Witness Name: Br Pius McCarthy

Date:20th May 2013

The Inquiry into Historical Institutional Abuse 1922 to 1985

Witness Statement of Br Pius McCarthy

Explanatory Note: - I, Br Pius McCarthy am the Provincial Secretary to the De La Salle Order in Ireland and I have held that post since 1995. I was previously Provincial Secretary between 1974 and 1976. I never served in Rubane House, Kircubbin and I have no personal experience of the home. I make this statement on the basis of the knowledge I have gained from former staff who did serve in Rubane House and from examining the archive material that remains available to the Order. This response is given in the spirit of the HIAI letter of the 13th March 2013 and is not an 'exhaustive exploration of every aspect of every question'. It is designed to assist the Inquiry Team gain a preliminary understanding of the De La Salle Order, Rubane House, how the Home was managed, how the boys were cared for and how the Order interacted with the various government agencies.

I, Br Pius McCarthy will say as follows;

1. A brief history of the De La Salle Order

1.1. Foundation and Spread of the Order

The De La Salle Order of Brothers was founded in France in the seventeenth century (1680). The founder, John Baptist de la Salle, became keenly aware of the great educational poverty of the children of the working classes in France. To respond to this unmet need, he founded a community of teaching Brothers, The Institute was at first confined to France but at the time of the French Revolution, the Brothers were dispersed and spread throughout the world. Worldwide, today, there are 1,736 Brothers, 41,143 lay men and 46,523 lay women teaching 936,463 students in 78 countries.

1.2. Ireland

Currently, there are 87 Brothers in the Irish Province, 74 in Ireland and 13 in South Africa,

[redacted]

Kenya, Ethiopia, India, Pakistan, Sri and Lanka. Currently, the Order has some twenty educational centres in Ireland - Primary and Secondary Schools and Pastoral Centres.

The Brothers opened their first school in England in 1855 and over the years became involved in the running of 11 Home Office Schools in England and Scotland.

A Novitiate was opened in Ireland in 1880 and many young men joined the Order and in 1891 the De La Salle Training College was established in Waterford for the training of Brothers and lay teachers as Primary School Teachers.

Prior to 1947 there was only one Province incorporating England and Ireland, North and South, and Brothers could be assigned to schools in either country. Primary, Secondary and Home Office Schools were staffed mainly by Irish born Brothers.

In 1947 the Irish Province became independent and had responsibility for schools and institutions in the Republic of Ireland and Northern Ireland including the two Residential Homes which the Brothers were invited to run on behalf of the Diocese of Down and Connor:

a. **St. Patrick's Training School**

- St. Patrick's Industrial School, Donegal Street, Belfast, owned and controlled by the Diocese of Down and Connor, was certified on 27th August 1869. It was re- certified in 1873 as Milltown House for 150 boys with Mr. Collins in charge of teaching and Fr. J.P Greene as Chaplain and corresponding Manager..
- In 1917 Bishop McGrory invited the De La Salle Brothers to take over the running of the Home.
- In or around 1923 a reformatory section was added at the request of the Home Office Authorities. This changed the character of the school and created difficult administrative and disciplinary problems.
- In May 1941, in response to the Belfast Blitz, 62 of the younger boys were transferred temporarily to a rented house in Forkhill, Co Armagh for safety.
- In 1950 the School in Milltown (on a site adjacent to Milltown Cemetery) was transferred to a newly built school on Glen Road which became known as St. Patrick's Training School. This school was administered by a Board of Management, largely made up of Diocesan Trustees, and primarily interacted with the criminal justice system through the Ministry of Home Affairs and then the Northern Ireland Office.
- The Brothers withdrew from St. Patricks in 1996.

b. **De La Salle Boys Home, Rubane, Kircubbin (see 2 below)**

During the relevant period, but outside the Inquiries Terms of Reference the De La Salle Order provided teaching staff to the following schools;

[redacted]

- [redacted].
- [redacted]
- [redacted].
- [redacted]
- [redacted]
- [redacted].

The Order therefore had within Northern Ireland, at various times between 1922 and 1985 Communities in Belfast, Downpatrick, Kircubbin, Keady and Portadown.

Further background details relating to the De La Salle Order can be found in Chapter 15 of John Towey's book 'Irish De La Salle Brothers in Christian Education' exhibited hereto as Exhibit 1.

1.3. Title & Governmental Structure

The proper title of the De La Salle Congregation is 'The Institute of the Brothers of Christian Schools' although they have always been known through Ireland as the De La Salle Order.

The head of the Order is the Superior General. He is based in Rome and has the assistance of a group of Councillors who together make up the General Council or 'Council'.

Each Province has its own Provincial or 'Visitor' and each separate community or house its own superior or director.

Both St Patricks and Rubane had, throughout their existence, a 'Director' for the respective De La Salle Community and that Director would be responsible to the Province's Provincial who was at various times located either at Castletown in Co. Laois or at Howth Road in Dublin.

All of the Brothers were governed by rules and regulations set out in two books, namely;

- Rules and Constitutions of the Brothers of the Christian Schools
- Book of Government of the Brothers of the Christian Schools

2. A history of De La Salle Boys Home commonly known as Rubane House (1951-1986)

- In 1950, Bishop Mageean, the then Bishop of Down and Connor was anxious to open a Home for the care of orphans and destitute children in his Diocese. The existing records indicate that the Bishop and BR 39 [redacted] were concerned about the lack of facilities for destitute boys and that some children, were, by default being admitted to St Patrick's. It appears that both believed this to be inappropriate and that the opening of another home to accommodate these children was necessary. In April 1950 the Bishop formally requested that the De La Salle Order send five Brothers to run the voluntary home and orphanage at Rubane on behalf of the Diocese.
- The Diocese purchased Rubane House and 250 acres of land near Kircubbin on the shores of Strangford Lough for the sum of £32,500 and although the De La Salle Order repaid the loan (from various sources – see below) the legal title remained with

the Diocese. The Order and the Diocese entered into a formal agreement in 1950 a copy of which is exhibited hereto as Exhibit 2.

- The first Brothers arrived in Rubane on 1st October 1950 and the Home was formally opened on the 15th December 1950.
- The first group of 16 boys arrived from Milltown/St Patrick's on 17th January 1951. Of this first group 4 were from the Welfare Authorities, 1 from the Ministry of Pension, 1 voluntary and 10 boarded out from Milltown.
- Two Brothers taught in temporary class-rooms until the School was built in 1954. The total number of boys at the end of 1951 was 35.
- Classes began in two rooms in the house and later in a long wooden hut close to the main dwelling and then to another house on the property that became vacant. In 1952 a new school was built and opened on 9th November 1953.
- In 1953 the first group of 26 boys came from Nazareth Lodge and the 20 boys from St. Patricks returned to the Training School.
- Because a large proportion of these children were orphans and not under any Welfare or statutory body, no money was forthcoming for their maintenance. It was not until 1975 that all of the boys were supported by a Welfare Authority. A Committee, called the De La Salle Voluntary Workers Committee, was set up by [redacted], to raise the necessary funds for the running of the Home. Over the years, the Home would never have been able to function financially without the work of this Committee.
- From 1954 onwards the School was recognised as an un-reorganised Primary School, though the Ministry of Education pointed out that if the numbers rose to 80-100 mark it would be necessary to reconsider this and have the status changed to that of a self-contained Intermediate School which would exclude pupils under 11 years of age. The School did eventually assume Intermediate or Secondary School status comprising a staff of Principal plus six teachers.
- From the opening of the Home in 1950 until 1968 the Brothers shouldered the main responsibility for the running of the Home. There were usually 4 Brothers teaching in the School while the caring side was looked after by two Brothers full time with the help of ancillary staff.
- During these years, of course, the number of boys in the Home gradually increased to the 80 mark. There was much overcrowding in all areas of the house and it was imperative that extensions should take place. After consultations between Diocese, Order and Ministry of Home Affairs it was decided that an extension of the Home, using the modern 'cottage style' system would be undertaken. In 1968 the first 2 of 4 modern chalets were opened. Each chalet accommodated 14 boys and was staffed with House fathers and mothers. In later years the numbers in a chalet were reduced to 9. The number of boys in the Home varied, from a maximum of 86 in the year 1964 to a minimum of 24 in the year 1984.
- The Admission Register records the residency of 982 boys within the Home at various times from 17th January 1951 until 20th December 1985.

3. Describe the Rubane House complex, the buildings and its surrounding lands;

3.1. Rubane house was a large Victorian Mansion, close to Kircubbin, Co. Down approximately 22 ½ miles from Belfast and situated in the middle of the Ards Peninsula.

3.2. There was 250 acres of land and a number of outhouses which had previously been associated with the farm. As illustrated by the various records the organisation and administration of the farm was a principal undertaking of the Home in the early years and in addition to providing much needed income gave the boys an education in farming principles and techniques.

3.3. The complex expanded through the years as set out at 2 above to include both a school and accommodation chalets. Some of the farm buildings were at various times used for both accommodation and leisure activities. Old coach houses near the entrance were also used at different times for a variety of purposes including classroom accommodation, table tennis, billiards, films, outdoor pursuits store, clothing store, showing films, tuck shop and toilet facilities.

3.4. In addition to the farmland, there were playing fields (all weather and grass), basketball/tennis courts, a swimming pool; areas of woodland, garden area, general play area with swings, and a pet area with animals. In the early years there was no running water, the water supply being extracted from a nearby well but the home was eventually connected to piped water supply.

3.5. The school was located within the grounds of the home and was regulated by the Ministry/Department of Education. Prior to 1969 it was a 'primary school' and thereafter its status changed to 'Secondary School'.

4. **What the management structure and staffing arrangements were in Rubane House?**

The structure changed at various times through the duration of the Home.

