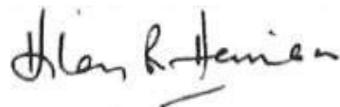


**HISTORICAL INSTITUTIONAL ABUSE INQUIRY**  
**DEPARTMENTAL STATEMENT**  
**MODULE 3: RUBANE HOUSE - DE LA SALLE ORDER**

I, Hilary Ruth Harrison, have prepared this Statement on behalf of the Department of Health, Social Services and Public Safety. My qualifications and experience have already been notified to the Historical Institutional Abuse Inquiry (HIAI) by covering declaration to the Module 1 statement to the Inquiry dated 17 January 2014. I have examined the Module 3 evidence received by the Department from the Inquiry up to the HIAI Page Reference No. RUB 61999. Based on this, I have prepared the answers to the questions set out in the HIAI Rule 9 Request dated 24 June 2014 in relation to Rubane House Children's Home.

Date: 19<sup>th</sup> September 2014



## HISTORICAL INSTITUTIONAL ABUSE INQUIRY

### DEPARTMENTAL STATEMENT

#### MODULE 3: RUBANE HOUSE - DE LA SALLE ORDER

#### BACKGROUND

1. This statement refers to action taken by the MoHA on foot of allegations made in August 1964 by **DL 13** of sexual abuse by Brother **BR 14** a member of staff at Rubane House Children's Home (Rubane). **DL 13** **DL 13** then aged **DL 13** years, was in the care of County Down Welfare Authority and had been placed in Rubane for **DL 13**. He made a statement to the police on 19 August 1964<sup>2</sup> alleging sexual abuse by Brother **BR 14** on three occasions. For ease of reference a Table containing the sequence of events surrounding the 1964 allegations, statements made, actions taken and the Historical Institutional Abuse Inquiry (HIAI) RUB references is attached at **Annex A**.
2. The Ministry of Home Affairs (MoHA) was notified of the allegations on 4 September 1964.<sup>3</sup> Its officials, J. Parkes<sup>4</sup> and K. Forrest<sup>5</sup> were subsequently involved in discussions regarding the alleged incidents with the police, Down Welfare Committee, the **DL 13** Brother **BR 6** and **DL 13** Brother **BR 19** Miss Forrest made a written report dated 10 September 1964<sup>6</sup> of her discussions and actions. Brother **BR 14** who admitted one incident of abuse of **DL 13** was in the Republic of Ireland at the time of the allegations and remained there. As a consequence, the police were unable to prefer charges against him. It would appear that Brother **BR 14** was granted dispensation from his vows and left the Order shortly after admitting the abuse.<sup>7</sup>
3. The Provincial Superior carried out an investigation/enquiry in relation to the allegations, in which he interviewed each member of staff in Rubane. He concluded that the abuse was one isolated incident and no other children in the home had been involved. The Provincial Superior compiled a report dated 19 September 1964 for the MoHA.<sup>8</sup> Mr Parkes, by minute dated 10 November 1964, forwarded the report of the investigation together with a police report and Miss Forrest's 10 September report to his senior officers. His minute concluded that no further action was necessary by the MoHA other than to keep

<sup>1</sup> RUB 1004

<sup>2</sup> RUB 1007

<sup>3</sup> RUB 1014-19

<sup>4</sup> Believed to be J. H. Parkes, Ministry of Home Affairs Principal Officer with responsibility for Child Care Matters pre 1961 to 1966; Ministry of Home Affairs Assistant Secretary with responsibility for Child Care Matters 1966-1971

<sup>5</sup> Believed to be Miss Kathleen B. Forrest, Ministry of Home Affairs Children and Young Persons Inspector pre 1960 to 1971, Department of Health and Social Services Social Work Adviser 1971 to December 1976

<sup>6</sup> RUB 1014-19

<sup>7</sup> RUB 1031

<sup>8</sup> RUB 1020-22

impressing on the home the importance of having sufficient staffing.<sup>9</sup> The then Minister<sup>10</sup> had sight of these papers on 25 November 1964.<sup>11</sup>

### Question 1

#### What steps did the Ministry take on foot of being made aware of the abuse?

4. The MoHA sought to liaise with the authority responsible for the home and seek assurance that the incidents reported were confined to one child and one member of staff and that no other children were involved. There was close communication between the MoHA and the police regarding the investigation of the incidents. Discussion also took place with the Down Welfare Committee, the authority responsible for the child's care. Senior MoHA officials, including the Minister were apprised of the events and their outcome. The paragraphs to follow provide more detail of the steps taken and the rationale that prevailed at the time.
5. Miss Forrest was notified of the allegations on 4 September 1964 by a Welfare Officer from the County Down Welfare Authority. Mr Parkes also appears to have been made aware of the allegations at an early stage. It should be noted that the member of staff concerned, Brother **BR 14** had already left the home when the allegations were made known to the MoHA and according to the Provincial Superior's report: *"Immediate measures were taken to ensure that Br **BR 14** would never again be allowed to have contact with any boys in any school."*
6. Miss Forrest had at least two meetings with the police and discussed the case with the Newtownards District Welfare Officer prior to her meeting at Rubane with the Director of the home, Brother **BR 6** on 7 September 1964. According to the Royal Ulster Constabulary (RUC) minute dated 9 September 1964,<sup>12</sup> Miss Forrest was at that stage:

