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HISTORICAL INSTITUTIONAL ABUSE INQUIRY

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being heard before:

SIR ANTHONY HART (Chairman)

MR DAVID LANE

MS GERALDINE DOHERTY

held at

Banbridge Court House

Banbridge

on Monday, 8th December 2014

commencing at 10.00 am

(Day 75)

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

1 Monday, 8th December 2014

2 (10.00 am)

3 WITNESS BR29 (called)

4 CHAIRMAN: Good morning, everyone. Before we start the
5 formal aspect of today's proceedings can I remind
6 everyone to ensure, please, that your mobile phones are
7 turned off or at the very least placed on
8 "Silent/Vibrate" and I want to remind everyone also that
9 no photography of any sort is allowed either in the
10 chamber or indeed anywhere on the Inquiry premises.

11 Yes, Mr Aiken.

12 MR AIKEN: Chairman, Members of the Panel, good morning.

13 The first witness today is BR29, who was formerly known
14 as BR29 within the De La Salle Order. He is BR29 in our
15 designations, although occasionally I think he also got
16 BR54. So either of those designations will apply to
17 him. He is aware, Chairman, that you are going to ask
18 him to take the oath.

19 WITNESS BR29 (sworn)

20 CHAIRMAN: Thank you, BR29. Please sit down.

21 Questions from COUNSEL TO THE INQUIRY

22 MR AIKEN: BR29, we are going to bring up on the screen your
23 witness statements. You have provided two to the
24 Inquiry. The first is at 5335. Can you just confirm
25 that that looks like your first statement?

1 **A. Yes, that is correct.**

2 Q. If we move through to the next page, please, and can you
3 confirm you have signed that statement?

4 **A. That's correct.**

5 Q. If we look at the second one, please, at 5934, can you
6 just confirm that's the first page of your second
7 statement?

8 **A. Yes, that's correct.**

9 Q. If we move through to 5938, and can you confirm again
10 you have signed that statement?

11 **A. That's correct.**

12 Q. You want to adopt it as your evidence before the
13 Inquiry?

14 **A. Yes.**

15 Q. Although it hasn't happened to your statements as yet,
16 there will be black marks applied over your name and a
17 designation is put in there and personal information is
18 removed as part of the Inquiry's anonymity policy. You
19 want to keep your anonymity whenever this material is
20 published?

21 **A. I do.**

22 Q. If I can indicate, Chairman, Members of the Panel, that
23 BR29 is represented by Aidan Kelly, solicitor, who is
24 present in the chamber this morning.

25 BR29, I am going to try and summarise quite a lot of

1 **A. Yes.**

2 Q. Essentially you were there until .

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

4 Q. At that stage you -- your vows having expired, you
5 didn't go on to final vows. You are aware of the
6 understanding now perhaps as to BR2's involvement in
7 that --

8 **A. Uh-huh.**

9 Q. -- and you not being put forward for final vows and
10 thereafter the Brother Superior --

11 **A. You had a period now of three years to decide if you
12 wished to continue in the Order.**

13 Q. Yes.

14 **A. That was the normal sort of ...**

15 Q. Your vows got annually renewed until those final vows
16 after three years.

17 **A. Yes, that's how I understand it.**

18 Q. Your vows in the first year weren't renewed into the
19 second year.

20 **A. Yes.**

21 Q. So you moved and went to --

22 **A. Yes.**

23 Q. -- and did what's, if I get the acronym right, the
24 CRCCYP?

25 **A. ..CCYP, yes, course, which is a certificate in**

1 residential care of children and young people.

2 Q. That took -- that was a 14-month to two-year course?

3 A. Yes, it was done over I think calendar 14-month.

4 Q. You explain in your second statement when you completed
5 that course, then you went to work in .

6 A. Yes.

7 Q. That was in the state sector as part of the

8 .

9 A. Yes.

10 Q. That centre was being developed, and you make the point
11 that it was well resourced and well set up. You then
12 move in to take up the role in

13 --

14 A. Yes.

15 Q. -- as the head of the .

16 A. .

17 Q. The point you made to me earlier, BR29, when we were
18 speaking was at that point in time you would have been
19 one of the very few people certainly in the Western
20 Board that had a qualification of any kind in social
21 work.

22 A. Yes.

23 Q. And you made the point to me that you were keen to
24 further that qualification and do a two-year
25 certificate.

1 **A. Yes. I was** years in the office in charge in
2 . During that time I had applied on a couple
3 of occasions to go to Jordanstown to do social work.

4 Q. As the C... --

5 **A. That was the CSS course at that time.**

6 Q. CSS course.

7 **A. Yes.**

8 Q. To your frustration the Board were very keen for you to
9 remain in your post.

10 **A. Well --**

11 Q. Didn't want you to go off to --

12 **A. Well, they saw me as qualified at that particular time**
13 **and I was overlooked in preference for others who**
14 **probably hadn't got the social work training.**

15 Q. And -- but eventually in you did go to and
16 did the Advanced Certificate in Social Work Management
17 and Leadership.

18 **A. Yes.**

19 Q. Then you finally got your wish. In through to
20 you did the CSS, Certificate of Social Services, at the
21

22 **A. I did, yes.**

23 Q. You have set out how after years as the officer in
24 charge of you then went on to perform other
25 roles within the Board --

1
2 . The staff list, if we just look, please, at
3 5335, suggests that you were an assistant houseparent in
4 chalet with -- we have got a wrong reference. It is
5 65001. You say to the police whenever you were being
6 interviewed that you had never been an assistant
7 houseparent in the chalet; that you lived in the main
8 house --

9 **A. Yes.**

10 Q. -- and essentially performed the role of -- you were
11 involved in the activities that were organised after
12 school and involvement with the boys at lunchtime as
13 well.

14 **A. Yes, yes.**

15 Q. That sort of being on hand type role --

16 **A. Yes.**

17 Q. -- as opposed to being a houseparent.

18 **A. Yes. Probably the title "assistant houseparent" would**
19 **have been reasonable enough, but I think the point I was**
20 **making there, I wasn't based in chalet I was based**
21 **in the main house.**

22 Q. And the point you were making to me earlier is if I ask
23 you to describe a chalet, you would struggle to do that.
24 It is somewhere you went.

25 **A. I can say to you, since I have been called to this**

1 Inquiry, I struggled to remember what a chalet looks
2 like inside. I could not draw it. If you asked me to
3 give you a rough sketch of what a chalet looked like,
4 I could not do it.

5 Q. Do you think you may have been in one from time to time,
6 but it was not part of your main --

7 A. It was not part of my main duties, and I would have --
8 possibly were in one. I couldn't say to you that I was
9 or I wasn't for certain, but the mere fact that I was
10 there for the time, , that I was there, it's
11 possible I was in one, but I couldn't -- I have no
12 recollection of being inside.

13 Q. And I was asking you beforehand when you came to Rubane,
14 and the point you make you were basically thrown in at
15 the deep end, sink or swim, learning by doing. You
16 hadn't been given any training in advance of coming and
17 you had been given no preparation for the type of boys
18 with difficult backgrounds, with difficult issues that
19 you might encounter.

20 A. No. I arrived at Rubane. That's where I was placed and
21 I just experienced it as it came along and fitted into
22 the Order there and the Brothers that were there and
23 went about doing the job as best I can. I did not have
24 a job description for it. I did not have a code of
25 ethics or code of practice to follow. I didn't have

1 routine supervision and stuff like that to point out how
2 best to do the job. You know, those are the sort of
3 things they in fairness have only developed over years
4 in other organisations, never mind Rubane.

5 Q. Just adding to that list the point you were making to me
6 earlier: there was no -- you weren't told what you were
7 to note down in terms of keeping records.

8 A. No, there was no guidance in terms of recording
9 information, how you should record and how you should
10 keep it.

11 Q. I'll come back to ask you just some differences between
12 what life in Rubane was like and what life in
13 was like so that the Panel can have some
14 understanding of what differences there were between the
15 two types of structures and homes that you had
16 experience of, but the point you make is that you went
17 on through that history after you left Rubane years
18 in essence without any blemish on your record of any
19 kind and without any other complaint that you are aware
20 of. Is that accurate?

21 A. Yes.

22 Q. You are aware that the Inquiry got in touch with you
23 because it had received an allegation from HIA16, who
24 was "HIA16". He made a statement to the Inquiry. He
25 was in the home between and ,

1 between the ages of and . So your period with him
2 crossed over towards his later time, when he would have
3 been . He alleged in paragraph 39 of his statement
4 -- if we look at 422, please, he says:

5 "On one occasion when I was about I stole
6 altar wine from the cellar with friends. We got drunk
7 and got caught by ..." -- BR54 is you, BR29 -- "... and
8 he punched and kicked me all over the field where he
9 found us. He continued to punch and kick me until
10 I fell to the ground and was almost unconscious. When
11 I came round again, there was blood on my nose and face
12 and my face was badly bruised."

13 I know you have made it clear you deny -- you don't
14 have any recollection of HIA16, but you deny ever
15 assaulting any boy in this form. We will come back to
16 that specifically. He made the allegation to the police
17 initially on 4th May of 2010. That police statement,
18 Members of the Panel, begins at 64959. He talks about
19 this incident at the bottom -- if we can look, please,
20 at 64961, we will see, if we just scroll down, please,
21 he describes corporal punishment that he was receiving.
22 Then he says:

23 "When I was years old, a few of us sneaked to
24 the cellars and drank altar wine. I got drunk. We
25 brought the wine out to the field and drank it there.

1 I started to walk up the field."

2 Scroll down, please.

3 "A few of the boys were there with me. BR29 came
4 down and saw me. At this point he started punching and
5 kicking me all over the field. I fell to the ground ...
6 unconscious. When I came round, there was blood over my
7 nose ... Got up, went down to my room, which were
8 called chalets. There I cleaned my face and went to
9 bed. My face was badly bruised."

10 So he is saying he got this beating from you and
11 then didn't have medical attention. He went back to his
12 room and to bed.

13 Now you were -- he made a further statement to the
14 police on 24th July 2013 at 64964, where he gives
15 a description of you with hair, which -- you point
16 out you never had hair. That's at 64964. If we
17 just look at that, please. If you just maximise the
18 size of it, please.

19 "I cannot remember much about BR29 but would
20 describe him as , about . He was
21 studying to be a Brother and didn't teach."

22 Some of that would be right, not your age obviously

23 --

24 **A. Uh-huh.**

25 Q. -- and you say the colour of your hair, but the point he

1 does make in this, if we just scroll on down, please --
2 keep going. Scroll up, please. He says another boy
3 would be able to -- keep going up. Yes. NL 6

4 and HIA56 saw this incident where he is saying
5 that he was assaulted by you.

6 Police then interviewed you about the incident,
7 BR29, on 30th September 2013. That was the first time
8 you had ever been the subject of a police interview with
9 these types of allegations being put to you. Is that
10 right?

11 **A. That's correct.**

12 Q. That interview runs over 44 pages, Members of the Panel.
13 It runs from 64996 through to 65039. I am just going to
14 summarise, BR29, what you said in that interview. You
15 couldn't remember HIA16. You didn't remember
16 an incident that you were aware of involving altar wine.
17 You didn't assault him. You said you didn't assault any
18 child in Rubane. You found the allegations very
19 upsetting. You pointed out that the time you had spent
20 working with children as your vocation in life. You
21 made the point the number of children without parents
22 that you are the godparent for, and you found the
23 allegations very stressful in and of themselves.

24 The police then went and spoke with HIA56, the
25 person who was identified by HIA16 as a witness to what

1 it was said you did. They did that after your
2 interview. That was on 5th October 2013. We can look,
3 please, at 64967. So he was asked about this incident.
4 Just maximise that, please. He says:

5 "I am providing this account to police having been
6 asked if I remembered an incident when HIA16 got drunk.
7 My memory of an incident is as follows. All of the
8 senior Brothers, BR2 and the rest, were away for the
9 afternoon and two of the novice Brothers were left in
10 charge. BR20 and BR29 looked after the children. The
11 houseparents would have also been there. A group of the
12 boys got into the cellar located in the basement of the
13 old house. Alcohol was stored there for the Brothers'
14 personal use. The group of boys, including HIA16,
15 gained access to the cellar and helped themselves. They
16 were dotted all over the place drinking outdoors, around
17 the farm or in the woods. I saw HIA16 going round the
18 house being pursued by BR29. HIA16 ran into his own
19 chalet and shortly after appeared at the window
20 screaming abuse and obscenities. I thought he was going
21 to jump. BR29 was in a difficult position. HIA16 had
22 to be restrained. I didn't see HIA16 being restrained.
23 My memory was this happened in the home. HIA16 was --
24 in my opinion that HIA16 was a danger to himself and the
25 other boys, staff at that time and had to be restrained.

1 I seen no assault on HIA16 and do not recall how it
2 ended or seeing HIA16 with injuries after this
3 incident."

4 So having -- that's HIA56 setting out what he
5 recalls, which is he recalls some incident with HIA16
6 having got drunk and you having to restrain him for his
7 own good. You yourself don't remember that --

8 **A. No.**

9 Q. -- happening.

10 **A. I do not, no.**

11 Q. The police then reported the matter to the Public
12 Prosecution Service with a recommendation for no
13 prosecution and that's what took place.

14 HIA56 said some more about it whenever he gave
15 evidence to the Inquiry on 17th November. He said this.
16 If we can look at 80290, he is asked about what took
17 place. Just scroll on down, please. The statement
18 I have just read to you is put to HIA56 during his
19 evidence. Scroll on down, please.

20 "Q. You don't support his account of what happened.
21 Is that right?

22 **A. That's right.**

23 Q. You have since spoken to him."

24 That's the person who was making the allegations.

25 **A. Yes, about a month after that.**

1 Q. You met him after that?

2 **A. After the statement.**

3 Q. What was his reaction to you?

4 **A. He gave me a lot of abuse for not supporting**
5 **him, called me everything and threatened me. My**
6 **intention was to go back and cancel that statement.**

7 Q. Why did you want to go back and cancel the
8 statement?

9 **A. I didn't want any part of it because of what he**
10 **said to me."**

11 **That's HIA16.**

12 Q. What he said to you?

13 **A. Yes.**

14 Q. But is this what you remember about HIA16 and
15 BR29?

16 **A. I remember up to that point, but not being**
17 **beaten.**

18 Q. You don't remember him being beaten?

19 **A. I didn't see it. That didn't happen.**

20 Q. And just to be clear ..."

21 Then he is asked about the statement about you where
22 you say, "I didn't assault him". He says that you
23 restrained HIA16. Just scroll on down, please. So he
24 is saying whatever it was -- you don't remember it --
25 whatever it was that he recalls with HIA16 being drunk,

1 he recalls you restraining him for his own good. None
2 of that strikes a memory for you?

3 **A. No, none of that resonates with me at all.**

4 Q. In fairness to you it may be that HIA16 has conflated
5 two separate incidents involving wine, because HIA56
6 definitely involves (sic) an incident where you are
7 involved restraining him with him having got drunk, but
8 the Order has also identified an entry in BR2's diary,
9 if we look, please, at 6312. Now this is a diary entry
10 from , and the point that you make about
11 this is you are not even in Rubane in . You
12 don't come until , but what's recorded here is
13 that:

14 "HIA16 drunk. Series of other boys involved.
15 Drank. Smashed bottles in the woods. BR4 gone to town
16 on them. Comes over to chalet to punish the boys."

17 That's again they have taken spirits from
18 downstairs, got drunk and the description given here is
19 BR4 going to town on them. So whether there's
20 a conflation of two different incidents, one in which
21 HIA56 remembers you restraining HIA16 and then this
22 earlier incident before you came to Rubane of something
23 similar but involving BR4.

24 The other matter that was identified and you were
25 asked then for your comment on, BR29, was a statement

1 that was made to the police as part of the 1995
2 Operation Overview, which produced 41 files
3 investigating Rubane, many thousands of pages, and that
4 was a statement made on 6th February 1995 by a DL426.
5 If we can look at that, please, at 62666, what he says,
6 if we just scroll down a little further, please:

7 "I remember one day when I was -- when
8 I accidentally walked into the hallway of chalet BR29
9 was hitting . I didn't know why BR29 was
10 beating him, but he got a very bad beating. When I seen
11 this, I got out of the road and didn't see any more."

12 He said:

13 "The Brothers used to beat pupils up regularly."

14 Now the Order has confirmed that this individual
15 DL426 was in the home between and
16 , which would cover your time, and then again from
17 to , which does not cover your
18 time. You left in , the
19 person whom he sees being hit by a Brother that he
20 describes as BR29, the Order has confirmed he was in the
21 home from and he remained there until
22 . So provided all those dates are correct,
23 the dates for you coming and going, the dates for these
24 boys coming and going, then whoever this individual
25 DL426 saw being hit by, a Brother, it

1 can't have been you that was hitting him --

2 **A. Uh-huh.**

3 Q. -- because you weren't in Rubane at the time that this
4 can only have occurred. I was asking you whether after
5 you left in whether you ever came back to cover
6 summer holidays or do relief, and you said to me that
7 you never came back to work in Rubane again.

8 **A. That's correct.**

9 Q. You visited a couple of times in adult life, later life,
10 when you were --

11 **A. Yes.**

12 Q. -- the head of .

13 **A. Yes, that's right in relation to professional work,
14 taking young people to Rubane.**

15 Q. I will come back to ask you about that, but you brought
16 some of your more difficult children to Rubane when you
17 were the officer in charge of .

18 **A. Yes, and I am not too sure if they were from
19 or from the local area.**

20 Q. We will come back and just touch on that as to why
21 Rubane, but -- so those are the two matters that the
22 Inquiry initially had reason to get in touch with you
23 over, but then you are aware, as I was explaining to you
24 earlier, as a result of further material we have and
25 looking at -- BR2 has given the Inquiry access to his

1 diary and from those diaries which he kept for various
2 years as he is working in Rubane there were matters
3 relating to you in them that you needed to have the
4 opportunity to consider and reflect on.

5 He addresses this in paragraph 44 of his general
6 statement at 1048, please. He lists on reviewing his
7 diaries -- he is giving some examples of boys being over
8 physical -- adults being over physical with the boys and
9 he lists out some that involve you and then some that
10 involve others. He then goes on -- if we scroll down,
11 please, to paragraph 46, he says:

12 "Notwithstanding my view that physical restraint and
13 discipline was required at times, I did not condone acts
14 of physical aggression on the boys. My diary for
15 demonstrates that I challenged BR29 about his
16 aggressiveness towards the boys and indeed was
17 instrumental in preventing him obtaining his vows and
18 becoming a full Brother."

19 Then he gives a series of diary entries. If we just
20 scroll down a little further, please, that lends -- just
21 keep going down, please. He says then:

22 "I was also instrumental in the Rubane Community of
23 Professed Brothers preventing a number of other young
24 Brothers from obtaining their final vows, as
25 I considered them unsuitable. In addition to BR29

1 I recall recommending to my Community Brothers and the
2 then Provincial that neither or BR 20
3 ..."

4 He was a Brother who was going through at the same
5 time as you, same stage of life as you, was going on the
6 same course as you.

7 **A. Yes. I think BR20 was a good bit older than I was.**

8 Q. He was older than you, but he was doing the same day
9 course.

10 **A. Yes.**

11 Q. You were leaving Rubane to do a day course at
12

13 **A. That's right. The release. He was.**

14 Q. He was going to be doing that with you.

15 **A. He was doing that during the time I was there in .**

16 Q. Yes.

17 **A. I did the day release course and then I went on to do
18 the full-time CRCCYP course in**

19 Q. After you left.

20 **A. After I left. That is correct.**

21 Q. He is saying here:

22 "There was nothing particularly untoward about them
23 or the recommendation, but I simply noted a poor
24 relationship with the boys. Didn't feel they were able
25 to manage the role properly."

1 Now you -- and I know it is going to be the same for
2 these as we look at them -- but you have no recollection
3 of this particular incident.

4 **A. No, no.**

5 Q. On then -- it is five days later -- at 6370
6 you can see there's a reference to:

7 "BR29 hits in the dining hall. He had
8 been forbidden to go to the baths, which caused fury.
9 He had a stone in his hand to brain BR29."

10 Do you remember a boy going to attack you with
11 a stone?

12 **A. No.**

13 Q. You don't?

14 **A. No memory of it.**

15 Q. And the next day, if we just move on to 6371, this
16 records BR2 saying:

17 "Had a few words about corporal punishment with
18 BR29. Not very satisfactory."

19 Then just at the very bottom of the page you can
20 see:

21 "BR3 had a few words with BR29."

22 So the suggestion seems to be as a result of perhaps
23 what happened the day before or on the previous days BR2
24 is having a word with you about being overly physical
25 with the boys and then BR3 does something similar. You

1 have no memory of them talking to you about --

2 **A. No, I have no memory of either of those.**

3 Q. And then just interspersed on at 6398
4 you -- the diary records you getting accepted on to the
5 child care course. That's the day release course. I'm
6 sorry. That's the full CRCCYP.

7 **A. Yes.**

8 Q. And it seems that:

9 "BR29 gets the result of his entrance on to the
10 child care course. Yes, accepted",
11 and **BR 20**, still he's got no reply.
12 He's still waiting to hear.

13 On at 6411, so that's 6411,
14 please, the entry of , you will see about four
15 lines down:

16 "BR29 clobbers a few of the boys at line-up,
17 , ."

18 Again I presume this is line-up for canteen or would
19 it be line-up for something in the evening? Can you
20 remember?

21 **A. I couldn't remember.**

22 Q. When did the boys --

23 **A. I can't remember specifically when or where the line-ups
24 took place. I presume it was either for school ...**

25 Q. You have no particular memory?

1 **A. I just ... yes.**

2 Q. On then, five days later, at 6413 there is
3 reference to:

4 "BR29 being at war with little ,
5 shouting at him in the old TT room about sticking
6 a brick down the toilets on 's word. Comes
7 crying to me. BR29 had hit him again for reporting to
8 me. Stupid man."

9 Do you have any memory of any altercation with
10 over something go to do with the toilet and
11 putting a brick down it?

12 **A. No, no, no recall on that at all.**

13 Q. Obviously it is suggesting that there was then a further
14 altercation, because he told --

15 **A. Uh-huh.**

16 Q. -- about what had happened.

17 Then on at 6441, please, there is
18 a reference to:

19 "BR29 and BR20 beat up in boys' changing
20 room at 5.30."

21 Now you don't have a particular memory of
22 , but you recount in your statement you recall on
23 one occasion getting attacked in the changing rooms --

24 **A. Yes.**

25 Q. -- by a boy --

1 **A. Yes.**

2 Q. -- and having to restrain him.

3 **A. Restrain him, yes.**

4 Q. But you can't remember if that was this boy or not.

5 **A. I couldn't tell -- yes, I can't remember specifically.**

6 Q. And you don't specifically remember whether BR20 was
7 with you or not at the time.

8 **A. I know there was another Brother with me. I think it
9 was BR20. I couldn't be sure if it was him.**

10 Q. It seems as a result -- the point BR2 is making then --
11 as a result of these series of incidents he isn't -- he
12 is discussing it with the senior Brothers in the home
13 and isn't recommending you for your vows to be renewed,
14 and you are not alone in that it seems, according to
15 him, but you -- on then at 6448 there is
16 reference to -- if you just scroll down, please -- that
17 a letter has come in from the Provincial re in relation
18 to you and then he's got a question mark.

19 "Tell BR29."

20 So obviously this is about:

21 "Called BR29 into the office and told him. He was
22 very upset. Wants to appeal. Told him I'd phone
23 Brother Visitor and let him know and reconsider. Said
24 he had his suspicions, because his name hadn't been on
25 the courses for the Brothers."

1 weren't ever reported to anyone. They were simply in
2 BR2's diary, but your -- you simply don't recall -- do
3 you remember corporal punishment being part of life at
4 Rubane? I think the point you were making to me
5 earlier, and perhaps you want to make it for the
6 assistance of the Panel, that is what life everywhere
7 was like.