From its inception the Home was under the control of the Board of Governors. The Chairman of the Board of Governors was the Bishop of the Diocese of Down and Connor and fellow members of the Board various Diocesan clergy.

The Director of Rubane was nominated by the Provincial but appointed by the Board of Governors.

The Board held and annual general meeting to which the Director of Rubane presented an annual report. Minutes of these meetings and some of the annual reports survive and a sample is exhibited hereto as Exhibit 3.

Responsibility for day to day running of the Rubane was left largely to the De La Salle Order itself and the Director of the De La Salle Community in Rubane. The Director was effectively 'the officer in charge'.

The Provincial proposed Brothers for positions on the Teaching and Care Staff. In later years they were appointed by the Committee of Management, acting on behalf of the BOG.

Teaching Brothers had to be suitably qualified and recognised by the Department of Education.

The employment and dismissal of lay teaching and care staff was the responsibility of the Director and in later years the Committee of Management.

There were no formal training courses in Child Care in the early years and initially care staff did not require qualifications. Brothers, whom the Provincial thought suitable, were appointed as Prefects and the teaching Brothers helped out with extra curricular activities.

There were few members of staff, if any, who had professional qualifications in Child Care in the 1950's. It is not believed that Rubane House was any different from other residential homes in this regard. New staff acquired and developed their skills under the supervision of other senior, experienced members of staff.

While they did not possess professional qualifications, they were the subject of a very intense and continuing formation programme in the Order.

A Diocesan priest was attached to the home, as a resident chaplain; from 1950-1971 and thereafter the Parish Priest of Kircubbin exercised pastoral duties over the home.

On the 5th February 1979 a Management Committee, subject to the Board of Governors, was established. Its membership included Diocesan, De La Salle and lay representatives and it was responsible for the running of the home, quality of care and policy implementation. Minutes of these meetings survive and a sample exhibited hereto as Exhibit 4.

In the early years the burden for staffing the home fell heavily on the De La Salle Order. All of the teaching and care staff in the 1950s were De La Salle Brothers. There would have been some ancillary lay staff – cooks, laundary supervisors etc.

In approximately 1968 lay staff began to be employed as house-parents – principally as part of the introduction of the cottage/chalet system. This expansion also resulted in a number of Nuns/Sisters of the Order of St Joseph of Newark working in the home.

The appointment of lay staff was, until the formation of the management committee in 1979, the responsibility of the Director and it was the Director who would have interviewed staff for posts.

It is difficult to identify when public advertisement of the first lay positions occurred. No documents suggesting advertisements for the house-parents required in 1968 have been located but it is believed that this development heralded the commencement of public advertisements. Certainly, from the early 1970s staff where recruited through advertisements placed in local papers. CV's and references were requested. They were interviewed by the Director and post 1979 by the Committee of Management.

It should be noted that the school and the home, although operating under different government ministries and different regulations operated within the same complex. Many De La Salle Brothers who had a teaching role in the school were also involved in providing care in the home.

By way of illustration a cross sample of staff for the following years follows;

- 1962 – 7 De La Salle Brothers – 3 involved with both school/home, 2 involved with home only, 1 farm only and 1 administrative only.

  There was 1 lay teacher, 3 lay ancillary staff and 4 lay farm/maintenance staff.

  All of care staff were De La Salle Brothers.

- 1967 – 8 De La Salle Brothers – 4 involved with both school/home, 2 involved with home only, 1 farm only and 1 administrative only.

  There was 1 lay teacher, 4 lay ancillary staff and 5 lay farm/maintenance staff.

  All of care staff were De La Salle Brothers.

- 1972 – 10 De La Salle Brothers – 3 involved with school/home, 1 administrative/school only, 2 farm only, 4 involved with home only.

  There were 2 lay teachers, lay secretary and lay caretaker for the school.

  There was 3 lay care staff.

  There were 3 nuns on care staff.

  There was 3 lay ancillary staff.

There was 4 lay canteen staff.

There was 4 lay domestic staff attached to the chalets.

There was 2 lay farm staff.

5. How Rubane House was financed; 1967-1974

The Home was purchased by the Diocese for £35,000 but it was up to the De La Salle Order to repay the loans together with interest. Responsibility for the repayment of the loans fell on the Brothers.
There were three main ways or raising money to meet these liabilities and to maintain the Home

5.1. Voluntary Workers Committee.

This was formed under the energetic hand of BR 39 and from the beginning was busy organising flag days, collection boxes, raffles, bazaars, door to door collections etc. This Committee was responsible for paying off the loan and interest of £10,000 to His Lordship Dr. Mageean, £5,000 to the Munster & Leinster Bank and £25,000 to the Diocesan Orphan Society. This money had been borrowed to pay for the property and to make the necessary alterations according to Ministry regulations. Up to 1962, this Committee contributed approx. £49,000 to the upkeep and maintenance of the boys in the Home and since then has added another £82,600 to pay for the building of Chalets, School and renovations to the Main House, which commenced in 1967. In the twenty three years, it has raised well over £140,000.

5.2. Development of the Farm

Up until 1972 and under the management of BR 12, the farm contributed £55,000 in round figures to the Home. During these years also, the farm, itself was developed and maintained at a very high standard of efficiency. This naturally increased the valuation of the farm - sometimes it was felt at the expense of more pressing needs of the Home,

5.3. Maintenance Charge for each boy

a. **Local Government Welfare Committees**

Originally, there were very few Welfare boys in the Home but during the fifties and sixties the ratio of Voluntary boys to Maintained boys worked out at an average of 1:1. Since 1970, the position changed rapidly and in 1974 -there were no boys who were not as least partially maintained by some Welfare agency. Since the Home opened in 1950, up to 1974 the Welfare had contributed £185,722.

It should be noted that prior to 1972 the Welfare Authorities did not contribute any maintenance for 'Voluntary boys' and the upkeep of these boys fell entirely to the Order and the effectiveness of their various sources of alternate income.

b. **Diocesan Orphan Society Fund**

The Diocese also made some maintenance contributions. A General Purposes Committee, set up by Bishop Mageean in 1952, contributed towards the maintenance of each Voluntary boy in the Home from the Diocesan Orphan Society Fund..

c. **St. V. De Paul Society**

This Society supported a number of boys on the same basis.
Together they provided approximately £54,000.

d. **Private Donations**

These came to £19,382

A series of documents entitled De La Salle Boys Home, Loans, Loan & Interest Repaid and General Sources of Income are exhibited hereto as Exhibit 5 and illustrate the sources of finance and the burden of loans up until 1972.

Another document entitled Children's Homes Comparative Costs 1975/1976 exhibited hereto as Exhibit 6 is believed to set out the respective Government maintenance payments across a spectrum of homes showing a per capita weekly maintenance rate for Rubane of £35.00.

6. **On what basis, and in what circumstances, were children placed in Rubane House:**

6.1. Rubane House was opened as a Voluntary Children's Home as defined by the Children and Young Persons Act (Northern Ireland) 1950.

"In this Act, the expression 'voluntary home' means any home or other institution for the boarding, protection, care and maintenance of poor children or children otherwise in need of help, being a home or institution supported wholly or partly by voluntary contributions or endowments but not being either

(a) a school within the meaning of the Education Act (Northern Ireland) 1947 or

(b) an institution within the meaning of the Mental Health Act (Northern Ireland), 1948."

6.2.

a. Many boys came from Nazareth Lodge. They were in Nazareth for a variety of social reasons – orphans, abandoned, illegitimacy

b. Some were admitted directly from their family homes – parents unable to cope, under threat from paramilitaries

c. Others were placed by the Welfare Boards

d. Some were transfers from other Residential Homes – if it was felt Rubane was better suited to their needs

e. Some were committed by the courts (Sections 103, 95, were most common)

f. A small number from the Probation Services

The early years of the 'History of the House' set out a cross section of source referrals and at times reasons.

7. **What age range of children were placed in Rubane House;**

7.1. Generally 11-16 years.

7.2. On occasions some younger boys were admitted. If a younger child was admitted it was generally to prevent them being separated from older siblings.

8. **The nature of the daily regime that operated within Rubane House;**

See Exhibit 7 for timetable pertaining to the mid 1970s. Early regimes may have varied slightly but this timetable would give a fair basis for the regime in earlier years.

9. **What provisions were made for vacations for the children;**

From 1952 onwards the Order developed a practice of bringing a number of boys to Glenariff in County Antrim every August. Boys who had homes to return to often went home at Christmas, Easter and during the Summer Holidays but there was always a considerable number who had no home or extended family to visit.

The boys stayed at Kilmore House, Glenariff. Activities included football, volleyball, table tennis, bingo, fishing, swimming, rock climbing, treasure hunts, films at local cinema, discos, treks in forest park, visits to places of interest, Ballycastle, Giant's Causeway Carrick a rede rope bridge.

Other records suggest that at times holidays were also undertaken to Scotland and Waterford.

10. The procedures which the De La Salle Order had in place to oversee the operation of Rubane House;

10.1. Board of Governors:

Prior to 1975 and the coming into effect of the Children and Young Persons (Voluntary Home) Regulations (Northern Ireland) 1975, the Home was under the control of the Board of Governors who in turn delegated the day to day management of the Home to the De La Salle Order. Membership of the Board of Governors from time to time was determined by the Bishop for the time being of the Diocese and always consisted of five or six Priests of the Diocese of Down and Connor under the chairmanship of the Bishop. The Parish Priest of Kircubbin Parish was always a member of the Board of Governors and in the exercise of his pastoral duties paid regular visits to the Home to administer to the spiritual needs of the residents and any other needs that were apparent to him. In the history of the Home there had been a total of thirty one meetings of the Board of Governors in a thirty three year period.

