He was entitled to conclude that if this was the basis for the concern, he could not act to remove Mr Edmonds from his post. How could Mr Edmond's sexuality count against him without evidence that he may behave in a manner that could pose a risk to young people?
- f. At the time of Mr Edmonds service at the Borstal, Duncan McLaughlan was the Governor in charge. He was intolerant of abuse towards trainees and insistent on good discipline. He demonstrated in his evidence to the Inquiry during Module 10 how he articulated that message to his staff in unambiguous terms. His leadership appears to have been accepted and respected.
- g. Furthermore, systems were in place at Millisle to remove staff who were shown to be unsuitable for work in that environment. Moreover, when Mr McLaughlan was suspicious that a trainee had been abused he acted effectively by immediately suspending staff and reporting the matter to police for investigation.
- h. Underpinning the culture which Mr McLaughlan promoted at Millisle and which placed an emphasis on the care and well-being of trainees, was the Northern Ireland Prison Service Code of Conduct and Discipline. If Mr Edmonds did



engage in the sexual abuse of Mr Kerr he would have known that he was contravening that Code as well as the criminal law, and that he was risking severe sanction. He would have been familiar with the Code which contained provisions in respect of inappropriate relationships and he would have been in receipt of training appropriate to his role at that time.

39. It is submitted that the above material establishes that the systems in place within the Borstal at the material time were a strong bulwark against abusive behaviour by staff. Notwithstanding the strength of this material, the Department accepts that it is appropriate to ask whether too much trust was extended to Mr Edmonds given the role he performed, and in light of the suspicions raised by Dr Elliott about him.

40. It is submitted that there was nothing contained in Dr Elliott's expression of concern which should have led Mr McLaughlan or Mr Thompson to take any special measures or to implement an enhanced supervisory regime, even if it had been practicable to do so.

41. It is submitted that the mere suspicion that Mr Edmonds was homosexual would not, even in those more socially conservative times, have led to anything like a presumption on the part of the Northern Ireland Prison Service that there was a risk that he would be predisposed to pose a threat to vulnerable young people.

42. Mr Edmonds had served in Magilligan without any apparent difficulty and Mr Thompson was entitled to conclude on the basis of the information presented to him that he would do likewise in the Borstal.

### **(c) Apology**

43. As the Department has already said in its statement to the Inquiry, if the admissions made by Mr Edmonds are true and reliable, then the Department would condemn his actions without reservation, and would extend an apology to Mr Kerr for any hurt or injury he may have suffered (KIN-4038).

**Other Allegations**

44. The Department has noted that the Inquiry has received evidence to suggest that Mr Kerr was visited in the Borstal by Mr Joseph Mains (KIN-119506), who had reportedly abused him in Kincora. Mains was also able to visit him at Rathgael (KIN-1667-1668). It is also indicated that another alleged abuser (Mr Witchell) visited Mr Kerr at Millisle (KIN-50867).
45. The Department has been unable to carry out any meaningful investigation into these concerns and is restricted to commenting on the information contained on these documents. It is regrettable if those visits did occur, particularly if Mr Kerr was exposed to the risk of further abuse. However, it is understood that at the time no member of staff at Millisle or Rathgael could possibly have known or suspected that there was any risk to Mr Kerr in allowing such visits to take place.

**HISTORICAL INSTITUTIONAL ABUSE INQUIRY**

**KINCORA MODULE:**

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**CLOSING SUBMISSIONS ON BEHALF OF THE CORE  
PARTICIPANTS**

**MINISTRY OF DEFENCE  
SECURITY SERVICE (MI5)  
SECRET INTELLIGENCE SERVICE  
&  
NORTHERN IRELAND OFFICE**

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**KEY SUBMISSIONS**

- The Core Participants above had no knowledge of William McGrath's abuse of boys at Kincora in the 1970s prior to press reports of the same in 1980.
- There was no conspiracy by the above Core Participants to exploit child sexual abuse at Kincora.
- Colin Wallace was not involved in any MI5 operations.

## 1. Introduction

1.1 The Historical Institutional Abuse Inquiry [‘the Inquiry’] has been tasked with examining “... *if there were systemic failings by institutions or the State in their duties towards those children in their care between the years of 1922-1995.*”<sup>1</sup>

1.2 These broad terms of reference have been broken down into 15 modules. The Inquiry Chairman, Sir Anthony Hart, in his opening remarks explained that the present module would address the nature and extent of sexual abuse perpetrated on residents at Kincora and

*“... whether there were systemic failures to prevent such abuse on the part of those responsible for the management of Kincora, or on the part of other state entities....”.*

The Inquiry resolved to address, in particular:

- *Whether members of the organisation or body concerned knew of the abuse?*
- *What they knew?*
- *When they knew?*
- *What did they do with any knowledge they had?*
- *What should they have done with any knowledge they had?*

1.3 These submissions, made on behalf of four Core Participants (the Northern Ireland Office [‘NIO’]; Ministry of Defence [‘MOD’]; Security Service [‘MI5’]; and Secret Intelligence Service [‘SIS’] - collectively referred to as [‘the Core Participants’]), provide an overview of the evidence presented to the Inquiry. It is hoped that

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<sup>1</sup> ToR at [http://www.hiainquiry.org/index/acknowledgement\\_forum/terms-of-reference.htm](http://www.hiainquiry.org/index/acknowledgement_forum/terms-of-reference.htm)

these submissions, together with the detailed witness statements provided by the Core Participants, will assist the Inquiry to answer the questions posed by the Chairman.