*"endeavouring to assist the Ministry to decide whether or not the school at Rubane should continue to be recognised as an approved voluntary school with particular emphasis on ascertaining whether this was an isolated incident or whether more boys might have been involved."*

The minute further noted;

*"No decision has been made as yet by the Ministry on this matter."*

7. With reference to the MoHA's consideration of the issues, Miss Forrest's report dated 10 September<sup>13</sup> stated;

*"Br **BR 6** expects that the Provincial of the Order will come North very soon and I have said we would like to see him in the Ministry ... I said our concern in*

<sup>9</sup> RUB 1026

<sup>10</sup> believed to be Brian McConnell MP of the Ulster Unionist Party. Robert William Brian McConnell, Baron McConnell (25 November 1922 – 25 October 2000)

<sup>11</sup> RUB 1026

<sup>12</sup> RUB 1013

<sup>13</sup> RUB 1014-19

the matter was a) to know if this boy had in fact been the subject of these offences by Br BR 14 b) whether there is any reason to fear that others have; c) whether there is any reason to fear that any such practices are widespread”.

8. It is not known what consideration was given as to who was best placed to address these issues. Miss Forrest's report seems to indicate that an immediate MoHA inspection was not thought to be an appropriate response. With reference to her visit to the home on 7 September 1964, she commented;

*“I did not however make any attempt at inspection since the other Brothers are in a state of guessing something and knowing nothing”.*

MoHA officials were no doubt aware discussions were ongoing as to how the allegations might be investigated. It is possible that an inspection took place after the Police and Provincial Superior's investigations had been completed. The Department is presently, however, unable to locate any documentation regarding the inspection programme for the year 1964 or shortly after this.

She also noted that the police had interviewed boys named by DL 13 who had left the home and that *“they denied all knowledge of such a thing.”*<sup>14</sup>

9. Agreement may subsequently have taken place between the MoHA and the De La Salle Order to the effect that the MoHA's concerns should be addressed by means of an investigation/enquiry conducted by the Provincial Superior. The Provincial Superior conducted his investigation on 18 September 1964 and made a report dated 19 September 1964.<sup>15</sup> This was considered by Mr Parkes and Miss Forrest at a meeting with him and Brother BR 6 on 21 September 1964. As noted above, he had interviewed each member of staff about *“a serious charge made against a Brother”*. As no relevant information was forthcoming, he concluded in the report;

*“I am quite certain that any one of those interviewed would have informed me were he aware of any misconduct between a Brother and a boy.”*

This confidence was reasserted in the statement;

*“As to the present members of staff I can confidently certify that each one is thoroughly reliable and in every respect suitable to carry out the delicate and onerous duties which an Institution of this kind demands.”*

10. The Provincial Superior did not interview any of the boys resident in the home. His report stated:

*“Due to the fact that the boys seemed to be unaware of any untoward incident in the home I thought it more discreet to refrain from carrying out an individual investigation which would serve no useful purpose, but which would*

<sup>14</sup> RUB 1014-19

<sup>15</sup> RUB 1020-22

*unquestionably undermine the good relationship between Brothers and boys and result in rousing their curiosity."*

The Provincial Superior was also of the view that:

*"As a general rule the boys would inform the Brothers if they knew of any misconduct in the home, but of this incident, [REDACTED] there was never a whisper."*

It should be noted that the police had by that stage interviewed past residents of Rubane who had been named by [REDACTED] DL 13 and no further complaints had been received.

11. With reference to the above meeting the Provincial Superior stated in an undated file note;<sup>16</sup>

*"They [i.e. MoHA] will keep this report as 'confidential'. They will not make use of it until we have further talks and only if the matter is raised by some public authority. Home Office<sup>17</sup> satisfied with the report and will take no further action".*

However, Mr Parkes' letter dated 30 September 1964<sup>18</sup> to an RUC Chief Inspector asking for a full report of the police action and findings, acknowledged the Minister's responsibilities and raised the possibility that the case might have wider implications:

*"it is quite possible that this case may lead to repercussions and in view of our general responsibilities for children's homes we are anxious to keep the Minister fully informed as to just what action was taken over the affair"*

and with reference to the requested police report:

*"It will of course be treated as strictly confidential and I sincerely hope that circumstances in which we need to refer to it will not arise at all".*

12. According to Mr Parkes' minute dated 16 November 1964,<sup>19</sup> discussion took place between the MoHA and members of the Down Welfare Committee. It is further noted that the Belfast Welfare Authority knew of the allegations,<sup>20</sup> although the Department is presently unable to tell by what means the authority received this information. The Chief Officer of that authority sought assurances in early September 1964 about the welfare of other boys who shared the same dormitory as [REDACTED] DL 13. It is not known how or by whom his concerns were addressed.