10.2. General Purposes Committee:

The Minutes of the Board of Governors, dated 30th October 1951, report that it was decided by the Board to set up a General Purposes Committee to advise on matters that might arise between meetings of the Governing Body which it had been decided were to take place annually. This Committee met frequently over a ten year period and meetings of this Committee were kept some of which are exhibited hereto as Exhibit 8. With the passage of time, it became increasingly difficult for the General Purposes Committee to render regular and useful assistance and eventually it lapsed as an effective body. On 21st November 1978 at its Annual Meeting the Board of Governors, who throughout the years had continued to meet on an annual basis to review the running and development of the Home, decided to form a Management Committee.

10.3. Management Committee:

This Committee was established on 5th February 1979 and its role was both executive and advisory. It was responsible to the Governing Body and it met a minimum of six times a year. Its main function was to supervise the management of the Home and to advise the Officer in Charge in all matters pertaining thereto.

The Management Committee undertook responsibilities for the appointment of lay staff, determining the terms and conditions of service and dealing with the employment and dismissal of members of staff and performing its role as adjudicator in decision-making circumstances requiring the resolution of grievances or consideration of breaches of discipline by staff. As well as formal meetings, members of the Management Committee visited the Home regularly between meetings. Every part of the building was inspected - kitchens, dormitories, school rooms and recreation areas. All members of staff were interviewed individually and in an informal manner. Staff where invited to convey any complaint or suggestion through the members of the Committee to the Board of Governors.

Direct contact was also made on a regular basis with the residents themselves and the message was conveyed that anyone, whether staff or resident, who had any cause for complaint could make his complaint known in strict confidence to the Committee members who would ensure that it was properly investigated. On some occasions the Committee took upon themselves different duties between meetings. The Chairman, Fr. Peter McCann, and two other members were in monthly communication with all the members of the child care staff in the Home. When required, the Committee investigated complaints and ascertained which complaints should be settled locally or referred to various agencies - Department of Health and Social Services, Social Services Boards, Probation Service - and, where appropriate, to participate in the investigations with these bodies.

11. **The policies which the De La Salle Order operated for the maintenance of good order in Rubane House (such as the likes of punishment and rewards systems);**

Maintenance of good order was based on respect and dignity of each person.

There was a system of Rewards and Punishment.

Rewards included outings, films, discos, late night T.V., youth clubs, shopping, outdoor pursuits, pocket money based on a marks system, weekend home. The implementation of the 'marks system' at St Patrick's Training School was inspected by the Ministry of Home Affairs and referred to in Br Towey's book Exhibit 1.

Punishments included verbal warnings, deprivation of T.V., loss of pocket money, deprivation of visits home, Corporal punishment as laid down in regulations, discharge from the Home and transfer to St. Patrick's Training School.

The document entitled 'General Regulations and Guideline 1976' exhibited hereto as Exhibit 9 sets out the marking scheme.

Corporal punishment within the Home was reserved for what was considered to be the most serious offences – persistent absconding, breaking and entering, stealing, damaging, bullying and abusive language and insolent behavior towards staff. Punishments were recorded and returns made to MHA/DHSS.

Between1971-80 the head of each residential unit (Chalet) was permitted to administer corporal punishment. From 1980 onwards only the Director (officer in charge) was permitted to administer corporal punishment.

The Director (officer in charge) of the Home had no role to play in administering discipline in the school. Each teacher of a class, no different from many schools, was allowed to use corporal punishment as a sanction for misbehavior. On occasions pupils may also have been sent to the Principal.

12. **The procedures which the De La Salle Order operated for the inspection of Rubane House;**

The Provincial (sometimes the Assistant Provincial), who is the administrative and spiritual supervisor of all the Brothers in Ireland, inspected Rubane at least once a year over a 3 day period. His attendances are documented within the 'History of the House'. He would have undertaken an inspection of facilities and reviewed the personal needs of the Home in respect of staff and funding. On each occasion he would have an opportunity to talk with all staff, religious and lay, and to interact with the boys themselves. The purpose of the visit was to inspect the Brother's Community and every aspect of the running of the Home – the quality of the care, staff levels, finances and the conduct of the Brothers. He had a private interview with each Brother and under the Brother's Rules a Brother was obliged to report a breach of rules or misconduct by another Brother/staff to him.

The Home was subject to inspection by the Board of Governors and by the various government ministries and the Order actively co-operated with these inspections.

The Director of the Community at Rubane would have responsibility for ongoing inspection as regards facilities, staffing levels and complaints. He would have provided an annual report to Diocese, Provincial and government agencies but he would also be responsible for raising issues which each of the stakeholders which required action within the annual inspection regimes.

A 'History of the House' was maintained by Brothers of the Community. Between 1952 and 1970 a record of important events, as required by the 1952 Children and Young Persons Regulations was maintained. Both of these documents were available for inspection by the Provincial.

13. **The procedures which the De La Salle Order operated for the recruitment of staff to work in Rubane House;**

Procedures were different for religious and lay staff.

The nomination of a Brother – either in a teaching or caring role would have been the responsibility of the Provincial. A need for an appointment would be identified through various means e.g request from a Bishop as per the inception of the Rubane Community or through a request by a Community Director for more assistance and help.

The Provincial would be able to identify available resources within his Province from personal knowledge and experience. Generally he would make contact with the particular Brother and discuss potential transfer and deployment to a new community with him.

The Director of the Community at Rubane would have been responsible for the employment of lay staff. In the early years this may have simply taken place by word of mouth. The lay staff required – cooks, cleaners, gardeners would have been employed from the locality. The Parish Priest or neighbouring residents may have been a source of reference.

It is possible that from the late 1960s (perhaps with the Chalet extension) jobs began to be advertised and applications, accompanied with references would have been required for lay posts. The Director would have interviewed applicants personally. Samples of the application forms and references are available for the later years.

From 1979 and the formation of the Management Committee the Management Committee took over the role of staff appointments from the Director though the Minutes of the Governing Board for 1974 and 1975 record the need for an 'interviewing panel'.

14. How staff were recruited to work in Rubane House;

Brothers were nominated by the Provincial and appointed by the Board of Governors.

A Provincial would have a personal knowledge of the members of the Order within his Province. If he was not fully versed on their ability and aptitude he would consult members of his Council regarding the suitability of the Brother and then would have interviewed the Brother. With access to internal references and knowledge of their formal training and service history he would identify Brothers who he felt were best suited to the necessary role. Young Brothers would have been nominated on a trial basis, particularly if they had no formal qualifications.

Before any young man was allowed to become a member of the Order he went through various stages of formation – Postulancy, Novtiate and Temporary Commitment which usually took about 5 years. Candidates were assessed by experienced Brothers on his motives for choosing to join the Order, his psychological background and his Christian way of life. Post appointment to a community the community superior would have continued to monitor and supervise recent appointments.

After 1968 lay staff posts within the home would have been advertised – see 13 above.

Prior to 1969 there was only one lay teacher on the school staff. After 1969 all lay members of staff for the school (teaching or ancillary) would have been appointed by the education Board of Management.

15. What qualifications staff were required to have to work in Rubane House;

De La Salle Brother

- A Brother required a teaching qualification to be employed within the School.
- If a Brother was only on the 'Care' side i.e working solely on providing care for the boys and undertaking no teaching duties he would only be required to have been deemed a fit and able candidate for the role by his Provincial. Post the late 1960s staff were encouraged to undertake Child Care Course – notably at Rupert Stanley College – but prior to this there was very limited scope for formal qualifications. There is documentation illustrating that the Nazareth Lodge Welfare Officer who worked on the aftercare side had to travel to Glasgow to obtain his Child Care recognition certificate. The earliest course undertaken by a De La Salle Brother appears to have occurred in 1972 - see Exhibit 10. The following courses where undertaken by staff during the 1970s;

    - 1974 – Certificate Residential Care of Children and Young People – x 2 Brothers
    - 1975 – In service Course in Social Care – 1 Brother
    - 1976 – In service Course in Social Care – 2 nuns/sisters
    - 1977 – Social Science Degree Course – 1 Brother
    - 1979 – In service Course in Social Care – 2 lay staff

- 1979 – Certificate Residential Care of Children and Young People – 1 lay staff

The Minutes of the 1976 AGM of the Governing Board recognised the difficulty in finding suitably qualified staff.

After 1980 there was further emphasis placed on formal qualifications and senior staff appointed at that time would have had modern qualifications specifically focused on child care provision.

16. What training programmes were provided for staff, either within the De La Salle Order or beyond;

16.1. There was no training programme in Child Care in Ireland before 1971. As training courses became available locally staff where sent on them. A number of staff attended Rupert Stanley College for an In-service Course on Social Care or the Certificate of Residential Care of Children and Young People. Other seminars/talks etc. notified to the Home by the various Ministries and welfare boards would have been attended by staff. There was a seminar at Belfast Castle to discuss the 'Castle Report' and a Child Care Conference held in Newcastle Co.Down.

16.2. All the Teaching Brothers were qualified teachers

16.3. How to behave towards their pupils was part of the Brother's Formation Programme and there were definite directions in the Brother's Rule

16.4. A copy of 'staff handbook', undated but which is believed to date to post 1980 is exhibited as Exhibit 11.

17. The procedures which the De La Salle Order operated for handing complaints and reporting relevant complaints to the authorities

There was no written procedure prior to 1980. This policy evolved from the Kincora/Rubane investigations of 1980 and the SWAG report of 1981.

The Rule of Government of the De La Salle Brothers 'R.G.- Ch.XVII: Art 5' obliged each individual Brother to notify his Provincial of whether any Rule [of the Institute] was not observed and if any Brother became aware of untoward activity it was his responsibility to report it to the Provincial. It was for the Provincial to investigate the complaints and determine how they should be handled.

Each complaint was handled differently and would need to be examined in context. The Order anticipates making supplementary statements to address the issues surrounding the complaints detailed below later in the Inquiry process.