- 1.4 In the years since 1980 Kincora has been at the centre of rumours that the intelligence services not only knew of, but exploited, child abuse taking place at Kincora. The Core Participants have consistently denied that there is any truth in these allegations and, having reviewed the material for the purposes of this Inquiry, maintain that denial.
- 1.5 The subject matter of this Inquiry touches on issues that impact on national security and, as the Inquiry is aware, the Core Participants have been constrained in the manner in which they can give evidence by consistent application of the principle of “Neither Confirm Nor Deny”. It must be stressed, however, that the Inquiry has enjoyed the full co-operation of the Core Participants. The Inquiry has benefitted from unfettered access to the documentary record, and all efforts have been made to satisfy the Inquiry’s requests for witnesses to be traced and for witness statements to be provided.
- 1.6 The Core Participants submit that the evidence before the Inquiry supports a finding that they were not aware of or otherwise involved in the abuse that undoubtedly took place in Kincora Boys’ Home in the 1970s or at all.

## **2. Evidence Considered by the Inquiry**

- 2.1 What the respective Intelligence Agencies knew during the 1970s when William McGrath was working in Kincora has been examined in considerable detail.
- 2.2 The Inquiry has been given a detailed explanation of the security grouping and interplay of responsibilities shared by MI5, SIS, MOD and NIO in the late 1960s and 1970s. To this end, see the witness statement of Simon Marsh [**KIN-3001**, paragraphs 2-6].
- 2.3 The Inquiry has heard evidence that MI5 provided assistance to the MOD and RUC in Northern Ireland. In 1972 an organisation staffed by a small number of MI5 and SIS officers was established (the Irish Joint Section ['IJS']). The IJS focused on obtaining strategic and political intelligence relating to paramilitary organisations.
- 2.4 The Inquiry heard evidence, drawn from the extensive documentation provided to it by the Core Participants, about what was known about William McGrath, by whom, and when. The key aspects of this information have been condensed in a chronology (attached to these submissions).
- 2.5 These submissions do not rehearse the evidence adduced in the Core Participants' witness statements but instead focus on issues meriting particular attention.

### **3. Witnesses**

- 3.1 Alex Younger (Chief of SIS) and Andrew Parker (Director General of MI5) provided statements to the Inquiry [**KIN-3501; KIN 4001**].

The Inquiry heard oral evidence from a Deputy Director of SIS and a Deputy Director of MI5 (both of whom had also submitted written statements).

- Officer A, on behalf of SIS, made four statements: [KIN-3503] in relation to discovery; [KIN-3505-3552] addressing substantive points to be made on the exhibited documents; [KIN- 3553-3570] a First Supplementary statement dealing with documents referred to on Mr McGrath's background card; and a Second Supplementary Statement (as yet un-numbered) addressing the 12<sup>th</sup> October 1989 Minute.
- Officer 9004, on behalf of MI5, made three statements for the Inquiry [KIN-4002-4025; KIN-4044-4118 and a statement dated 21<sup>st</sup> July 2016 addressing the 12<sup>th</sup> October 1989 Minute]

3.2 Both Officer A and Officer 9004 confirmed that their agencies had undertaken an extensive disclosure process in order to identify all documents potentially relevant to the Inquiry's investigations.

3.3 Officer A explained that by the mid-1970s SIS was aware of reports suggesting that William McGrath was homosexual. These were not considered to be of particular significance to SIS. Officer A drew attention to that fact that consideration had been given to the recruitment of John McKeague (a Loyalist extremist) using the threat of exposure of his homosexual activities in London but noted that this proposal had not been pursued [KIN-3523]. SIS would not at that time or today have used a person's homosexuality as a basis for blackmail.

- 3.4 By 14 October 1976 MI5 was in possession of intelligence that referred to members of Tara (the organisation led by William McGrath) as being “...*sexually deviant*...” [KIN-3530]. This phrase should be construed in the context of their homosexual/bi-sexual activities [KIN-4014 at para 67]. The Core Participants were not in possession of intelligence that would support an assessment that Mr McGrath was abusing boys at Kincora Boys’ Home. (When assessing the extent of the Core Participants’ knowledge of Tara, the Inquiry will note that as late as February 1977 active consideration was being given as to whether Tara should be penetrated [KIN-3512]. The organisation was not considered to be a particular priority.)
- 3.5 The Inquiry did, however, consider the minute of 12 October 1989 [KIN-3516 para 5] in which an SIS officer stated that:

*“...we certainly ran at least one agent who was aware of sexual malpractice at the home and who may have mentioned this to his SIS or Security Service Case officer...”*

When considering this document the Inquiry is invited to note the following:

- This statement was made by an officer who had never served in Northern Ireland or in a role that had responsibility for matters connected with Northern Ireland.
- It was made following a meeting with an MI5 officer whose account of the meeting does not contain a statement to this effect. (MI5 have provided the Inquiry with a copy of the MI5 officer’s note for file of 17 October 1989. The note for file records that the MI5 officer had expressed the view that some



of the information on a particular CHIS file could be “*incorrectly interpreted*”. The identity of this CHIS is known to the Inquiry and the Inquiry is therefore aware that this CHIS had no knowledge of child sexual abuse at Kincora or elsewhere until the story broke in the media).

- The statement is not supported by documentation available to SIS and the Inquiry.

As such it is suggested that this statement was made in error. (The Inquiry is referred to SIS’ Second Supplementary Statement and a Supplementary Statement from MI5 where this point is addressed in more detail).