8 **A. As I said to you earlier, they had a culture in**
9 **in society, in family life that was much different than**
10 **it is today and equally I think in probably the**
11 **residential care and managing children it was**
12 **a different time. If you take schools, for instance,**
13 **you know, slapping and corporal punishment was an**
14 **accepted way of working. To be quite honest, I don't**
15 **know if it was in Rubane. I have no recollection of**
16 **saying -- anybody saying to me, "This is how you behave"**
17 **or, "This is how you don't behave". I think you were**
18 **working on instinct on how you were treated probably**
19 **when you are facing circumstances or challenges.**
20 **I don't specifically remember any particular Brothers**
21 **being harsh physically with them other than my**
22 **understanding was that discipline was performed mainly**
23 **by BR2. It was reported and performed by BR2 or BR4**
24 **I think was the other Brother and they were the**
25 **principal and the assistant or whatever at that time.**

1 Q. And were these -- were these difficult -- obviously in
2 terms of discipline you are trying to keep control of --
3 there's 65 to 70 boys. There's a limited number of
4 Brothers working with them. Can you -- do you have
5 a memory of just how difficult that was, or if you don't
6 have a memory --

7 A. No. I just can't remember other than if you have that
8 amount, you are going to have difficulties. I think we
9 can visualise that. What I can recall, taking them to
10 the swimming baths on the bus in Newtownards and, you
11 know, children were fighting, arguing, things like that.
12 I can vaguely remember, you know, difficulties, you
13 know, with maybe having to change them out of one seat
14 into another to keep them from annoying one another and
15 things like that and that's ... but in relation to
16 around -- I think I can just recall supervising around
17 the yard and children smoking and, you know, you're
18 trying to advise them to get back into school. Normally
19 if you came across them, caught them, they would run off
20 back in that direction. So those are the vague memories
21 that I have of it, but ...

22 Q. When we were discussing this beforehand, you also said
23 you had formed the view or reflected that perhaps you
24 were not having your vows removed or renewed because --
25 not necessarily to do with these things but because you

1 weren't maybe as devout --

2 **A. Yes.**

3 Q. -- in terms of your religious vocation as might have
4 been desired.

5 **A. Well, I think I maybe missed morning prayer on occasions
6 and stuff like that and maybe wasn't as religious or
7 devout as other Brothers or what was expected at the
8 time.**

9 Q. You felt that was more to do with your -- the reason --

10 **A. Yes, and I think that's why I didn't have a vocation to
11 stay, and was that the view -- that's what was put
12 across to me at the time. That's my vague recollection.
13 I didn't dwell too much about it once I had left. You
14 know, I kind of got on with life and moved on.**

15 Q. Your understanding, you didn't have -- at the time you
16 were leaving you weren't being put out because you had
17 been too harsh on the boys. That was not your
18 understanding.

19 **A. That was not my understanding.**

20 Q. Obviously you went on to train and then, as you have
21 said, you spent a working lifetime working with children
22 without any complaint.

23 What I wanted to ask you, and was asking you
24 earlier, and I will just ask you and you can confirm
25 whether you can remember or not, but if these events,

1 which obviously are recorded contemporaneously in BR2's
2 diary, if they occurred, and you are saying you just
3 can't remember whether they did or didn't, but if they
4 occurred, you are You are coming to work in this
5 place. What was it that might have led you to behave in
6 this way if you then go and train and these types of
7 events don't feature in your life in and so
8 on and so forth?

9 A. Well, the first thing I would say to you is I am
10 surprised that I would behave in that way, because I am
11 a person, you know, of a much more mild personality and
12 would be ashamed if I had behaved in that way. Other
13 than going back, as I say, to life was different then
14 and culture was different then. I had little or no
15 skills to offer other than my personality. As I say,
16 I would be very surprised that I did, looking at myself
17 now and reflecting back, because I was a quite shy,
18 retiring individual at that particular time. I played
19 Gaelic football, .
20 I don't remember ever having a fight or altercation on
21 the pitch. I came into the job and I suppose a lot of
22 it was the care -- was the care for children and that's
23 what we set out to do, and as child care progressed over
24 the years -- excuse me.

25 Q. There's -- take your time, BR29. There's water there.

1 Q. I was asking you -- that was -- the rooms at the most
2 had two or three children in them.

3 A. Uh-huh.

4 Q. It was a mixed home both in terms of boys and girls and
5 also faith.

6 A. Faith, yes, religious faith.

7 Q. I was asking you how you catered for that, because
8 certainly some of the documents the Inquiry has seen the
9 suggestion was, you know, really there had to be
10 a separation of faiths and --

11 A. Well, as you say, it was a mixed home in every way and
12 staff as well. So it was all cultures and denominations
13 were catered for.

14 Q. And did you just take the Catholic children to the
15 chapel and the Protestant children to the churches?

16 A. All children went to their own schools within the local
17 community and went to their own church, those who
18 practised, and most of them did at that time. So they
19 were taken either to Church of Ireland, Presbyterian,
20 Catholic Church. It was the expectation -- now I did
21 face challenges but I struck by the principle --
22 children should be taken to their church by whoever was
23 on duty at the time, regardless of what their faith
24 were, and staff did adhere to that, as I say. I did
25 face challenges about it, but I think I convinced staff

1 **to do that.**

2 Q. If I can summarise by saying you wouldn't accept the
3 proposition then that the state sector, as it were,
4 couldn't cater for children from both sides of society,
5 as it were?

6 A. **Well, I worked all my life after being in -- now
7 I forget where I worked.**

8 Q. In Rubane and then .

9 A. **Yes, . After I worked all my working
10 life in the Western Trust. As you know, trusts changed
11 over years, different titles, different progressions.
12 There were districts and then they became trusts.**

13 Q. And Boards.

14 A. **Boards. Yes, all of that.**

15 Q. The name changed --

16 A. **The name changes and --**

17 Q. -- but the work stayed much the same.

18 A. **Yes. So for all of that I worked in the Western Trust
19 area, mainly in the Omagh area, Sperrin & Lakeland, and
20 then back to the Western Trust until my retirement in**

21 .

22 Q. And that was your experience then, that you were able to
23 cater for and did cater for children from any
24 background.

25 A. **Yes, yes.**

1 Q. -- with whom you were working as a last chance to manage
2 the problem --

3 **A. Yes.**

4 Q. -- to avoid a Training School Order?

5 **A. Well, you would have looked possibly -- at least there**
6 **was a wee bit more assessment going on. You would have**
7 **looked at that potential. I am not saying the**
8 **assessment at that stage was fantastic towards where we**
9 **progressed to now in terms of looking at the needs of**
10 **children.**

11 Q. What was it about what Rubane offered that was -- if
12 couldn't look after that particular type of
13 child any longer, but Rubane could on a staging towards
14 avoiding training school, what was it about the regime
15 in Rubane that was worth trying?

16 **A. Well, it had a school for a start, and if they had**
17 **difficulties going to school -- and quite often we did**
18 **in the open children's homes in the community for**
19 **education. So they provided education and they provided**
20 **care. So you had two in one.**

21 Q. Was it seen -- you don't really remember the years
22 ago --

23 **A. Uh-huh.**

24 Q. -- but was it seen in your later life as you were
25 reflecting on sending someone there as a more

1 disciplined regime?

2 **A. Yes, I think it would have been seen that it had**
3 **structure and routine, discipline.**

4 Q. And therefore worth trying to avoid training school?

5 **A. Training school, yes.**

6 Q. BR29, I don't intend to ask you anything else save for
7 one question that we ask, whether there is anything else
8 that you are aware of, being aware, as you are, that the
9 Inquiry is looking for systems failures that might have
10 caused or failed to prevent abuse, whether there's
11 anything else that you can remember that might assist
12 the Inquiry with that task. If there isn't, just say
13 so.

14 **A. I don't think I can recall anything that I could say**
15 **specifically about systems failures other than I'm sure**
16 **there is that potential possibility for that, but what**
17 **I would say to you is that from -- particularly point**
18 **out that there was a serious absence of legislation,**
19 **policies and procedures being developed between 1972 and**
20 **1995 and those raft of policies and procedures continue**
21 **to this day to be developed particularly on the foot of**
22 **the Children (Northern Ireland) Act 1995. We had the**
23 **leaving care legislation in 2002 I think. We had the**
24 **other bits of legislation coming out that enabled**
25 **children in care enormously to develop, especially**

1 leaving and aftercare, because I knew that because
2 I went on to manage that service before I retired.

3 Q. There is a lot of progression --

4 A. Yes.

5 Q. -- that has happened over the years --

6 A. Uh-huh.

7 Q. -- from learned experience. Is that fair?

8 A. That's right. Put together, that brought that to that
9 level.

10 The only thing, looking back on it and thinking, we
11 had "Children Matter", which is not that old -- I think
12 it was again around 2002/2003 or maybe a bit later --
13 which seemed to be something that should have occurred
14 first before any of it, came out of the Office of the
15 First Minister and Deputy First Minister, which to me
16 was a major thing, because it was looking at children in
17 need, the needs of children and what was best for them,
18 and I think the leaving care legislation may have been
19 held up a little while for implementation, because that
20 was coming out at the time. I have some memory of that,
21 because I would have been involved in the training and
22 things like that, and that produced -- out of all of
23 that legislation there was a huge amount of training and
24 preparation and that gave people the lift and the
25 ability to go out and implement that legislation fairly

1 well.

2 I know the Children Order did come in with some
3 difficulty in terms of funding, because I was one that
4 was trying to implement that legislation and oversee it
5 in terms of the Trust, and funding again is a very
6 important bit of legislation to implement it all.
7 That's something that I feel a fair bit about, and I was
8 just trying to think about that before I came here today
9 last night and those sort of things. Mind you, it is
10 amazing what you forget when you are retired

11 and that just comes back -- just comes
12 back to me.

13 Q. BR29, I am not going to ask you any more questions. If
14 you just remain where you are for a few moments, the
15 Panel may want to ask you one or two things. So just
16 bear with us for a short period, if you would.

17 Questions from THE PANEL

18 MS DOHERTY: Thanks very much, BR29. That was very helpful.
19 Can I just ask: one of the things we understand from the
20 rules is that there was kind of a weekly meeting between
21 Brothers and the Brother Director just to kind of look
22 at -- reviewing life and the week of the community. Can
23 you remember that? Can you remember times that Brothers
24 came together and talked?

25 A. No, I don't. I would be telling you a lie to say if

1 I did.

2 Q. Okay.

3 A. That's not to say that there may not be weekly meetings.

4 I may not have been at them. I do remember being at
5 a meeting -- okay -- where -- there was a meeting where
6 they were giving them rewards for positive behaviour and
7 stuff like that. I vaguely remember something like that
8 and it occurred I think in the gym.

9 Q. But that would be with the boys as opposed to the
10 Brothers themselves meeting as a community.

11 A. We would have -- at the end of the week -- I don't know
12 if it was a meeting -- we would have maybe retired but
13 obviously there would have been Brothers still on duty
14 supervising. If it was my time off at the end of
15 a week, I would have gone downstairs and had some
16 refreshments with a number of Brothers, and we just met
17 as a social thing. Now I can't specifically remember
18 a meeting on a weekly basis. I just would -- could not
19 confirm that one way or the other.

20 Q. And do you ever remember meeting with BR2 on
21 a one-to-one basis as a Brother about how you were
22 getting on --

23 A. Not --

24 Q. -- or how you were finding the work?

25 A. I have no recollection of having any routine meeting

1 with BR2 on a regular basis to discuss progress one way
2 or the other, either in terms of my child care practice
3 or my religious life.

4 Q. So would it be fair to say that you kind of learned on
5 the job?

6 A. I would say that would be fair and probably in a lot of
7 places that was the case as well --

8 Q. Sure.

9 A. -- I am fairly certain.

10 Q. Do you think the approach to discipline was part of that
11 learning, because clearly it was a big group of boys and
12 you would have to control them.

13 A. Yes. I was surprised that you had said 70. I should
14 know, having been there, but I was sent the estimate
15 that that was in the region of 50, 60 boys, but I just
16 could not say how many.

17 Q. But in terms of disciplining them and managing their
18 behaviour, would you have learnt that from just
19 observing how other people managed them?

20 A. I'd say you would learn from looking at others, because
21 when I went to , I did look up to my -- staff
22 that were there. The manager was there and -- this was
23 a mental thing. I can think of one or two managers that
24 were there and their style, and I say it from that
25 perspective. I couldn't be certain that that's what

1 **happened, but that was how I think I had in my mind of**
2 **learning was the examples of those managers and their**
3 **personality and the way they treated people.**

4 Q. And that the same would have been true in Rubane, that
5 you learned there from --

6 **A. Yes.**

7 Q. -- watching other people?

8 Can I ask as well just about bringing boys together
9 to observe punishments? We have heard about, you know,
10 there have been times when boys were brought together to
11 observe another boy being punished. Do you have any
12 memory of that?

13 **A. No. I have no memory of that occurring at all --**

14 Q. Okay.

15 **A. -- and mainly discipline tended to happen over in the**
16 **school, if I have any recollection of it broadly.**

17 **I don't remember in the care -- in terms of care it**
18 **being meted out anywhere else and I wouldn't have been**
19 **present for any sort of discipline, if that occurred --**

20 Q. Okay. Thank you very much.

21 **A. -- that I can recall.**

22 MR LANE: When you started at Rubane, was there any
23 induction training?

24 **A. None that I can specifically remember or recall.**

25 Q. And there was no more senior person who was given to you

1 as a mentor or to help you settle in or anything?

2 **A. No. I think mainly I was along with BR20 most of the**
3 **time.**

4 Q. When you went on the qualifying course at

5 , did you do placements in other children's
6 homes?

7 **A. Yes. We would have gone out and done visits to other**
8 **and placements. I remember during that course I went**
9 **actually to a placement in**

10 . It was an industrial school, and I witnessed
11 very, very disturbed children. I think I have never
12 witnessed more disturbed children in Northern Ireland
13 than the ones that I saw there. It was ...

14 Q. And do you recall roughly how many people were on that
15 training course?

16 **A. That was the -- I couldn't be precise about it, to be**
17 **quite honest. I'd say 15 to 20.**

18 Q. 15 to 20. You were mentioning there was hardly anybody
19 --

20 **A. That was at** now.

21 Q. Sorry?

22 **A. That's the CRCCYP course at** yes.

23 Q. Yes. You were saying very few people were qualified,
24 but were most of those 15 to 20 from Northern Ireland?

25 **A. Yes, all of them were from Northern Ireland.**

1 Q. So the college should have been producing 15 or 20
2 qualified people each year?

3 A. Yes, yes.

4 Q. Do you think that your practice changed as a result of
5 the training you received there?

6 A. I suppose I was . I was impressionable. Certainly
7 training has to change you and help you progress, and
8 what I can remember is it gave you an insight into the
9 needs of children. We did child development. We did
10 discuss the issues that occurred in other homes, you
11 know, to a certain degree to kind to give you a view of
12 practice, and because you were learning with each other,
13 you were sharing, and as we -- no doubt I definitely
14 would say so.

15 Q. Right. Just one last question. In the homes that you
16 worked in that were state homes subsequently you
17 mentioned there was the mixture of children from
18 Protestant and Catholic backgrounds. Was there ever any
19 problem between those two groups mixing in the
20 children's home?

21 A. No. They -- both groups got on very well. It was
22 a state -- and when I went there, on certain occasions
23 the flag was flown, and I had that policy changed
24 because it did bring conflict more amongst staff than
25 residents. It was raising an issue of emblems and

1 signs, and I raised that under a policy on emblem signs,
2 and the Director of the Board agreed with me lucky
3 enough. He was an Englishman by the way. He wasn't
4 from Northern Ireland. He took that up and that policy
5 then changed at least in that the flag would
6 not be hoisted in the children's home.

7 Q. Thank you very much.

8 CHAIRMAN: Well, BR29, I am sure you are relieved to hear
9 those are all the questions we have. Thank you very
10 much for coming to speak to us today.

11 A. Thank you, Mr Chairman.

12 (Witness withdrew)

13 MR AIKEN: Chairman, Members of the Panel, Ms Smith is
14 taking the next witness. Perhaps if we took
15 a few minutes for that to ...

16 CHAIRMAN: I think we are due a break for our stenographer
17 about now. So we will resume in about ten minutes.

18 (11.35 pm)

19 (Short break)

20 (11.45 pm)

21 WITNESS BR7 (called)

22 MS SMITH: Morning, Chairman, Panel Members. The next
23 witness today is BR7. He has been given the designation
24 "BR7". He wishes to take the religious oath and he
25 wishes to be afforded the anonymity offered by the

1 Inquiry.

2 WITNESS BR7 (sworn)

3 CHAIRMAN: Thank you. Please sit down.

4 Questions from COUNSEL TO THE INQUIRY

5 MS SMITH: Now the statement that BR7 has prepared for the
6 Inquiry can be found at 5265 through to 5289, which
7 includes exhibits to the statement. If we could look at
8 the statement, please. While it has not yet been
9 redacted, it may be redacted in due course, but if we
10 could just go to page 5268, BR7, this is the last
11 page of your statement. Can I just confirm that's your
12 signature and you signed this on 5th September 2014?

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

14 Q. Would you also confirm then this is the statement of
15 evidence that you wish the Inquiry to consider together
16 with anything else that you tell us this morning?

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

18 Q. Thank you. If we could go back to the first page of
19 your statement, which is at 5265, and you see here in
20 paragraph 1 and 2 you set out your career history, your
21 background and your qualifications. You entered the
22 novitiate of the De La Salle Order in . You then
23 studied . You got
24 a Higher Diploma in Education at You carried out
25 teaching practice at in

1 Dublin. In you then became trained as
2 a professional social worker and obtained an MSc in
3 Applied Social Studies at ,
4 and then went back to Finglas to work as a social worker
5 there. You were then a full member of the Order. You
6 adopted the religious name of BR7. You worked in
7 Finglas for years. You were then asked to go to
8 Rubane. I will come back to that shortly. You, in
9 fact, left the Order in
10 , and since that -- since you left the
11 Order you were then in charge of a statutory children's
12 home in , which I know was --

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

14 Q. -- between and . You then took up a post in
15 Social Services training and up until last week you were
16 a with
17 , but you have
18 now moved into Governance with the Trust.

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

20 Q. Now looking at paragraphs 3 and 4, you helped out in
21 Rubane in the when you were a student.
22 Then in , when BR1 had been removed from the home,
23 you were approached by the Provincial, who at that time
24 was BP 4 , and he asked you to go to Rubane as
25 a to BR2.

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

2 Q. But you had never worked in Rubane formally prior to
3 that, just on that summer relief period --

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

5 Q. -- in Now I understand that it was BR2 who agreed
6 to take over subject to there
7 being a , and
8 you were the person who became . Is
9 that right?

10 **A. That's correct.**

11 Q. You arrived then in as and you
12 stayed until the

13 **A. That's correct.**

14 Q. But in you also acted up when BR2
15 was away.

16 **A. That's correct.**

17 Q. Now in paragraph 5 of your statement you set out what
18 your duties were. You just say you were based in the
19 main house in an administrative role with principal
20 focus on the care element. Presumably this was because
21 of your training as a social worker. I think we are
22 going too fast. If we could just scroll back up to the
23 previous page, please, paragraph 5. Just leave it
24 there. You say you were responsible for preparing
25 review meetings, writing up reports, attending case

1 conferences, internal reviews, meeting houseparents,
2 meeting residents, meeting social workers, developing
3 programmes of care, preparing and filing statutory
4 returns for the various Social Services Boards,
5 reporting and investigating on incidents, answering the
6 phone and organising training events, and you also, when
7 the opportunities arose, participated in events and
8 excursions like trips to the Mourne and Glenariff.

9 **A. That's correct.**

10 Q. We know the boys were taken to Glenariff for the summer
11 holidays. Is that what you are talking about there?

12 **A. That's right, yes.**

13 Q. Now just to be clear, the reviews that you are talking
14 about -- and I am not going to go through every
15 paragraph of your statement here -- but you felt that
16 you were sent to Rubane because of the experience that
17 you had in the child care area.

18 **A. That's my understanding, yes. There wasn't a post of**
19 **previously. So I was -- that role wasn't**
20 **established. So part of my job was to establish the**
21 **role, you know. So what I have just put in the**
22 **statement is a list of the things that I actually ended**
23 **up taking on.**

24 Q. Those are the responsibilities you created for yourself
25 effectively.

1 **A. Well, in consultation with BR2.**

2 Q. I mean you also record in paragraph 7 here you said you
3 created the recording systems. One of the matters
4 I explored with you about before you arrived -- well,
5 first of all, in during that period of summer
6 relief did you have any administrative role within the
7 home?

8 **A. No, it was purely just sporting activities and helping**
9 **out with activities, you know, engaging the young people**
10 **during the holiday period.**

11 Q. And when you arrived at Rubane, what was the situation
12 with regard to the recording systems? What was the
13 state of the paperwork, if I can put it that way?

14 **A. There was very little paperwork. My understanding -- my**
15 **recollection is that there was -- houseparents would**
16 **have attended the review meetings and would have**
17 **prepared a report for the review meetings, but there**
18 **would have been no detail apart from that, just whatever**
19 **they prepared for those meetings.**

20 Q. Just to be clear, we are talking about review meetings
21 that were held with the child's social worker --

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

23 Q. -- and that would have been a field social worker who
24 was not resident in Rubane.

25 **A. That's correct.**

1 Q. Where did those review meetings take place, first of
2 all?

3 **A. They took place in the house, usually in the sitting**
4 **room I think. I think they were -- I can't remember if**
5 **it was quarterly or six monthly. I can't remember now.**
6 **I get mixed up between the different places I have been,**
7 **but I think it was quarterly those meetings took place.**

8 Q. I am just trying to explore what kind of paperwork was
9 in existence at this time, which was . The field
10 social worker would have had a file on each child for
11 whom that person was responsible.

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

13 Q. They presumably took that file with them and took it
14 away again with them when they left --

15 **A. That's right.**

16 Q. -- at that review meeting. What did the houseparent
17 then prepare? What was prepared for those review
18 meetings? There was a report by the houseparent from
19 presumably the chalet that the child was living in or,
20 if they were in the main house, from the houseparent
21 there.

22 **A. Yes, that's my recollection.**

23 Q. And would there also have been a school report prepared?

24 **A. I think that would have been incorporated into the**
25 **houseparents' report, you know, comments on the school,**

1 **about how the child was progressing.**

2 Q. And when you -- you then set about creating a different
3 form of recording. Is that correct?

4 A. **That's correct. I come from a background of working in**
5 **an assessment unit and we developed a system there of**
6 **daily recording, capturing the young people's behaviour**
7 **and just comments on their development, and I think that**
8 **would have been useful in Kircubbin, because you had**
9 **four separate units, you know, and you had people in the**
10 **units working with the children, but then there was**
11 **people outside the units who also had dealings with**
12 **them, you know, for after school activities, and**
13 **sometimes the information would get lost. So I felt it**
14 **was important to try and capture all of that. So I set**
15 **up a system of daily recording sheets, which everybody**
16 **had access to and filled in every couple of days, and**
17 **that then formed the basis for the report that was**
18 **prepared for reviews.**

19 Q. You talk about this in paragraph 7 and you say that all
20 care workers responsible for a boy were expected to
21 prepare their own individual reports on each resident
22 prior to the monthly review and the important source of
23 that information was this log.

24 A. **Yes. The monthly review was a new thing that we**
25 **introduced, you know, outside of the statutory review.**

1 It was to have an update on how the child was
2 progressing, and the houseparents pulled the information
3 together, what they had gathered from the daily
4 observation sheets, and presented it at that meeting.

5 Q. Now just moving on, you talk about in paragraph 8 the
6 facilities that were in Rubane. You say they were
7 better than those at Finglas. Even though Finglas was
8 a newer building, you say it was still based on
9 a dormitory style of accommodation. What did you think
10 was particularly good about the facilities in Rubane?

11 A. Well, I think it was much more homely and personal.
12 Young people had more freedom I felt. They had more
13 space. The Finglas building, as I say, it was a new
14 building, but it was institutional. There were bigger
15 numbers and they were in dormitory settings whereas in
16 Rubane you had three or four were the maximum sleeping
17 arrangement and there were a number of single rooms as
18 well. I think also the catering -- I mean, you had
19 individual houseparents that created a homely atmosphere
20 for the young people. So I think that was very
21 positive.

22 Q. Can I just ask did -- coming back to the record-keeping
23 thing, was there an individual file on each boy kept
24 within Rubane itself?

25 A. There was. Well, from my time anyway each child had

1 a separate file and the observations were filled in by
2 the various staff, you know, as they saw something
3 noteworthy.

4 Q. I just want to know about the practicalities of this.
5 I mean, the observation log, was that kept in each
6 chalet, first of all?

7 A. No, the observation log was kept in the house. We had
8 a file in the house where everybody had access to. So
9 you could -- anybody from the other chalets that had
10 contact with the young people, if they had something
11 important to say, they could enter it into it.