Post 1980 the involvement of governmental agencies was paramount though as far back as 1964 a Provincial did make a report to the highest level of government with responsibility for child care provision.

It appears that the following contemporaneous complaints were made;

In [redacted] – sexual allegation against a Brother – investigated by the Provincial BP 1

In [redacted] – sexual allegation against a Brother – investigated by the Provincial BP 1 and reported to Ministry of Home Affairs Chief Inspectorate of Children Services

In [redacted] – sexual allegation against a Brother – investigated by Provincial BP 3

In [redacted] - sexual allegation against a Brother – RUC investigation

In [redacted] – sexual allegation by ex-resident against other former residents – RUC investigation

In [redacted] - sexual allegation against a Brother – RUC investigation

In [redacted] – sexual allegation against a Brother – RUC investigation

Allegations against lay members of staff were reported to the DHSS and the Board of Governors. There is evidence of this in 1976 and 1981.

As is evidenced by the complaints of sexual abuse outlined above the boys would complain to a variety of sources, parents, social workers, lay staff or Brothers.

Two lay members of staff were requested to resign/dismissed in [redacted] and [redacted] as a result of complaints from residents in respect of physical abuse. The DHSS and Management Committee were aware of both incidents. A Brother was warned about his conduct (physical) in [redacted] and a lay houseparent about his conduct (physical) in [redacted]

Prior to 1980 it is apparent that there was no uniform policy to deal with complaints and the nature of investigation and reporting differed according to the identity of the Superior/Provincial.

Although Rubane had established a more formal policy to investigate complaints post 1980 there was no Departmental Policy until after 1984. The development of a complaints procedure was recommended by the Sheridan Report but was still under discussion by the DHSS and Northern Ireland Assembly in 1984.

A copy of documents entitled 'Complaints and Disciplinary Procedures' and 'Interim Complaints Procedure' are exhibited as Exhibit 12. It is believed they date to the post 1980 re-organisation. There is an example of the log book referred to therein for Chalet 1 in 1980 still in existence.

The first manual to outline specific guidelines on Child Protection issues was published by the Eastern Health and Social Services Board in 1989.

The Department of Education Northern Ireland (DENI) has since published "Pastoral Care in Schools - Child Protection", as a result of the Bangor School Inquiry 1998.

18. The procedures which operated for the supervision and inspection of Rubane House by any Public Authorities during the period of the Inquiry's Terms of Reference

18.1. Children and Young Persons Act (Northern Ireland) 1950 (Par 1) laid down specific regulations as to the conduct of voluntary homes and in (par 2) 102, it stated," The Ministry may cause any voluntary home to be inspected from time to time."

This particular regulation was observed by Miss K. Forrest, Ministry of Home Affairs, who visited and inspected the Home on a regular basis. Dates of some inspections are recorded within the 'History of the House'. She was also consulted regarding the needs of the Home and was advised on staff conduct. It is known that at least on one occasion a report was sent to her as a result of an investigation into allegations of sexual abuse.

The Order does not have access to the various reports compiled by the government agencies that inspected Rubane Home or School.

18.2. Social Workers from various Welfare Authorities attended at the Home to visit boys in the care of the Welfare Authorities.

18.3. The De La Salle Order engaged with and met Ministry Home Affairs/DHSS officials to discuss financial and resource problems within the Home.

18.4. The De La Salle Order filled annual returns on Corporal Punishment as laid down by the regulations.

18.5. The Ministry and later the Department of Education carried out inspections of the School.

18.6. Government departments issued circulars on issues of importance and provided updates/extracts on legislative changes.

18.7. A Memorandum by the Home Office on the Conduct of Children's Homes was published in 1952 and it included items on the type and size of children's homes, staff; furnishing and equipment, reception of children, religious upbringing, daily life in the home, recreation, personal hygiene, dress and footwear, money and personal belongings, help in the home, contact with relatives and friends, holidays, dietary, medical arrangements, safety precautions, education and the home, choice of employment, provision for children on leaving children's homes, after-care and records.

18.8. The 1950 Act was updated by the Children and Young Persons Act (Northern Ireland) 1968 and a Report of the Children and Young Persons Review Group was published in December 1979.

18.9. In later years the inspection function was taken over by Social Work Advisory Group (S.W.A.G.) under the Department of Health and Social Services. This group conducted a comprehensive inspection of Rubane House in April 1981. (See report).

18.10. In none of these documents was there any reference made to child protection policies or procedures. The Hughes Inquiry, 1985, made recommendations affecting the conduct of homes

19. **The polices operated by the De La Salle Order in respect of the care planning for children, reviewing of those plans, the preparation of the children for discharge from the Home and the nature of the Aftercare provided by the De La Salle Order to former residents.**

Rubane House was established in 1950. BR 39 was the [redacted] at that time and he was widely recognised for his services to Child Care. He was instrumental in the creation of Rubane House and the initial care plans would have been developed from his experiences at St Patricks which was seemingly held in very high regard by the authorities at that time.

The Home was initially designed by destitute and orphaned children. The influx of children from welfare authorities and criminal justice system would have resulted in changes to the initial procedures but no written policies survive from that era.

The emphasis was on providing a loving environment for educating the children and finding them employment upon which they could build an adult life for themselves.

The Order engaged with the Nazareth Lodge Welfare Society and with the Diocese at an early stage – late 1950s – to link with a welfare officer who would help ex-residents commence their adult life outside the home. Documentation dealing with the attempts to obtain employment and ensure that the former residents excelled in that employment is illustrated by Mr NL 42 and Mr NL 40 aftercare records.

The De La Salle Order had no statutory responsibility for residents after they were discharged from the Home. However, the Order always strove to ensure that the boys who had been within

their care continued to get the best opportunities that circumstances dictated. To this end the Order co-operated with the Diocese of Down and Connor and the Nazareth Lodge Welfare Society to provide resources for former residents. The NLWS and the Order had built up relationships with a number or potential employers and provided assistance in getting residents jobs. Accommodation arrangements were made with sympathetic families and in the [redacted] a 'half-way' house and youth club [redacted] set up principally to support ex residents. Primarily it was to provide assistance to ex Nazareth/Rubane boys because they generally had no family support network but no one was excluded and even children supported by Welfare availed of the opportunities. The 1973 Minutes of the Governing Board AGM note the concerns raised about the death of 'old boys' in the Troubles and the need to create a social centre for them.

Mr NL 40 took over from Mr NL 42 in the late 1960s and appears to have been somewhat of a pioneer on Child Care qualifications, gaining a university 'Recognition in Child Care' at a time when qualifications, even within the government departments were extremely rare. There is extensive documentation dealing with the work which he undertook.

The implementation of the cottage/chalet system in 1968 developed the care provisions and arose from a review of facilities with the Ministry of Home Affairs and the Diocese. It was based on a system which was gaining popularity among social care workers in England. It was principally designed to try and provide a more family based care provision and was a move away from 'institutional' facilities. It heralded the introduction of lay and female child care staff to Rubane.

It should be noted that some boys were discharged to their parents.

Visits by parents, siblings and extended family members were permitted.

It should also be noted that boys under the care of a welfare authority were only discharged in consultation with social services.

Care review meetings were held with social workers though the records suggest that this practice improved dramatically post 1980.

In 1980 the Order working in conjunction with the Diocese appointed an internal social worker to improve the interaction between the Home, the Diocese and the Welfare Authorities in regards the continual assessment of residents and preparation for discharge.

In later years, a programme for independent living was introduced in the Home to prepare the older boys who were leaving for employment. The administrators of the Home recognized that the transition from institutional care to living in community could be traumatic for boys who had no home to go to. When the occasion arose a programme for independent living was set up to provide these boys with an opportunity to live on their own under supervision. The programme usually lasted a month and included budgeting cooking, laundry, time planning etc. Details of the Programme, Phase 1 & Phase 2 together with sample resident's contract are exhibited hereto as Exhibit 13.

The Order often facilitated the weekend return of 'old boys' – ex-residents who would return to catch up with staff or friends at the weekend and the Order recognising that Rubane was for many their only 'home' accommodated and largely welcomed these visits.

The 'Aims Objectives and Programmes' document dated January 1981 and exhibited hereto as Exhibit 14 details the care and review programmes. While it is dated January 1981 some of the principles detailed therein would have operated earlier.

An undated document entitled 'De La Sale Boys Home Kircubbin (4) Procedures' is exhibited as Exhibit 15. It is believed to date to the re-organisation post April 1980. It sets out procedures for;

- Admissions
- Reviews
- Discharges
- Supervision and Support after Discharge

An undated document entitled 'Involvement of Residential Staff in monitoring regularity and adequacy of Children in the Home by Health Board Social Workers' is exhibited as Exhibit 16. It is believed to date to either the 1980 re-organisation or the preparation for the Hughes Inquiry. It details interaction between De La Salle staff and social workers. It was prepared by Br BR 2 .

A further post 1980 document prepared by Br BR 8 entitled 'Monitoring of Residential Child Care Services' is exhibited as Exhibit 17.

20. **In general terms how the regime within and the regulation/inspection of Rubane House by the De La Salle Order and the Public Authorities changed over time during the period of the Inquiry's Terms of Reference.**

Rubane House was set up with the vision of providing a Home for orphaned and destitute children. Many of the initial residents matched that criteria but through the 1950s/1960s it expanded into a home for both orphans and those taken into care by welfare authorities for a broad range of reasons. There was considerable evolution in a short space of time. Some of this was due to circumstances forced upon it and some due to developing child care awareness in society at large.

Initially staffed almost entirely by De La Salle Brothers care staff post 1968 became increasing lay. Not only were lay staff felt to bring a more normal family atmosphere to the home but it allowed for the provision of female care staff which was recognised as important.