<sup>16</sup> RUB 1030

<sup>17</sup> We believe this reference to the "Home Office" was an error and that the author was referring to the "Ministry of Home Affairs".

<sup>18</sup> RUB 1023

<sup>19</sup> RUB 1023

<sup>20</sup> RUB1028

13. Following receipt of the police report, Mr Parkes, by minute dated 16 November 1964<sup>21</sup> forwarded the papers, which included Miss Forrest's 10 September report and the Provincial Superior's report of the investigation, to a Mr Alexander.<sup>22</sup> The 16 November minute stated "*there are now no grounds for further action against the home.*" This conclusion was based on the MoHA's views as stated in the minute that:

- all concerned were satisfied that these were isolated incidents and that the person responsible had been removed from all possible contact with children in Rubane or elsewhere; and
- the authorities of the home and of the Order were frank and co-operative and Mr Parkes and Miss Forrest were satisfied that the Provincial Superior had investigated the situation thoroughly and his conclusions were reasonable.

Mr Parkes also noted that:

- police action against the alleged offender was impossible as he was outside the jurisdiction<sup>23</sup>.

14. There was a suggestion, however, in Mr Parkes' minute that more adequate staffing in Rubane might have led to the incidents coming to light sooner;

*"it is at least possible that if staff didn't have such large numbers to cope with, the incidents would have come to light sooner, though they might not have been prevented."*

He proposed that MoHA should "*lose no opportunity of impressing upon them [i.e. the home] the importance of having enough staff.*"<sup>24</sup> The Department has no further information to indicate whether the issue of staffing was taken up with Rubane or if, as a consequence, staffing levels in the home were improved.

15. Handwritten annotations to the 16 November minute show that the minute and its attachments appear to have been shared with Dr Simpson.<sup>25</sup> An MoHA official<sup>26</sup> also noted that the Minister should see the papers. A further note dated 25 November 1964 confirmed that the Minister had indeed viewed the documentation.

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<sup>21</sup> RUB 1026

<sup>22</sup> This is possibly Mr A. Alexander who was Senior Assistant Secretary in the Ministry of Home Affairs between 1963 and 1965

<sup>23</sup> "Appropriate police action was to be taken, however, "*should the police be aware of Br. Felim's return to Northern Ireland*" (RUB 1025)

<sup>24</sup> RUB 1026

<sup>25</sup> known to be a medical officer in the Department of Health at the time

<sup>26</sup> JBB

**Question 2**

**Who within the Ministry was engaged in the decision making process on foot of the matter coming to the Ministry's attention?**

16. The evidence presented to the HIAI indicates that Miss K. Forrest, a Children's Inspector within the MoHA and her Child Welfare policy branch colleague, Mr J. H. Parkes handled the day to day decisions regarding the matter, liaising with the Director of the home, the police, the Provincial Superior of the De La Salle Order and the Down Welfare Committee. Their communication with other bodies and actions were set out in Miss Forrest's report, Mr Parkes' minute dated 16 November and the various records of the police and the Provincial Superior as outlined above. However, as the Department is unable to find any further information relating to this matter within its archived records, these may not account for all of the MoHA actions at the time.
17. Mr Parkes, as the MoHA policy branch lead, would have been responsible for determining how the matter was to be taken forward, subject to the approval of his senior officers and where relevant, the Minister. As noted above, the documentation indicates that senior MoHA officers and the Minister were informed of the actions taken and the outcome. In the absence of any information to the contrary, it must be assumed that they endorsed these and were content that the matter had been handled in a satisfactory manner.

**Question 3**

**Whether the disclosed papers record the totality of what occurred in respect of this incident**

18. The Department is unable to ascertain whether the disclosed papers record the totality of events or actions taken, as we have been unable to uncover any further information relevant to this matter.

**Question 4**

**Why the fact of the abuse, brought to the attention of the Ministry did not produce guidance, directions or training from the Ministry for all those running state or voluntary children's homes about the risks of sexual abuse being perpetrated by staff on children, how to identify it, how to ensure appropriate staff without those propensities were being recruited and what steps or procedures were put in place in order to guard against sexual abuse of this kind occurring and in order to safeguard children in care?**

19. Based on the information which the Department currently has to hand, the 1964 incidents in Rubane appear to be only the second known incidence of allegations of sexual abuse against staff having been brought to the attention of the MoHA. Previous allegations by a child of sexual abuse against members of staff in the St Patrick's home in Milltown were made known to the MoHA in 1948<sup>27</sup>. At the request of the then Minister for Home Affairs, the Rt Hon Edmond Warnock KC, the Bishop of Down and Connor agreed to investigate the matter. The Bishop established an Ecclesiastical Commission which found

<sup>27</sup> RUB 179 paragraphs 47 – 47.9; RUB 231; RUB 253-256; RUB 267-270

the "*charges of immoral conduct*" alleged by the child against Brothers [REDACTED] BR 1 and [REDACTED] to be "*devoid of all foundation*"<sup>28</sup>. It is unlikely, however, that the fact of the 1948 allegations and the subsequent investigation were known to officials dealing with the 1964 Rubane incidents which occurred some sixteen years later.