12 Q. You talk here in paragraph 9 about you would have been
13 aware of the risk of bullying but there was very little
14 awareness of peer abuse or sexual bullying, and there
15 was no training on either the propensity or possibility
16 for such events to occur or how to deal with them when
17 they did. When you say there was no training, are you
18 talking about your social work training?

19 A. Oh, there was no specific training, you know, titled,
20 you know, "How to deal with sexual abuse". I mean, it
21 was a relatively new concept I suppose. It wasn't new,
22 but, I mean, the language to discuss it and how to deal
23 with it wasn't -- I wasn't aware of any training at that
24 stage anyway.

25 Q. Can I just ask you -- you know we are going to come on

1 to talk a little bit about and what happened.

2 Obviously BR1 had been removed from the home and you
3 came I know not in replacement for him but to fill that
4 role of .

5 **A. Uh-huh.**

6 Q. Did you ever get any reports back from the police about
7 their investigations and what they had disclosed?

8 **A. I have no recollection of getting any feedback. My**
9 **understanding was that it was a legal investigation, you**
10 **know, a criminal investigation, if you like, and it was**
11 **ongoing for I think the first two years I was there. So**
12 **it wasn't seen as a kind of a review of practice, if you**
13 **like, where we got feedback.**

14 Q. One of the things that we know is that all -- were you
15 aware of the boys being interviewed? Did that take
16 place when you were there?

17 **A. I think most of that had happened before I arrived.**
18 **I was aware that it had happened, you know, but I think**
19 **most of it had taken place before I actually got there.**

20 Q. We know those interviews took place in the presence of
21 two social workers or certainly one social worker with
22 each boy. So there were a team of two who were assigned
23 to attend those interviews. Did you ever receive
24 anything -- did the home ever receive anything back from
25 the Social Services about what they had learned in the

1 course of the police investigation?

2 **A. I have no recollection of that.**

3 Q. You talk about there being -- just in paragraph 10 here
4 where you are describing being alert to the fact when
5 you arrived that BR1 had been removed some months
6 previously, you say that you understood that complaints
7 had been received that he had undertaken medical
8 examinations of the boys and that a live RUC
9 investigation was ongoing. Did anybody ever speak to
10 you personally about what those allegations were in any
11 detail or -- I am not so much thinking of the boys
12 themselves, but, I mean, the conversations you would
13 have had with BR2, for example, about them?

14 **A. I would have known generally it was to do with**
15 **supervision of showers. That was my understanding at**
16 **the time, that he did -- acted inappropriately in**
17 **supervising young people coming -- new people**
18 **particularly coming into the unit and ... but**
19 **I didn't -- I didn't get the impression -- it was**
20 **unclear how serious this was. I mean, people thought it**
21 **was an exaggeration, you know, that there was**
22 **misunderstanding. I suppose that's what you hoped for**
23 **when this thing happened first. You hoped that it**
24 **wasn't anything more serious, but we didn't have any**
25 **formal -- I mean, this was under investigation I suppose**

1 **for a long period. So you didn't have any formal**
2 **feedback on what was happening, you know.**

3 Q. You say in the statement at paragraph 10 that you didn't
4 speak to the boys yourself about him and you remember
5 the Brothers were conscious they didn't wish to be seen
6 or considered to be discussing the case with the boys.

7 A. **Yes. I had that feeling myself, you know, that it was**
8 **part of a live investigation and you didn't want to be**
9 **seen to be influencing what was being said one way or**
10 **the other, you know.**

11 Q. You also then go on to say you were all alert to the
12 sexual connotations of the complaints, and you would say
13 that both staff and the social workers were
14 hyper-vigilant in relation to sexual issues throughout
15 the period you were in Rubane, which was from to
16 . I just wondered. Some of the accounts we have
17 received from boys were of them being treated, if I can
18 put it in a heavy-handed manner, for being suspected of
19 interfering with other boys. Are you aware of anything
20 along those lines?

21 A. **I wasn't aware. I think I had heard references to some**
22 **people who maybe had left by the time I got there, that**
23 **there had been some instances where that had happened,**
24 **but I am not aware of anybody -- of any incident**
25 **happening while I was there.**

1 Q. Are you aware of -- well, would you -- would it be fair
2 to say -- and maybe if it isn't, please correct me --
3 would it be fair to say it is possible that some boys'
4 behaviour because of this hyper-vigilance might have
5 been misinterpreted?

6 **A. I would doubt it.**

7 Q. You go on to talk here -- you talk about the atmosphere
8 being subdued during that first year, presumably when
9 the investigations are still ongoing, and I think you
10 use the word you were shocked by what had been --

11 **A. Uh-huh.**

12 Q. -- had come to light as a result of the boys' interviews
13 with the police.

14 **A. Yes.**

15 Q. You then said thereafter there was a good atmosphere in
16 the home and among the boys. So from about
17 onwards, is that when you would say things improved?

18 **A. I would say maybe. I suppose maybe I was getting
19 more confident and more relaxed myself as a worker and
20 getting to know them. I think we had introduced a more
21 relaxed atmosphere within the place. You know, it was
22 more maybe less punitive and maybe more constructive.**

23 Q. I am going to come on to talk about that. You say in
24 paragraph 12 here -- you talk about BR2 integrating the
25 head of unit meetings which took place every fortnight.

1 If we just scroll down please:

2 "The meetings between the heads of the chalet units
3 were designed to give each unit manager an opportunity
4 to raise important generic issues or to discuss specific
5 problem cases."

6 You attached some minutes of those meetings to your
7 statement. I am not going to go through them in any
8 great detail, but if we just look, the very first one of
9 these is at 5271. This is obviously an introductory
10 meeting. It records who is present. We see here there
11 is yourself and BR2, BR5, who was in charge of chalet ,
12 DL11, who was in charge of chalet , and DL 89 , who
13 was in charge of chalet . There is no mention here of
14 chalet . It wasn't operational at the time. Is that
15 correct?

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

17 Q. This is dated . So this would be the
18 first of these meetings of heads of unit. It tries to
19 set out guidelines for future meetings. It is recorded
20 there what was decided. One of the things there, it
21 says:

22 "Unresolved problems arising from general staff
23 meetings should be discussed and decisions taken in the
24 light of the overall objectives of the home."

25 Can I just ask how often did general staff meetings

1 take place? Do you remember?

2 **A. I don't remember, to be honest with you. I think it was**
3 **monthly.**

4 Q. Who all would have attended those? Would it have been
5 just care staff or would teaching staff have attended?

6 **A. It would have been care staff. Teaching staff would**
7 **have been busy at that time.**

8 Q. Just turn to the next page, please, which is 5272. This
9 seems to be a meeting two weeks later on

10 In this you talked about there had been
11 a noticeable increase in vandalism and bullying and it
12 is decided that activities should be compulsory to try
13 to alleviate that problem. You talk about sanctions
14 here in paragraph 2 and it said:

15 "It was agreed that there should be more uniformity
16 of sanctions where boys from different units were
17 involved in the same offence, for example, absconding.
18 While the guidelines laid down in the handbook were
19 acceptable, it was thought that extenuating
20 circumstances in individual cases should be considered.
21 Within the unit the head would keep his staff -- the
22 staff informed of decisions."

23 Now I just -- we have explored the issue of what
24 handbook we were talking about here.

25 **A. Uh-huh.**

1 Q. It appears that that might have been a guideline
2 prepared by BR2 in and around Now I am told that
3 we have received a copy of that from the Order. We were
4 not able to put our hands on it this morning, but
5 hopefully we will get it shortly and --

6 **A. Okay.**

7 Q. Is that the handbook that you recollect being talked
8 about there?

9 **A. I would imagine it is. It was kind of an A to Z thing**
10 **that covered different topics, you know, to give**
11 **guidance to the staff about how they should deal with**
12 **situations.**

13 Q. Things like bullying, for example?

14 **A. Bullying, for example, yes.**

15 Q. Then if we could just look at 5273, which is the next
16 page, there is a section here at 9. It seems to be --
17 and we discussed this as well -- the last meeting ended
18 at paragraph 7 and this one starts at paragraph 8,
19 which -- can I just be clear? Did you yourself keep
20 the minutes of the meeting or who would have done that?

21 **A. I hope it wasn't me that was typing anyway, but -- no,**
22 **I think it might have been the secretary.**

23 Q. In the home?

24 **A. Yes.**

25 Q. But at paragraph 9 here:

1 "Privileges and sanctions: It was strongly felt
2 that there was an over-emphasis on sanctions. BR7
3 suggested that a more positive approach should be taken
4 and privilege based on group loyalty and effort should
5 be encouraged. It was agreed that he should put his
6 view to the next general staff meeting."

7 Now can you just explain a little bit about what you
8 are talking about here, BR7?

9 **A. I would love to be able to say I can remember in detail,**
10 **but I am afraid it is a bit hazy. I presume what I was**
11 **talking about was in relation to the chalets, you know,**
12 **developing a kind of an ethos in each chalet, that you**
13 **encouraged the young people to contribute to the**
14 **activities and the life of the chalet and to reward them**
15 **with trips or extra pocket money or something like that,**
16 **you know.**

17 **Q. Would it be fair to say that the ethos in Rubane when**
18 **you arrived there was one of punishment rather than**
19 **reward?**

20 **A. I would say, I mean, it would have varied according to**
21 **the personalities in different chalets, you know.**
22 **Different people had different kind of approaches, and**
23 **I suppose the meetings was an attempt to try to get a**
24 **consistency, but I would say generally there would have**
25 **been more emphasis on punishing bad behaviour than**

1 boys, BR2 promised to draw up acceptable visits
2 procedure."

3 Can you recollect now -- and I appreciate that we
4 are talking and it's difficult -- but can you
5 recollect what some of the problems with visits of old
6 boys were?

7 **A. I can't recall in detail, but, I mean, my understanding**
8 **would be that it was, you know, older boys coming back**
9 **not having the same commitment to the institution.**
10 **Maybe their behaviour was a bit more of a control given**
11 **by example or leading young people to break the rules**
12 **and regulations. Generally it wasn't a problem. Young**
13 **people coming back were welcome and fitted in but you**
14 **would get occasional ones that maybe started bringing**
15 **alcohol or something in, you know. I think it would**
16 **have been dealing with a situation like that that we are**
17 **referring to there.**

18 **Q. Do you ever remember seeing the visits procedure drawn**
19 **up?**

20 **A. I can't recall.**

21 **Q. Just one --**

22 **A. It may have been added to that A to Z. I think, you**
23 **know, that was kind of a working document. So when new**
24 **issues came up, maybe it was added to that.**

25 **Q. Added to that --**

1 **A. Yes.**

2 Q. -- sort of as a guidance handbook really?

3 **A. Yes, for when -- how to deal with visitors or**
4 **misbehaving or ... Yes.**

5 Q. 5275, if we could just look at that again. It is the
6 next page. At paragraph 16 here there is talk of
7 incentive schemes. It says:

8 "BR7 presented a paper and BR5 gave an evaluation of
9 a pilot scheme which he had initiated in his chalet."

10 Again I know I am asking to you think back a long
11 time, but can you remember what that related to?

12 **A. I don't remember the detail but, you know, I can imagine**
13 **what it was, you know, in terms of ways of encouraging**
14 **good behaviour and getting the young people to do jobs**
15 **in the chalets, you know, and rewarding them for that in**
16 **different ways, you know.**

17 Q. Again just in passing at paragraph 20 of 5276, the next
18 page, it seems to be complaints procedure:

19 "In view of recent complaints it is thought
20 necessary to detail the procedures re dissatisfaction,
21 complaints and grievances."

22 When we talked earlier, you thought this related
23 more to staff than boys' complaints?

24 **A. That's what I would have thought, yes.**

25 Q. Then in paragraph -- sorry. If we could look at 5277,

1 which again is just the next page, and this is

2 . It is paragraph 23 there:

3 "Records: It was noted that the following records
4 were of statutory obligation:

5 1. Medical records.

6 2. Dates of admissions and discharges.

7 3. Record of events of importance.

8 4. Fire drill records.

9 5. Menus of meals provided.

10 6. Corporal punishment returns.

11 7. Individual record sheets."

12 Now the fact this is recorded in this minute
13 suggests -- if you accept this, please say so; if you
14 don't, again correct me -- that seems to suggest until
15 the recording of these statutory obliged
16 returns was not being done.

17 **A. I have no clear recollection of that, but I did have
18 a chance to look through some of the files there.**

19 **I noted that the -- there is included a memo from the
20 Family Welfare Association, and included in that is
21 a reminder of these things. So I presume that's where
22 that came from.**

23 Q. Yes. That can be found at 5274 -- sorry -- 79. I beg
24 your pardon. 5279. That's the Catholic Welfare Society
25 writing to -- sending out information to the voluntary

1 children's homes, a general circular basically that was
2 sent around.

3 **A. Yes. I would imagine what happened then was BR2 put**
4 **that on the agenda just to remind people what was**
5 **required.**

6 Q. Do you remember those records being kept?

7 **A. I would need to -- I can't remember in detail where they**
8 **were kept. I mean, there would have been fire drills.**
9 **I remember that happening.**

10 Q. What about, for example, menus of the meals provided?
11 Do you ever remember seeing those?

12 **A. Yes. That was one of the things I think we developed,**
13 **that each chalet had to have a series of menus covering**
14 **a period, you know, that would change over time.**

15 Q. But again you are saying there that was something you
16 developed, which suggests it was not being done before
17 you came. Would that be right?

18 **A. It might have been recorded. Do you know what I mean?**
19 **There was -- again it depended on the houseparents.**
20 **Some would be more creative in terms of their catering**
21 **arrangements and would have varied it anyway, but this**
22 **was kind of to have a record to ensure that it was**
23 **happening in all the chalets.**

24 Q. Okay. Presumably the dates of admissions and discharges
25 were being recorded regularly.

1 **A.** They would have been, yes. I was required -- that was
2 one of my tasks was to send returns to each of the
3 Health and Social Services Trusts every Monday I think
4 it happened, and there were a list of things that had to
5 be done there. You had to put in admissions,
6 discharges. Punishment was one of the titles funny
7 enough.

8 Q. Yes. That's corporal punishment returns --

9 **A.** Yes.

10 Q. -- because those were legislated for in the regulations,
11 in 1975 regulations.

12 **A.** That's right, and I think, I mean, the home was funded
13 from a capitation basis. So recording the admissions
14 and discharges was important from that point of view,
15 because that's the basis on which we were funded.

16 Q. Again then -- sorry -- if I can just go to 5278, there
17 is talk of independent living here and you say:

18 "Phase two was planned to commence this week-end
19 with three boys involved."

20 Now this was something that you yourself introduced
21 into Rubane. Isn't that right, BR7?

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

23 Q. Maybe you could tell us a little bit about how you came
24 to do that. I know it is in your statement, but perhaps
25 if you just want to tell us in your own words how that

1 came about.

2 **A.** Well, I think we were all conscious that at that time
3 young people had to leave residential care when they get
4 to 16. Some of them went into hostels, you know, and
5 that was okay. Others went into families, but then
6 there were other children didn't have anywhere, would
7 have to be placed in private accommodation, you know,
8 flats. I was very conscious -- I think we were all
9 conscious this was quite a step for them to take at that
10 age. I checked around with some other places.
11 Barnardo's in Belfast had a scheme going, independent
12 living scheme. So I went and visited that and just got
13 some ideas from it. At that time we had a chalet that
14 was vacant, because the numbers had gone down. So we
15 decided just to use that as an opportunity to give young
16 people the chance, first of all, living on their own for
17 a week and basically they were given a budget to go and
18 buy their food and shopping, and once during the week
19 they prepared a meal at which their houseparents were
20 invited and their key worker. So that was
21 an opportunity for them just to get to know how to buy
22 things, the cost of things, how to cook, how to cater
23 and be a host, if you like. Also the issue about living
24 on their own, what that felt like, so they would hold
25 a more realistic view what it was like to go out, you

1 know. They also had more freedom in terms of their
2 social life. Obviously that was a balancing act,
3 because you had some people maybe abuse that, but that
4 was part of learning. They had to learn there were
5 consequences if they didn't make proper use of it, you
6 know. So we did that for a number of young people for
7 one week. I think this here we decided then to extend
8 it to a month for some of the boys who were approaching
9 that age.

10 Q. How long did that if I can call it an experiment --
11 I don't mean it -- but it didn't really work out
12 terribly well ultimately, did it?

13 A. Well, it worked out, but I think it was dependent on us
14 having the space to do it. I think what happened our
15 numbers actually increased and we did open the chalet.
16 So we didn't have the space to continue the experiment,
17 if you like, but I think all of the boys who were at
18 that age who needed that experience had got it at that
19 stage. So I think it had served its purpose for that
20 period.

21 Q. Just one other thing before I leave the minutes
22 altogether. There is -- at 5280 to 5281 we will see
23 there is a meeting of the heads of unit in and
24 then nothing until . So I take it we can
25 take from that there would not have been these meetings

1 during the summer?

2 **A. That's correct. July and August would have been holiday**
3 **time and there would have been a lot of activities going**
4 **on with young people living away for periods.**

5 Q. One other thing just before I should -- there is one
6 other last minute just to look at, 5284. This records
7 for the first time the social worker from Down & Connor
8 Social Services was there, Mrs P. Richardson. Now you
9 do talk about her in your statement, but this was the
10 first time in that she actually attended
11 one of these heads of unit meetings. Did that then
12 become a regular occurrence for her?

13 **A. Yes. She attended the meetings after that. That might**
14 **have been her first time coming to the -- because that**
15 **had only started. I was a year -- at least a year in**
16 **the place before that started I think.**

17 Q. Before she would have started in the job or --

18 **A. Yes.**

19 Q. And then you also just in that -- if we can scroll down
20 through that page, there is mention of the key worker
21 concept:

22 "Mrs Richardson invited from Harberton
23 House to talk on the subject. It was agreed in
24 principle to adopt the system and adapt it to local
25 needs."

1 Now the Inquiry has heard from in the
2 previous module in relation to the homes in Derry?

3 **A. Uh-huh.**

4 Q. He came specifically down to Rubane to tell you all
5 about this key worker concept. Is that correct?

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

7 Q. Certainly this minute seems to record that there was
8 a willingness to adopt the system.

9 **A. Yes. It was adopted, you know. The key workers then**
10 **were the ones who wrote up the reports, you know, for**
11 **the reviews, you know.**

12 Q. Each boy then would have been assigned a key worker
13 within the home.

14 **A. That's correct.**

15 Q. Now if we can just go back to your statement at
16 paragraph 13, which is at 5266, 5266, this -- in
17 paragraph 13 and over the next page you recall your
18 memories of particular houseparents.

19 You talk about DL378:

20 "... who was brilliant and made life in the home
21 very special for the boys. A gifted cook and indulged
22 the boys with treats and birthday cakes.

23 BR5 was a real grandfather figure. He had great
24 insight. My recollection is that all the boys loved
25 him. He was very caring and, if anything, tended to

1 spoil the boys."

2 One other houseparent who was recorded -- two
3 others, in fact, were DL 89 and DL11. Do you
4 remember them as you sit here today and what can you
5 tell us about their roles in the home?

6 **A. I remember DL 89 was --**

7 , but when I arrived in the home, she
8 was on her own with the children. She was very caring
9 for the young people. I think they generally got on
10 well with her.

11 DL11 would have been more regimental in his
12 approach, but strangely enough a lot of the children
13 seemed to appreciate that. I thought it would have been
14 a difficulty, because he had a very -- into routines
15 very much, but it seemed to give them a certain amount
16 of security, surprisingly enough. So they had different
17 styles, but they seemed to work well. Our job I suppose
18 was to try and get consistency across different units.
19 So there was a common approach, but you always had that
20 differences, you know.

21 **Q. Personality differences that you had to contend with --**

22 **A. That's right.**

23 **Q. -- to try to get that consistency of approach.**

24 **A. That's ...**

25 **Q. You talk -- what about the Brothers who were there**

1 during your time? Who else do you remember apart from
2 obviously BR2 and BR5, whom you have mentioned?

3 A. BR10 was there. BR10 was attached to one of the
4 chalets. I mean, he got on very well with the young
5 people generally. He was into a lot of activities, very
6 much into sport and organised a lot of stuff for them
7 and that. He was also into music.

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I mean, that was very good
for them socially, you know, to mix with other young
people, and kept that up over a number of years with
them.

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Q. What about any interaction with the school and the
teachers in the school?

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A. I couldn't recall very much about that, but when
I~looked at the notes, I did see that we did agree that
care staff would attend the teachers' meetings. So that
did happen. I'm not sure -- I can't remember how often
that happened, but there was obviously a spill-over, you
know, from school to the home and from the home to the
school if young people were misbehaving or if there was
difficulties, you know. So it was obviously in our
interests to come together and to try and agree a way of

1 **dealing with issues that arose.**

2 Q. There was a degree of overlap between some of the
3 personalities. You talked about some of the teachers
4 would have stayed behind for after school activities.

5 **A. That's right.**

6 Q. Presumably the chalet staff would have been at those as
7 well then.

8 **A. The chalet staff would have been involved, but some of**
9 **the school staff stayed back and organised -- stayed**
10 **back for an hour or two to organise cross-country**
11 **running or football, whatever it happened to be, you**
12 **know.**

13 Q. One thing -- I didn't actually ask you in any detail
14 about this -- but the corporal punishment returns that
15 you had to make --

16 **A. Uh-huh.**

17 Q. -- to the requisite trusts, we have heard from boys, you
18 know, that there was a fair degree of corporal
19 punishment in the home at this time or certainly in the
20 earlier years. I am not quite clear about round about
21 this time, but certainly one person has complained about
22 BR10's behaviour, for example. Was there ever any
23 discussion with you about what should be returned to the
24 trusts in relation to those allegations by boys?

25 **A. No. I mean, the punishment I would have returned --**

1 I mean, I was asked -- the form asked was corporal
2 punishment administered and how many slaps you were
3 given and who gave them and what the purpose was for,
4 you know. So that was done faithfully as it happened.

5 Q. Who would have given you that information?

6 A. Well, I mean, it would have been -- the only one that
7 was allowed to administer corporal punishment was BR2 or
8 myself. I'm not sure if that appeared in our
9 regulations. You know, I think as time went on we
10 phased it out completely, but even in the early years
11 I was there there was very little corporal punishment.
12 We done it, but, you know, if some incident happened and
13 it was decided they would get corporal punishment, they
14 would have been asked to come to the office, not at the
15 time, but later on when the issue was discussed with
16 them. It wasn't done in the heat of the moment.
17 I mean, it was explained to them why they were being
18 punished and I think young people as well, because that
19 was part of the culture, that you got punished for
20 misbehaving, they nearly expect it. You know, certainly
21 if there was bullying or something and somebody was
22 being punished, the people who were bullied were quite
23 upset if they didn't see the people who had done it
24 being punished. You know, so that was the culture.
25 I know we have moved on from there, but I find it

1 **strange myself to look back and think I was actually**
2 **returning filling in a form saying what punishment was**
3 **meted out, you know, but that was -- that was society at**
4 **the time.**

5 Q. **Certainly your -- you were trying instigate a change in**
6 **ethos away from punishment towards a rewards based**
7 **system for good behaviour to encourage good rather than**
8 **bad behaviour. Is that right?**

9 A. **Yes. I think everybody began to realise, you know, it**
10 **was counter-productive. Punishment wasn't working, you**
11 **know, and other ways could improve the atmosphere and**
12 **negate the need for punishment, you know.**

13 Q. **We talked about -- just going through your statement**
14 **here, you talk about the employment of lay staff being**
15 **a problem. There were grumblings among staff about**
16 **conditions of employment and BR2 worked hard to**
17 **implement some restructuring, particularly around the**
18 **provisioning of pensions for lay staff and make Rubane**
19 **more attractive to work in. Was it difficult to attract**
20 **people to come to work in Rubane?**

21 A. **Later years it wasn't. I think there were more people**
22 **available. We actually recruited some very good people,**
23 **people who had some qualifications, but I think it was**
24 **referring -- the difficulties were to do with the fact**
25 **it was a voluntary home. Funding was obviously**

1 an issue, you know, that staff weren't recompensed maybe
2 what they thought they should be. When I went there and
3 BR2 went there, there was no -- people didn't have
4 contracts of employment. They didn't have pensions.
5 You know, they were people living in the same building
6 as the young people, sharing a flat at the end of the
7 building. So, you know, their children got upset and
8 they got upset when they heard noise when they were off
9 duty. So, you know, their family lives were being
10 disrupted. So those kind of things had to be dealt
11 with. I think we came to the conclusion it wasn't
12 really healthy to have family living in the same
13 building. You know, it didn't really work, even though
14 it might be a good idea, but there were too many
15 conflicts involved. So the people that came later were
16 actually living out. You know, they were people who had
17 done degrees, and they lived in Portaferry and they came
18 in to do their shift. That was it, you know. There
19 were less issues with them.