3.6 Officer 9004 gave evidence to the Inquiry about the role and nature of MI5: namely that its principal concern was (and continues to be) to safeguard national security, by collecting and analysing intelligence on subjects that pose a threat to UK national security.

3.7 Officer 9004 also contextualised intelligence gathering in Northern Ireland in the 1970s. He confirmed that there were many rumours of homosexuality circulating within the broader society about its citizens, some of who were prominent figures. One might note that William McGrath himself acted in this way by circulating rumours and posters about John McKeague’s sexuality ([**KIN 3519**] Officer A’s witness statement, paragraph 50 and Article 11]). The rumours about William McGrath reached intelligence agencies, but were judged not to have a bearing on national security. As a principle, it must be recalled that intelligence requires evaluation, better to ensure its veracity.

- 3.8 Officer 9004 made a number of significant assertions to the Inquiry:
- MI5 first became aware of the abuse at Kincora Boys' Home when it was exposed in the media in 1980;
  - No intelligence operations were linked to Kincora;
  - MI5 was not involved in any operation to exploit abuse taking place in Kincora for intelligence purposes.
- 3.9 Officer 9004 also addressed why MI5 Officer Mr Ian Cameron, the former Assistant Secretary Political (the 'ASP') was not tendered to assist the police investigation into Kincora in 1980.
- Firstly it should be noted that Mr Cameron did assist the investigation. Mr Cameron's initial recollections (that he recalled being aware that Mr McGrath was homosexual but not that children were involved [KIN-105048]) were passed to D/S Caskey on the 4<sup>th</sup> August 1982 [KIN-4007]. D/S Caskey then provided a detailed list of 30 questions for Mr Cameron to answer [KIN-105055] and these were in fact answered [KIN-105060 and KIN-4008]. It is not, however, clear if these were passed on to D/S Caskey.
  - Secondly, the Inquiry is aware of speculation that the absence of a formal police interview of the ASP is significant or suspicious. It is clear from the material put before the Inquiry that it is neither. This is because there were concerns, as has been indicated, about the public disclosure of sensitive matters unrelated to Kincora. Furthermore, the contribution that the ASP may have been able to make to the police investigation was judged by the then Attorney General to be "*hearsay upon hearsay*". Mr Caskey himself has told the Inquiry that (according to a BBC

News online story of 29<sup>th</sup> June 2016) the answers he had now seen from ASP “*told him what he needed to know*”.

#### 4. The Influence of the Media

- 4.1 James Miller provides a good example of the sometimes inaccurate reporting of the Core Participants’ role in the alleged abuse of children in Kincora.
- 4.2 In a Sunday Times article of 29<sup>th</sup> March 1987 [**KIN-3546**] it was reported that James Miller had confirmed that the intelligence services had known about the abuse in Kincora for “...*a number of years...*” and that they had used Kincora to entrap and blackmail people into providing information.
- 4.3 However, Mr Miller later explained to government officials on 2<sup>nd</sup> April 1987 that he had absolutely no personal knowledge of abuse at Kincora and the entrapment story (see **KIN-4071** paragraphs 86-87, figure 23A and **KIN-3518**, article 10, paragraphs 46-47).
- 4.4 The Inquiry will note that, as late as 6<sup>th</sup> August 2014, the Belfast Telegraph was reporting that Brian Gemmell had received information about abuse at Kincora from three people – one of whom was James Miller [**KIN-3544**].
- 4.5 Another strand of the Kincora story picked up by the press was the alleged involvement of the former Chief of SIS, Sir Maurice Oldfield.

- 4.6 Officer A addressed this issue ([KIN-3524] paras 59-65) and confirmed that, contrary to these allegations, there was no evidence to suggest that Sir Maurice had visited Northern Ireland during his SIS career. Sir Maurice was appointed Security Coordinator in Northern Ireland on 2<sup>nd</sup> October 1979 [KIN 3524]. Officer 9004 noted that following the revelation that Sir Maurice was homosexual, his Positive Vetting was withdrawn in accordance with then current practice, and the role of Security Coordinator was taken by another in June 1980 [KIN-3524]. The subsequent investigation, however, “... *had no relation whatsoever to Kincora...*” ([KIN-4076] para 104-111).

## 5. The Evidence about William McGrath

- 5.1 On a separate theme, one might question if there was any particular significance in the fact that MOD, MI5 and SIS would all, at various times in the 1970s, attempt to find out information about Tara and William McGrath. One might consider how inherently inconsistent these actions are with the various allegations about agents of the State, or the alleged intelligence gathering operation involving Kincora.
- 5.2 MI5 was able to locate a letter written by Mr Miller dated 7<sup>th</sup> April 1972 in which he stated that he had been told by an associate that the Tara commander “*McGrath*” had been “... *accused of assaulting small boys...*” [KIN-105005]. This letter did not provide McGrath’s first name, did not mention Kincora, and did not detail the form of assault. Part of this letter was reproduced in an MI5 report into extreme protestants and, it will be noted, that the reliability of Mr Miller’s associate was considered “...*open to doubt...*” ([KIN-4018]

para 91). The Core Participants emphasise that it does not follow from the fact that intelligence was recorded that that intelligence was (or should be) accepted to be accurate.