Throughout the 1970s the care staff continued to be lay orientated and with the expansion of the school more and more of the teachers who were employed where lay.

There was a growing focus in the 1970s on formal qualification and this was reflected in staff qualifications.

Post 1980 formal record keeping improved immeasurably. New and modern techniques were introduced from schools/homes in Dublin and assistance and guidance from the public authorities increased significantly.

The formal structure of the De La Salle community did not change but as time moved on the staffing of the home became less reliant on the Order itself. There was still a considerable burden on Order staff due to problems with attracting appropriate staff (distance form Belfast and salaries) but there was a much more 'secular' atmosphere.

The reporting and documenting complaints post 1979/80 is notable. There was immediate action from the Management Committee and the Bishop when the allegations relating to Br BR 1 were made in early 1980. Thereafter record keeping for all the boys, by way of log book etc improves and when further allegations surfaced in 1984 the various authorities were notified immediately.

From the outset of the Home at Rubane the De La Salle Order and the various Public Authorities had continual interaction.

The Ministry of Home Affairs and the Ministry of Education were present at the official opening on the 15th December 1950 and the History of the House notes regular attendances and inspections throughout the years. These would appear to include both scheduled and unscheduled visits. The Hughes Inquiry Chapter 10 detailed inspections by the Social Work Advisory Group (SWAG) in September 1973, August 1974, October/December 1975 and July 1976. It also details a visit in February 1975 by a Mr Robert Mills, then assistant secretary with Child Care responsibilities in the DHSS. The Hughes Inquiry noted that there was no official inspection by SWAG or the Department between 1976 and March 1981.

Similar relationships existed with each of the old independent Welfare Authorities and they too inspected the home from time to time.

The Order had a good relationship with the RUC. There were regular incidents relating to absconders and petty crime and the Order was often called upon to give references for residents involved in criminal prosecutions.

At all times the Home was subject to inspection by a broad range of public authorities and the Order co-operated fully with each and every inspection.

The Order accepts that as the development of residential care improved through the 1970s/1980s the involvement of the public authorities in the lives of the residents for whom they had statutory responsibility increased. Notification of child care training provision increased. The welfare authorities finally accepted maintenance for all children in or around 1972 and the attendance of social workers at the Home increased. Inspections, culminating in the SWAG report of 1979 became more detailed and feedback more formalised.

Post 1975 all boys had a social worker. Before 1972 perhaps only 50% (approx.) of the boys had a social worker and so some boys had no government social care support at all. The amount of visits by a social worker to see the boy(s) for whom they had responsibility depended on the identity of the social worker and the welfare authority. Some were more frequent visitors than others. Some Social Workers preferred to visit the boys when they went home for the weekend. Social Workers were encouraged to visit the home and facilitated with meeting rooms for private discussions. In 1975-76 there were 56 social workers who had a boy in the home. In 1979-80 there were 82 social workers.

Interaction with public medical facilities was never particularly good. While Divisional Medical officers attended at the home to undertake examinations of the boys concern about ESN and psychiatric issues was never properly addressed resultant in the Order relying heavily on the voluntarily attendance of a retired psychiatrist.

Post Kincora and the 1980 Rubane investigation the involvement of social workers in residents care reviews and the partnership with the public authorities improved considerably. There is evidence that the voluntary and state sector began to share 'best practice' models in respect of staff recruitment, contracts and duty rotas for staff. An example by way of letter from DHSS to De La Salle dated 6th July 1981 is exhibited as Exhibit 18.

Explanatory Notes: -

I, Br Pius McCarthy am the Provincial Secretary to the De La Salle Order in Ireland

and I have held that post since 1995. I was previously Provincial Secretary between 1974 and 1976. I never served in Rubane House, Kircubbin and I have no personal experience of the home. I make this statement on the basis of the knowledge I have gained from former staff who did serve in Rubane House and from examining the archive material that remains available to the Order. This response is given in the spirit of the HIAI letter of the 13th March 2013 and is not an 'exhaustive exploration of every aspect of every question'. It is designed to assist the Inquiry Team gain a preliminary understanding of the De La Salle Order, Rubane House, how the Home was managed and how the Order interacted with the various government agencies.

The Order will seek to address the Inquiry and expand on some of the issues raised herein at a later date.

Contained herein are references to other source documents. Those documents have not been exhibited either due to their nature or size. They have or will be made available to the Inquiry.

2 3 OCT 2013

Witness Name: BR. PIUS McCARTHY

Date: 22nd October 2013

On behalf of the De La Salle Brothers

Statement 2: Awareness Statement

I, Br. Pius McCarthy, was born on 12/09/35. I entered the De La Salle Novitiate in 1951. I qualified as a Primary Teacher in De La Salle College, Waterford in 1956 and since then I have taught in Primary Schools, Secondary Schools and a Boarding School. I also spent 17 years as Director of a Nursing Home for Brothers in need of medical care.

I have served on School Boards of Management and on the Provincial Administration Team. I was Provincial Secretary in 1974-1975 and from 1995 until the present day. I have served as Secretary to the Provincial Council during the terms of office of four Provincials.

I make this statement in response to the HIAI's letter of 14th June 2013 requesting details of the De La Salle Order's knowledge of sexual abuse and policies to prevent occurrence of abuse and reaction to the reporting of abuse.

The request is very wide in scope and goes beyond the parameters of the De La Salle Irish Province. There are aspects of the request which due to the progression of time, the lack of records and the independent structure of each De La Salle Province I will not be able to address. In preparation for the statement I have searched the Order's archives in Ireland.

To answer these questions, it is necessary to explain something of the history and the administrative structure of the Order.

I, Br Pius McCarthy will say as follows;

Introduction

A. <u>History</u>

1. The De La Salle Brothers were founded in France in the seventeenth century (1690) to teach children of the working classes. There was a great demand for the Brothers to open primary schools and the Order spread throughout France. Despite many setbacks arising from the French Revolution in 1789, the Order continued to flourish and diversify. The Order established a Community in North America in 1837 and in various parts of the Far East in 1852. It was engaged in the running of primary and secondary schools, boarding schools, orphanages and teacher training colleges for lay teachers. After the suppression of the Religious Orders in France in 1905, many Brothers moved to other parts of the world.

2. The Brothers opened their first school in England in 1855 and a Novitiate was opened in Ireland in 1880 where many young men joined the Order. In 1891 the De La Salle Training College was established in Waterford for the training of Brothers and lay teachers.

3. Today, there are almost 5,000 Brothers in the Order worldwide. Of these, 1,736 Brothers are involved in teaching 936,00 students in 79 countries. Currently, there are 87 Brothers in the Irish Province, 75 in Ireland and 12 on the Missions in various countries.

4. Up to 1947, England and Ireland formed one Province and Brothers could be assigned to schools in either country. In 1947 the Irish Province (ROI and NI) became a separate Province.

5. In Ireland, since 1880 the Brothers have been involved in 37 Primary schools, 27 Secondary Schools, 1 Training College, 3 Residential Homes (2 in NI) and 3 Pastoral centres (1 in NI). In the ROI, to ensure the continuity of our schools we have placed 8 of our Secondary Schools in an Educational Trust called the Le Cheile Trust. In NI, we are currently Trustees of two schools in Downpatrick and a Pastoral Centre in Belfast.

B. Administration

6. The Order is administered by a Superior General with a number of Assistants with responsibility for various regions. Each Region is divided into Provinces under the management of a Provincial.

7. The Governing Body of the Order is the General Chapter comprised of Delegates from each of the Provinces. It elected the Superior General and his Assistants and had the responsibility of revising the Rules of the Order due to changing circumstances.

8. The Provincial is delegated to run the Province in accordance with the rules of the Order. He has responsibility for the recruitment of candidates for the Order and their subsequent spiritual and educational training, the opening or closing of schools, the allocation of staff and financial administration.

9. Each Province was separate and there was very little communication between the Provinces. One has to remember that this was before the introduction of computers, photocopiers or email. Phones were rare and not very private where connections had to be made through a local exchange. Most communication would have been by letter.

10. The Province was made up of communities under the leadership of a Director or local Superior who was subject to the Provincial. The local Superior was obliged by Rule to notify the Provincial if there was cause of concern about the conduct of any of the Brothers, this could range from smoking without permission, abuse of alcohol or over familiarity with members of the opposite sex.

11. The Brothers lives are governed by two books, namely;
    - Common Rules and Constitutions of the Brothers of the Christian Schools
    - Rule of Government of the Institute of the Brothers of the Christian Schools.

The Order's Knowledge of Child Sexual Abuse

C. **The Order Worldwide**

12. I never heard, nor would I have expected to hear of any case of child abuse from any other Province in the Order. I could find nothing in the Provincial Archives referring to such an incident in another Province.

13. Each Province was separate and there was very little communication between the Provinces. Brothers were forbidden by Rule to speak of what went on in their own community or in other communities.

> *The Brothers shall not speak at recreation of what has happened in any of he Houses of the Institute, or of the affairs of the House in which they are, or of the administration of the Institute, unless it he beneficial and edifying.*
> *Rule Page 27 (4)*

> *They shall not speak of any of the Brothers, or of those who have been in the Society, or of any other person unless it be to speak well of them. They shall not speak of the lack of regularity of any Religious Order or of other Communities.*
> *Rule Page 28 (5)*

14. Since the General Chapter was the Governing Body of the Order, issues affecting the Order as a whole would be debated and necessary regulations put in place in relation to it. If child abuse had become an issue, and had been raised at the General Chapter I would expect it to be reflected in the decisions of the General Chapter and for the Rule to reflect strategies to curtail and prevent such abuse.

15. The independent nature of each Provinces means that it is impossible for me to say when the De La Salle Order first became aware of an occurrence of child sex abuse. The Order has been in existence for over 300 years. Similarly, it is impossible for me to comment meaningfully on what would or would not have happened if reports of child abuse had been received in other Provinces.