20. The sexual abuse by staff of children in institutional care was not recognised as a potentially much wider issue in Northern Ireland until the early 1980s when the Kincora scandal broke. Indeed, the sexual abuse of children within families and the community also appears only to have been fully recognised in its own right around 1984 when Health and Social Services (HSS) Boards began collating statistics on the incidence of child sexual abuse.<sup>29</sup> Therefore, in the light of prevailing knowledge (or lack of it) about sexual abuse in 1964 as well as the apparently implicit trust placed at the time in the caring nature of religious orders, it is understandable that the Provincial Superior's report, which deemed the incidents to be an isolated issue between one member of staff and one child, appeared to the MoHA to have reached a reasonable conclusion. As noted above, both the MoHA and Belfast Welfare Department sought assurances to this effect. They were assured that the perpetrator had been removed from all contact with boys in Rubane or elsewhere. The police also, having interviewed past residents named by [REDACTED] DL 13 found no further complainants.
21. In view of this it is probable that in 1964 the MoHA would not have deemed it necessary to issue guidance or take any other measures on a wider scale to guard against what was believed at the time to be a one-off episode and wholly uncharacteristic of the institutional care of children in general.

#### Question 5

**Whether the Department, on reflection, is of the view that the Ministry's response to this incident was adequate or otherwise**

22. The Department believes that the actions of the Ministry (see paragraphs 26 and 27 below) were consistent with both the information they were given and the knowledge about child sexual abuse that existed at the time. As already noted, (paragraph 20), child sexual abuse disclosures even in respect of children in families and in the community were rare, to the extent that there were no agreed processes for responding to such allegations. It is understandable therefore that professionals and others were predisposed to questioning the veracity of those who did disclose, particularly where an allegation was made against a member of staff of a children's home who was also a member of a trusted clerical order.
23. The 1964 situation was nevertheless significant, in that the perpetrator admitted at least one incident of abuse. It is also important to note that the Provincial Superior who investigated the 1964 incidents in Rubane had already carried out an investigation in 1958 regarding allegations of sexual abuse against the [REDACTED]

<sup>28</sup> RUB 255

<sup>29</sup> see paragraphs 40-43 of the May 2014 Departmental Supplementary Statement

[REDACTED] a Brother **BR 17**<sup>30</sup> Brother **BR 14** the 1964 perpetrator, appears to have been [REDACTED]

[REDACTED] Significantly, it would seem that the Provincial Superior did not share with the MoHA or the police any information about the 1958 allegations and his subsequent investigation, either at the time the allegations were made or during their considerations of the 1964 incident. The Provincial Superior had also been made aware in 1958 and in August 1964 of allegations of child sexual abuse against a Brother **BR 69** (albeit with reference to incidents in the Republic of Ireland – see paragraph 34 below). He was therefore well aware of the potential for those in positions of trust to abuse children.

24. The 1964 disclosure would appear to have been the first disclosure of its kind received by Miss Forrest and Mr Parkes. Had the Provincial Superior shared the vitally important information about the 1958 allegations with the MoHA and the police, the Ministry and the police might have questioned the conclusions about the isolated nature of the 1964 incidents.
25. As already accepted by the HIAI, it is difficult to judge the handling of past events by currently accepted standards. Today, for example, of central importance in a current situation would be the need to establish a strategy for the investigation of the issue in accordance with child protection policies and procedures. Such a strategy would, of necessity, seek to establish whether other children had been abused and would provide opportunity for them, if relevant, to disclose abuse within an interview situation that was sufficiently independent of the staffing within the home.

#### Question 6

**Whether the Department, on reflection, considers that the response to this incident was a systemic failing. If so, in what way? If not, why not?**

26. MoHA officials, in their considerations and actions relating to the 1964 incidents:
  - met immediately with the police and the Director of the home to consider the allegations and their implications<sup>31</sup>;
  - identified key questions to be addressed regarding the incidents, including the need to be certain that abuse had in fact taken place; and if so, to be assured that no other children had been involved and that abusive practices were not widespread;<sup>32</sup>
  - gave consideration, according to a police report<sup>33</sup>, as to *“whether or not the school at Rubane should continue to be recognised as an approved voluntary school with particular emphasis on ascertaining whether this*

<sup>30</sup> RUB 210 and 212-13

<sup>31</sup> RUB 1014-1019

<sup>32</sup> RUB 1014-1019

<sup>33</sup> RUB 1013

*was an isolated incident or whether more boys might have been involved*<sup>34</sup>.