- 5.3 The first documentary evidence on William McGrath's MI5 index card is dated 18<sup>th</sup> April 1973 [KIN-105008]. This merely recorded that Mr McGrath was reputed to be the leader of Tara. Importantly, there was no reference to Kincora as being a place of interest or that abuse was being perpetuated there. The Inquiry will also note that a permanent file on William McGrath was only opened on 31<sup>st</sup> May 1977 [KIN-15158]. Officer 9004 explained the criteria needed to have a file created for an individual and the reason given for the creation of a file in respect of William McGrath was because he was considered to be an Irish Protestant extremist, connected to Tara.

## 6.0 **What the MOD knew about Kincora**

- 6.1 In December 1982, following the exposé of the Kincora scandal an intelligence researcher, Mr Noakes recounted his analysis of the MOD files to Inspector Cooke [KIN-30316]. Mr Noakes' conclusions are not accepted by the Core Participants and it is contended that the Inquiry should not rely on his report, as the Inquiry has had the opportunity to consider relevant matters in greater detail than Mr Noakes.
- 6.2 The MOD no longer has all of the files potentially relevant to Tara and William McGrath, as some files have been destroyed in accordance with departmental destruction policies. Mr Noakes, however, had access to the MOD files available at that time. Taken

together with documents before the Inquiry, Mr Noakes' 1982 note may therefore assist the Inquiry to develop a complete picture of what, if any, relevant information was held by the MOD.

- 6.3 The MOD notes that the only document cited by Mr Noakes in support of the conclusion that the army ran, or was thinking about running William McGrath as an agent, was Major C's note of 26 February 1975 **[KIN-2524]**.
- 6.4 Major C provided a witness statement **[KIN-2505]** and gave evidence to the Inquiry.
- Major C made clear that, despite the ambiguous wording of his document, he (as a desk officer) had never met William McGrath; and accordingly any comments about McGrath were purely in the context of his attempting to construct a pen picture for intelligence purposes.
  - Major C gave evidence that Tara was an organisation of limited interest to army intelligence, and re-iterated that McGrath's homosexuality was of no material importance to the army's work.
  - Major C was also able to give evidence relevant to Colin Wallace's role in Northern Ireland. Major C emphasised the geographical, as well as hierarchical division between his intelligence section and the Press Relations/Information Policy section in which Colin Wallace worked.
  - The MOD has produced a witness statement addressing the veracity of Document GC80 (purportedly drafted by Wallace on 8<sup>th</sup> November 1974) the details of which are not repeated

here. The Inquiry will however note that Major C's evidence supports a finding that document GC80 is not authentic:

- Major C's February 1975 pen picture of William McGrath of was drawn without reference to the GC80 document.
- Major C was able to state with certainty that he had never previously seen the document;
- Major C was clear that he did not believe that if he had ever seen GC80 that he could have forgotten it and suggested that, had he seen such a document he would have passed it to a senior officer.

#### The Evidence of Jonathan Duke-Evans

- 6.5 Mr Jonathan Duke-Evans of the Ministry of Defence was not required to give oral evidence. He provided three statements to the HIAI. His first statement, dated 26 May 2016 [**KIN-2501**], set out the MOD position. His second statement, dated 1 July 2016, addressed the authenticity of Colin Wallace's document GC80 [**KIN-2529-KIN-2536**]. Mr Duke-Evans' third statement, dated 1 July 2016, [**KIN-2537- KIN-2538**] elaborated on the MOD's position in respect of the NCND principle and, in that context, set out further evidence that may assist the Inquiry. Taking these statements together it is submitted that the Inquiry can properly conclude that the MOD was not aware of or involved in abuse at Kincora Boys' Home.

#### The evidence of 9347: a former MI5 ASP

- 6.6 As a former ASP, it is suggested that the statement of Witness 9347 [KIN- 4119] is particularly relevant to the Inquiry's understanding of what former Captain Brian Gemmell claimed he was told about pursuing intelligence on Tara by the then ASP, Ian Cameron.
- 6.7 Witness 9347, who held the position of ASP between 1981-1983, confirmed that the intelligence community in Northern Ireland was not concerned with investigating homosexuality. Accordingly the guidance which Mr Cameron had given to Captain Gemmell was unsurprising: namely that he should focus on obtaining intelligence in respect of Tara, and not to focus on investigating Mr McGrath's alleged religious or homosexuality tendencies.
- 6.8 Witness 9347 also explained that the memo of 29 July 1982 ([KIN-4119] paragraph 8) related to the tensions which arose from the desire not to expose issues which were not relevant to the Kincora investigation, and should not be interpreted as an attempt to impede the proper investigation of such matters. Witness 9347 indicated it was clear to him that MI5 was concerned about the investigation straying into matters concerning agents and intelligence generally. It is in this context that the Inquiry will wish to closely consider the contemporaneous document [KIN-4123], which demonstrated that MI5 recorded that it had no concerns in respect of its behaviour in relation to Kincora, and that there was no question of a cover-up.

#### Brian Gemmell

- 6.9 Since 1980 Brian Gemmell has indulged in much unmerited and unjustified speculation as to why he believes that the ASP, Mr Ian Cameron, told him not to interview Roy Garland and then advised



him to stay away from matters of homosexuality and religion. The Inquiry has heard and seen evidence that enables it to conclude that Mr Cameron was right to place the focus of intelligence operations on combatting terrorism, rather than investigating allegations of individuals' religious or homosexual tendencies. It is equally clear that the intelligence community had no reason to connect William McGrath's alleged homosexuality with child sexual abuse at Kincora.