D. **The Irish Province**

16. I never remember child abuse being raised as an issue before 1980 I was shocked when I read in the papers of the suspension of [redacted] in Kircubbin.

17. Since 1995, when I became designated officer to receive allegations against members of the Order, I have received many allegations of CSA in the Province dating back to the 1940's but very few of these claimed to have notified the Order at the time.

18. When I searched the Archives, there was no section dedicated to complaints on child abuse. The material[1] I found was under Provincial Correspondence which surprised me as it was customary for a Provincial to destroy any personal confidential material before handing over to his successor. In one case the Provincial himself states "*I went to Castletown and collected all the details on the case which fortunately I had had*

[1] The 1958 and 1964 Investigation Papers

filed"[2], which would indicate that it was not customary to do so. The [redacted] and [redacted] 'Investigation Papers' are attached hereto as **Exhibits 1** and **2** respectively.

19. One explanation for destroying such files would be the guarantee that anything told to the Provincial in the "Personal Interview" would be not be divulged without the Brother's permission.

20. If the Order thought that there would further Inquiries or investigations into matters of this kind, it would have ensured that all records were kept securely in order to defend itself properly.

21. Individual Files on the Brothers were not kept except for the basic details such as Date of Birth, Date of Vows and assignments.

22. Occasionally, Brothers might speculate as to why Brothers were transferred unexpectedly from one community to another especially during the school year, but abuse of children never entered our minds. There were many other reasons why a Brother would be transferred:- A Brother might request a transfer because of relationship problems with the Director or other Brothers, abuse of alcohol, smoking without permission, over familiarity with a member of the opposite sex, or excessive corporal punishment in school. Brothers had a duty not to rash judge others;

    'They shall not speak of any of the Brothers, or those who have been in the Society, or any other person unless it be to speak well of them' Rule Page 29(5)

23. From my experience, any incident of this nature would be dealt with by the Provincial and only those with a need to know would be informed and then only with the details absolutely necessary.

24. At the relevant time the dilemma of sex abuse and how to deal with it effectively was not understood by society, the Church, or the Religious Congregations. It was regarded as a moral fault which could be corrected by guidance and repentance. The offender was confronted and the error of his ways pointed out to him. If he was contrite, he was advised to go to confession and make a new start in a new community.

25. The terms "sex abuse" or even "indecent assault" were not used. In the documents relating to cases in the 50's, the Provincial spoke of a Brother "behaving immorally with some boys" or in another case, a Brother "admitted to one incident of immoral behaviour" with a boy.

26. There is no evidence that, at that time, the Brothers or society in general understood the harm and damage that child abuse caused and there was little understanding of the nature of a sexual predator or paedophile and how he could be effectively prevented from engaging in such behaviour.

27. A search of our own Archives indicates that the first incident of child abuse in Northern Ireland, which came to the attention of the Provincial of the Irish Province was in relation to Rubane in [redacted] when an allegation was made against [redacted]

[2] BP 1 letter of [redacted]

[redacted] BR 17 On the advice of the chaplain, some boys reported the matter to one of the Brothers. He reported it to the most senior Brother in the Community who reported it to the Provincial, [redacted] BP 1 While all but one of the boys retracted their allegations, admitting that they just wanted to get [redacted] transferred, the Provincial was left with some doubt and laid down specific directions in writing for [redacted] in relation to his dealings with the children in the Home.[3] The Brothers in the Community were in a difficult situation as the allegations were made against [redacted] and they had to report directly to the Provincial. The incident was not reported to the police which in hindsight was a mistake. I do not believe that the Provincial was aware of a specific legal obligation to report incidents of this kind to the RUC, Ministry of Home Affairs or the Welfare Authorities though I do note his belief that it was reportable under 'English Law'. It is difficult for me to comment further because I have no knowledge about the specifics of the allegations.

28. My understanding is that at that time [redacted] mandatory reporting was not in place and was not mentioned in any of the Regulations governing Residential Homes. The relevant legislation dealing with the welfare of children and young persons in Northern Ireland was the Children and Young Persons Act (NI) 1950. While it specifies that an assault can constitute cruelty to children and could be an offence the only reference to sexual offences were made in respect of young girls. The draftsman of that particular piece of legislation does not appear to have foreseen homosexual indecency or assault though the Offences Against the Person Act 1861did.[4] It was not until 1967 that the Criminal Law Act (NI) Section 5 imposed a duty to report "an arrestable offence" to a constable unless there is a reasonable excuse for not doing so. That requirement depended on the nature of the offence. It is not clear to me just what BR 17 was alleged to have done in [redacted][5]. BP 1 seems to have been unsure as to whether he was required to report the matter to the police. He does not mention consulting his solicitor for advice in relation to this incident.

29. As a consequence of this Inquiry, a search of records held by the Diocese of Down & Connor uncovered records relating to allegations of physical and sexual abuse at Milltown School (the predecessor to St Patrick's Training School) between [redacted] There is no record of this complaint or subsequent investigation in the De La Salle Archives.

30. I am also aware of an incident in the ROI in [redacted] It related to a [redacted] in [redacted] Co Dublin. BP 1 was the Provincial at the time. A number of parents approached the Parish Priest and complained that [redacted] was interfering with some boys. The priest reported the matter to BP 1 Provincial and the

[3] See notes of [redacted] Investigation
[4] Arts 11 & 12 of the Children & Young Persons Act (NI) 1950, Section 62 of Offences Against the Person Act 1961
[5] The subsequent Civil Claims of [redacted] 2 participants in the [redacted] nvestigation reported indecent assault.

Brother was transferred to another community. [redacted] had a high profile at the time because of his success with the school band and the Provincial was criticised for transferring the Brother by parents and teachers who did not know the circumstances. I doubt if any of the Brothers except the Director of the Community, were told of the incident. I cannot say if the Director of the new community was told.

E. Order's Policy on Child Abuse

31. The term "Policy" was not mentioned in those days. As far as the Brothers were concerned, the Rule was their "Policy ". The Rule does not single out Child Abuse but addresses the Brother's commitment to observing the Vow of Chastity which addressed all aspects of a Brother's affective and sexual behaviour in relation to children, women and each other. If all Brothers observed the prescriptions of in relation to the Vow of Chastity, we would have no case of Child Sexual Abuse.

32. The Rule was originally drawn up by the Founder, John Baptist De La Salle. The earliest copy we have in the archives here dates to 1897 and is entirely in French. A 1905 edition gives both a French and English translation. From its initial inception the Rule has been revised by a General Chapter of Brothers to meet the needs of the times and the varying circumstances in the different countries in which the Brothers were teaching.

33. The following extracts from the Brothers Common Rule and the Rule of Government 1947 will give an indication of the Order's policy especially in relation to children;

    i. *The Brothers should be convinced that no one will be tolerated in the Institute in whom anything exterior against chastity has appeared or appears. Rule Page 101 (1)*

    ii. *To preserve this virtue (Chastity) with all the care it requires, they shall show great reserve and decency in all things. Rule Page 101 (3)*

    iii. *The Brothers shall be careful never to see or allow themselves to be seen in a manner even the least immodest. Rule Page 103 (4)*

    iv. *They shall never touch one another in play or through any kind of familiarity, this being very unbecoming, and contrary to the respect which they owe to one another, as well as against decency and modesty. Rule Page 103 (6)*

    v. *They shall not touch their pupils through playfulness or familiarity, and they shall never touch them on the face. Rule Page 103 (7)*

    vi. *In all their exterior actions, the Brothers should manifest great modesty....*
    Rule Page 113 (1)

    vii. *They shall not receive Brothers, students or outsiders in their rooms Rule Page 13 (3*)*

viii. *Should it happen that any one or more Brothers know of a considerable fault capable of causing scandal, ... they shall inform the Brother Director of it privately; they shall not fail to do this under any pretext whatever. Every Brother shall look upon this practice as an indispensable duty. Rule Page 25 (9)*

ix. *They shall love all their pupils sincerely; they shall not, however, be familiar with any, nor give them anything through particular friendship, but only as a reward or for encouragement. Rule Page 35 (11)*

x. *They shall manifest equal affection for all the pupils, more even for the poor than for the rich, because they are entrusted by their Institute much more with the former than with the latter. Rule Page 37 (12)*

xi. *The Brothers shall endeavour, by their whole exterior and by their entire conduct, to be to their pupils a continual example of modesty, and of all the other virtues which they should teach them and urge them to practice.*
Rule Page 37 (13)

xii. *They shall not allow any pupil to remain about them when at their place in class.*
Rule Page 37(14)

xiii. *No classroom may be isolated; they should be contiguous two by two at least, separated by walls or partitions with transoms and glass doors, the view free from obstruction on both sides. Rule Page 45 (12)*

xiv. *The Brother of one class shall not pay attention to what takes place in another, unless charged therewith by the Brother Director. If, however, anything out of place should happen in a class, and another Brother of the same school should see or know of it, he shall not fail to inform the Brother Director of it the same day. Rule Page 45 (13)*

xv. *No Brother is to remain in class after the general dismissal of the whole school. All the Brothers shall return to the Community as soon as class is over. No pupil is to be retained in class, under pretext of work or punishment.*
Rule of Gov 154(128)

xvi. *Life In a boarding school requires a greater supervision than in a day school; however that supervision must be paternal and reasonable. Vigilance in dormitories is necessary to prevent disorder. Rule of Gov 160 (19)*

xvii. *In visiting classes, the Brother Visitor shall give attention to the following points: Whether the classes are contiguous; whether the doors leading from one classroom to another and the partitions are so placed that they can see each other from class to class. Rule of Gov 119 (16)*

xviii. *The Brother Director shall be careful that the parlour doors have glazed panels without curtains, in such a manner that the interior may be easily seen. It should be the same for the greater number of rooms, and especially the Procure, the Linen-Room, and the Infirmary. If there are two or more contiguous parlours in a house, the partitions and doors of separation should likewise be glazed and without curtains Rule of Gov 142 (26)*

34. Each Brother was required to study the Rule, the life and writings of the Founder and the History of the Institute. The aim in the Novitiate was to form the Brothers, first of all as good Christians and secondly as consecrated persons dedicated to the work of the Order which was the education of youth. The study of the Rule was a vital part of a young Brothers time in the Novitiate. A chapter was examined each week. No one aspect of behaviour was singled out.