- liaised closely with the police by means of formal meetings<sup>35</sup> and sought a full report on police action and findings on the case<sup>36</sup>;
- noted that the police, having interviewed past residents of the home, had found no further complainants<sup>37</sup>;
- agreed that a senior person (i.e. the Provincial Superior) who was removed from the immediate management structure of home, should undertake an investigation to ensure that no other children had been abused;
- met with the Director of the home and the Provincial Superior to discuss the investigation report<sup>38</sup>;
- shared the Provincial Superior's report with the RUC Chief Inspector responsible for the case<sup>39</sup>;
- met with officials from Down Welfare Committee, the authority responsible for the placement of the child and in whose area the home was located<sup>40</sup>; and
- raised the matter to Ministerial level within the MoHA, noting that the MoHA had discussed the case with the police, the manager of Rubane, the Provincial Superior and officials of Down Welfare Committee, and that *"all concerned were satisfied that these were isolated incidents and that the person responsible, BR 14 had been removed from all possible contact with boys at Rubane and elsewhere."*<sup>41</sup>

27. Given the manner in which the incidents were investigated within a prevailing culture of trust and the state of knowledge at the time, the Department does not accept that there was a systemic failure on the part of the MoHA in its handling of the 1964 incidents.

<sup>34</sup> The Department believes this was a reference to consideration by the MoHA as to whether home should continue to be registered as a children's home

<sup>35</sup> RUB 1014-1019 and RUB 1024

<sup>36</sup> RUB 1023

<sup>37</sup> RUB 1014-1019

<sup>38</sup> RUB 1030

<sup>39</sup> RUB 1024

<sup>40</sup> RUB 1026

<sup>41</sup> RUB 1026

**Question 7**

**Whether, had this matter been handled differently, the Department is of the view that subsequent events in other homes, such as Kincora, were less likely to have occurred.**

28. The Departmental review of the statements made to the HIAI by witnesses who were resident in Rubane in or around 1958 when the first allegations were investigated by the Provincial Superior and those resident in or around 1964 when his second investigation was carried out indicated that:

- Five out of eight witnesses<sup>42</sup> who were resident in Rubane in 1958 allege that they were being sexually abused and/or were aware at the time of the sexual abuse of other boys by staff members other than Brother BR 17 the member of staff investigated in 1958 by the Provincial Superior (see paragraphs 32-34 below). It should be noted that one of the staff, a Brother ██████████ named as a perpetrator by some of the 1958 residents was still employed at the home during the 1964 investigation.
- Four out of five witnesses resident in Rubane in 1964<sup>43</sup> allege that they were being sexually abused and/or were aware at the time of the sexual abuse of other boys by staff members other than Brother BR 14 the member of staff investigated in 1964 by the Provincial Superior. Brother ██████████ was again named as a perpetrator by three of these witnesses.
- Brother BR 6 ██████████ who participated in discussions with the MoHA following the 1964 incidents is also alleged by witnesses whose period of residence in Rubane ranged from ██████████ to ██████████ to have sexually abused them.<sup>44</sup>
- Brother BR 14 is one of four staff (including Brother ██████████) named by witness HIA 252 who was resident in Rubane from ██████████ whom he alleges took boys out of their beds and brought them to the Brothers' bedrooms.

29. Had more thorough, independent investigations been carried out in 1958 and 1964, it must be concluded that such scrutiny might have had the potential to alert the police, the MoHA and the authorities responsible for the children's care that the sexual and physical abuse of children in Rubane was much more prevalent than the presenting complaints suggested. This in turn might have led to earlier recognition of the vulnerability of children in institutional care to such abuse. The effectiveness of more rigorous investigations would, however, have been dependent on the uninhibited disclosures of children at the time. Whether children questioned by authority figures in 1958 and 1964 would have felt sufficiently confident to disclose abuse is doubtful. It is noted that the findings of the Hughes Inquiry in respect of Rubane seem to have uncovered

<sup>42</sup> HIA 535; HIA 183; HIA 252; HIA 390; HIA 427; and HIA 159

<sup>43</sup> HIA 26; HIA 64; and HIA 385

<sup>44</sup> HIA 26; HIA 50; HIA 128; HIA 256; and HIA 388.

abuse related only to the period 1977 to 1980. It would appear that even as adults, a number of witnesses who have given evidence to the HIAI did not come forward in the early 1980s.

30. In light of this it would be difficult to conclude with certainty that different handling of the 1958 and 1964 investigations would have helped to prevent the abuse of children in other homes.