- 6.10 Consideration of the documents before the Inquiry reveals that Brian Gemmell was at the time of his police statement in 1980, and remains, confused and that he has conflated a number of events. This confusion includes: the number of times Mr Gemmell met Roy Garland; when the material instruction came from Ian Cameron; and even the identity of the person with whom he was instructed to break off contact.
- 6.11 The Inquiry's attention is specifically drawn to the chronology: The incident referred to by Brian Gemmell as Ian Cameron having "...*bawled him out...*" must in fact have happened after Brian Gemmell interviewed Mr McCormick and when Brian Gemmell sought permission to interview Roy Garland (i.e. before the first Garland interview). Witness Q corroborated this analysis. The author of the note at [KIN-4134] does not indicate that anything had been revealed about Kincora at that stage. There is therefore no reason to suppose that Ian Cameron's direction was in any way related to Kincora. Brian Gemmell did interview Roy Garland [KIN-30313], though only once. These documents record what Roy Garland had disclosed to the MOD at that stage: and nothing in this record suggests that there was any discussion in relation to Kincora.

- 6.12 Mr Gemmell claimed that following the interview with Roy Garland he wrote a four page MISR. Counsel to the Inquiry, Mr Aiken BL, has since located what is now believed to have been Brian Gemmell's 'lost MISR' [KIN-30306]. Significantly, the 'lost MISR' does not state that Roy Garland had claimed that William McGrath was abusing boys, whether in Kincora or elsewhere.
- 6.13 The Core Participants submit that Roy Garland's allegations about William McGrath's sexual conduct with him (Mr Garland) do not prove or even indicate that William McGrath was a child abuser; or that he was abusing children in Kincora. It is trite to reiterate that being a homosexual does not indicate that one is a child abuser.

#### The Evidence of Clifford Smyth

- 6.14 In his witness statement [KIN-4506] Clifford Smyth confirmed that he had and has no evidence for the propositions put forward in Chris Moore's book *'The Kincora Scandal'* (namely that William McGrath was an agent of the State or that Kincora was part of an operation run by the intelligence agencies). Clifford Smyth confirmed that he only became aware that William McGrath had abused children in his care in Kincora in 1980. Mr Smyth stated that he did not suspect William McGrath of child abuse, and so made no allegations about him to the intelligence agencies.

#### Colin Wallace

- 6.15 Colin Wallace has made the greatest contribution to the allegation that the abuse perpetuated in Kincora was the product of an

intelligence plot. This is not accepted by the Core Participants and the Inquiry is invited to treat Mr Wallace's statements with the greatest skepticism.

- 6.16 It is significant that Colin Wallace had considerable motivation in the 1980s to exploit what he claimed to know about Kincora. It is also to be noted that Wallace's specialist skills lay in the manipulation of the media. Most telling, however, is the fact that Colin Wallace has steadfastly refused to cooperate or participate in any inquiry likely to scrutinise his allegations with any rigour. The Core Participants accordingly suggest that this Inquiry should draw adverse inferences from Mr Wallace's non-cooperation.
- 6.17 In any event, this Inquiry has benefitted from full access to all relevant documents relating to the many limbs of Colin Wallace's complaints touching on Kincora (including many classified documents, not previously publically available) which provide the clearest, and most comprehensive commentary on Mr Wallace's allegations. This evidence reveals that Wallace's claims that the MOD knew of child abuse in Kincora and/or were aware of, or participated in a cover up of that abuse are not supported.
- 6.18 These submissions will not rehearse all the reasons why Colin Wallace's claims should not be accepted by the Inquiry. However some comments can briefly be made:
- Firstly, any examination of the Court of Appeal's judgment in Wallace's criminal case demonstrates the extent of his capacity and willingness to lie and deceive [KIN-122066].
  - Secondly, Wallace's propensity to lie is not simply restricted to his own crimes; one can also appreciate his fundamental dishonesty

by a consideration of the *volte-face* he made in relation to his initial claim that he held information relevant to the Brian McDermott murder. To this end, compare his claims about the murder of Brian McDermott: [KIN-35082 paragraph 9 of GC80]; [KIN-30273] and the claim that the ‘cover-up’ in respect of Kincora was preventing suspects of the murder being charged; and Wallace’s police statement of 18 March 2004, [KIN-123001].

- Thirdly, Wallace has repeatedly lied about the circumstances in which he was required to leave his employment in the MOD.

#### Colin Wallace’s Dismissal

6.19 Mr Wallace’s dismissal was solely related to the fact that the investigation established that he had passed classified documents to the journalist, Robert Fisk, on a number of occasions. Consideration of the document at [KIN-102065] reveals that Wallace was dismissed because of the risk he posed to security. The evidence in no way supports the claim that Kincora was in any way involved in his dismissal.

6.20 The Inquiry will appreciate the significance of the evidence that had Wallace had not only leaked documents to Robert Fisk, but that he also intended to provide further classified information which would form a significant news story, after he had left his post in Northern Ireland.

#### The Social Worker Wallace Claimed Contacted Him

- 6.21 The Inquiry is also now in a position to conclude that there is no truth in Colin Wallace's claim that he was contacted by a female social worker in 1972, who advised him that William McGrath was abusing a boy in his care. In short: there is no rational explanation as to why this Social Worker would have approached Wallace, who at the time was working as an Information Officer. Furthermore, it is significant that an entire cohort of individuals who featured in Wallace's story have never been identified (including: the alleged victim of abuse; the 'whistle-blowing' social worker; the Intelligence Officer to whom Wallace allegedly spoke concerning this matter; and the police officers to whom the social worker is said to have complained, prior to seeking out Mr Wallace).