20 Q. That would have -- those people who were no longer
21 resident in the home themselves, when would that change
22 have come about do you think approximately?

23 A. I think. I think I noted there's a record there
24 in one of the minutes of three or four people being
25 involved when we decided to reopen chalet 3. I think

1 **there were three or four people employed at that stage.**

2 Q. And they would have lived out and come into work?

3 **A. They would, yes.**

4 Q. Paragraph 15 here you say that you are aware obviously
5 that residents have made allegations both of physical
6 and sexual assault. You talk about the civil case that
7 you appeared in as a witness in 2011. You say care
8 staff were trained and advised to document injuries
9 within the individual log books, and you find it
10 difficult to believe that any significant or noticeable
11 injury would not have been noted, recorded and,
12 depending on the circumstances, reported to either you
13 or to BR2. You said care staff were trained. What
14 training was actually available?

15 **A. Well, it wasn't -- there wasn't a lot of training**
16 **needed. I mean, it was just about people using --**
17 **understanding that an injury was a serious issue that**
18 **had to be recorded and basically that they had to be**
19 **told just to record the facts as they were. Do you know**
20 **what I mean?**

21 Q. I think we have seen documents. There was an incident
22 involving a boy and a **DL 395** . Were you there at the
23 time that happened, a stabbing incident?

24 **A. I remember DL 395 . Now I can't say I remember that**
25 **incident.**

1 Q. Certainly there was a lot of documentation around that
2 incident.

3 A. Yes, I would expect that.

4 Q. You would have expected that?

5 A. Yes.

6 Q. The boys you say were well versed in their rights and
7 were not afraid to ventilate them. What do you mean by
8 being well versed in their rights? Were there -- can I
9 ask were there meetings with the boys about things such
10 as what they could expect from staff?

11 A. Yes. Well, I think BR2 did start -- there was a meeting
12 every Thursday I think. It was a kind of an assembly,
13 if you like, and it was just basically a review of the
14 week, and any issues that cropped up during the week
15 were discussed, and also boys had an opportunity to
16 raise things they were unhappy with, you know. So
17 I think when I say they were well versed in their
18 rights, you know, the context at this time politically
19 and what was going on in society, you had people coming
20 from very disturbed environments, you know, and in
21 conflict with the law and all that kind of stuff. So
22 you had people who were fairly outspoken and able to
23 challenge authority if they weren't happy.

24 Q. "Streetwise" is a word that has been used. Would that
25 be a fair description of some people?

1 **A. It would be, yes.**

2 Q. The other point that has been made is within the whole
3 set-up of Rubane you had these streetwise boys coming
4 in, but equally you had children who had been there --
5 had been in an orphanage or another institution before
6 coming to Rubane --

7 **A. That's right.**

8 Q. -- and would not have had these qualities and some
9 people have described it as a toxic mix. Would you
10 accept that?

11 **A. Well, you would have to tease that out, what you mean by**
12 **that, you know, but I can see the very different needs**
13 **of the young people. I think we were in a period of**
14 **transition where a lot of the people who had been there**
15 **as orphans, if you like, were being -- were leaving at**
16 **that stage and you had this new generation coming in.**
17 **So they definitely had different needs. I would agree**
18 **with that.**

19 Q. Would you say that the new generation coming in were
20 more challenging?

21 **A. They were in some ways. In other ways they weren't.**
22 **I mean, they weren't institutionalised. So it was**
23 **easier to work with them. You know, they were more**
24 **streetwise in the sense of knowing what life was about.**
25 **You know, they were -- they weren't set in patterns of**

1 **A. That's right. I inherited that. I think the other man**
2 **had retired. I am not sure what time that happened, but**
3 **I would have been there for a year I would say at least**
4 **as secretary.**

5 Q. In paragraph 17 you talk about Mrs Richardson, this
6 social worker employed by Down & Connor Welfare
7 Association, and:

8 "As part of her role of supporting staff to deliver
9 good standards of care she attended the home one day
10 a week. She would have dropped in from time to time on
11 other occasions."

12 You say:

13 "She was very knowledgeable in respect of child
14 protection and child care generally. She chatted to all
15 the kids informally but individually and spoke to the
16 care workers independently as well."

17 She would have met with yourself or BR2 on arrival
18 each week to tune into any current issues or problems
19 that were affecting staff or children.

20 Can I ask in these discussions with her were you
21 asking for her advice or were you just advising her,
22 "Look, we had this problem, but we have sorted it"? How
23 much of an involvement did she actually have?

24 **A. Well, she very much -- she was very clued into -- as**
25 **I say, she had this independent air. You know, she was**

1 able to go around and chat to people informally and she
2 would pick up things. You know, there could be tensions
3 among staff or between staff and a child or between
4 different chalets or, you know, inconsistencies. She
5 was always a good one to pick that up, you know, and
6 alert us to it. Likewise if an issue had happened while
7 she had been away, I would have let her know about it so
8 she would know to tease it out further or check to see
9 if there was anything that needed to be done, you know.

10 Q. So you had a good working relationship with her?

11 A. Very good, yes.

12 Q. It suggests you considered her input to be very
13 valuable.

14 A. It was indeed. I think the staff appreciated it too,
15 you know.

16 Q. We talked a little bit already about the social workers
17 visiting and those -- where did the visits take place
18 with social workers in the home? If a boy's social
19 worker arrived to see the boy, where did that take
20 place?

21 A. Well, the social worker would generally check in with
22 the office just to say they had arrived. Depending on
23 where the young people were, I mean, they would go over
24 to the chalet and meet with them. It depended again
25 what was happening in the chalet. If they had space,

1 they would maybe use a room there. If it was summer
2 time, they might just walk around the grounds.
3 Occasionally they might have used the house maybe if
4 they needed space to talk. There was no set -- it was
5 quite flexible.

6 Q. I think you said that certainly the social workers would
7 have had open access to the chalets.

8 A. They would have, yes.

9 Q. Do you ever remember saying, "Look, I would like to see
10 some of the bedrooms in the chalet" or anything like
11 that, any social worker ever asking to look or ...?

12 A. I never recall that, but it wouldn't have been an issue.
13 You know what I mean? Any child coming to -- that was
14 thinking of coming to the place would have come to look
15 around first with their social worker. That's one of
16 the things they would have done was seen upstairs and
17 seen where the young person was going to be sleeping.

18 Q. In paragraph 20 you talked about the independent living
19 programme there in paragraph 19, but in paragraph 20 you
20 recall hosting a child care conference at Rubane on
21 "Understanding and Helping the Unattached Child". That
22 took place in which I presume is before you
23 and then left.

24 A. Yes.

25 Q. You recall you basically organised it. I asked you was

1 an element of that to restore faith in Rubane following
2 the whole BR1 investigation?

3 A. Yes. There was an element of that at the back of my
4 mind, you know. I had known Dr Cotter. I worked
5 closely with him and I knew he was a very good speaker.
6 "The unattached child" at the time was a term for
7 certain young people who hadn't a bonding with parent
8 figures, you know. So I felt it was a very appropriate
9 topic. You are right. I did also feel this was
10 a chance for the -- to build the morale of the staff in
11 the home again and just get some appreciation for the
12 work they were doing.

13 Q. Now after you left the Order you have had a long career
14 in the care system. You talked about working there in
15 , but I wanted to ask you with your experience
16 of those years in Rubane and your experience of the
17 statutory sector what you would identify as the
18 differences between the two, if you might.

19 A. Right. Well, there were positives and negatives for
20 both, you know, I felt. I was kind of shocked when
21 I went into the statutory sector how structured the
22 whole thing was and how bureaucratic it was. You know,
23 if I wanted to give pocket money to a child, I had to go
24 to a safe, open the safe, take out the money, have
25 somebody witness it, have somebody sign it and

1 countersign it, you know. I couldn't understand this
2 kind of stuff. So there was a lot of the homeliness
3 wasn't there. There was a lot more institutional
4 approach. On the other hand, the positive things were
5 in a statutory sector you have a whole framework of
6 systems to help you. You know, if you want -- if you
7 want to employ staff, you have got a personnel section.
8 If your roof is leaking, you have got a maintenance
9 section. You know, if you are -- you don't have to
10 worry about budgets. Well, you do, but you don't have
11 to fund raise. You know, there are systems and
12 procedures for everything you can think of. So they are
13 the positives I suppose, but I could also see what was
14 missing was the kind of individuality and personal touch
15 that you had in a voluntary agency, more independence,
16 more freedom to be creative and to go with the flow, if
17 you like.

18 Q. BR7, you will be glad to know I have no further
19 questions for you unless you think there is anything we
20 have not covered in your evidence and you want to say to
21 the Inquiry. Then you have the opportunity to do so
22 now.

23 A. I don't really. Well, just one thing. I don't know if
24 it is appropriate or not, but there is one man --
25 I don't know if it is appropriate to say -- BR6.

1 **I would just like to say he was somebody I admired**
2 **and -- sorry.**

3 Q. You are all right, BR7. Just take your time. You
4 talked about him earlier to me today, that you had been
5 there a long time and you considered him to be
6 a fantastic person.

7 **A. That's correct, yes. So I would just like it to be**
8 **acknowledged. He is not here to do it himself, you**
9 **know.**

10 Q. Okay. Thank you for that. As I say, I have nothing
11 else that I want to ask you. The Panel Members may have
12 some questions for you.

13 Questions from THE PANEL

14 CHAIRMAN: BR7, can I just ask you to go back to when
15 you said that you introduced a more -- or about that
16 time a more relaxed atmosphere was introduced? You said
17 maybe it was a bit less punitive and more constructive.
18 If we look at 5273, the minutes of the meeting of
19 , it is noted there is an over-emphasis on
20 sanctions.

21 Putting those two statements together, what do you
22 mean by over-punitive and too much reliance on
23 sanctions?

24 **A. Well, I think, you know, people get too focused on**
25 **dealing with bad behaviour and the response to that is**

1 to punish, you know. I think it wasn't unusual.
2 I think it maybe is a societal thing. In my own
3 upbringing I would have experienced the same thing, but
4 I think as we have developed and evolved, we have
5 learned that, you know, encouraging and offering --
6 encouraging good behaviour is much more productive than
7 punishing bad behaviour, and I felt, you know, that
8 applied to Kircubbin. You know, there was -- children
9 got pocket money allowances, you know. What tended to
10 happen was for things they did wrong there was a certain
11 amount of money taken off, you know. So you could end
12 up with very little at the end of it, whereas if you had
13 a system whereby they did something positive, you got
14 extra money. You know, it had a much more -- it created
15 a much more -- better atmosphere I think.

16 Q. So, in other words, rather than starting with X and
17 going down with a minus you might start with nothing or
18 very little and work up as a reward rather than
19 a deduction system?

20 A. Yes.

21 Q. I see. Well, I am sure you may be aware that quite
22 a number of allegations have been made that particularly
23 in years before you arrived perhaps that staff were very
24 inclined to engage in excessive physical sanctions; in
25 other words, somebody would get a punch or a clip round

1 the ear or something like that --

2 **A. Uh-huh.**

3 Q. -- or often it is alleged much more serious. Was there
4 any culture when you arrived of Brothers just
5 administering immediate physical sanctions, not --
6 I don't mean so many strokes of the cane or a slap, but
7 just a cuff or a punch or something like that?

8 **A. I think -- I think there might have been -- I think**
9 **there was less of that after I arrived, because there**
10 **had been a Brother had been involved. I think there was**
11 **a case brought against somebody for physical punishment.**

12 Q. Yes.

13 **A. So I think we were much more conscious of this wasn't**
14 **appropriate, you know, but I think, I mean, over my**
15 **years I have come through that culture where it was**
16 **accepted, you know, even in schools, you know, that**
17 **people just reacted. You got a clip on the ear if you**
18 **were misbehaving, you know. The same thing carried over**
19 **I think into residential settings where people weren't**
20 **trained or qualified and maybe weren't -- the**
21 **staffing -- the staffing ratios weren't maybe what they**
22 **should have been. So people were under more pressure.**

23 Q. You mentioned that a Brother had been prosecuted for
24 some physical acts. Were you aware of that? It
25 happened just a year or so before you arrived.

1 **A. Yes, I was aware it had happened. I mean, before it was**
2 **even dealt with I was aware there was a case pending.**

3 Q. How did you become aware? Was it mentioned formally,
4 "We have got to change our way of going", or was it just
5 something that was there, that was talked about
6 informally?

7 **A. It was talked about informally, because he had been --**
8 **you know, he had been in the home just the year before**
9 **that, you know --**

10 Q. Yes.

11 **A. -- and I knew him myself, you know.**

12 Q. Yes. A different thing I would like to ask you about
13 relates to the regulations that are mentioned. You drew
14 our attention to the circular that came out. Now that
15 circular -- excuse me -- is not dated, but there is
16 a reference to it in the minutes in , 5279.
17 Now these regulations had been in effect since

18 .

19 **A. Uh-huh.**

20 Q. One might observe that if it's been mentioned for the
21 first time in the way it was in the minutes that really
22 the Brothers had only just, to be blunt about it,
23 realised that they had these obligations.

24 **A. Well, I would say, I mean, some of them had to be done**
25 **anyway. I mean. you know, the reporting -- sorry.**

1 I can't see the rest of the list.

2 Q. Yes. Just scroll down it a bit.

3 A. I mean, some of them, like the death of any child,
4 I mean that's a pretty obvious one that would have been,
5 you know ...

6 Q. Well, indeed. I am thinking about particularly
7 number 7, the returns each quarter, corporal punishment.

8 A. Yes, they did happen. I mean, I was responsible for
9 doing that myself, you know. So they did happen.

10 I mean, they had to happen.

11 Q. Well, I appreciate in and onwards these are being
12 referred to, but was there any documentary evidence when
13 you arrived that that sort of thing was being done or
14 did you have to put in place that form of compliance?

15 A. No, no, that would have been done, because the home
16 wouldn't have been paid if it wasn't done. Capitation
17 was based on, you know, recording the number of days
18 that the young people were there or weren't there. So
19 that was all on the one sheet. You know what I mean?

20 Q. Yes. Thank you very much.

21 A. Okay.

22 MS DOHERTY: Thank you. Can I just talk again about the
23 issue of the physical chastisement? You were saying it
24 would be yourself and BR2 that would be responsible for
25 doing that. Was that generally understood with the

1 staff? Were they clear that there shouldn't be any
2 physical chastisement except if it came from yourselves?

3 **A. Yes. I can't recall the dates and that, but I think**
4 **that was the position. It may have been in that A to Z,**
5 **but that would have been the position that we got to,**
6 **you know, at some stage. It could have been or**
7 **something, you know.**

8 Q. And is your sense that that was adhered to?

9 **A. It was adhered to, yes, because, you know, we would have**
10 **to record any formal -- any formal punishment, we were**
11 **the only ones that were giving it.**

12 Q. So trying to differentiate between the formal three on
13 each hand for doing something and the kind of reactive
14 clip around the ear, do you think the reactive clip
15 around the ear had completely gone by that stage?

16 **A. I couldn't say for sure. I mean, it could have**
17 **happened. I mean, the only way you would have heard**
18 **about it would be if a child complained, you know, about**
19 **a member of staff who had done something, but it quite**
20 **possibly could have happened, but not in a serious way**
21 **in the sense that someone was hurt or complained about**
22 **it, you know.**

23 Q. Okay, but in terms of you being around the place and
24 observing the way children and staff interacted, you
25 weren't aware of any of that reactive --

1 A. No, no, we wouldn't have tolerated that at that stage.
2 You know what I mean? Respect for the young people was
3 important for us and we set standards ourselves and we
4 expected other people to do it. Now there may be
5 occasions when people didn't do it because they got
6 annoyed or just lost their temper, but as a general rule
7 that would have been our expectation.

8 Q. There's a sense that around the sports field there was
9 quite explosive behaviour at times. Were you aware of
10 that, that that was a source of some physicality in
11 terms of ...?

12 A. I was probably in the middle of some of those events,
13 because I played football myself, so, I mean -- but I am
14 not aware, you know, of violence happening. In football
15 there could have been rough tackles or people losing
16 their temper because of frustration, but not aware of
17 any major incidents.

18 Q. No incidents between staff and boys where, you know,
19 playing together there was an incident?

20 A. There may have been incidents. I'm not sure any one was
21 reported to us, you know. I can't recall now, to be
22 honest with you.

23 Q. Okay. Can I just ask one other thing about the
24 Management Committee, because clearly from about
25 onwards the Management Committee started to have a more

1 regular interest, began to meet. Were you -- you
2 attended meetings of the Management --

3 **A. No.**

4 Q. That was the one that Father McCann chaired.

5 **A. I didn't generally attend those. I think I might have**
6 **when BR2 was away, that period, but he would have**
7 **attended those I think.**

8 Q. When you were acting up into his role --

9 **A. Yes.**

10 Q. -- did you attend then?

11 **A. I attended a number of them I think, yes.**

12 Q. And they tended to visit more in the chalets. Were you
13 aware of their presence?

14 **A. Yes. They would have -- they would have visited**
15 **occasionally. That would have been part of their role,**
16 **to look around and to -- if there were incidents, they**
17 **would have been aware of it, you know. They would have**
18 **been made aware of it. There were issues that were**
19 **causing problems.**

20 Q. I am just wondering as a member of staff what your view
21 of that committee was, how you understood their role in
22 relation to the home.

23 **A. They had an oversight role within the home. I know**
24 **Father McCann would have been -- I think BR2 would have**
25 **linked with him quite a bit if there were serious**

1 issues, you know. In terms of -- I am not sure how
2 hands on they were, I mean, if that's what you mean. Do
3 you know what I mean? Possibly could have been more
4 involved. I think maybe Pauline Richardson was the key
5 to that, you know, that she worked for the Family
6 Welfare Association, of which Father Connor was head,
7 you know. So she was the eyes and ears I suppose that
8 fed him.

9 Q. Okay. Can I just ask a final question? You know,
10 clearly from the minutes you can see the staff beginning
11 to discuss more together how to manage the boys, but as
12 a Brother, as a community yourselves did you sit down as
13 Brothers and discuss the approach to care that you
14 wanted to have?

15 A. We didn't have -- as a community we didn't sit -- you
16 know, there were a lot of retired Brothers with us at
17 that time, but, I mean, myself and BR2, we sat down
18 daily I would say and BR10 as well. You know what I
19 mean? We discussed problem issues as they cropped up,
20 you know, because we had to work very closely together.
21 So they weren't formal meetings in the sense as us -- of
22 us as Brothers sitting. I mean, we would have sat as
23 a member of the team of staff. You know, we didn't
24 separate us out from them in terms of the --

25 Q. The Care.

1 A. -- care of the home, you know, but we did discuss among
2 ourselves all kinds of issues, you know.

3 Q. And would you have discussed the issue about BR1 and,
4 you know, the issue about -- would you as Brothers have
5 had a discussion about what that all meant for you?

6 A. I don't know if we did formally. We would have talked
7 about it, I mean, because we always -- you always wanted
8 to believe it wasn't as serious as it sounded, you know,
9 but I don't think we had any formal discussion about
10 that.

11 Q. Or about any of the risks that were associated with
12 looking after boys or ...?

13 A. Well, we all -- I think we all agreed -- I mean, what we
14 knew -- what I knew about the allegations against him
15 were to do with the supervision of young people in
16 showers. I mean, we were all very conscious that was
17 very foolish at the very least and you need to be
18 hyper-sensitive about privacy and all that kind of
19 areas, you know, that you needed to not leave yourself
20 open to allegations of any sort, you know, and we would
21 have stressed that with the staff as well. So from that
22 point of view, you know, that's what we learned from it,
23 you know.

24 Q. Okay. Thanks very much.

25 A. Okay.

1 MR LANE: Did you have any dealings with neighbours at
2 Rubane at all?

3 A. We did, yes.

4 Q. As a result of problems?

5 A. Yes. Well, there were occasions when young people would
6 have run away and maybe broke into neighbouring houses
7 or stole things or -- and occasionally you would get
8 a number running away from school just for -- I mean,
9 the neighbours would know straightaway. You would get
10 a phone call within 20 minutes that they were seen
11 heading for the lough or something, you know.

12 Q. Did you feel that relationships with these neighbours
13 were good or were they problematic because of that?

14 A. The neighbours were generally very good. I mean, there
15 were a good number of neighbours, if you like, working
16 within the home, you know, cooking and catering. So we
17 had a lot of contacts that way, and the church on
18 a Sunday there was a lot of neighbours came to mass
19 there, you know. So we had good relationships. I mean,
20 they understood I think the nature of some of the boys,
21 you know, and even there was difficulties, they were
22 tolerant, you know, and supportive.

23 Q. Just now you mentioned a number of retired Brothers were
24 staying with you. Were they people who had been on the
25 staff previously or did they come from other parts of

1 the Order?

2 **A. Some had been on the staff I think, yes. There was one**
3 **I think -- one did the accounts. He was retired**
4 **I think, but he did the accounting.**

5 Q. Did they live in the main house?

6 **A. They lived in the main house yes.**

7 Q. Did they join in with the activities of Rubane generally
8 or were they really fairly separate?

9 **A. No. One did gardening. He used to cut the lawns. That**
10 **was his main job, you know. The other one didn't -- he**
11 **wasn't active. I think he had been active. I think he**
12 **had worked on the farm, but I think he retired. When he**
13 **retired, he retired.**

14 Q. Thank you.

15 **A. Okay.**

16 CHAIRMAN: Well, BR7, I am sure you will be relieved to hear
17 those are all the questions we have for you today.

18 Thank you very much indeed for coming to speak to us.

19 **A. Okay. Thank you.**

20 **(Witness withdrew)**

21 MS SMITH: 2 o'clock then, Chairman, or ...?

22 CHAIRMAN: Yes. We will sit as close to 2 o'clock as we can
23 manage.

24 (1.05 pm)

25 (Lunch break)

1 (2.00 pm)

2 WITNESS B2 (recalled)

3 Questions from COUNSEL to the INQUIRY

4 MR AIKEN: Chairman, Members of the Panel, the next witness
5 today is BR2, BR2, who is "BR2", and, as you know, he
6 gave evidence to you the week before last when we
7 finished our last sitting. He is -- I don't know
8 whether, Chairman, you want him to take the oath again.

9 CHAIRMAN: No, that's not necessary, Brother. You are still
10 under oath as a result of the oath you took on the last
11 occasion.

12 **A. Thank you.**

13 MR AIKEN: And you want to continue to preserve your
14 anonymity?

15 **A. Yes.**

16 Q. We drew attention to them on the last occasion, BR2, and
17 I'm just going to mention them now. You have given two
18 witness statements to the Inquiry. The first is
19 a general statement to be of assistance to the Inquiry.
20 That begins at 1032 through to 1086. The exhibits for
21 that statement run from 1087 through to 1175. It is
22 that statement that I am going to concentrate on today,
23 because your second statement to the Inquiry, which runs
24 from 1929 through to 1945 with exhibits from 1946
25 through 1974, is the statement where you dealt with the

1 allegations that you faced and you have responded to
2 those specifically in that second statement. On the
3 last occasion you adopted both the statements as your
4 evidence before the Inquiry.

5 **A. Yes.**

6 Q. Just to recap very briefly, you were born on
7 and are now aged . We looked at your CV of
8 your time in the Order, which can be found at RUB935.
9 Just to summarise, that you came to Rubane on
10 or in around , aged ,
11 and you stayed initially until , aged ,
12 and with a period through to
13 as
14 until , when you arranged
15 for the breaking up of that set of responsibilities.
16 Having left in and being replaced by BR1 as the
17 , you returned
18 in and you remained there to
19 . You eventually then became

20
21 and , and that was during the second set of trials
22 that affected the Brothers. Does that long diatribe by
23 me summarise the chronology accurately?

24 **A. I think you have been pretty accurate.**

25 Q. What I want to address, first of all, BR2, if I may, if

1 we bring up 1035, you mention in paragraph 12 -- and, as
2 you know, BR2, there is a lot of material that we are
3 going to try to move through. So I am going to try to
4 do that at pace, but if at any point what I am saying
5 causes any difficulty, just indicate, and if at any
6 stage you need a break, just indicate.