#### Question 8

**Any other relevant matters the Department wants to bring to the Inquiry's attention in respect of this matter.**

31. Paragraphs 24 and 25 above refer.
32. The Provincial Superior who compiled the report for the MoHA had also investigated allegations in September 1958 of sexual abuse made by several boys against [REDACTED] Brother BR 17. Brother BR 14 and three other Brothers were the initial recipients of the complaints.<sup>45</sup> All but one of the boys retracted their allegations under questioning by the Provincial Superior. In November 1958, the Provincial Superior received, via a church curate, a further complaint of sexual abuse by Brother BR 17 from the father of a boy who had left Rubane prior to the September 1958 investigation. The Provincial Superior interviewed the boy in the presence of the curate at Rubane, stating in a letter dated 22 November 1958<sup>46</sup> to the Brother Assistant:
- "After six hours he finally confessed that the charge against Br BR 17 was false. I know that we really used 'third degree' in getting the confession from him and only when I told him that I would keep him overnight did he finally confess. This is not too satisfactory and one is left in some doubt".*
33. It would seem that Brother BR 17 was permitted to remain at the home, having been given instructions by letter dated 14 September 1958 regarding his conduct and orders in relation to safe practice in the future.<sup>47</sup> It would also appear that neither the police nor the MoHA were made aware of these allegations.<sup>48</sup> The Department's view is that the MoHA should have been notified of the allegations as soon as they came to light. At the very least, at the outset of the 1964 investigation, the MoHA should have been apprised of the previous allegations relating to Rubane House and also investigated by the Provincial Superior in 1958.
34. In or around 1958, the Provincial Superior had received allegations from a parish priest in [REDACTED] who had been approached by a number of parents complaining that a Brother BR 69 "was interfering with some boys".<sup>49</sup> As the De La Salle Order is a teaching order, these allegations may have related to [REDACTED] BR 69's role within a school. Brother

<sup>45</sup> RUB 212

<sup>46</sup> RUB 208

<sup>47</sup> RUB 215

<sup>48</sup> RUB 182

<sup>49</sup> RUB 183

BR 69 was transferred to [REDACTED] and then in 1959 to [REDACTED] where another allegation was made against him. In August 1964 the Provincial Superior received further allegations of sexual abuse against this Brother whilst he (Brother BR 69) was in the [REDACTED]. Although these latter allegations related to incidents in the Republic of Ireland and were not alleged to have happened in a children's home, they serve to demonstrate that the Provincial Superior was well aware of the potential for child sexual abuse amongst members of the Order who were in contact with children.

Date: 19<sup>th</sup> September 2014

*Alan R. Henigan*

I, Hilary Ruth Harrison will say as follows:

This statement provides additional information to the Departmental response dated 19 September 2014 (hereafter referred to as “the September 2014 Statement”) to the questions posed by the HIAI regarding Rubane House children’s home. This supplementary statement has been prepared on the basis of relevant information contained in the evidence now received by the Department.

The statement follows the structure of the September 2014 statement indicating, where necessary, the additional information to be noted in respect of the original questions raised by the HIAI.

**HISTORICAL INSTITUTIONAL ABUSE INQUIRY****DEPARTMENT OF HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY****RUBANE HOUSE – SUPPLEMENTARY STATEMENT**

**Question 1 – What steps did the Ministry take on foot of being made aware of the abuse?**

**Additional information****Staffing issues**

1. Paragraph 14 of the September 2014 statement refers.
2. The September 2014 statement makes reference to the Department not having any information to indicate whether the issue of having sufficient staffing was taken up with Rubane following the 1964 incident.
3. It is now noted that ‘overcrowding’ in Rubane was a longstanding concern of the MoHA with frequent references to the matter in inspection reports dating from the 1950s<sup>1</sup>. In 1961, an MoHA letter dated 6 September 1961 to the Director of the home ‘*noted with concern*<sup>2</sup> the number of boys accommodated and directed that any further discharges should not be regarded as creating vacancies until the approved number of 71 boys had been reached. Miss Forrest’s subsequent internal minute dated 14 September 1961<sup>3</sup> contained an analysis of the room space available and staffing ratios against the number of children accommodated. The minute stated “*as the home is understaffed it is only fair to suggest that there is an overcrowding by more than the 18 boys shown on the calculation.*” This was identified as an issue for consideration in the home’s forthcoming planning for cottage provision and was a matter that continued to be raised both before and after the 1964 incident.
4. The minutes of a meeting which took place on 26 February 1963 between MoHA officials and the Trustees of Rubane noted the opinion of an MoHA official that “*it is doubtful if the Ministry would be justified in continuing to include in the register of voluntary homes, one which is staffed so inadequately at present*”<sup>4</sup>. A letter to BR 6 dated 10 October 1963 confirmed that the issue of staffing had not been satisfactorily resolved “*It is not at all clear to us what staffing arrangements are proposed under the new plans. We had hoped for a greatly increased proportion of staff to children but*

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<sup>1</sup> RUB 11866

<sup>2</sup> RUB 10295

<sup>3</sup> RUB 10296

<sup>4</sup> RUB 10125

... this would not seem to be provided for.”<sup>5</sup>

5. At the conclusion of the 1964 incident in November 1964, there is evidence that the proposal made by Mr Parkes to his senior officials that MoHA should lose no opportunity of impressing on the home the importance of having enough staff was assiduously followed through. On 18 November 1964, with reference to proposed new accommodation developments at Rubane, Mr Parkes (MoHA) wrote to the Director a letter which included the following statement:

*“We shall require an assurance from you that the home will be adequately staffed. In this connection I cannot stress too strongly the importance, whatever the future developments may be and whenever they take place, of providing at the earliest possible date an increase in the staff at Rubane. .... Recent events have given added point to our feeling that where such a small staff have so much to do for so many children the development of a satisfactory relationship of trust and confidence between individual children and members of staff is virtually impossible”<sup>6</sup>.*

6. Correspondence between MoHA and the Director during 1965 indicates that MoHA continued to insist on Rubane achieving a satisfactory staff ratio<sup>7</sup>. This appears to have been satisfactorily resolved by May of 1965 as there is no further mention of staffing for the new developments beyond this date<sup>8</sup>.