The Document GC80

- 6.22 Neither is there any credible evidence that Wallace tried to alert the press to alleged abuse in 1973, as he has subsequently claimed. The document GC80 (which was dated 8 November 1974) could not have been written in 1974 as claimed, while Mr Wallace was employed by the MOD. There is no evidence to support Mr Wallace's claims that an intelligence agency was running an intelligence operation in Kincora.
- 6.23 The Inquiry will wish to consider the detailed analysis of the GC80 document in the second witness statement of Mr Duke-Evans [**KIN-2529-KIN-2536**] and will take a view as to why Colin Wallace failed to mention highly significant information contained in the GC80

document during the process leading to his dismissal and his many appeals thereafter.

6.24 Tellingly, Colin Wallace did not discuss the contents of GC80 with journalists in the late 1970s.

- The journalist Mr Blundy last spoke to Wallace in 1977 and confirmed that Mr Wallace never mentioned Kincora to him, even though their last meeting was about ‘black propaganda’ [KIN-30076].
- Mr Blundy, writing in the Sunday Times in 1977, had the information contained in the document located at [KIN-30200] in relation to Mr McGrath’s homosexuality (cf. [KIN-303198]). Wallace claimed that the purpose of leaking that document was to pique the interest of journalists in Kincora, and so expose what he knew. However it will be noted that Mr Wallace made no reference to Kincora, let alone child abuse. Information about William McGrath was limited to the allegation that he was a homosexual. There are no contemporary records wherein Wallace recorded that children were being abused in Kincora.
- Mr McKittrick, another journalist, confirmed in his police statement that Wallace never spoke about Kincora, McGrath or Tara in 1979 during extensive interviews about his time in Press Relations/Information Policy [KIN-30078]. Further, the GC80 document is to be contrasted with the document which McKittrick obtained from Wallace [KIN-30200].

6.25 If genuine, Colin Wallace’s GC80 document [KIN-35081] would have been in the hands of the Army Information Section from

November 1974. If that were the case, it would have been cross-referenced in other documents, and the record could be expected to reflect at least some of the information contained therein. That is clearly not the case. In fact Document GC80 did not surface until Fred Holroyd produced it in August 1984, [KIN-51028].

6.26 The police searched Colin Wallace's property after he had been arrested in connection with the murder of his lover's husband. Two of Colin Wallace's notebooks were shared with MI5 and SIS, in order to assess security risks. On examination of the notebooks SIS was able to conclude that Wallace had no access or knowledge of IJS Operations [KIN-3514].

6.27 Furthermore, the Inquiry has not had sight of source documents which supposedly informed the creation of the document GC80. All of Wallace's colleagues, and those further up the command chain, even Peter Broderick, who intervened in the dismissal proceedings on Wallace's behalf, denied knowledge of GC80 and its allegedly supporting documents [KIN-35057].

6.28 Taking all of the above into account the MOD is able to confidently stand by the conclusions of the Rucker Report (in particular, those conclusions articulated at [KIN-102660]).

## **7. The Evidence of Witness Q**

7.1 On the final day of oral hearings before the Inquiry, a former army officer, Witness Q, gave evidence about his involvement in interviewing Roy Garland.

- 7.2 Witness Q indicated that Brian Gemmell's evidence to the Caskey investigation was confused. Under questioning from Inquiry Counsel Witness Q accepted that he had erred in his recollection when drafting his written statement. Witness Q accepted that he had confused Roy Garland's account of the abuse that he claimed to have suffered at the hands of William McGrath (and what Roy Garland understood might have occurred with other boys at a religious event/bible camp/Faith House) with William McGrath being involved in abuse at a children's home. The Inquiry will note that the references to the involvement of religion and politics in the abusive situations (as articulated in Witness Q's statement) are indicative of the environment in which Roy Garland was groomed and abused, and are not evidence of abuse having been perpetrated in a boys home, a location Roy Garland never attended.
- 7.3 Witness Q gave evidence contextualising the period in which Roy Garland's revelations were made: Witness Q stated that Mr Garland's assertions about sexual activity were so outrageous for the time that he was not sure that he believed him. As such, Roy Garland's claims could not be presumed to have been correct.
- 7.4 Roy Garland was an adult when he described the abuse he suffered. Witness Q indicated, having properly passed the details of his interview on to Brian Gemmell (both orally and in a handwritten note) that Brian Gemmell excised parts of Roy Garland's account (apparently based on instructions from Ian Cameron not to focus on issues relating to homosexuality) when preparing reports for Army superiors. It is significant, given Brian Gemmell's later involvement,



that he was reliant on receiving Roy Garland's evidence second hand from Witness Q.

- 7.5 The Inquiry will be aware of the efforts made by Witness Q to assist in providing written and oral evidence at very short notice. It will also be aware of Witness Q's acceptance that his recollection of the relevant interviews was imperfect, and overlaid with current views and assumptions about child abuse. Given the passage of time, where the evidence is unclear, the Inquiry is invited to prefer the documentary record. Insofar as Witness Q's account is accepted, the Inquiry will note that he acted appropriately in passing the relevant information to his commanding officer.

## **8. Conclusion**

- 8.1 For all of the above reasons it is clear that there is no credible evidence to suggest that the NIO, MOD, SIS or MI5 had any knowledge of the child sexual abuse at Kincora in the 1970s, much less that they were in any way involved in either the abuse that was perpetrated in Kincora, or in subsequent attempts to cover that abuse up.
- 8.2 Accordingly, the Core Participants submit that the Inquiry may reasonably conclude that there is no merit in the various allegations of State involvement in the abuse suffered by the victims in Kincora Boys' Home.