7 In paragraph 12 you draw attention to the financial
8 arrangements and how essentially that settlement that
9 was arrived at between the diocese and the Order was
10 like a millstone round the neck of the home. You
11 indicate that:

12 "I understand that BR19 was completely unaware of
13 these negotiations until it was too late and he had deep
14 reservations about them. His reservations were well
15 founded, as the financial arrangements became
16 a millstone around the neck of the Brothers."

17 So you have come to know, as I understand it, at
18 a later date, and I was asking you earlier how, and you
19 were saying it was BR6 told you of the views of BR19
20 about the Rubane scheme and the reservation he had about
21 it.

22 **A. Yes. BR6 told me during the course of my time in Rubane**
23 **House that BR19 was totally against the agreement that**
24 **had been drawn up with regards the financial**
25 **arrangement.**

1 Q. Was he happy or content with the fact that -- I have
2 tried to use it in this form. If you imagine you have
3 got the community of Brothers, on one hand, and then you
4 are moving into a school to teach and then returning to
5 the community, on the other, this was a structure that
6 was cheek by jowl, if you like, Brothers living with the
7 children. Was he happy at that structure or was it his
8 unhappiness was just focused on finance?

9 **A. I think his main problem at the time was the financial**
10 **arrangement that was made. It was a little bit out of**
11 **the ordinary that the Brothers would be living in the**
12 **same campus as the boys themselves, but I think it was**
13 **the financial arrangement that he objected to mostly at**
14 **the time.**

15 Q. And essentially your comment about that is that the
16 Order had to pay this loan back for the property that
17 was purchased by the Bishop, but you never owned this
18 property.

19 **A. The Brothers never owned the property at any time and it**
20 **was only in 1971 or '72 when the full loan was paid**
21 **back.**

22 Q. Was settled by some form of remittance --

23 **A. Yes.**

24 Q. -- in respect of some of the interest. I think by that
25 stage you had paid --

1 **A. Quite a large amount.**

2 Q. -- a significant amount of interest.

3 What I want to ask you then is when you arrive in
4 , you say in paragraph 9 of your general
5 statement at 1034 that you were dismayed that the
6 facilities were inadequate. You had explained in your
7 evidence on the last occasion you had come from teaching
8 in a school in to this new environment and you
9 describe then in paragraph 10 how staff levels were are
10 insufficient. The staff were over-worked. Essentially
11 they were working 24 hours a day, those staff that were
12 there --

13 **A. Yes.**

14 Q. -- and there was overcrowding on the site?

15 **A. That is what I found. I had come from a primary school**
16 **in where the school closed at 3.30, took**
17 **activities if we wanted to after that, but when I went**
18 **to Kircubbin, Rubane House, I discovered I wasn't told**
19 **that I would be taking extra curricular activities or**
20 **doing work at weekends, and that's what I found, that**
21 **not only had I a teaching post, but I also had to**
22 **supervise boys after school, at weekends, during holiday**
23 **times, and that was quite a change for me and it was**
24 **because staff were not available. It was under-staffed**
25 **and we were called in to do this extra work on**

1 **a voluntary basis.**

2 Q. You weren't there at the time, but the Panel has seen
3 the material to show that the Ministry, in fairness to
4 the Ministry of Home Affairs, at the time was writing
5 constantly saying, "No more boys. No more" and at the
6 same time I think by that stage it was BR17 was having
7 more boys in, because there was this tension between the
8 numbers who should be in a children's home in theory and
9 an intermediate school that certainly either the
10 Brothers, or the Brothers and the diocese, or the
11 diocese were keen on establishing. So you have got that
12 conflict, which was pushing numbers up, and the Ministry
13 writing to stop the numbers, and you are coming in in
14 and saying, when you got there, it was still
15 overcrowded.

16 **A. It was. That is correct.**

17 Q. At that stage -- I was asking you earlier -- you weren't
18 basing that on any understanding of staffing ratios
19 based on studies that you were aware of. That was just
20 your feeling, your sense in the place, that it was just
21 overcrowded.

22 **A. Absolutely overcrowded, yes. Dormitories were**
23 **overcrowded. The facilities, the dining room too small.**
24 **The laundry, the washing, showers were inadequate in my**
25 **opinion, were very primitive in every way.**

1 Q. We know that things changed substantially in terms of
2 the fabric in with the chalets being developed,
3 but I want to ask you about staff ratios, because you
4 make the points through paragraphs 21 to 23 at 1038 and
5 9, if we just scroll down to that, please, that the
6 staffing ratio was not sufficient and you make reference
7 to the Williams report and the Castle Priory report from
8 1972. Now am I right in saying your awareness of these
9 types of reports was more from your time after you
10 became the officer in charge and perhaps even further
11 down the line than that as opposed to being aware of it
12 in

13 **A. If my memory serves me right, the Williams Committee**
14 **came out around 1968.**

15 Q. '67.

16 **A. '67, and the --**

17 Q. Castle Priory.

18 **A. -- Castle Priory 1972. I remember we went on a course,**
19 **BR6 and I went on a course in 1972 -- I think it was**
20 **held in Newcastle, County Down -- to give the outline of**
21 **the Castle Priory report, and we looked at each other**
22 **and we raised our eyes to heaven that we just did not**
23 **compare with what the Castle Priory report was**
24 **recommending and what was actual on the ground in**
25 **Rubane.**

1 Q. The staffing numbers were entirely inadequate in
2 comparison to what Castle Priory was recommending.

3 **A. Totally.**

4 Q. I was raising with you earlier the theory of the staff
5 ratio wasn't new, because the 1952 Home Office memoranda
6 -- and we will come back to that later, because you
7 address it in your statement and you found it in the
8 files in Rubane after you became _____ and
9 were aware of its content -- but it envisaged staffing
10 ratios of 1:5, 1:6, and that's back in 1952. So it
11 wasn't a new concept in terms of the number of staff
12 there should be for the boys, but that simply wasn't the
13 case in Rubane certainly until well after the
14 introduction of the chalet system.

15 **A. That's correct.**

16 Q. In terms of staffing was that an issue that was ever
17 really firmly grasped by those who were ultimately
18 responsible for running the home? What I mean by that,
19 if I can give you some context, that you are saying you
20 found the staffing to be inadequate. Ultimately you
21 became _____. You know, were you ever
22 in a position to go and say to the Governing Board,
23 "Look, you are asking us to do an impossible job here.
24 This is -- you haven't given us enough people. We
25 shouldn't really be doing this. If you can't give us

1 the right amount of staff, we shouldn't be running the
2 home"? Were those type of frank exchanges ever
3 possible?

4 **A. I think they only came up at the governors' meeting,**
5 **which was held once a year, and staffing issue would**
6 **have been talked about and I would have told the**
7 **governing body that our staff level was too low. We**
8 **needed people qualified as well and ...**

9 Q. What did they do to sort it out for you?

10 **A. I don't think they did anything.**

11 Q. Was there a difficulty in getting enough Brothers to
12 staff the home?

13 **A. There was always a difficulty in getting Brothers to**
14 **staff the home.**

15 Q. Was that more to do with the Irish province itself?
16 There just wasn't the personnel to cover all of the
17 things that the Order was doing?

18 **A. Well, most of the Brothers were teaching in schools at**
19 **the time and very few Brothers were interested in going**
20 **into child care as such, and from time to time maybe**
21 **a young Brother would have said or indicated that he**
22 **would like to become involved in child care, but they**
23 **were very few and far between, and so we relied mostly**
24 **on elderly Brothers, Brothers who had retired from**
25 **teaching, who had some experience, but honestly they**

1 weren't fit for that purpose, because they were getting
2 on in age and it wasn't fair to them I think, and also
3 it was unfair to young men coming out of training -- or
4 whatever formation I should say, not out of training,
5 that it was unfair to send them to a home where I got
6 a culture shock -- a shock when I arrived in the home
7 myself as a qualified teacher. So there was a shortage
8 of people to come to the home among the Brothers.

9 Q. Eventually there was a cultural change in the approach
10 in that whenever the chalets came in and with the
11 introduction of lay or civilian staff on the care side,
12 there were always civilian staff maybe doing domestic
13 duties in the home prior to , but the
14 introduction of the chalets brought with it then more
15 civilian staff doing care work.

16 A. We thought that was a great advance.

17 Q. The same type of issues. I am not sure whether we
18 ever -- whether you consider you ever got to the point
19 of having a staff ratio that was what Castle Priory had
20 in mind, whether that was something that was ever really
21 achievable in the Rubane setting or it got better by the
22 introduction of the chalets, but it did ever get to
23 a point where you said, "I have got adequate staff here
24 for what ideally we are supposed to have"?

25 A. I think we always struggled having the staff ratio staff

1 -- ratio until , where I think it was recognised by
2 the Social Services and the Department that we were
3 under-staffed, and I remember in that the
4 funding for the home leaped from £55 to 100 and
5 something in one year and that was to pay for extra
6 staffing.

7 Q. I think that was moving to £104. I know the Inquiry
8 will hear from a witness who will talk a little bit
9 about that tomorrow, not necessarily in agreement with
10 the reasons you are ascribing to the change, but we will
11 come back to that.

12 The -- one of the matters that you highlight in your
13 statement at paragraph 11, 1035, you talk about the type
14 of boys that were being brought to the home. You say
15 that the majority of these boys had serious emotional,
16 educational and behavioural problems. We touched on on
17 the last occasion, BR2, you had not really been given
18 any specific training in how to deal with that as
19 someone working in a children's home. You had some
20 knowledge from your ESN educational training, but you
21 were coming into an environment with these types of
22 difficulties and training really wasn't on anyone's
23 agenda at this point in time.

24 **A. That is correct. We learned by experience.**

25 Q. I was asking you earlier what steps you could recall the

1 Governing Board taking to equip you for working with
2 children of this type and you were saying to me again
3 not really anything.

4 **A. The Governing Body didn't suggest anything. We took the**
5 **initiative ourselves. I attempted to get into a course**
6 **in Newcastle-on-Tyne and I wasn't accepted in that**
7 **particular course. I think it was about or**
8 **when I felt that qualification would be necessary.**
9 **I did an in service course myself one day a week in**
10 **when I was , and when**
11 **-- in ' we released members of staff to attend**
12 **on a one day release course and nearly**
13 **every year we released members of staff to follow that**
14 **particular course, which was helpful.**

15 Q. At the time you are talking about in the late you
16 had a course in Newcastle. There was another version
17 happening in Bristol, maybe slightly different
18 approaches, but that was something you looked to do, but
19 the opportunity then wasn't there for you to do it.

20 **A. That is correct.**

21 Q. But you did the in-house --

22 **A. I did an in service course.**

23 Q. In service course.

24 **A. Yes.**

25 Q. The other point you make about the type of boy, BR2, you

1 say in paragraph 28, if we can look, please, at 1041,
2 that the other children that arrived into the home from
3 the welfare authorities -- so you have boys coming from
4 -- the Nazareth boys, as it were, the annual movement
5 through from Nazareth Lodge, which continued up until
6 about , if I am -- 3. Then you also had boys being
7 placed there by various welfare authorities and
8 subsequently various boards. That mix -- you say over
9 time the welfare boys increasingly constituted boys
10 whose family had accepted placement into care as
11 an alternative to criminal charges or boys actually
12 charged with criminal activity. So boys with increasing
13 levels of behavioural problems that were being
14 introduced into Rubane and mixing then with boys who had
15 come from Nazareth, who perhaps had no family behind
16 them, but didn't necessarily have the same levels of
17 difficulties as boys who were being placed there by
18 welfare authorities and boards.

19 **A. Well, prior to the Nazareth Lodge boys had been**
20 **brought up in an institution all their lives and they**
21 **had their own particular issues, particular problems,**
22 **whereas the boys who came in from the welfare or the**
23 **probation or education, they had far different problems,**
24 **far different -- they were streetwise. They had come**
25 **from homes that were disruptive. One or two occasions**

1 I remember a boy had come from parents or the mother in
2 particular -- she ran a home -- prostitution.

3 Q. Brothel.

4 A. Brothel, yes. That's the word I'm trying to think of.

5 They brought all those problems with them to the home
6 and mixing then with the Nazareth Lodge boys, who had no
7 experience of home life, or even during the Troubles
8 they had no experience of that either. So there was
9 a bad mix there. The boys from Nazareth Lodge, they
10 considered themselves as family and they generally kept
11 to themselves as much as possible whereas the other boys
12 then brought in issues with them and it wasn't a very
13 good mix.

14 Q. The way the home -- the point I should say I was making
15 to you earlier, just to put it in context, this mix that
16 you talk about, which got worse over time and it was far
17 from ideal, when the home was set up -- and we looked at
18 this during the first week -- BR60 actually wrote to the
19 welfare authorities in 1950 and invited them to send
20 children to Rubane in addition to those who were making
21 the move from Nazareth Lodge. So this mix, as it were,
22 had always been there to some extent. I think the point
23 you make is it became an increasingly disproportionate
24 number of welfare boys with additional difficulties
25 coming in alongside a lesser number as time went on of

1 Nazareth Lodge boys. Is that a fair characterisation?

2 **A. That would be a fair characterisation. Yes, it would**
3 **have been at the beginning that the vast majority of the**
4 **boys would have been from Nazareth Lodge. From**
5 **onwards the boys from Nazareth Lodge stayed in Nazareth**
6 **Lodge to be kept together except for maybe one or two**
7 **who might have been sent to us because they were out of**
8 **control in Nazareth Lodge, and the vast majority after**
9 **were from the welfare or education.**

10 Q. I suppose, having identified that as an issue, what was
11 done to try and manage that or to avoid it being
12 an issue? I suppose it resolved itself when the
13 Nazareth Lodge boys stopped coming, but other than that
14 there wasn't really any steps taken to fix that mix. Is
15 that fair?

16 **A. Well, none of the Nazareth boys were there any more**
17 **except for maybe two or three, as I said, who the**
18 **Sisters asked us to take them in, because they had gone**
19 **out of control in Nazareth Lodge.**

20 Q. So again Rubane was being seen -- and we are going to
21 look at this in the context of the approach of the
22 welfare authorities, but even with Nazareth Lodge, post
23 the annual movement which stopped, you were
24 still asked by the Sisters to take the most difficult
25 children?

1 **A. They would be very, very, very few. I can only recall**
2 **three or four at the very most. HIA 41 was one.**

3 **HIA 149 was another. I think DL59 was another.**
4 **They spring to mind.**

5 Q. So it was seen by the Sisters as a place for the more
6 difficult children to go, if necessary?

7 **A. But not only the Sisters. Other homes as well.**

8 Q. I am going to come to that now --

9 **A. Okay.**

10 Q. -- because one of the points you make in paragraph 90 at
11 1068, you say it seems Rubane was seen over time as
12 a place of last resort, the last stop, as it were,
13 before Training School Orders in effect. In fairness to
14 you the Inquiry heard me open material from the Western
15 Board referring to one boy who was being sent and the
16 discussion with his mother was that this was the last
17 hope. They would send him to Rubane as opposed to him
18 ending up in a training school. You say elsewhere in
19 your statement that the disciplined regime that Rubane
20 offered was seen as an attraction by welfare authorities
21 and subsequently boards, that it was seen as a positive
22 thing about Rubane that it was a strict place with
23 a school on site for difficult boys to try to avoid them
24 moving further into difficulties associated with ending
25 up with Training School Orders.

1 ultimately the arrangement was that the nomination for
2 the officer in charge or the Brother Director of the
3 community came from the Provincial, but ultimately the
4 appointment was that of the Bishop. He had to
5 copper-fasten the appointment.

6 **A. That is correct.**

7 Q. You contrast then the role of the religious superior,
8 who -- they were the administrators of the schools and
9 the institutions except for those controlled or owned by
10 the diocese. You say the De La Salle Boys' Home was
11 both owned and administered by the Board of Governors
12 under the chairmanship of the diocese, and the Brother
13 Provincial, if we just scroll down, had no
14 administrative powers within the home except to nominate
15 the person in charge.

16 I was asking you -- you set out to the Hughes
17 Inquiry and you have exhibited the draft version of
18 this, which we will come back to for other reasons, to
19 your statement. If we look at 1117, please, where you
20 are setting out -- just maximise the page then for me --
21 the responsibilities of the officer in charge with
22 particular reference to homosexual offences or
23 misconduct, physical abuse.

24 "It is the duty of the officer in charge to
25 investigate all incidents of misconduct reported to him

1 or observed by him. If there is the slightest hint of
2 irregularity, he immediately informs:

3 The Chairman of the Board of Governors (prior to
4 1977).

5 The Chair of the Management Committee."

6 That's presumably post 1977, more towards 1979.

7 "The Health & Social Services Board social worker.

8 The Department of Health & Social Services.

9 The Brother Provincial (if a Brother is involved).

10 Thereafter he takes instruction from the Management
11 Committee or the Brother Provincial (in the case of
12 a Brother)."

13 So it seems that you were taking your lead from the
14 Governing Board, and in order to make changes to the
15 home, could you do that yourself? For instance, you
16 came to work on getting a play hall built, getting grant
17 for that from the Ministry of Home Affairs, later the
18 Department of Health. Did you have the power yourself
19 to decide, "Right. I am going to build a play hall"?

20 **A. Absolutely not. It was a recommendation that a play**
21 **hall would be very useful or an addition to working at**
22 **the home, but I put that before the Board of Governors**
23 **to be approved. Also any financial output, I would have**
24 **to get approval for that. There was an occasion when**
25 **the Sisters were employed in the home. We had to get --**

1 BR6 had to get permission from the Bishop and the Board
2 of Governors to appoint the Sisters to the home.

3 Q. That was in the .

4 A. So there were occasions when I did have to
5 go to the Bishop about matters. For example, when
6 the -- well, this -- you talk about this there, but
7 there was another occasion when I had -- I phoned the
8 Bishop to make him aware of what was happening.

9 Q. That's the incident involving one of the --

10 A. One of the houseparents.

11 Q. -- lay staff.

12 A. Yes.

13 Q. We will come back to that as we go. So just to check,
14 you did write annual reports to the Governing Board,
15 which you then presented at the Governing Board meetings
16 from your time, from through to

17 A. That was done each year with a financial report. The
18 progress reports we might call them or the annual report
19 would have consisted of maybe three or four pages.

20 Q. Unfortunately I was saying to you we have got some from
21 the and a couple from the , but we have none of
22 your reports from to . You have not seen them in
23 a long time. Is that ...?

24 A. I have not seen them since I left the home.

25 Q. It seems unfortunately none of them have survived to

1 make their way to the Inquiry.

2 We talked on the last occasion about what training
3 the Governing Board gave you taking on the role of
4 running the home which had approximately 70 children and
5 then a reducing number over the years. You said there
6 wasn't really anything given to you.

7 **A. There was no training set up by the Board of Governors.**

8 **I just learned from my experience from to , my**
9 **experience in the home, but that was the only training,**
10 **if you can call it that, in preparation for taking over**
11 **the home.**

12 Q. Then I was asking you when you took over in as the
13 , did you
14 have a copy of the Children and Young Persons Voluntary
15 Home Regulations (Northern Ireland) 1952? You have seen
16 me bring them up on the screen at various times in the
17 last number of months. Did you actually physically have
18 a copy?

19 **A. I cannot recall having a copy, but it may have been in**
20 **the home somewhere, but I cannot recall having it in my**
21 **hands.**

22 Q. One of the questions we were discussing beforehand that
23 flows from that is did you know -- you can tell us at
24 what point you did come to know -- that the diocese, if
25 it is them that is the administering authority, or the

1 Order weren't complying with -- if we look at 288,
2 please -- with the part of the legislation -- HIA,
3 please, HIA288. Can we have HIA288? Well, while we are
4 getting it, what it says in regulation 4 is the duty
5 that's put on the administering authority to ensure that
6 the home is being run in the best interests of the
7 children, and then the sub-paragraph of regulation 4
8 requires that -- and that's 4(2) -- can we bring that
9 up, HIA288 -- that part of fulfilling that obligation
10 was the requirement -- there we are. We can see 4(2):

11 "The administering authority shall ensure each home
12 in its charge is conducted in such a manner and in such
13 principles as further the well-being of the children in
14 the home. The administering authority shall make
15 arrangements for the home to be visited at least once in
16 every month by a person who will satisfy himself whether
17 the home is conducted in the interests of the well-being
18 of the children, shall report to the administering
19 authority upon his visit, and shall enter in the record
20 book referred to in the schedule his name and the date
21 of his visit."

22 That is the events of importance log that's referred
23 to in the schedule. So the central duty, and then the
24 second part of that or the means by which or one of the
25 means by which that duty was to be fulfilled was this

1 person who was to come in and satisfy themselves that
2 the home was being run properly to report to the
3 administering authority about that and to sign off
4 that's what he had done. Did you know at the time --
5 now trying as best you can to -- did you know at
6 the time that is what was supposed to be happening?

7 **A. I did not know that at the time --**

8 **Q. And --**

9 **A. -- as no-one had -- no-one came in to vet what was going**
10 **on in the home at that particular -- as far as**
11 **I remember. Okay. We would have the chaplain, who**
12 **would be independent of the home, that the boys could go**
13 **to and at a later stage the , DL454, who**
14 **became a member of the governing body in**

15 **Q.**

16 **A. , whatever it was, that he would be daily visitor to**
17 **the home to say mass and the sacraments, and he would**
18 **talk to the boys as well individually from time to time**
19 **in the yard or inside in the sacristy or whatever, but**
20 **as regards someone coming from outside the home to visit**
21 **once a month, no, I did not.**

22 **Q. I think, just to get the sequence right, you had the**
23 **up to , which was in the last few years**
24 **DL 140 .**

25 **A. Yes.**

1 Q. Then there was the local priest came in to say mass and
2 engage with the boys from that point on, and I think you
3 may be right that it was more that he comes,
4 someone who was also recorded as being part of the
5 Governing Board, but you at no time had the facility
6 that's being described here. I suppose the question
7 I~am asking you, BR2, as you reflect, if that person
8 whose duty it was to satisfy themselves that the home
9 was being run in the best interests of children, had
10 they existed and they were properly performing that
11 role, would that not have acted as an assistance to you
12 to deal with difficulties you might have been having
13 and/or potentially look at better ways of doing things?

14 **A. On reflection I think it would have been a tremendous**
15 **asset to have someone come in to monitor the home, to**
16 **give advice, to give guidance and to supervise or to**
17 **raise any issue that needed to be looked at. Towards**
18 **the end of my appointment I did apply to the Down &**
19 **Connor Welfare Society to have a social worker to be**
20 **attached to the home to look at all those issues that**
21 **might arise and for a time we did have a social worker**
22 **appointed to the home, but not on a daily basis, which**
23 **I would love to have someone on the spot to do that.**

24 Q. You had Pauline Richardson, who was the -- worked for
25 the diocese, the Family -- Catholic Family Welfare

1 Society, worked to Father O'Connor, Father John
2 O'Connor, and then would have come into the home to
3 assist, but not on a permanent basis.

4 **A. Yes, she is the person.**

5 Q. And that was towards the end of your time in .

6 **A. Yes.**

7 Q. Did the Governing Board ever raise with you -- you
8 didn't know about it. You didn't have the awareness of
9 the regulation, but you are going to the Governing Board
10 each year. Did they ever raise with you about the
11 monthly visitor, the fact they were not doing it, and
12 why they were not doing it and so on?

13 **A. That was never raised with me at any time.**

14 Q. Can I ask you this question: you are performing the role
15 for years. During that time
16 you see almost annually or in and around annually
17 an Inspector from what was the Ministry of Home Affairs
18 and then became the Ministry of Health and then the
19 Department of Health. Did those inspectors ever raise
20 with you, "Who is the monthly visitor that's checking on
21 this central issue?"

22 **A. It was never raised with me by anyone, Miss Forrest, who**
23 **represented the Home Affairs and later on the Department**
24 **of Health & Social Services. That particular issue was**
25 **never raised with me. Other issues were raised as**

1 **regards staffing level and all that stuff, but that**
2 **particular issue of monthly visits was never raised with**
3 **me.**

4 Q. Now new regulations came out of the same title. They're
5 the same as the '52 regulations except for the change to
6 1975 and save for some addition of a schedule that was
7 bringing two sets of regulations together. They begin
8 at HIA444 and they have the same obligation recorded in
9 445. Now when these regulations come out, are you --
10 does anybody give you a copy of them?