35. Brothers were obliged to report serious breaches of the Rule to the Superior

36. The Provincial made an official Visitation of each Community once a year to ensure that the Rules and regulations of the Order were being observed.

i. *All the Brothers, even the Brother Director, are obliged to inform the Brother Visitor in private, whether any Rule is not observed, and also to mention what may be the cause. The neglect of this duty may lead to serious consequences. For this purpose, every Brother shall make a special examination on the Rules and practices of the Society, to see whether they are punctually observed. In this examination, the Brothers should avoid all prejudice which might lead them to exaggerate a Brother's defects, or to imagine that they see such as do not exist. The Brothers should understand that it is not through a spirit of criticism or censure that they should speak, but in the interests of the Community, and for the re-establishing of regularity, should it have suffered.*

Rule of Gov Page 109 (5)

ii. *All the Brothers shall, with much simplicity, render an account of their conduct to the Brother Visitor with regard to regularity and their special work.*

Rule of Gov Page 109 (6)

iii. Reddition (Pesonal Interview)

37. Each Brother had regular personal interviews with the Director and with the Provincial on the occasion of the Annual Visitation. During these interviews, he had to give an account of his work and his conduct. He was obliged to report any serious breach of Rule in the community. We believed that anything reported in the Personal Interview was to be treated with the same confidentiality as that of the Confessional.

38. Brothers Communities were generally small of 3 to 10 Brothers. There was a strict timetable and it was almost impossible for a Brother to do anything without the Community knowing about it.

39. While the Rule of Government laid down that there be glass panels in the doors of the classrooms and the parlour, it was not always possible as most of our schools were parish schools and were not purpose built. [redacted] made such direction after the [redacted] nvestigation.

40. There was no formal teaching or instruction on the risk or prevention of child sex abuse per se. Looking back, I take the view that if my superiors were aware of the prevalence of sex abuse that they believed that adherence to the Rule would have prevented such abuse taking place and resulted in any identified abuse being reported to the Provincial.

41. I can remember one occasion at a Retreat in Waterford in the early 60's when the Provincial gave specific instruction that the Brothers were not to engage in sex education of children. This reflected the directives given by the Provincial to the Brother accused in Kircubbin in [redacted]

42. I note that when [redacted] was being questioned about malpractices in St Patrick's Milltown in [redacted] he commented;

    'I once reported that the Yale lock was closed on the Carpenter Shop. I reported it and the Superior gave orders for the door to be kept open'

43. As young Brothers, we were advised by the older Brothers, especially the headmaster, if they thought that we were being too familiar with the students and reminded that we should not be alone with boys in the classroom.

F. *Directions from Rome*

44. I am not aware of any specific directions from the Superior General in relation to Child Abuse.

45. Our only contact with the Superior in Rome in relation to this matter was a survey dated 11th October 2011 in preparation for the Apostolic Visitation which inquired into the Order's knowledge of Child Abuse and its response to reported cases.

G. Incidents of Child Sexual Abuse which the Order had knowledge of;

46. I can only answer this question from details I found in the archives and from information I received in my position as Safeguarding Delegate appointed to receive complaints against members of the Order. I will try to confine myself to what was known to the Order at the time of the incidents. I will include reference to the [redacted] complaint referred to above which has only come to my attention during the preparation of this statement.

47. [redacted] St Patrick's Industrial School, Milltown, Belfast

47.1. Description

I am aware that the records relating to this incident have been provided to the Inquiry by the Diocese of Down & Connor. It appears that in [redacted] a SPT 31 the mother of a SPT 30 wrote to Bishop Mageean and the Ministry of Home Affairs alleging that her son had been physically assaulted by a BR 70 BR 70 BR 70 was suspended and The Ministry of Home Affairs conducted an investigation and had SPT 30 medically examined. BR 70 admitted striking the boy. The Doctor noted grazing on the boys face but the Ministry of Home Affairs appeared to have dismissed the complaint and ordered BR 70 to be reinstated.

Evidently, the issue was raised again in [redacted] when SPT 30 solicitor, Mr Tughan wrote requesting the boys' removal from the school. Further allegations of physical and then of a sexual nature were made against a number of Brothers. Another investigation was conducted and in addition to the complaints of SPT 30 SPT 30 appears to have uncovered further allegations against another Brother. Records relating to the investigation are attached hereto as **Exhibit 3**.

47.2. Reported to in the Order

BR 39 [redacted] was aware of the complaints made by SPT 30 The investigation refers to another, perhaps earlier investigation into allegations about a BR 69 BR 39 refers to informing and then meeting the Provincial in Forkhill. It is also clear that the Provincial BP 2 was also aware of the [redacted] SPT 30 complaint because, despite the Ministry of Home Affairs, agreeing to reinstate BR 70 the Provincial changed him in [redacted] BR 39 also testified that after another boy called SPT 32 made allegations in [redacted] of 'immoral relations' with BR 70 he told the Provincial. This all occurred at the time that the De La Salle Province of Ireland began to operate separately. The Provincial of England and Ireland up to May 1947 was BP 2 and thereafter the Provincial of the Irish Province was BP 1

47.3 What the Director of the Community Did?

The report seems to have come initially from SPT 31 to the Bishop of Down & Connor and Ministry of Home Affairs. The Bishop appears to have taken the lead investigative role in School's response to both the [redacted] investigations.

BR 39 does however detail involving the Provincial in other allegations, namely those raised against BR 69 and by the boy SPT 32 He also details conducting enquiries with the boys which uncovered inappropriate behaviour by a lay member of staff, a SPT 33 from [redacted] and he had him summarily dismissed.

47.4. What the Provincial Did?

I have not been able to uncover any records in the Provincialate relating to this event. I cannot say what the Provincial did other than as detailed in Bishop Mageean's investigation – in that he met with BR 39 relating to the BR 69 issue and changed BR 70 after the initial complaint from SPT 30 The residents appeared to have supported BR 70 and BR 39 notes receiving a petition from the residents requesting his return. Despite this 'support' BR 70 was not permitted to take further vows and left the Order.

47.5. Reported outside the Order

SPT 30 mother, her solicitor Mr Tughan, James Brown BL, James McSparren KC, the Bishop of Down & Connor, the Ministry of Home Affairs and Edmond Warnock KC, the Minister of Home Affairs all became aware of the complaint from SPT 30

The Bishop reported on the SPT 33 dismissal to Edmond Warnock KC.

47.6. Reported to the Police

There is no indication that the police were involved.

47.8 Why not reported to the police?

It is likely that the Provincial took the view that the investigation was a matter for the Bishop and the Ministry of Home Affairs and left the decision as to whether to inform the police or not to those who had carriage of the investigation.

47.8 Does the Order accept that it was a mistake not to report to the police?

No. A detailed investigation was carried out and all parties including the Minister of Home Affairs were satisfied. I have no evidence to suggest that any of the Brothers who were alleged to have committed offences were subsequently alleged to have perpetrated further offences. By the standards of today SPT 33 should have been reported to the police but I do note that his behaviour was reported by BR 39 to the Bishop and thereafter to the Minister of Home Affairs.

47.9 If the Order does not accept it was a mistake not to report – why not?

See above.

[6] It is not possible to date this report. No record can be found of a BR 69 It is not known whether it happened under BP 2 or BP 1 Provincialate.

48. **Kircubbin** [redacted] – BR 17

Records in respect of this complaint survive and are attached as Exhibit 1.

48.1. Description of occurrence

A number of boys told the chaplain that BR 17 [redacted] Rubane House was interfering with them. The priest told the boys to tell one of the Brothers.

48.2. Reported to in the Order

The boys told one of the Brothers, BR 63 who happened to be the youngest on the staff. He told the most senior of the Brothers, BR 13 who in turn reported it to the Provincial.

48.2. What the Director of the Community did?

As [redacted] was the subject of the allegations, the Brothers had to [redacted] report it to the Provincial.

48.3. What the Provincial did?

(i) The Provincial went to Rubane and on the [redacted] carried out an investigation.

(ii) He interviewed all 39 boys in residence and all the Brothers.

(iii) BR 17 accepted that he conducted medical examinations and gave instruction to the boys on morality within the confines of his room but denied the other, more serious, allegations.

(iv) All but one boy withdrew their allegation.

(v) BP 1 appears to have been unable to reconcile the accounts and perhaps feeling that he did not have enough evidence to remove BR 17 settled for giving BR 17 written directions forbidding him to allow any boy into his room, to administer any medical treatment, to be alone with a boy in the car. He was also to ensure that glass panels were to be put in the office and parlour doors.

(vi) On the [redacted] BP 1 received a letter from Canon [redacted] of Portadown. A former resident of Rubane, evidently one who had left prior to the [redacted] investigation had made a report to his father that BR 17 had abused him[7]. The boys' father reported the matter to his solicitor and the solicitor notified the Canon.

(vii) BP 1 attended at Rubane again on [redacted] The boy was interviewed in the presence of the curate and two uncles[8]. The boy retracted the allegation but BP 1 details the nature of the retraction and records that he was 'left in some doubt'.

[7] Now known to be DL 439
[8] According to Civil Claim medical report

(viii) BP 1 reported the matter to the Assistant General, Br BR 79 [redacted] in Rome.