Neasa Murnaghan QC

22 July 2016

**HISTORICAL INSTITUTIONAL ABUSE INQUIRY****KINCORA MODULE:**


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**OUTLINE CHRONOLOGY ON BEHALF OF  
MINISTRY OF DEFENCE  
SECURITY SERVICE (MI5)  
SECRET INTELLIGENCE SERVICE  
&  
NORTHERN IRELAND OFFICE**

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*The following chronology sets out key dates relevant to the Kincora Module. It is not comprehensive. The Inquiry is referred to the witness statements and supporting documents for a full account of the events relevant to the Inquiry's terms of reference.*

16.6.1971	MI5 Covert Human Intelligence Source [ <b>“CHIS”</b> ] report mentions an assembly being addressed by <i>“a man called McGrath”</i> and some detail of TARA [ <b>KIN 4002; KIN 105002</b> ]  At this stage MI5 did not know McGrath's first name or that he was homosexual [ <b>KIN 4003</b> ]
7.4.1972	MI5 handwritten letter stating <i>“We have been told by [REDACTED] that the TARA C.O McGrath has been accused of assaulting small boys”</i> [ <b>KIN 105005</b> ]  Note: MI5 did not have a first name for McGrath at this stage and there is no reference yet to McGrath being a homosexual or to working in Kincora. [ <b>KIN 4018</b> ]
11.4.1972	Miller's April 1972 letter recorded by MI5. See MI5 statement for detailed discussion of the meaning of this letter at [paras 90-100] [ <b>KIN 4018</b> ]
18.4.1973	First Document produced by “Intelligence Staff in Northern Ireland” re McGrath. Describes him as <i>“Leader of the refurbished form of the TARA Brigade”</i> . See MI5 summary card held William McGrath. [ <b>KIN- 105008</b> ]
13.11.1973	Entry on McGrath's MI5 index card notes that <i>“...gets them young and preaches religion to them, which mean (sic) that he preaches bigotry and anti-Catholic sermons...”</i> [ <b>KIN 105008</b> ]
22.11.1973	RUC inform MI5 that McGrath is going to Amsterdam. [ <b>KIN 105010; KIN 105195</b> ]

	Note that this letter includes: (a) McGrath's full name (b) his occupation (Social Worker at Kincora) and (c) the annotations on the letter suggests that MI5 had <u>no file</u> on McGrath at this time [KIN 4003 at para 7]
6.7.1974	HQNI G Int Note on TARA. McGrath is referred to as a " <i>reputed homosexual</i> ". There is no mention of paedophilia [KIN 30323]
10.7.1974	HQNI G Int update on 6 July 1974 document including further information on relevant personalities [KIN 30341]
26.02.1975	Pen picture of William McGrath. Includes comment " <i>An intelligent though devious man, who needs extremely careful 'handling'</i> ".  Major C has explained in both written and oral evidence how the report was compiled and made clear that he had had no contact with McGrath and knew of no-one else who had [KIN 30308]
22.3.1975	Letter regarding TALENT SPOTTING. States that (a) Cpl D (CONCO) has been working on a project on TARA since November 1974 (b) suggests the CONCO and LINCO are working with a RUC constable (c) summarises comments made by Valerie SHAW on TARA and various personalities and (d) notes that Shaw has a grievance to settle with McGrath who she " <i>dislikes intently for moral reasons.</i> " [KIN 105011]
?4.1975	MI5 obtains (via the Army) a summary of allegations made to the RUC by Valerie Shaw [KIN 4003]
?4.1975	Ian Cameron (ASP) informs Brian Gemmell that he is not to pursue the issue of sexual deviance when interviewing Garland [KIN 4009]
9.6.1975	Cameron advises Gemmell to restrict contact with an individual ( <u>not Garland</u> ) [KIN 105015]. (Contact was, however, subsequently renewed [KIN 4010]).
17.1.1976	Daily IntSum records that McGrath was: (a) Warden of Kincora (b) homosexual and that (c) UDA and William Craig " <i>may be aware of this TARA/UVF activity in the arms field</i> " [KIN 105016]
28.1.1976	MoD Letter 13912/2.  Letter sets out (i) background on McGrath and TARA (it describes McGrath as " <i>homosexual and makes a practice of seducing promising young men</i> ") (ii) notes that McGrath has been linked to communism (iv) suggests that Paisley is probably not a member of TARA but is linked to those who are and (v) notes that the picture is " <i>confused</i> " and the many " <i>contradictions</i> " around McGrath. [KIN 3526; KIN 30297]
13.2.1976	Entry on McGrath's MI5 record card states: " <i>.... he has long made a practice of exploiting other peoples (sic) sexual deviations and TARA is vulnerable on this account</i> "