### Inspection

7. Paragraph 8 of the September 2014 statement refers.
8. With reference to the inspection of Rubane following the 1964 incident and up until the more comprehensive SWAG inspection of Rubane in 1981, it would appear that Miss Forrest and/or other children’s Inspectors inspected/visited the home in the years 1966;1968;1973; 1974;1975;1976;1977; and 1980<sup>9</sup>.

### Question 5

9. **Whether the Department, on reflection, is of the view that the Ministry’s response to this incident was adequate or otherwise.**
10. In addition to the information contained in paragraphs 22-25 of the September 2014 statement, we have noted that the Rubane Management Board

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<sup>5</sup> RUB 10308

<sup>6</sup> RUB 10129

<sup>7</sup> RUB 10132

<sup>8</sup> RUB 10136

<sup>9</sup> RUB 11872; RUB 1428; RUB 41280;RUB 41281; RUB 41285; RUB 41287; and RUB 41442.

established by the Diocese of Down and Connor, which the Department understands was the administering authority for the home, was not made aware of the 1964 allegations and the investigation by the Provincial Superior of the De La Salle Order. The Department accepts that this was an oversight. As the authority holding statutory responsibility under the Children and Young Persons (Voluntary Homes) NI Regulations 1952 to “ensure that each home in its charge is conducted in such a manner and on such principles as will further the wellbeing of children in the home” (Regulation 4 (1)), the Rubane Management Board should have been fully informed of the 1964 events and included in discussions about how the matter should be taken forward. Had this been the case, it might have encouraged greater openness in the sharing of information that was vital to the handling of the matter, as considered in paragraphs 13-18 below.

### Question 8.

**Any other relevant matters the Department wants to bring to the Inquiry’s attention in respect of this matter.**

### Additional information

#### Allegations of abuse in Rubane [REDACTED]

11. The Department notes with concern that BR 6, [REDACTED] [REDACTED] received allegations of sexual abuse against BR 15 in [REDACTED]. These were investigated by [REDACTED], BP 3 and as a consequence, BR 15 was transferred from Rubane<sup>10</sup> in [REDACTED] [REDACTED].
12. The allegations against BR 15 were not reported to the Department, the police or the Rubane Management Board.

#### Information withheld during the 1964 investigation

13. With reference to the 1964 incident, paragraph 22 of the September 2014 statement states:

*“The Department believes that the actions of the Ministry were consistent with both the information they were given and the knowledge about child sexual abuse that existed at the time.”*

14. Based on the evidence now received, the Department believes the Ministry was deliberately misled by the Provincial Superior about the extent of BR 14<sup>BR 14</sup> abuse of children. On 21 September 1964 he presented a report

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<sup>10</sup> RUB 187

dated 19 September 1964 to MoHA officials which stated:

*“While frankly admitting his guilt in relation to DL 13 he emphatically denied having interfered with any other boy in the home. He said that the case against him was a single incident with one boy only.”<sup>11</sup>*

15. Having met with the Provincial Superior and received his report, MoHA officials concluded<sup>12</sup>:

*“all concerned were satisfied that these were isolated incidents and that the person had been removed from all possible contact with children in Rubane and elsewhere”.*

The police were also plainly led to believe by the Order, that DL 13 was the only child involved.

16. We now know that BR 14 had confessed to the Provincial Superior *“grave immoral actions with a number of boys”*<sup>13</sup>. The Provincial Superior’s correspondence with a Church official in Rome dated 12 September 1964, which pre-dated his investigation report to the MoHA stated of BR 14 *“... he is a positive danger to others. During the past three years he has interfered with boys, a couple each year”*<sup>14</sup>.
17. Failure by the Provincial Superior to disclose such information to the MoHA and the police was a serious breach of trust which may have had lasting consequences for a number of children. The September 2014 statement noted our concern that the Provincial Superior did not share with the MoHA and the police, information about the 1958 allegations of abuse. The Department believes that this, in addition to the serious misleading of the MoHA and the police about the extent of BR 14 admissions, compromised the proper investigation of the incidence of abuse in the home. It is most likely that if they had been made aware of this information, the police and the MoHA would, at the very least, have established an arrangement whereby every boy in the home would have been interviewed as well as past residents. Relevant Welfare Departments would also have needed to have been alerted to the investigation, thus creating further opportunities for the disclosure of abuse by children in their care.
18. As noted in paragraph 29 of the September 2014 statement, had more thorough independent investigations been carried out in 1958 and 1964, it

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<sup>11</sup> RUB 1020

<sup>12</sup> Paragraph 13 of the September 2014 statement

<sup>13</sup> RUB 7159

<sup>14</sup> RUB 7160

must be concluded that such scrutiny might have had the potential to alert the police, the MoHA and the authorities responsible for children's care that the sexual and physical abuse of children in Rubane was more prevalent than the presenting complaints suggested. The Department believes that as a consequence of vital information having been withheld in relation to the 1964 investigation, an opportunity which had the potential to lead to earlier recognition of the vulnerability of children in institutional care was lost.