11 **A. I'm sorry. Could you repeat that again?**

12 Q. Yes. On the screen, BR2, is the set of regulations from
13 1975 that replaced the set from 1952, and these
14 regulations come out after the Children and Young
15 Persons Act of '68 has been passed. They are
16 effectively the same as the 1952 version except for some
17 minor changes. Just did you ever -- were you ever given
18 a copy of these by anyone on the Governing Board or --

19 **A. Not by the Governing Board, but my recollection now that**
20 **I did see a copy of that regulation, and we did try to**
21 **fulfil all the obligations as regards admissions and**
22 **discharges, medical care, etc.**

23 Q. Well, it has the same -- if we just scroll down to the
24 next page, it has the same regulation 4, as it were. It
25 has the same core principle in regulation 4(1) and then

1 in 4(2) how that general obligation is to be at least
2 met to some degree by this system that envisages
3 a person coming in and writing a report to the
4 administering authority and so on. If you had this set
5 of regulations, was there ever a discussion about the
6 fact that -- you might be doing the various other things
7 in the regulations, as you have discussed, keeping the
8 admission record, keeping the medical notes and so on.
9 Was there ever any discussion about the fact this
10 regulation was not being engaged with?

11 **A. It was never raised with me by the governing body, if**
12 **that's what you mean.**

13 Q. You have pointed out in your statement, BR2, in
14 paragraph 99 at 1071 that the Hughes Inquiry did look at
15 this, essentially looking at the period
16 which is what it was looking at in terms of Rubane. If
17 we can bring up HIA920, if that's possible, and
18 paragraph 10.18, we can see the point is made:

19 "We are bound to conclude that the Board of
20 Governors did not meet its obligations to arrange for
21 visits and reports under the '75 regulations. Indeed,
22 we found no evidence that the Board actually recognised
23 that these obligations existed, one manifestation of the
24 fact the Board of Governors relied so heavily on the De
25 La Salle Order for the running of the home it allowed

1 its own functions to become partly nominal."

2 Then they are referring to that less formal
3 monitoring that you are describing by the local priest
4 coming in and later I think Father McCann used to come
5 more regularly into the home.

6 What I want to do then, BR2, is to look at the issue
7 of sexual abuse by staff. I am going to begin that now
8 and then perhaps, subject to the Chairman, if we take
9 a break in 15 minutes' time, if you are happy to carry
10 on, BR2, for a short period.

11 **A. I can carry on for a short period.**

12 Q. In terms of the sexual abuse of staff we talked
13 beforehand and the Panel has already looked at the
14 Brothers' rule and the constitution, as it were, of how
15 the De La Salle Order was to operate and the common rule
16 and constitution of the Brothers of the Christian
17 schools, the rule of government of the Christian schools
18 and various specific rules that seem to have been
19 devised in order to protect the Brothers and the
20 children that they would be coming in contact with. The
21 examples of that, they were never to receive a pupil,
22 for instance, or an outsider in their bedroom. The
23 reference for that, Members of the Panel, is RUB 1543.
24 There were a number of provisions about glass panels and
25 doors and so on, so visually one could see what was

1 an inquiry. If we look, please, at RUB220, he is
2 conducting an inquiry into the abuse that BR14 was said
3 to have perpetrated and admitted to. This is his report
4 to the Ministry of Home Affairs. There are issues to
5 the extent to which this report was fulsome to the
6 Ministry, but what he says if you can see in I think it
7 is the fifth paragraph down:

8 "I arrived on and on the same day
9 I interviewed each member of the staff."

10 Were you ever interviewed about BR14, what might
11 have been happening involving him?

12 **A. I had never been interviewed by BP1 about anything about**
13 **BR14, and looking back on it now, I suppose I wasn't**
14 **interviewed by him**

15 . So
16 **I wasn't even ware that BR14 at that stage**

17 .

18 Q. And you explain, if we can look at RUB1076,
19 paragraph 113 of your statement -- you set out how you
20 recall finding out about this and that is essentially
21 you were having a walk with BR6 in the autumn of
22 and he told you what BR14 had done and that you were
23 aware, without going into great detail about it, that
24 there was a sexual offence, and that if BR14, who had
25 conceded the allegation, returned, then he would be

1 prosecuted. He told you that Miss Forrest had been
2 involved in an investigation and you say here you were
3 shocked by the revelation. Was this the first time you
4 ever become aware of a Brother sexually abusing a boy?

5 **A. This was the first time ever and I was really shocked to**
6 **hear it. I couldn't understand it, because I had never**
7 **come across anything like that in my life before.**

8 Q. I am going to try and -- we were using Richter scales
9 earlier. This was an earthquake.

10 **A. It was an earthquake for me. I was totally shocked by**
11 **this, that a Brother would abuse a boy. I just couldn't**
12 **understand it.**

13 Q. Now what I want to ask you is did BR6 as part of these
14 discussions or this discussion you were having about
15 BR14, did he tell you about the problems with BR17 in
16 ?

17 **A. It was never mentioned. I never knew about BR17.**

18 Q. Now in fairness to BR6, whether he knew about it or not
19 we are not going to know, but if he did know about it,
20 he didn't tell you about it?

21 **A. He certainly did not. I knew nothing about BR17 at the**
22 **time.**

23 Q. When you became

24 , BP1 was
25 still the Provincial until the following year of .

1 He had been the Provincial since . So he'd been
2 through BR17, BR14, in fact, as we now know, BR21 in
3 . Did he tell you of those various sexual abuse
4 allegations or incidents that he had become aware of as
5 part of helping you to be alert or more alert about this
6 as an issue?

7 **A. It was never raised with me at any time by BP1. If he**
8 **had told me, certainly I would be on my guard. We would**
9 **say like the red light would have gone up with me, but**
10 **BP1 never ever mentioned anything about sexual abuse to**
11 **me before I was appointed.**

12 **Q.** Why I raise those issues, if you can imagine, if you can
13 try and take yourself back to through to , just
14 before you become , you have got BR14 on
15 his own, as it were, as one incident, suggestion of
16 involvement with one boy, and therefore, as the
17 Department has pointed out in its statement as to its
18 knowledge and how it might have reacted, how you might
19 view that would be different from if you had the
20 knowledge that there was more than one person and more
21 than one boy that this might have happened to.

22 **A. I would have been absolutely shocked out of my mind that**
23 **such a thing would have happened. I would absolutely**
24 **feel dreadful about it that boys would have been abused**
25 **in such a way. One boy was bad enough, but to have**

1 a number of boys abused, I would be -- I would be
2 ashamed of what had happened, if I had been aware of it.

3 Q. And basically he didn't tell you of those other matters?

4 A. No, he did not.

5 Q. Now you mention BR15 then in your statement and you talk
6 about him -- if we just scroll down on to the next page

7 -- you talk about him over three paragraphs and how

8 essentially you worked with him for years between

9 and him leaving in . He left in

10 before you became . You appear to

11 say here, BR2, and doing the best you can, that you did

12 find out about this, that he faced an allegation of

13 having sexually abused a boy, and you knew about that

14 before he left because of the interaction between BR6

15 and the Provincial by that stage. It might have been

16 BP 3 actually by that point in time.

17 A. Yes, it was BP 3 .

18 Q. It would have been BP 3 by the time you

19 become -- sorry -- about the time you

20 become .

21 A. That's correct, yes.

22 Q. Let me clarify that. So it wasn't BP1 who might have
23 been telling you this. It would have been Brother

24 BP 3 , if he told you, which he didn't.

25 A. Yes.

1 Q. So BR15, you found out about this again from BR6?

2 A. Yes.

3 Q. Can you recollect how you came to know and what he told
4 you? What were the circumstances that --

5 A. I cannot remember the exact dates. If I had my diaries
6 here, I would be able to tell you, but know he went
7 over -- BR6 went over to Downpatrick to speak to

8 BP 3 --

9 Q. Yes.

10 A. -- and when he came back, BR6 informed me, not as
11 a group, but he informed me privately there had been
12 an allegation made against BR15. Now he did not say who
13 the boy was. I had absolutely no knowledge of who the
14 boy was. It could have been a past resident. It could
15 have been a boy in the home. I did not know and he did
16 not tell me who it was, but he said that an allegation
17 had been made against BR15, and it had been decided by
18 the Provincial to remove BR15 as a pr cautionary
19 measure.

20 Q. And did that come as a further earthquake?

21 A. Of course it came as a shock to me. After working with
22 BR15 from to , I found that very difficult to
23 handle, very difficult to handle.

24 Q. I asked you this question and I am going to ask you it
25 again now. Obviously the Inquiry has heard a lot of

1 allegations about BR15 and the manner in which the abuse
2 is said to have taken place. It was two-fold: one,
3 going into the bedroom and taking a boy out, and you
4 have explained that he had to some extent some cover for
5 doing that, because he was supposed to be putting boys
6 to bed and making sure they didn't wet the bed and so on
7 and so forth. The other way that boys have said to the
8 Inquiry that they were abused was films in what would
9 have been the TT room at this point in time, sitting in
10 a row at the back and him fondling them and so on.
11 I~suppose the question that is obvious when you put all
12 of that together, you spent years with this man,
13 as do the others who are living with you, and you get no
14 inkling that this is what he is doing.

15 **A. I had absolutely no idea of what he was doing there. As**
16 **regards to taking them out of their beds at night-time,**
17 **well, that was one of his responsibilities, to get boys**
18 **who had a problem with enuresis, to get them up at**
19 **night-time. The local community nurse had advised that,**
20 **to get the boys up about an hour after they went to bed.**
21 **Of course, they weren't given any night chocolate to**
22 **drink as well. There were a number of things, but that**
23 **was one of his, BR15's, duties, to get the boys up, to**
24 **bring them out to the toilet and send them back to bed.**
25 **So I did not have any idea. It was just something that**

1 he did and I didn't -- I didn't realise anything was
2 happening.

3 Q. And with the films you -- when he was showing the films,
4 you wouldn't have been there watching the films. Is
5 that right?

6 A. I would not have been there watching the films. The
7 reason -- one of the reasons I would not have been
8 there, BR15, it was a way to get all the boys together
9 for easy supervision and I would have been over doing
10 some other duty or whatever, preparing my lessons or God
11 knows what I would be doing, or just relaxing while
12 those boys were watching -- relaxing watching a film,
13 and I would not know that he would have been up to those
14 actions.

15 Q. And had there never been any rumour that had ever caught
16 your ear of this type of activity by him?

17 A. It never crossed my mind. I never -- it was never
18 brought to my attention. That's why it was such a shock
19 to me when I heard about this.

20 Q. I was showing you earlier, BR2, and I just want to deal
21 with it at this point, in the trial in terms of
22 establishing the date of when you first knew about this
23 type of thing, if we can look at 15150, it's a point
24 that has been raised with me, which I was dealing with
25 you. You are asked about, if we can maximise that,

1 please, the various cases that were settled:

2 "A. I can't recall. I've no recollection of being
3 aware of any allegations during that period.

4 Q. That is the period to . When you became
5 director, can you recall?

6 A. I can't recall. I've no recollection of being
7 aware of any allegations during that period or any
8 misbehaviour of any Brothers. There was only one in
9 where I was made aware of it afterwards, and the
10 Department of Health and Social Services were informed
11 about that and the Brother was removed immediately.

12 Q. Who was that?

13 A. My goodness! Can I remember his name actually?
14 I'll think of it in a moment. I'll let you know."

15 You are being cross-examined at this point.

16 "Q. Okay. Right. Just if you can tell us. No
17 hurry.

18 The Chief Justice then says:

19 "So that I can understand, is that the first time
20 that you became aware that there'd been any sexual abuse
21 of a child by a Brother?

22 A. That is correct, my Lord.

23 Q. And that person was? And how did that come to
24 your attention?"

25 Just scroll down, please.

1 "A. Well, it was the , BR6,
2 who told me about it. He told me that he'd informed the
3 Provincial and he'd informed one of the officials in the
4 Department of Health or maybe it was Home Affairs in
5 those days, , and he was removed from the home
6 immediately and subsequently left the Order."

7 Now I was asking you beforehand whether a conflation
8 has occurred here between BR14, which is , and you
9 are describing here what seems to have happened with
10 BR14 in the sense that he was reported to the Ministry
11 and he was removed and left the Order, but the date that
12 you are giving is more related to BR15, who -- it seems
13 the allegation in respect of him was not reported to the
14 Ministry, and he was moved to , and then it was
15 a further years before he left the Order.

16 I appreciate, doing the best you can, looking back on
17 this, were you meaning when you say , or were you
18 only thinking about BR15 and had not recalled being
19 aware of BR14, which was ?

20 **A. I think I got mixed up between the two of them and it**
21 **was when I should have been talking about,**
22 **not . I think the question came out of the blue as**
23 **far as I remember and it must have been one that**
24 **I was referring to and got mixed up about it.**

25 **Q. Because the one definitely is reported to the**

1 Ministry --

2 **A. Yes, yes.**

3 Q. -- but there's nothing to suggest, and I don't believe
4 the Ministry accepts, or the Department of Health, as it
5 is now, accepts, that BR15 in was ever reported.
6 You don't know -- BR6 never told you he reported BR15 to
7 the Ministry, did he? Can you remember if BR6 claimed
8 to have reported BR15 to the Ministry?

9 **A. I don't think so. Don't think so. I'm not sure.**

10 Q. Perhaps if we take a break at that point, Chairman.

11 CHAIRMAN: Yes. We will sit again at 3.45.

12 (3.35 pm)

13 (Short break)

14 (3.45 pm)

15 MR AIKEN: Chairman, Members of the Panel, BR2, before we
16 broke -- we will try to cover another hour and see where
17 we get at that point and then look again at whether we
18 should finish this evening, which I know you are keen to
19 do if we can -- I had been raising with you -- we'd
20 looked at the two incidents. We've got
21 with you becoming aware of BR14. Then in before
22 you become yourself you become
23 aware of the allegation against BR15, which the Order
24 now accepts. So you have got these two earthquakes, as
25 it were, that have been before you as you begin your

1 post. I suppose the question that begs: did it not
2 raise for you the spectre that, "Well, if this could go
3 on under my nose for years, we are going to have
4 to be even more vigilant about the interaction between
5 the boys and the Brothers"?

6 **A. Of course. We became more aware of the problem.**

7 Q. But was it ever something that, you know, became the
8 subject of specific discussion between the Provincial
9 and you, between the Governing Board and you about, you
10 know, being careful to take all the precautions you
11 could about this type of difficulty?

12 **A. Not that I remember. There was no discussion between**
13 **the Board of Governors and ourselves or the Provincial**
14 **and ourselves. Not that I remember.**

15 Q. There's one specific incident that I was discussing with
16 you earlier that I want to talk about and that is BR65.
17 He is there in and is there until
18 . So that covers during your time before you become

19
20 . You are aware from our
21 discussion and from hearing the evidence of HIA152, who
22 was "HIA152", and he describes -- I am not going to
23 bring it up -- paragraph 20 of his witness statement,
24 603, and to the police in September 2011 at 66338 and 9,
25 being taken into the room of BR65 and sexually abused

1 there. I was pointing out to you the irony of DL 455
2 , who had come forward because he was unhappy
3 about some of the allegations that had been made against
4 various Brothers that he didn't accept. Yet he made --
5 in his statement, which is at 1494, he remembered boys
6 being taken into BR65's room and specifically remembered
7 HIA152 being taken in. Obviously HIA152 was 12 or 13 at
8 the time and never felt able to report it to the
9 Brothers. He gave evidence to the Inquiry that it was
10 one thing telling on other boys, which he threatened to
11 do, and something entirely different when telling --
12 telling on a Brother.

13 I was asking you beforehand you spent a period of
14 time on the first floor of the main house in the room
15 that BR14, as it turned out, had vacated whenever you
16 arrived. BR65, his room was on the second floor.

17 **A. That is correct.**

18 Q. And that floor would have had a series of Brothers'
19 rooms and then another dorm where a number of boys
20 lived.

21 **A. There would have been three dorms at least. I think**
22 **three dorms. No. Four dorms upstairs.**

23 Q. On the second floor?

24 **A. On the second floor. Four, yes.**

25 Q. Four and then the various Brothers' rooms that were

1 there.

2 **A. There would have been three or -- at least three**
3 **Brothers up there as well.**

4 Q. And on the first floor where you were in , when you
5 came in for about , was just one Brother's bedroom
6 and one boy's dorm. Is that right?

7 **A. That is correct.**

8 Q. floor?

9 **A. Yes.**

10 Q. And what I was asking you was obviously a boy is not
11 supposed to be taken into a Brother's room. It seems
12 beyond doubt that's what took place here. HIA152 has
13 then told the Inquiry what he says took place once he
14 was taken into the room, but were you ever aware of
15 anything to do with BR65, anything untoward? Were you
16 ever -- did he ever come to your attention in any way?

17 **A. Nothing had ever come to my attention. No boy ever**
18 **approached me. No Brother ever spoke anything about**
19 **BR65 doing anything wrong. I am sure if any of the**
20 **Brothers upstairs thought there was something going**
21 **wrong, a boy going into BR65's room, bells would be**
22 **ringing all over the place.**

23 Q. Obviously if a Brother was seen taking a boy into his
24 room, what should have happened? Let's say you spotted
25 --

1 **A.** I know the boy that you are talking about, DL 455 .
2 When BR65 was in the home, he had come back from
3 and he suffered from and he
4 would be confined to bed, and maybe one boy might have
5 brought a cup of tea up to him or something like that,
6 going to his room on that occasion, occasions like that,
7 but there was absolutely no talk, no idea of any abuse
8 taking place with BR65.

9 Q. And -- but if someone had seen a boy being taken into
10 a room, into a bedroom of a Brother, what would you have
11 expected to have happened?

12 **A.** I would have expected the Superior --
13 -- would have a word with
14 him at that time, as it wasn't allowed.

15 Q. The Brother who saw it should have told the Superior and
16 --

17 **A.** Of course. Of course.

18 Q. You say when you became , so that's
19 now , you have been aware of these two
20 incidents in . In
21 paragraph 40 of your statement, if we can bring up 1047,
22 please, you explain to the Inquiry that you yourself,
23 BR2, never received an allegation of sexual abuse during
24 your period as the person in charge of the home.

25 **A.** No Brother, no boy ever came to me to say that a boy was

1 **sexually abused.**

2 Q. You never had any suspicion of that from things you
3 picked up?

4 **A. Absolutely not. I had no suspicion whatsoever.**

5 Q. Can we bring up 1047, please? There was obviously
6 problems between the boys, which we will come to, but as
7 far as allegations being made against Brothers or
8 whisperings or anything of that, rumours, nothing of
9 that sort made their way to your ears during the period

10

11 **A. Nothing whatever.**

12 Q. Now I want to ask you then about -- we have been talking
13 about sexual abuse. I am going to leave that for now
14 and go on to talk about physical abuse of boys. We
15 talked to some extent about that when you gave evidence
16 Thursday week ago. So I don't want to cover that same
17 ground. I'm going to cover that very quickly, but
18 I want to look at some other issues that you have
19 identified in your general statement.

20 You say in paragraph 42 that you caused two members
21 of staff to resign over their over-aggressiveness or
22 their physical interventions. You name those as DL 279

23 and DL81. I will come back to them slightly
24 later, because I want to do this in chronology if I can.

25 You refer to in your statement and have exhibited the

1 draft submission you made to the Hughes Inquiry. You
2 make the point that the version that actually made its
3 way to the Hughes Inquiry had several pages of you
4 explaining about physical abuse taken out of it, which
5 you think was the lawyers doing what lawyers do, but you
6 had them in the draft and the draft you have exhibited
7 to this statement. So this Inquiry can see what you
8 were describing.

9 You refer in paragraph 43 of this statement, if we
10 just scroll down a little, please, to the draft
11 submission having references in it to BR18, and we have
12 talked about BR18 before and how he -- you recollect
13 twice having to speak to him about being overly physical
14 with the boys, and you are aware -- I was showing you
15 Thursday week ago there were four individuals who were
16 saying that they had understood you were aware of BR18
17 having been physical with them. You identify
18 a reference here to an incident book which records the
19 instances of BR18 being overly physical with the boys.
20 I was asking you do you know where the incident book is,
21 because nobody has been able to find it.

22 **A. Well, the incident book must have been somewhere before**
23 **the Hughes Inquiry, but I have not seen that incident**
24 **book since. I don't know where it is.**

25 Q. And essentially that was your events of importance log,

1 because the one the Inquiry has begins when the home
2 opens and stops at 1970. Then this one will continue on
3 presumably during your period of time in charge.

4 **A. That was a very important book.**

5 Q. So unfortunately, whatever has happened to it, that book
6 isn't available. Therefore you are able to reference it
7 because you had it at the time of the Hughes Inquiry and
8 were able to give them examples, albeit they were
9 ultimately cut out of the submission that went in.

10 **A. That is correct.**

11 CHAIRMAN: Just before we go any further, I think we should
12 make it clear that the Hughes Inquiry's terms of
13 reference were not as broad as this Inquiry and, subject
14 to correction, because I don't have them in front of me
15 at this moment, I think confined the Inquiry purely to
16 homosexual conduct -- isn't that correct -- on one view?

17 MR AIKEN: On one view. There was some effort to include
18 and ultimately BR77's physical assaults were included --

19 CHAIRMAN: Yes.

20 MR AIKEN: -- but there was great debate taking place as to
21 what was in and what was out.

22 CHAIRMAN: Well, I think we need to bear that in mind in the
23 light of your comment about why the lawyers may have
24 taken it out.

25 MR AIKEN: Indeed. That will have been the reason. If it

1 was taken out by the lawyers, it will have been over the
2 terms of reference of the Hughes Inquiry.

3 **A. That's possible.**

4 Q. You describe in paragraph 43 then the incidents that you
5 record in your draft submission, which is those relating
6 to BR18 and to from your -- from the
7 incident book. The incident is
8 and then BR18's incidents are
9 and . Those are matters that, when I look
10 at those dates in your diary, I can't see specific
11 references. So they have clearly been recorded in the
12 incident book but not necessarily also recorded in the
13 diary, but you then give in paragraph 121 at 1080 two
14 more dates relating to that do come
15 from the diary. That's both DL 243 in
16 and then in complaining
17 about -- I think it is down as "DL421" here but that's
18 I assume that is meant to read.

19 It appears that they came to work in the chalets,
20 DL 421 and his wife, in the late , and -- or

21

22 **A.**

23 Q. . They continue in that role until
24 according to the history of the home, which is at 11840.
25 You obviously have been hearing of difficulty with

1 DL 421 . Can you explain to the Panel in
2 summary what was it that he was doing in these instances
3 of and so on?

4 **A. In general I found him to be quite aggressive towards**
5 **the boys and on -- I think there were three boys who**
6 **came to me to be taken out of that particular chalet**
7 **unit: HIA21, HIA 225 was another I didn't remember**
8 **at the time, and also HIA56. So I removed -- helped**
9 **remove those boys to the house, because of**
10 **DL 421 's aggressiveness.**

11 Q. And that would have been -- not being unfair to you,
12 BR2, if those three boys are then on top of the two that
13 are named here in paragraph 121, which was DL 243
14 and who were complaining about
15 him -- but you say then in paragraph 48, if we can go to
16 1050, please, that they resigned in You
17 spoke to him about his inappropriate behaviour. They
18 were initially defensive about being asked, but then
19 agreed to resign.

20 Then you say there was another reason why you
21 thought it was absolutely necessary that they should
22 leave the home. You hint at a serious incident
23 involving the police and the army. Can I ask you to
24 explain to the Panel what exactly happened in the home
25 that you became aware of that made you form the view

1 because of his aggression before that I decided that he
2 could no longer be a member of the staff and asked him
3 to resign.

4 Q. So was it the police that were in a position to tell you
5 which member of staff this was or had you found out from
6 other information that had come to your attention?

7 A. They told me it was none of the Brothers and it was
8 a member of staff, a lay member -- a male member of
9 staff in the home. It was none of the others -- I knew
10 it wasn't any of the others. I could put -- because
11 I knew of DL 421 's views.

12 Q. And did you -- before taking the steps that you did did
13 you speak to Father McCann or the Bishop about what you
14 should do about what you had learned?

15 A. No, I did not speak to Father McCann or the Bishop about
16 that. I decided on my own initiative.

17 Q. And did you ever feel able to tell the Bishop about what
18 had happened?

19 A. I never told anyone until this very minute, until just
20 a few moments ago when you asked me.

21 Q. You never told anyone publicly. You explained to me
22 earlier.

23 A. No, I did not tell anyone publicly.

24 Q. What had happened. Therefore there was no confrontation
25 at any stage about this -- the real reason why you had

1 had them removed.