	[KIN 105009]
22.4.1976	Cameron writes to MI5 officers about an article published on April 1976 by Robert Fisk. He notes that sections of the article were almost certainly based on AIS records held at HQNI; that Wallace would have had access to these records; and that Wallace was likely Fisk's source. [KIN 105025]
14.10.1976	Gemmell's note to File 3350/18 Vol II setting out details of TARA and referring to a number of members of that organisation being " <i>sexually deviant</i> ". There is no mention of McGrath's involvement in paedophilia or his employment at Kincora.
19.10.1976	Gemmell hands documents to an SIS officer [KIN 3508]. These include: (i) two newspaper articles dated October 1975 (ii) Tara (14.10.1976) [KIN 30310] and (iii) Notes of an interview with Garland [KIN 30313]
31.1.1977	SIS Officer telegrams Intelligence Staff in NI about McGrath (and references documents provided by Gemmell and the 28.1.76 letter) [KIN 3509]
15.2.1977	SIS telegram (i) congratulating the officer for " <i>flushing out</i> " this source on TARA and (ii) asking whether the TARA recruiting campaign would " <i>offer IJS a loop-hole to penetrate TARA, if we considered it a worthwhile target?</i> " [KIN 3511]
16.2.1977	MI5 respond to 15.2.77 letter and support recruitment to penetrate TARA [KIN 3512]
17.2.1977	SIS respond to MI5 telegram of 16.2.1977. This telegram states: " <i>Beyond knowing that there is a recruiting campaign in TARA, we know little about it, so are not sure whether we are yet in a position to discover a loophole that could be exploited by IJS</i> " [KIN 3512]
?.5.1977	MI5 create a file on McGrath. [KIN 4004]
30.5.1977	MI5 write to SIS to ask for information on subscriber of an international telephone number believed to be a contact of McGrath. This is the last record on SIS file regarding TARA [KIN 3512].
2.10.1979	Sir Maurice Oldfield (ex-Chief of SIS) appointed Security Coordinator in Northern Ireland [KIN 3524].
24.1.1980	Irish Independent reports on child abuse at Kincora [KIN 3003]
?.6.1980	Sir Maurice replaced as Security Coordinator in Northern Ireland [KIN 4021].
30.9.1980	An SIS minute following review of Wallace's papers found " <i>no evidence in our file that in his job as Information Officer at the AIS, HQNI [Wallace] had any access to or knowledge of IJS operations in Northern Ireland</i> " The same note recorded that, since his dismissal, he not in fact published information in breach of the Official Secrets Act, but concerns were raised given the " <i>pressures of a murder charge and the need he could feel to grasp at any straw ...</i> " [KIN 3514]
15.1.1982	McGonagle Inquiry announced [KIN 3004]. (This inquiry did not produce a report and was wound up on 5.2.1982).

16.2.1982	NIO Permanent Secretary meets with the Chief Constable of the RUC. The NIO was informed that a new police investigation into allegations about events at Kincora Boys' Home had commenced [KIN 3006] and that an external Chief Constable had been requested to lead the inquiry. (Sir George Terry was appointed and given his Terms of Reference in March 1982 [KIN 3007].
2.7.1982	MI5 telegram expressing concern about Det/Sup Caskey's investigation and making clear that this concern was limited to ensuring that intelligence matters did not receive an airing in public [KIN 105043].
16.7.1982	Gemmell interviewed [KIN 4006]
20.7.1982	Det/Sup Caskey shares extracts of Gemmell's account with MI5 and explained that he wanted to find the MISR referenced by Gemmell and to interview ASP Cameron [KIN 4007]
23.7.1982	Cameron's initial recollections are recorded. Cameron recalls being aware that McGrath was homosexual but <u>not</u> that children were involved [KIN 105048]. These responses are passed to Det/Sup Caskey on 4.8.1982 [KIN 4007]
1.10.1982	Det/Sup Caskey produces a list of 30 questions for ASP Cameron to answer [KIN 105055]
3.11.1982	Cameron gave answers to the Caskey questions. It is not clear if his responses were passed on [KIN 105060 and KIN 4008]  Note that the MI5 legal advisor stated that Cameron was not authorised to make a statement. The note states that this " <i>should not be taken as meaning that we have anything to hide in connection with homosexual offences or that we wish to be obstructive. We believe that we have nothing to contribute to any criminal investigation and are unwilling to allow statements to be taken from Cameron which will disclose intelligence arrangements to those who have no need to know</i> " [KIN 105061]
28.10.1983	Sir George Terry's conclusions, recommendations and final comment of his Summary Report are published [KIN 3007]. Sir George concluded that "... <i>there is absolutely no evidence that residents of any children's home were involved in anything remotely resembling homosexual "rings" as asserted by the media or the latter's contentions that the so-called "ring" involved police officers, civil servants, military personnel, Justices of the peace or legal people...</i> " [KIN 3008].
18.1.1984	Hughes Inquiry announced in Parliament [KIN 3010]
29.3.1987	Times story: Barry Penrose reports that  "[James] Miller claims that the Intelligence services had known about the activities at Kincora for a number of years and believes the boy's home was used to entrap men who would be

	<i>blackmailed into providing information."</i> [KIN 3517; KIN 4017]
2.4.1987	Miller is interviewed by two Government Officials. The report of that meeting makes it clear that Miller was not accurately quoted and that he had <u>no knowledge of Kincora or the entrapment story</u> which he learned about after his departure from Ulster [KIN 3518; KIN 4017]
12.10.1989	SIS minute of meeting with MI5 officer to input into Cabinet Office questions into Wallace. Note states " <i>We certainly ran at least one agent who was aware of sexual malpractice at the home...</i> " SIS has carried out subsequent reviews and found nothing to support this statement [KIN 3516 see also SIS Supplementary Witness Statement #2]. See also additional statement of Officer 9004 dated 21 July 2016.
8.12.1989	The Rucker Report is completed [KIN 102501 – KIN 102750]
28.3.1990	The Supplementary Rucker Report is completed [KIN-102839 to KIN-102863].
6.8.2014	Belfast Telegraph Reports that Gemmell got his information from <u>three</u> sources (i) James Miller (ii) Roy Garland and (iii) Jim McCormick [KIN 3543]