### Concluding statement

19. When investigating the context in which physical assaults and alleged homosexual abuse of children took place in Rubane, the Committee of Inquiry into Children's Homes and Hostels, (The Hughes Inquiry) came to certain conclusions which had implications for the role of the DHSS and its predecessors during the period 1960-1989. The Hughes Inquiry found:
- SWAG's record as to the frequency of inspections of Rubane was satisfactory up to 1976. The absence of a formal inspection between 1976 and March 1981, the latter after the discovery of offences at the home, was unsatisfactory;<sup>15</sup>
  - The inspections of the 1970s as a means of gaining a genuine insight into the standard of care in the home were inadequate<sup>16</sup>. The Hughes Inquiry, however, contrasted the former inspections with the scope and follow-up of the 1981 inspection which *"illustrated a form of frank dialogue between the Department and the home's management which we consider to be worthwhile."*<sup>17</sup>
  - The Board of Governors did not meet its obligations to arrange for visits and reports under the 1975 regulations. There was no evidence that the Board actually recognised that these obligations existed<sup>18</sup>;
  - The Board of Governors and Management Committee should have required a greater degree of accountability from the Brothers than existed in the period under consideration<sup>19</sup>.
20. The Department did not challenge the findings of the Hughes report in respect of inspections of Rubane. It accepts that whilst inspections were conducted regularly in the early years and were reflective of the standards at the time,

<sup>15</sup> The Report of the Committee of Inquiry into Children's Homes and Hostels. HMSO 1986, Paragraph 10.22.

<sup>16</sup> *Ibid* Paragraph 10.22.

<sup>17</sup> *Ibid* Paragraph 10.24

<sup>18</sup> *Ibid* Paragraph 10.18

<sup>19</sup> *Ibid* Paragraph 10.51

the same conclusions in respect of their capacity to provide a genuine insight into the standard of care in the home might well apply to those carried out from 1950 to the period under consideration by the Hughes Inquiry.

21. A fundamental purpose of any inspection should be to ensure that statutory requirements are being met. The Department accepts that despite annual inspections and frequent visiting by MoHA and DHSS inspectors/advisors, evidence was not sought to demonstrate that the Board of Governors was fulfilling its statutory responsibility regarding the monthly visitation of the home. A person should have been appointed by the Board of Governors to satisfy himself/herself whether the home was being conducted in the interests of the wellbeing of the children and report to the administering authority on the visit.
22. Apart from some early references to communications with the Bishop, the Department also accepts that its predecessors did not appear to engage or communicate with the Board of Governors for Rubane, which was the administering authority for the home. With particular reference to the 1964 incident, the De La Salle Order was permitted to deal with the issue and carry out its own investigation without reference to the Board, which held statutory responsibility for the welfare of children in Rubane and to whom the Order was accountable for the running of the home. The potential for important information to be shared with the MoHA and the police was therefore diminished.
23. The Department acknowledges that these shortcomings are likely to have contributed to a system that failed a significant number of children. Children in Rubane should have experienced care, security and stability. Instead, many were subjected to physical, sexual and emotional abuse which went unrecognised and untold for many years with devastating consequences for the children's future lives. The Department believes that the shortcomings outlined above, had they not occurred, would not of themselves have prevented the abuse of children. Nevertheless, rigour of inspection, proper monitoring by responsible authorities and clearly defined management responsibility and accountability are essential to the wellbeing of children in care. These form part of a comprehensive safeguarding process that should help to create an open environment in which opportunities for abuse are minimised and children feel sufficiently safe to alert staff and others to any concerns they might have and know that they will be heard.

A handwritten signature in black ink, appearing to read "Hilary R Harrison". The signature is written in a cursive style with a horizontal line under the name.

**Signed:**

**Dr Hilary R Harrison**

**Date:**

**03 December 2014**

Ministry of Home Affairs,  
Stormont,  
Belfast.

T.C.8

6<sup>th</sup> October, 1965.

Circular No.T.C.7/1965

Dear Sir/Madam/Reverend Mother,

Regulation 15 of the Children and Young Persons (Voluntary Homes) Regulations (Northern Ireland) 1952 requires the administering authority of each voluntary home to notify the Ministry immediately when the person in charge of the home ceases to be in charge and of any new appointment to the position.

As this regulation is not in all cases being complied with it will be appreciated if steps are taken to ensure that the need to notify the Ministry of any change in the person in charge of the home is not overlooked. It would be helpful if, when such notifications are being made, you would be good enough to supply full details of the qualifications and experience of the person newly appointed.

Yours faithfully,



for Secretary

To each  
Voluntary Home in  
Northern Ireland.

NI HA22/4/50/9/65R