2 **A. Well, I had also talked, spoke to him about his**
3 **aggression towards the boys and they were**

4 . So it was easy enough for me to ask for their
5 resignation. I didn't say anything to them about the
6 incident that had occurred.

7 Q. Now you explain in your statement various entries in
8 your diary that you had discovered which show you
9 keeping a record of when people had been overly
10 physical. I think if we can look at 1048 possibly,
11 please, you set out some of the references. I am not
12 going to go to the diary entries. They are available to
13 the Panel, but there is one occasion in here which again
14 seems to be DL 421 from -- so that's
15 an earlier date -- that DL 140 actually spoke about
16 it in his sermon.

17 **A. Well, that was to do -- he spoke about being kind to the**
18 **boys in his sermon.**

19 Q. Was that because he had become aware of DL 421 not
20 being --

21 **A. I think that may have been the reason why he mentioned**
22 **that, and I think I entered into my diary somewhere**
23 **where BR6 accosted DL 140 going over to speak to**
24 **DL 421 . I think BR6 did not want DL 140 to**
25 **become embroiled in something of that nature.**

1 Q. I think that is . So you have
2 identified incidents in where he had hit
3 boys. DL 140 was going to confront him about it.
4 BR6 stepped in, and then we have established from our
5 earlier discussion that there were incidents in and
6 relating to him, but he stayed until
7 despite these series of incidents that he's involved in.
8 Was he ever reported to the Governing Board or to the
9 Department about his behaviour with the boys?

10 **A. No. It was treated as an internal affair.**

11 Q. We have looked at BR29 and he, as you know, gave
12 evidence earlier today and he couldn't recall any of the
13 matters that you have recorded in your diary. You are
14 aware of me asking him. The diary was kept by you
15 contemporaneously. You maintained it at the time the
16 events were occurring. Is that right?

17 **A. That is correct.**

18 Q. What you have recorded is what you recall becoming aware
19 of at the time and your description of it as you became
20 aware of it at the time.

21 **A. Yes.**

22 Q. He didn't get to continue in the Order, but he went on
23 to train and spent a lifetime in child care. Again he
24 was not reported beyond the home itself. The Governing
25 Board weren't told about him and the Department weren't

1 told about him and so on. Simply dealt with in Rubane.

2 **A. And reported to the Provincial.**

3 Q. You told the Provincial about it?

4 **A. Yes.**

5 Q. And he then took his decision about him not carrying on.

6 **A. That was the final decision, yes.**

7 Q. You make the same point in paragraph 47 at 1050 how you
8 dealt with others who weren't suitable. You name two
9 Brothers in particular, BR20, who was working at the
10 same time as BR29.

11 **A. He was a very young Brother too, who was sent to us
12 without any training. He was a , , ,
13 not suited for the work in caring for children. He was
14 only older than some of the older
15 boys in the home and just not suitable.**

16 Q. BR29?

17 **A. BR20 as well.**

18 Q. You also mention as someone you
19 didn't allow to progress. I suppose what I want to ask
20 you about that is you had this mechanism of dealing with
21 those new recruits, as it were, who were not yet holding
22 final vows and therefore there was a mechanism for their
23 not carrying on when you took the view they were not
24 suitable to be around the children, but take BR18, for
25 instance. By the time you are dealing with his

1 over-aggressiveness towards the boys he has already got
2 final vows. So he just carries on living in the home.
3 You don't have the same mechanism for moving him out of
4 the premises, if you get what I am saying to you.

5 **A. No. It was completely different.**

6 Q. Right. Why was it different or what was different about
7 it?

8 **A. Well, he was a senior Brother as well, and in**
9 **preparation for this Inquiry I looked through all my**
10 **records about BR18, and he had about -- from to**
11 **about 100 boys passed through his house unit, and**
12 **I looked at that list carefully and out of that list**
13 **there were three boys, and I had spoken to BR18 and he**
14 **seemed to take note of what I'd said.**

15 Q. You will appreciate, BR2, those are the three that you
16 became aware of and obviously there are others who have
17 made allegations to the Inquiry of having been assaulted
18 by BR18, which you -- if I understand you correctly, you
19 are saying you were not aware of those. You were aware
20 of these three. You dealt with those by talking to him
21 about it and you felt he had by and large taken that
22 lesson on board.

23 **A. Yes, and the boys -- you have to remember too that the**
24 **most difficult boys, sometimes the houseparents asked me**
25 **to remove them from their chalet units into the house**

1 where they would have closer supervision from BR18, and
2 some of those boys were very, very difficult. They
3 were -- some of them had been -- one or two of them had
4 been involved in sexual activity. Others had been
5 bullying. One of them had knocked down one of the older
6 Brothers. So they were brought into the house for more
7 security and for more supervision under BR18, and when
8 I looked at the number of boys who made allegations,
9 I only found three.

10 Q. That you became aware of at the time?

11 A. Yes, yes.

12 Q. You say in paragraph 45, BR2, and that's at 1049, that
13 you are not condoning physical abuse, but strict
14 discipline and control was expected from the home. It
15 was one of the reasons why difficult children were sent
16 to the home by the welfare authorities and it is what --
17 it is that type of strict regime that was the reason
18 your home was being identified as the appropriate place
19 for some particular boys with particular problems.

20 A. It was recognised as a disciplined home, a strict home,
21 but not an abusive home.

22 Q. You say -- and we looked at this document, but let us
23 just look at it again, please -- at 1117 that -- this
24 was what you were saying to the Hughes Inquiry. This
25 portion is in the actual submission in the Hughes

1 papers. You say:

2 "If there is the slightest hint of irregularity",
3 and you are talking here about physical abuse,
4 misconduct, "slightest hint of irregularity, the officer
5 in charge immediately informs the Chairman of the Board,
6 the Chairman of the Management Committee, the Health &
7 Social Services Board."

8 So this envisages a communication. If there is any
9 problem, it is reported up the line, and you will
10 understand the point I am going to make before I make
11 it. That's not necessarily what happened in the series
12 of incidents that we have been looking at.

13 **A. It did not happen all the time. That is true.**

14 Q. You mention then in the same document at 1118 DL279. He
15 arrived in . Essentially they
16 seem -- do they effectively replace the DL 421, DL 314?
17 They seem to -- their arrival seems to coincide with the
18 DL 421, DL 314 leaving. If you are not sure about that,
19 that's --

20 **A. They didn't replace the DL 421, DL 314 in chalet . They**
21 **were in chalet They may have replaced was it SR57**
22 **maybe.**

23 Q. SR57 went back to .

24 **A. Yes.**

25 Q. In essence SR57 moved to another role in another home.

1 Miss Forrest about this. Now at this stage, so I put it
2 in context, the problem seems to be not so much his
3 aggressiveness towards the boys but his drinking and
4 piece of behaviour in Kircubbin itself, which was
5 bringing potential scandal to the home, which I will
6 come to. It is that that you go ...:

7 "Went up to Dundonald House to see Miss Forrest re
8 DL279 after dinner. Did not get any firm directions as
9 to what to do -- just talked around the subject -- Miss
10 Forrest seemed to think that the sympathetic approach
11 might be the best approach."

12 Now the discussion with her, as I understand it,
13 given what's happening at this point in time, the
14 potential scandal he has brought by -- as we will see in
15 a later entry,

16

17

18

19 . Is that what you are talking to Miss
20 Forrest about?

21 **A. That is correct. Not only that, but his wife DL 89 at**
22 **that particular time . So**
23 **there was a big problem there for me to handle. That's**
24 **why I went to Miss Forrest to give her the information**
25 **and ask for her advice on what I should do, and the**

1 parish priest, who by then also was a member of the
2 Board of Governors, had approached me, and I went to
3 DL279 and asked for his resignation.

4 Q. Bear with me a moment. We will come to that. DL454 had
5 become aware of it through talk in the town, as it were
6 --

7 A. Yes.

8 Q. -- and then talked to you about it.

9 A. Yes.

10 Q. That's what prompted this, and you spoke to senior staff
11 on . If we can look at that, 7110, you
12 say:

13 "DL279 -- outlined problem re what should be done.
14 The majority agreeable. " -- I presume that's DL 12
15 -- "thinks it might resolve itself in time."

16 A. I think that was BR18.

17 Q. BR18.

18 "I feel that I should do something concrete.
19 Rehearsed on interview."

20 Then you say -- if we move to at 7112,
21 you have a conversation with Father McCann and then
22 Mr Cairns, at that time the Order's solicitor --

23 A. Yes.

24 Q. -- about the particular circumstances.

25 Then on , if we just look at 7113,

1 please, you say:

2 "BR6 and myself see DL279 at 7.30. Tell him about
3 the rumours, that we have been concerned. Asked for his
4 resignation . Gave him 24 hours to discuss it with DL 89.
5 Said he would give it. Shook hands at the end. Thought
6 he was going to hold out. .

7 DL 89

8 . Reasonably satisfactory."

9 So that brings it to an end and he then moves on.
10 I suppose, BR2, the question I want to ask you out of
11 that, you can see that there's a series of being
12 over-aggressive and nothing happens about that bar you
13 talking to him about it, but when it was something that
14 he was doing externally, when he was engaged in
15 something that might bring -- it had come to DL454's
16 attention, he is talking to you about it, then he is
17 asked to resign over it. I am asking you to reflect on
18 the difference, if you feel there is a difference, in
19 approach between what happened when he was being
20 over-aggressive with the boys and what happened when he
21 was doing something outwith Rubane that was going to
22 cause a difficulty

23 .

24 **A. Well, it was a combination of both that made me take**
25 **action.**

1 Q. And those are the main people, BR2, whom you had
2 difficulty with and had to deal with in terms of
3 physical issues with the boys during your period as
4 officer in charge or the person in charge of the home.
5 Have I covered -- is there anyone else that you
6 recollect having issues being over-physical or were
7 those the main individuals, who were essentially two
8 members of the civilian staff and one young Brother?
9 There is obviously DL81, but that is after you come back
10 in the wake of BR1. During your period do
11 you recall any others, other than BR18 obviously that we
12 have touched on?

13 **A. Well, if any complaints had come to me or anything**
14 **serious happened, I would have recorded it in my**
15 **personal diary. I know that for certain. I know there**
16 **were allegations made against BR6 and BR3 and I**
17 **dismissed them out of hand completely. They were two**
18 **real professional gentlemen.**

19 Q. When you say there were allegations against them, BR2,
20 what was being said about them at the time, not what's
21 come since, but what was being said to you at the time
22 that you dismissed out of hand?

23 **A. That was after 1995.**

24 Q. That is what I am asking you. Was there any allegations
25 made about them during the period ?

1 **A. Absolutely not. Not to my memory.**

2 Q. That is what I am asking you about --

3 **A. Yes. Okay.**

4 Q. -- whether during that period anybody else came to your
5 attention for being overly physical with the boys?

6 **A. If anything had come to my attention, I would have
7 recorded it.**

8 Q. What I want to do then very briefly is just move on from
9 physical abuse to talk about matters of finance. You
10 cover these in your statement. I am going to try to
11 summarise it in this way, if I may, and if I am being
12 unfair, you correct me and characterise it correctly.

13 In paragraph 49 at 1050 you mention how difficult
14 financial matters were. You make the point and the
15 Inquiry has seen your involvement in the remaining
16 voluntary boys in being formally taken into care
17 and therefore becoming the financial responsibility of
18 the Welfare Authority, and we will look at it with DL 518
19 tomorrow, but there are various records showing
20 the development of that idea and ultimately them being
21 taken into care. The issue that it raised was well, if
22 the Welfare Authority are paying for all of these boys,
23 then it is not really a voluntary home in that sense,
24 and that might raise other issues for that relationship
25 between the welfare authorities and the voluntary homes,

1 but you felt that in order to keep the financial
2 stability of the home you needed all of the voluntary
3 boys to be taken into care so that maintenance fee was
4 coming in.

5 **A. Well, it wasn't just the finance. It was the support**
6 **that would I get from social workers before and after**
7 **they left the home as well, but the financial issue was**
8 **certainly one factor.**

9 Q. We are not going to go into the major philosophical
10 conflict between voluntary home and Welfare Authority or
11 state home, but the issues that that raises then go on
12 in papers that the Inquiry has seen both before your
13 time and after it.

14 You say in paragraph 97 of your statement at 1070
15 that if a more equitable arrangement had been arrived at
16 with the diocese, then you say it would have been easier
17 to provide better care. I presume by that you mean
18 there would have been more money available to do more
19 things with, such as more staff or whatever.

20 **A. As I said in my statement, I think the financial issue**
21 **was a millstone around our neck all the time.**

22 Q. And I raised with you beforehand, having looked at
23 the minutes of the Governing Board, there is -- there is
24 not really a record of you or anyone else going to the
25 Board and saying, "Look, we can't do this properly. We

1 don't have enough money. Therefore we can't have enough
2 staff". There is discussion about staffing problems
3 certainly, but, "We don't have enough resources, and if
4 you can't sort this out, we are not going to be doing
5 our job properly" or "We shouldn't keep doing this job".
6 Do you remember feeling able to go to the Governing
7 Board and say, "Look, this isn't properly resourced. We
8 can't do this properly"?

9 **A. As far as I remember, it always -- it was always**
10 **an issue that was raised with the Governing Board at the**
11 **AGM and their recommendation was, "Well, apply to the**
12 **Social Services for more".**

13 Q. That's the response you were met with each occasion you
14 raised the issue?

15 **A. Yes, generally, yes.**

16 Q. And in the same paragraph you draw attention to the fact
17 that those in the Catholic voluntary sector, as you saw
18 it, had inadequate staff and were receiving less of
19 a maintenance fee. You flag up a record from
20 If we just can look at that at 1163, please. If we just
21 can maximise. If we just scroll down a little, we can
22 see "Voluntary Homes". You can see in this year
23 Barnardo's: £66, £72. De La Salle is at £35. You can
24 also see the difference in staffing. So in Barnardo's
25 Ballycastle home there is 18 children and 10 members of

1 staff. In Barnardo's Macedon there is 30 children and
2 19 staff. Then in De La Salle there is 60 children and
3 16 staff.

4 So you can see the point that you are making, that
5 you are getting less maintenance fee and there is also
6 much less staff in proportion to the likes of
7 Barnardo's. Obviously the Inquiry will be looking at
8 something connected to Barnardo's in due course, but was
9 there ever a plan drawn up -- other than you being told
10 by the Governing Board, "Go and ask the Welfare
11 Authority for a higher maintenance fee", was there ever
12 a plan drawn up as to how you might meet this deficiency
13 that you could see, that you have lower staff than you'd
14 prefer and you were -- your income coming in by way of
15 maintenance fee was lower than you would have desired?
16 Did the Governing Board ever come up with a plan as to
17 how that would get addressed?

18 **A. The answer is no, but just to inform the Inquiry in**
19 **when BP3, the Provincial, became -- when he became**
20 **Provincial, he came to the home and we talked about the**
21 **whole agreement with the diocese, and BP3 had decided**
22 **that he was going to go to the Bishop at the time and**
23 **tell him about all the various issues, all the different**
24 **problems with running the home, the Brothers running the**
25 **home, and unfortunately in he was on his way to**

1 Belfast to meet the Bishop when he -- unfortunately he
2 was killed in a car accident, and so it was dropped and
3 the next Provincial, BP 4 , he had
4 his hands full after this terrible tragedy and the whole
5 meeting with the Bishop had been cancelled. So there
6 was all -- that was the plan, if you are asking for
7 a plan.

8 Q. Just to bring it to a head with the Bishop and say,
9 "This can't continue as it is"?

10 A. **Correct.**

11 Q. But that went off the radar with his untimely death?

12 A. **Yes.**

13 Q. I was drawing your attention earlier, BR2, to the fact
14 that the Inquiry has seen the debate rage between the
15 diocese and the Ministry about how homes should be run.
16 You exhibited that document to your statement as well.
17 That dates from February 1963, but if we look at 1114,
18 please, which is a version that you have exhibited, this
19 is a point that was the being made to the diocese by the
20 Ministry obviously many years before your time begins.
21 If we just scroll down so we can see point (d):

22 "If voluntary organisations feel that they are not
23 being paid adequately for Welfare Authority children in
24 their care, the remedy is in their own hands. At the
25 passing of the Children and Young Persons Act 1950 the

1 voluntary organisations agreed among themselves to
2 charge less than the full cost of maintenance.
3 Presumably this was in furtherance of their independence
4 and charitable objectives. The decision was not forced
5 on them by the Welfare Authorities and need not be
6 adhered to."

7 So they are saying to the people -- in this case it
8 is the Governing Board. This is -- Monsignor Mullally
9 is having this meeting back in 1963 and he is being
10 told, "If you want -- you set the fee. You propose it,
11 and if we won't pay it, then we won't send our children"
12 effectively. "Otherwise you set it and if we send our
13 children, we will have to pay it."

14 So what I am drawing your attention to is the
15 documents that the Inquiry has seen that postdates the
16 '63 memo shows that when an increase was asked for, it
17 seems to have been approved. The home doesn't seem to
18 have had the same difficulties as the Inquiry looked at
19 in Module 1 with the home wanting a higher fee and being
20 told, "There is no money to pay it". When a higher fee
21 was proposed, it seems to have been approved. Do you
22 understand what I mean by that?

23 **A. Yes, yes.**

24 Q. In fairness I drew your attention to a particular entry.
25 We looked at the figures that showed the

1 management fee -- the maintenance fee in Rubane was
2 lower than other voluntary homes, but if we look at
3 5224, and this is a meeting that you were at, BR2, of
4 the Governing Board in , if we just scroll
5 down, it is chaired by the Bishop and it says:

6 "Arising out of the financial report it was noted
7 that income was in excess of expenditure and it was
8 recommended that in the future the total profit from the
9 farm account should not be included in the statement
10 when applying for a rise in maintenance fees. It was
11 also suggested that the salaries of the Brothers should
12 be comparable to those of lay staff holding similar
13 posts."

14 So you can understand the question that might arise
15 from that. Obviously financial information has to be
16 given to justify the higher maintenance fee than the one
17 previously being charged. In 1976 the financial report
18 presumably either relates to '75 or maybe up to April
19 '76. There's a surplus of income over expenditure in
20 terms of the home is running at a profit, not that
21 that's what you were trying do, but it was running at
22 a profit. There was no deficit. The suggestion being
23 made here is that the farm income, which BR60 had
24 identified way back in the '50s as the way that the home
25 would be self-sustaining as a voluntary home along with

1 the other collections and so on that he organised, the
2 suggestion is being made here that that farm income not
3 be included. Obviously the implication of that is it
4 will appear the home needs more money by way of
5 maintenance fee for it to run smoothly than it might
6 otherwise do. Can you remember that decision being --
7 that discussion taking place and you being asked to
8 change how the accounts were done?

9 **A. Well, I don't remember it, but if it's in those notes**
10 **there, in those minutes, well, then it would have been**
11 **the decision of the Board of Governors.**

12 Q. I am not suggesting it is your decision. I am just
13 saying you were there as the person reading the reports.

14 **A. That's my writing, yes.**

15 Q. Did you take the minutes at the -- you did up the report
16 afterwards. Is that right?

17 **A. I think I did, yes.**

18 Q. You wrote up the minute. That's your handwriting we are
19 looking at at the moment.

20 **A. Yes, yes.**

21 Q. But you don't remember them making this actual decision?

22 **A. No, I don't remember it now, no.**

23 Q. DL518 , who was the

24 -- and, of course, all the names I use will be
25 redacted as part of the anonymity policy -- but he is

1 going to give evidence to the Inquiry, and he draws
2 attention to how in 1972, for instance, if we can look
3 at 5574, he says to the Inquiry that the home had, in
4 fact, the highest per capita charge in 1972. You see
5 that in 1.32. He illustrates that by if we look at
6 5660, and this is from May '73, you can see the De La
7 Salle maintenance increase for voluntary homes is
8 increasing up to -- from £14 to £17. The point he is
9 making is that is higher than the other voluntary homes
10 that are in use by this particular Welfare Committee,
11 which presumably is the Belfast one.

12 So the point I am making or asking you to reflect
13 on, BR2, is that there seems to be -- if money was at
14 the heart of this, it doesn't seem to have been the
15 principal difficulty for this particular home. Is that
16 not how you saw it?

17 **A. That's not the way I saw it. I saw the financial**
18 **situation was awful for us as regards paying the staff.**
19 **The Brothers got paid practically nothing for their --**
20 **for their work there, and in , even though we**
21 **got that increase, we had -- there was a meeting with Mr**
22 **Stirling and others, Mr Irvine, Miss Forrest --**

23 Q. From the Department?

24 **A. -- from the Department to try and alleviate that, and**
25 **I think we must have gone over DL 518 's head.**

1 Q. Well, the Panel will obviously be able to reflect on all
2 of these documents, but your experience on the ground
3 was there was a shortage of money, and you are -- the
4 financial arrangement of the home with the diocese and
5 how your concern was addressed, which was simply to tell
6 you to ask for more maintenance fee, that's how it was
7 addressed during your time as the person in charge?

8 **A. That's my recollection.**

9 Q. Now you set out, BR2, in paragraph 58 at 1054 that the
10 job you were being asked to do --

11 CHAIRMAN: Mr Aiken, I see it is 4.45. Perhaps a short
12 break of about ten minutes. Do you feel able to carry
13 on, BR2?

14 **A. I will do my best, Mr Chairman.**

15 CHAIRMAN: If you feel at some stage you no longer are doing
16 your best, please help us by telling us.

17 **A. How long does ...?**

18 MR AIKEN: If we take a short break, hopefully another half
19 an hour will complete us.

20 **A. Very good.**

21 CHAIRMAN: We will rise for ten minutes.

22 (4.45 pm)

23 (Short break)

24 (4.55 pm)

25 MR AIKEN: BR2, just before I leave the subject of finances,

1 because it's a complicated picture, you have made the
2 point in your statement that the Brothers were not
3 drawing salary out of the children's home accounts
4 effectively. There were occasions when you didn't take
5 a wage as such because financial situation as far as you
6 were on the ground was not good.

7 **A. That is correct. When I resigned as**

8 **I would have my full salary and full pension,**
9 **and then my salary was dropped until one year when I did**
10 **not take any remuneration whatsoever because of the**
11 **financial situation in the home.**

12 Q. That was I think , when you were going about
13 getting all of the boys into care so the maintenance
14 charge would come through in respect of all of them.

15 **A. Yes.**

16 Q. So don't let it be -- if I have created the impression
17 that we are saying you were not experiencing a financial
18 difficulty, that's not what I am talking about and
19 I hope you will take it from me in that way. I am
20 saying how that was resolved and what might have been
21 suggested to you about how it should be resolved and so
22 on, that's a more complicated question.

23 **A. There was another point as well. When we went to the**
24 **Department of Health & Social Services, it was suggested**
25 **to us that we should become a junior training school and**

1 the State would pay for everything, as in St. Patrick's,
2 but that was turned down. It was against the original
3 idea of BR15 and it was against our idea also that it
4 should become a training school. The phrase was used
5 "a junior Maze" because of the Troubles at the time,
6 that pick boys up, put them into Rubane and I believe
7 plans were drawn. I didn't see the plans, but they seem
8 to have been there somewhere, and it was suggested to
9 us, "Your financial troubles will be all over".

10 Q. That was one of the Department's staff that you engaged
11 with who was thinking about other solutions for the
12 difficulties you were explaining?

13 A. Obviously they were thinking along other lines.

14 Q. And you explain in paragraph 58 at 1054 that doing this
15 job was -- I smile because you made the point earlier
16 about teaching in the school in . In comparison
17 to what you were being asked to do in Rubane teaching in
18 the school in would have been a much easier
19 vocation.

20 A. It would have been a cake walk.

21 Q. Instead you were doing this job which you say was -- and
22 your diaries back this up -- it was a very stressful
23 vocation to be involved in with little reward and little
24 thanks. You took some comfort from the fact that there
25 were a lot of boys who did keep in contact with you and

1 did write to you and you wrote to them and you have
2 exhibited a lot of those exchanges, and you explain in
3 paragraph 60, if we just scroll down, in your time you
4 felt that significant efforts were made to try and
5 provide a good place for these boys to grow up and you
6 explain -- and if I can summarise the list in this way,
7 you talk about the development of the TV room, the games
8 room, the reading room, the vegetable garden, the teams.
9 There was volleyball and basketball and Gaelic. They
10 had grass and all weather pitches. They'd a swimming
11 pool. In paragraph 52 you give some other examples at
12 1051 of sporting teams that are involved, the youth
13 clubs that they went to, the music that was brought into
14 the home. There was cinema trips, the summer holidays
15 to Glenariff. There was discussion earlier of BR29
16 describing taking the boys out to the swimming pool in
17 Newtownards. The outdoor pursuits: mountain walking,
18 camping, canoeing, rock climbing, orienteering. So --
19 and aftercare arrangements through the Nazareth Lodge
20 aftercare. So the point, if I bring that all together,
21 was you were doing your best.

22 **A. At the time we did our utmost to care for those poor**
23 **children. We tried to provide the best facilities for**
24 **them, which they would not have at home or in their**
25 **communities. We --**

1 Q. And that, in fact, is one of the points you make, BR2,
2 that, in fact, it shouldn't be lost that these were
3 children who were coming from very difficult
4 circumstances, and going into care for anyone isn't
5 ideal, but the facilities that were provided and were
6 available in Rubane were much better than they ever
7 would have had in their place living in Belfast, for
8 instance.

9 A. That is correct, and it was --

10 , it was in the middle of all the Troubles, and
11 I remember on occasions when -- there was one particular
12 occasion when a boy absconded and I ended up in a very
13 loyalist area, Ballybeen Estate, opposite Stormont.
14 This woman phoned me at 12 o'clock in the night and she
15 said, "There is a boy here wandering around the streets
16 and he is in severe danger. Would you come and collect
17 him?" and she gave me her address. I went up at
18 12 o'clock at night to help that boy and the stress of
19 that was awful. There was another boy who ended up in
20 East Belfast in a pub asking his way to the Falls Road
21 and luckily enough the bartender says -- he said, "Shut
22 up. Keep your voice down", and he phoned the police and
23 the boy was -- but if that boy had -- he could be in
24 dire trouble during the Troubles, and there were boys
25 brought to us in the middle of the night when we were in

1 Glenariff, for example. I have said in the statement
2 I think on 15th August, which is a very
3 high time for riots, etc, and the social workers begged
4 me, "Would you ever take this boy?" His father was
5 picked up and put into the Maze and he was out roaming
6 the streets in riots. That's the type of context that
7 we were working through at the time, very difficult for
8 both the staff and for kids.

9 Q. You touched on it previously when working through some
10 of the chronology, but the home was the subject of a --
11 a bomb was left in the home, a car driven to --

12 A. Oh, yes. .

13 Q. It was left outside DL 421, DL 314's chalet.

14 A. It was left in that particular -- yes, between two
15 chalets, chalets 1 and chalets 2.

16 Q. I don't know if we know if there is any reason why next
17 to him in connection with what we have talked about
18 earlier today.

19 A. I don't think it had anything to do with him at the
20 time.

21 Q. But it was something that was a frightening experience
22 and a controlled explosion and --

23 A. Yes.

24 Q. -- that was a very challenging experience for you to
25 have to manage as .

1 **A.** The local GAA hall had been bombed a number of times.
2 A bomb had been left in a local pub. A young man had
3 been killed down and a number of people injured in
4 Portaferry. When the car bomb was left for us, the
5 police said to me, "It was the last place we ever
6 thought of".

7 **Q.** What I want to also do, BR2, is you address the issue of
8 social workers being made welcome in paragraph 62.
9 That's at 1056. I am not going to open them now, but we
10 discussed them earlier. There is an exchange of letters
11 between you and **DL 518** . Ultimately in --
12 when you return, there's a lot of -- you are unhappy
13 about how the social workers are coming into the
14 premises and you write expressing that view, that really
15 you should have notice and it should be done ideally in
16 the administrative building. There is various discourse
17 takes place in the Board --

18 **A.** **Yes.**

19 **Q.** -- who are unhappy about that, because it lacks the
20 spontaneity in seeing where they live and so on.
21 Eventually you and **DL 518** agree how it will be
22 done, but your concern from speaking to you earlier
23 wasn't to prevent social workers seeing the boys and
24 having access to where the boys were living and so on.
25 It was a particular difficulty that had arisen because

1 of the number.

2 **A.** We welcomed social workers all the time. The more the
3 better, especially after , after what happened with
4 BR1 being suspended. We expected and did have numerous
5 visits from social workers, but there was one little
6 particular problem that arose in the school. Social
7 workers came at all times of the day unannounced, go
8 over -- could phone over to the school and the teachers
9 found it very -- they found it interrupting their day.
10 It was very --

11 Q. Disruptive.

12 **A.** -- disruptive -- that's the word I am trying to find --
13 disruptive to their class. They said could it not be
14 possible that the social workers would come down at
15 times when the boys are free, and I think that was the
16 correspondence that I had with DL 518 about social
17 workers coming down and we worked out something.

18 Q. And that arrangement then was resolved between you and
19 him --

20 **A.** Yes.

21 Q. -- and those visits continued.

22 We have talked about corporal punishment quite a lot
23 during your evidence on the last occasion and I am not
24 going to go into that in any great detail other than to
25 summarise it in this way. In paragraphs 77 and 78,

1 1060, you talk about corporal punishment. You talk
2 about and give context to the particular danger of
3 absconding and why that was treated more seriously in
4 terms of punishment, and that was because of the
5 Troubles ongoing and some of the examples you have just
6 given of the risks to boys who might be found out and
7 about, and therefore they were treated more severely for
8 having absconded than perhaps for other things they were
9 being corporally punished for.

10 **A. That is correct.**

11 Q. I was asking you from the rules the Panel have been able
12 to see that the institute itself, De La Salle, had
13 banned corporal punishment. It was not to be part of
14 the tools or armoury -- wrong word for saying it
15 shouldn't be there -- corporal punishment was not to be
16 part of the De La Salle way of going. You smiled at me
17 and said, well, that's just -- that was never the
18 reality in any De La Salle community that you are aware
19 of.

20 **A. Well, as far as all the schools in Ireland anyway it was**
21 **not observed either by lay teachers or Brothers. It was**
22 **the culture of the time in schools that corporal**
23 **punishment was accepted, and I am afraid that particular**
24 **rule as regards Ireland was observed in its**
25 **unobservance.**

1 Q. The reference for that, Members of the Panel, to the
2 rules is at 1557. It's chapter 8 in --

3 **A. But in my guidelines -- sorry for interrupting.**

4 Q. Yes, BR2.

5 **A. In my guidelines for 1976 and in the guidelines for 1980**
6 **I did put in a paragraph about corporal punishment not**
7 **being acceptable.**

8 Q. We were having that discussion earlier. I was saying
9 Father McCann told the Hughes Inquiry it was the policy
10 of the Governing Board there was to be no corporal
11 punishment. It is difficult to date precisely when he
12 is talking about. That's at 40017 and 40055, but the
13 point I was making to you is there is records in your
14 handwriting that show corporal punishment was still
15 being administered in 1982, for instance, in and around
16 the time that difficulties were arising. We looked at
17 DL 81 's incidents. As I understand your
18 position, you didn't want to engage in corporal
19 punishment. You would have preferred not to, but you
20 found it necessary and therefore it happened.

21 **A. It was practically the last resort. There were other**
22 **forms of punishment, depriving boys of going to**
23 **swimming, going to the cinema, going home at weekends.**
24 **They were other punishments that could be, you know,**
25 **used at the time, but I did not like -- it always**

1 **worried me, and I think I have said it in my diaries how**
2 **ashamed I was or how I felt rotten about giving corporal**
3 **punishment when it had to be done.**

4 Q. I am going to deal with the next subject very briefly,
5 record-keeping. You say in paragraph 85 at 1065 that
6 the record-keeping in Rubane was not as good as it
7 should have been, that you describe it elsewhere in your
8 statement as on occasion haphazard, that you felt there
9 was a correlation between the inadequate staff, and as
10 staffing numbers improved and the numbers of boys
11 reduced, then the quality of record-keeping got better.

12 You single out in your statement, paragraph 26, if
13 we can just look at that, 1040 -- you draw particular
14 attention to how the information that came with the
15 Nazareth boys was -- I think you use the word
16 "particularly sparse". The records were minimal. So if
17 I understand what you are saying, when welfare
18 authorities were sending children, the record-keeping
19 coming from them was better than Nazareth Lodge children
20 who were coming with really very little by way of
21 information.

22 A. **Well, when the boys came from the welfare, they sent me**
23 **the admission into care form, their names, their date of**
24 **birth, their medical card, permission for medical**
25 **attention from the parents, etc. So in that sense yes,**

1 **the records from Social Services were much, much better**
2 **than the records that we got from Nazareth Lodge, which**
3 **were practically nil.**

4 Q. And obviously there were various statutory obligations
5 on the person in charge of the home to keep various
6 schedules. We will not look at that now, but at the
7 back of the 1952 regulations and the admission record,
8 the Events of Importance log and so on, and obviously if
9 we had that missing volume, that would be of assistance,
10 but you draw attention then in paragraph 86 and in
11 particular the second half of the paragraph, BR2, to
12 what you saw as really failures in -- this is at 1066 --
13 failures in the legislative scheme that was supposed to
14 be operated. You draw attention to how that scheme from
15 1950 was essentially repeated in 1968. It wasn't until
16 the '80s that failings of this essentially 30-year-old
17 legislation were identified. You say:

18 "It failed to recognise the necessity for vigorous
19 assessment of children being admitted to care. It
20 failed to recognise the need for specialised units for
21 very difficult children, and essentially Rubane became
22 a catch-all institution, and it failed to recognise the
23 extreme demands placed on care staff or a formal
24 procedure for reporting ..."

25 Then in paragraph 91 you say at 1068, and then again

1 in paragraph 93, that the inspection regime could have
2 been better and how -- if we just -- you explain how
3 case conferences were set up and that improved the
4 recording, the six monthly reviews that were being
5 engaged in for the boys. If you just scroll down,
6 please, to '93, you say that:

7 "Miss Forrest visited possibly once a year to assess
8 the need of the home on an informal basis."

9 You were never asked on any occasions to offer
10 reports or to show her the records that you were
11 keeping. That's your recollection of the --

12 **A. That is correct.**

13 Q. The visits were more of an informal discussion than you
14 being required to submit reports and provide material.

15 **A. That is my recollection.**

16 Q. I was asking you earlier -- the Inquiry obviously has to
17 look at the allegations that faced BR1, who was
18 suspended in , and then you were asked to come back
19 and , and I was
20 asking you, just cutting right to the chase of it, as it
21 were, that the matters that have been complained of,
22 like asking a boy in a room on his own to take his
23 trousers down so his genitals could be viewed, whether
24 that was something you would ever have considered
25 appropriate under any circumstances for you as the

1 to do.

2 **A. It would never enter my mind to do such a thing, never.**

3 I would never do a thing. That would be left to
4 a doctor or a nurse, but definitely I would never and
5 never did that at any time.

6 Q. You are aware of the various descriptions, some perhaps
7 even in a non-sexual way, describing the patting on the
8 bottom taking place, and again that wouldn't have been
9 something you would have considered appropriate.

10 **A. Well, sometimes you would give a boy a pat on the**
11 **shoulder or a pat on the back or whatever. Maybe --**
12 **patting the bottom, I don't know. That would be rather**
13 **naive to do a thing like that I guess.**

14 Q. I was asking you about the showering, which is another
15 aspect of the allegations. The point you made was well,
16 you know, you had to supervise showering and make sure
17 they were showering, certainly whenever boys were in the
18 main house perhaps more than in the chalets, where
19 facilities might have been better, but I was asking you
20 to reflect on well, if you put these three elements
21 together, you can understand why they might be viewed in
22 a rather negative way.

23 **A. I can see now how allegations can be made against**
24 **a person who would do that.**

25 Q. The point you made and you said in paragraph 109 of your

1 statement at 1074 that it was naive, and I asked you was
2 that really a strong enough word and you went as far as
3 saying "stupid".

4 **A. Well, it was stupid, because that should be left to the**
5 **medical profession to do that or nurses.**

6 Q. It certainly doesn't appear to be the case that BR1 was
7 telling anyone that this was what he was doing, this
8 checking of boys and asking them to take their trousers
9 down.

10 You record for the Inquiry at paragraph 109 of the
11 times that you record him being in the home other than
12 when he became the person in charge in . That was
13 two visits you recorded in your diary in and then
14 one again in , but you do say in paragraph 111 at
15 1075 that as a result of the things that he did do it
16 assisted much more serious allegations being made, which
17 you formed the view -- it is a matter for the Panel
18 ultimately -- formed the view they were grossly
19 exaggerated, but the things he did do made those much
20 more serious allegations easy to make. Is that a fair
21 way of ...?

22 **A. I would say that's a fair way. Similar to other**
23 **Brothers as well. Allegations were made against them.**

24 Q. You describe in paragraph 112 then your relationship
25 with BR6, how he was a very strict gentleman, but not

1 someone who would abuse children, and you say the same
2 of BR3 in paragraph 119.

3 **A. I would revise my opinion of BR6. He was strict, very**
4 **fair, very just and very compassionate. He was**
5 **a gentleman in my opinion to his fingertips and there's**
6 **no other way I can put it. He was so sensitive to the**
7 **need of the boys at all times, and BR3 similarly when he**
8 **was teaching in school.**

9 Q. You make reference then in paragraph 118 to BR31.

10 That's BR31 or BR31. I am not going to bring it up for
11 the Panel now, but he was the subject of serious
12 allegations in the 1995 Operation Overview. The police
13 material relating to him, Members of the Panel, runs
14 from 62739 to 62955. He went on to be .
15 Again his identity should not be disclosed beyond the
16 Inquiry chamber. You make reference to him, BR2, in the
17 context of something to do with DL115 being very --
18 DL115, there at the end of the , being very upset
19 about something it seems BR31 did to . Can
20 you remember what it was he did to that upset
21 DL115 so much?

22 **A. I just can't recall the details now.**

23 Q. But you remember that's what it was to do with?

24 **A. Yes.**

25 Q. I think in his interview at 62759 he did admit to

1 clipping people around the ear. I think the point you
2 made to me on the last day is at the time that we are
3 talking about a clip round the ear was a normal part of
4 life, rightly or wrongly.

5 **A. Rightly or wrongly, yes.**

6 Q. The sexual activity among the boys, BR2, your way of
7 dealing with that was when you were aware of it, to tell
8 the boys not to do it, and those boys who were engaged
9 in it that you were aware of were brought over to the
10 main house where a closer eye could be kept on them.

11 **A. Some of the boys.**

12 Q. Some of them?

13 **A. Yes.**

14 Q. I was asking you, and you set out in your statement --
15 and I am not going to go through all the examples -- you
16 list out examples that you record in your diary and you
17 list out a set of names that you recall having
18 suspicions about or having caught them to some extent in
19 activity between each other, and -- but on reflection
20 now you are saying to the Inquiry you weren't aware of
21 the extent of the type of difficulty that there appears
22 to have been.

23 **A. It amazes me when it has come out now the extent of the**
24 **abuse among each other or maybe at the time I thought it**
25 **was adolescent experimentation or messing around, as**

1 they would call it, but as regards the very serious
2 allegations that some boys have made against each other,
3 I had absolutely no knowledge of that whatever.

4 Q. To the extent that you were aware from your own records
5 and what you were seeing at the time, there obviously
6 was an issue going on between boys, perhaps not
7 dissimilar to what has gone on in boarding schools or
8 other locations, but having become aware of it as
9 an issue, and you are the person in charge of the
10 children's home, did you ever raise it with, for
11 instance, the Ministry of Home Affairs Inspector to say,
12 "Look, are you having these types of issues? Are they
13 happening in other homes? What is the best way to
14 manage this?" Did you feel ever -- did you ever feel
15 comfortable to talk to Miss Forrest about --

16 A. It was an issue that never arose in my conversations
17 with Miss Forrest. I know the staff -- the housemothers
18 would come to me and tell me and we would talk about it
19 and talk about the boys that were supposed to be
20 involved and we would take action then, but I never
21 mentioned it to the Home Affairs or Welfare, and also
22 I may say that the Social Services -- the social workers
23 never told me about the activities of boys before they
24 came to the home. I think there was only one boy that
25 I can remember who came to the home that I was warned

1 about. His name was DL59, and I told his housemother,
2 DL115, to keep an eye on him, and she wrote little notes
3 about him, how he wanted other boys to kiss him in her
4 report, and I referred him immediately to
5 and -- for counselling, and he was the only
6 one that I can remember that ever I was told about by
7 the social workers. So it wasn't an issue that was --
8 it was under the carpet, let's say.

9 Q. I think two aspects I want to bring out of that for you.

10 DL 140 became aware of it and was heavily involved
11 in trying to assist and discourage the boys from this
12 type of activity, and you have also mentioned that you
13 -- for those who could be seen to have a more serious
14 problem, you referred them on -- in fact, you give some
15 examples in your exhibits -- to the psychiatrist to try
16 to get them psychiatric help to see would that help them
17 deal with the issues they were having.

18 A. There was one particular boy whom referred
19 on to further assessment, a month's assessment in
20 Muckamore Abbey. He was sent back and as far as I can
21 make out there was nothing wrong with the boy, but we
22 knew that he was involved in sexual activity.

23 Q. It is not a subject that was ever raised with the
24 Governing Board as to what approach you should take to
25 deal with this issue?

1 **A. No. As I say, this was a kind of a subject that was**
2 **taboo at the time.**

3 Q. Not really talked about?

4 **A. Not talked about.**

5 Q. And just when you caught somebody messing around, you
6 told them to stop?

7 **A. Yes, or took them over to the house for closer**
8 **supervision.**

9 Q. This is -- did you ever consider, "What's going to
10 happen -- we will control this now, but we are going
11 to -- they are going to be going out into the community
12 at 16. What will happen then?" Did you ever reflect on
13 whether it was indicative of a deeper problem that might
14 have been either happening in Rubane or happened in
15 homes before they came to Rubane or at that stage was
16 the thinking not really developed to that extent?

17 **A. Well, in some cases where it was very serious I informed**
18 **the social worker that this boy had a problem, and when**
19 **they left a home, well, then it was the social worker to**
20 **keep an eye on what was happening.**

21 Q. You describe in your statement and exhibit behind
22 exhibit 15 -- and I am not going to bring them up now
23 but at 1134 through to 1155 -- letters from adults in
24 various walks of life, including politicians, government
25 officials, who were visiting the home, congratulating

1 you on how the home was being run, thanking you for the
2 facility that you were providing. So you were getting
3 a lot of endorsements at the time, which is the point
4 that you are making in the statement.

5 **A. I think the people in the Home Affairs and the**
6 **Department looked upon the home as a model home where**
7 **they brought these high class people to the home,**
8 **visitors. I met James Callaghan's wife, oh, a number of**
9 **other people, and it was the highlight of their visit to**
10 **Northern Ireland as far as I'm concerned.**

11 **Q.** You exhibit behind exhibit 19, as I said to you, various
12 letters from boys who had a very positive experience and
13 kept in touch with you. You describe the reunions that
14 have gone on to this day of significant numbers of boys
15 who have much to thank you for and have made that point
16 to the Inquiry. Obviously then there is this other side
17 that the Inquiry is looking at where for others that was
18 not their experience.

19 The last question, BR2, that I want to ask you
20 before I draw attention to a particular paragraph in
21 your statement is I was asking you earlier as you
22 reflected, and you have obviously sat through a lot of
23 the evidence and you are aware the Inquiry is looking
24 for systems failures, and I was asking you what systems
25 failures do you consider can be identified from your

1 time running Rubane as you reflect on it now, and you
2 were giving me a list earlier. Do you want to ...?

3 A. Oh, boy! The list. I could talk about so many systems
4 failures on everyone's side, on the Brothers' side, on
5 the Department's side, social workers' side, diocesan
6 side, but as regard to myself working within the home,
7 I think one of the big failures was that the boys were
8 not assessed for the type of home they were coming into
9 sufficiently. I think the staff were not qualified.
10 The staff were not monitored sufficiently. I think the
11 financial situation of the home, that was a systems
12 failure as well. I think if we had that particular
13 person who was supposed to visit, an independent visitor
14 or visitors to the home, would have been a great help to
15 the home as well. I think more -- better record-keeping
16 would have been -- have been a great help in the system
17 as well, but we worked to the best of our ability at the
18 time, and thankfully the system has -- has improved
19 immensely from the time when we were working there in
20 the and the . We tried our best to do
21 whatever we could. We worked almost with one hand
22 behind -- tied behind our backs.

23 Q. If we can look, please, at 1086, paragraph 137 of your
24 statement, BR2, I just want to -- you say here:

25 "I have faced many allegations. I expect to face

1 others. I gave years of my life to Rubane and the
2 boys whose families had abandoned them or who were
3 incapable of caring for them. I gave of my time in
4 difficult and stressful circumstances. I may not have
5 delivered my vocation with perfection, but I remain
6 convinced that I did do so to the best of my ability.
7 I am entirely satisfied that I abused nobody. It is
8 with deep regret and sadness that evidently some boys
9 were abused in Rubane. That concession should not
10 facilitate character assassination and betrayal of me
11 and many like me."

12 I don't intend, BR2, to ask you any more questions.
13 It may be the Panel want to ask you something. If you
14 just bear with me for a short time, if you would.

15 **A. Yes.**

16 **Questions from THE PANEL**

17 MS DOHERTY: Just one final question. Can I just ask did
18 you receive any support in your role as
19 ? Did you receive any mentoring, any ...?

20 **A. None whatsoever. I got advice from Miss Forrest when
21 I looked for advice. I got advice from Father McCann
22 when I looked for advice, but on a systematic basis
23 I had no mentoring or monitoring.**

24 Q. When the Management Committee came into being, did that
25 make a difference? Did you feel more support?

1 **A. It made a small difference, yes, but their -- their**
2 **visitations were sparse enough.**

3 Q. Okay. Thank you.

4 MR LANE: You mentioned about the idea of becoming
5 a joint -- a junior -- sorry -- training school.

6 **A. Yes.**

7 Q. What difference would it have made if it had been in
8 terms of the way of running it?

9 **A. It probably would have made a very big difference.**
10 **First of all, we would be financially sound.**

11 Q. Yes.

12 **A. We would have a big increase in staffing. We would have**
13 **a big increase in teaching facilities as well. We would**
14 **have the social -- more social interaction as well. The**
15 **whole place would have been completely transformed in my**
16 **opinion.**

17 Q. But the idea was rejected?

18 **A. It was rejected, because at the time we felt this is**
19 **a welfare home, a home for children who are not going to**
20 **go to training school, but unfortunately some of them**
21 **were sent to a training school.**

22 Q. Yes. Okay. Thank you. In terms of the staffing
23 levels, when you were concerned that the staffing was
24 too low, a common pattern at that time was for teachers
25 to do notionally a 30-hour week teaching and 15 hours of

1 extraneous duties. Did that apply in Rubane as well?

2 **A. Extraneous duties was much, much longer than 15 hours.**

3 I'm talking about the Brothers now. They were
4 practically on duty from morning to night. For example,
5 I was attached to chalet from to before I took
6 over, and I helped SR 32 to get the boys up in
7 the morning, supervise the little housework that they
8 did, then get over to school, teach all day. Then I was
9 expected to go out and take activities with the boys
10 from 4 o'clock until 5.30, and then again possibly after
11 the boys' supper -- after the boys' tea.

12 **Q.** Were there any people who you feel were under-occupied?

13 I mean, what did the chaplain do? For example, were
14 there activities people who were under-occupied during
15 the day?

16 **A. I think the chaplain was the only one who was under...**

17 Of course, the ancillary staff as well. They had their
18 hours off. They had no -- okay. They mixed with the
19 boys and talked to the boys and that was a great help
20 too. The ancillary staff did, the cooks, the laundry
21 people. That was a wonderful help, but it wasn't their
22 domain to look after the boys.

23 **Q.** Okay. Thank you very much.

24 **CHAIRMAN:** Could I just ask you one last question, BR2, and
25 that is about the appointment of the Brother

1 Superintendent, as he is called in that agreement in
2 1950, and later became known as the Brother Director.
3 As I understand your position -- please correct me if
4 I have taken it up wrongly -- it is that whilst the
5 agreement gave the sole power to the Provincial to
6 nominate the Brother Director, that in practice the
7 approval of the Bishop was sought. Is that essentially
8 the position?

9 **A. That is correct, yes.**

10 Q. Now we haven't heard any suggestion that the Bishop ever
11 turned down the nomination.

12 **A. That is correct also.**

13 Q.

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20 **A. The way it was done was I came back and the Board of**
21 **Management, which had been set up in , headed by**
22 **Father McCann --**

23 Q. Yes.

24 **A. -- they welcomed me back with open arms, and I presume**
25 **that it was passed on to the Bishop then, because I had**