48.4. Reported outside the Order

The Curate attached to Rubane was aware of the allegation[9].

Canon [redacted] was aware.

The boys father and uncles were aware.

As far as I can ascertain, it was not reported to the police or the Ministry of Home Affairs.

48.5. Reported to the police

No

48.6. Why not reported to the police?

I do not know why it was not reported to the police. I presume that BP 2 felt that he did not have enough evidence to make a formal report and that the matter had been dealt with satisfactorily. There had been allegations, retractions, continued denial and partial concession in respect of examinations and sexual instruction. BP 1 acknowledges that under English Law he should have reported it. I can only assume that he was balancing up the varying evidence and accounts including that of the 30 other residents who did not complain.

48.7. Does the Order accept that it was a mistake not to report to the police?

With the knowledge we have to day of the subsequent abuse by BR 17 it was definitely a mistake not to report the allegations and allow the police to investigate the matter. The decision not to report appears to have been based on the retracted statements. We know today that it can be difficult for children to come forward with complaints of this nature and that retracted statement may well contain the truth.

48.8. If the Order does not accept it was a mistake not to report – why not?

It was a mistake.

49. [redacted] - BR 69

49.1. Description of occurrence

On [redacted] BP 1 wrote to the Assistant General in Rome about allegations of sexual abuse against BR 69 in [redacted] in the Brothers' Scholasticate in Faithlegg, Waterford, which had been reported to him in

[9] The Curate at that time was Fr [redacted] but a [redacted] named the curate present as a Fr [redacted]

confidence by a young Brother in his Personal Interview. The Provincial was asking advice on the procedure for dismissing BR 69 from the Order. He had asked him to withdraw voluntarily but he refused. In his letter he made a short reference to an incident in Ballyfermot in or about 1958. It seems that a number of parents approached the Parish Priest and complained that BR 69 was interfering with some boys. The priest reported the matter to BP 2, BP 1 Provincial.

49.2. Reported to in the Order

I doubt if any of the Brothers except the Director of the Community, were told of the incident. I cannot say if the Director of the new community was told. It seems as if the [redacted] incident was not reported to Rome in [redacted]

49.2. What the Director of the Community did?

If the Director was told, the incident never became common knowledge among the Brothers who were as puzzled as anyone as to why BR 69 had been transferred. He was faced with the problem of replacing BR 69 at short notice and finding a qualified person to take over the band and to fend off queries by teachers and others as to why BR 69 was transferred.

49.3. What the Provincial did?

The names of the boys or their families are not recorded and I do not know if Br. BP 1 just accepted the word of the Parish Priest and the parents and acted upon it. There is no mention of an investigation. I presume that the Brother was confronted and warned about the consequences of any further behaviour of this kind. It is not clear whether he denied the allegations or not but, in any case, he was transferred to another community. BR 69 had a high profile at the time because of his success with the school band and the Provincial was criticised for transferring the Brother by parents and the local parish community who did not know the circumstances.

He was transferred to [redacted] in [redacted] and to [redacted] in [redacted] where he was the subject of another allegation.

[redacted]

49.4. Reported outside the Order

There is no record of the matter being reported outside of the Order.

49.5. Reported to the police

I do not believe that the matter was reported to the Gardai as there is no mention of it in the account by BP 1

49.6. Why not reported to the police?

I suspect that the parents did not wish to press charges or have their children identified. The only wanted BR 69 moved from the school.

49.7. Does the Order accept that it was a mistake not to report to the police?

Given what we learnt subsequently, it was a big mistake not to have reported it. The policy of moving an accused person to another community in the expectation that he would not abuse again did not work.

49.8. If the Order does not accept it was a mistake not to report – why not?

It was a mistake.

50. **Kircubbin** [redacted] - BR 14

50.1. Description of occurrence

In [redacted] DL 13 a resident in Rubane House went home for a holiday vacation and some time shortly thereafter made an allegation to his parents or social worker that he had been sexually abused by BR 14 Details of the alleged abuse are not available. See Exhibit 2.

50.2. Reported to in the Order

The allegation was reported by phone to BR 6 [redacted] from Down County Welfare. He evidently told BR 12 who was [redacted] at the time.

50.3. What the Director of the Community did?

BR 6 informed the Provincial on [redacted] At the request of the Provincial he met with BR 14 and told him of the allegation against him. He declined going back to the North to answer the charge and BR 6 told him that he was to go to Castletown and meet BP 1 Provincial. BR 6 refers to this matter in his RUC interview of 4th April 1996. I attach herewith pages 23 - 26 of that interview as **Exhibit 4.** He commented that BR 14 (sic) was in the 'south' at the time the allegation was made and that he, BR 6 had passed the report on to the Provincial.

50.4. What the Provincial did?

The Provincial asked BR 6 to contact BR 14 who was on holidays in the South and ask him to come to the Provincialate in Castletown, Co. Laois. He put the allegation to BR 14 who admitted to one incident of 'immoral conduct' with one boy when he had drink taken. He maintained that it was a once off event and that no other resident had been abused by him. BR 6 told the RUC that when BR 14 refused to go back to the North that the Provincial commented 'we must dismiss this man from the Order'. The Provincial told him to apply for a dispensation from his vows and he remained in Castletown until the dispensation came through and he left the Order on [redacted] The records also reveal that BP 1 visited Rubane at the time.

50.5. Reported outside the Order

Down County Welfare was aware of the allegation. Belfast Welfare were aware of the allegation as their Chief Welfare Officer visited Rubane in early [redacted] seeking assurances in respect of the matter. BP 1 and BR 6 attended a meeting at Stormont on [redacted] to discuss the issue with Mr Parks and Miss Forest who was at that time the Chief Childrens' Welfare Officer.

50.6. Reported to the police

As far as I am aware the matter was not reported to the RUC by the Order. Br BR 6 may have taken the view that the civil authorities were aware of the report and that it was for the Ministry of Home Affairs, Belfast Welfare or Down County Welfare to take action, report the matter to the RUC or direct which further action should be taken.

50.7. Why not reported to the police?

I believe that the police were aware of the allegation since BR 14 was requested to go back North to 'answer the charge'.

50.8. Does the Order accept that it was a mistake not to report to the police?

If the police were not notified it was a mistake but it is noted that both Down County Welfare and Belfast Welfare were aware of the allegation and concession.

50.9. If the Order does not accept it was a mistake not to report – why not?

N/A

51. [redacted] and [redacted]

51.1. Description of occurrence

This account was given by [redacted] to [redacted] Provincial, on the 5th November 2002. On a Sunday evening in [redacted] the Parish Priest called on [redacted] Director of the Community and Headmaster of the Secondary School. He said that he had 6 or 7 parents in the parochial house who were making allegations of sexual abuse against some of the

Brothers. [redacted] went with him to meet with the parents. They made allegations against [redacted] who taught in the Primary School from [redacted] and [redacted] who taught in the secondary School from [redacted] He assured the parents that both Brothers would be removed immediately and would never teach their children again.

51.2. Reported to in the Order

[redacted] reported the matter to the Provincial, [redacted] BP 1 the following morning.

51.3. What the Director of the Community did?

That same night, having met with the parents and heard their stories, he informed the two Brothers of the allegations against them and told them they were not to go to school the following morning. On Monday morning, he rang the Provincial who instructed him to bring the two Brothers to meet him in Dublin. That evening he drove [redacted] to Dublin. [redacted] declined to go. [redacted] BP 1 told Br. [redacted] to apply in writing for a dispensation from his vows immediately. He sent a message to [redacted] that he was also to apply for a dispensation. He did so and he left the Order that week.

51.4. What the Provincial did?

He told both Brothers to apply immediately for a dispensation from their vows. There was no investigation. The Provincial took the word of [redacted] and the parents and took immediate action. Some years later, [redacted] applied from [redacted] to [redacted] for a reference for teaching and the Provincial, Br [redacted] BP 1 forbade him to give any reference.

51.5. Reported outside the Order

There is no record of the incident having been reported to anyone outside the Order. The priest and the parents seem to have taken no further action. They were satisfied with the swift action taken by the Order.

51.6. Reported to the police

There is no mention of reporting to the police. The names of the children or their parents are not on record anywhere.

51.7. Why not reported to the police?

I cannot answer this question. I can only speculate that the parents did not want

the matter to go any further or to have their children identified in the schools or in a small rural town.

51.8. Does the Order accept that it was a mistake not to report to the police?

Even though there is no evidence of any subsequent abuse by either of these Brothers, the Order believes that the matter should have been reported to the Gardai.

51.9. If the Order does not accept it was a mistake not to report – why not?

52. **Kircubbin** [redacted] - BR 15

Up to recently this was an anonymous complaint against BR 15 BR 6 [redacted] mentioned it in a RUC interview on 4th April 1996 but the complainant was not named – attached hereto pages 26-31 as **Exhibit 5.** He could not remember how or when he came to know of the allegation but he thought it might have been through a Social Worker. He remembered visiting the boy's mother in Belfast. She told him that "you could not believe a word he said." There are no contemporaneous records.

BR 15 denied the allegation but was nevertheless transferred from Rubane to another community on [redacted] BR 15 was interviewed by the RUC in or about 1995 but no charges were brought.

It was not until a former resident, HIA 36 approached the Order in 2012 with an allegation against BR 15 that we made the connection with the previous anonymous complaint.

While there were discrepancies in the account by HIA 36 and what was on record, there were sufficient similarities to lead us to believe that it was the same incident. The records show that BR 6 visited [redacted] on [redacted] and we concluded that it was this individual to whom BR 6 was referring in the RUC interview in April 1996.

A review of HIA 36 file detailed a comment from his mother to a social worker that you 'couldn't believe him'[10] and this again suggested that BR 6 was referring to this individual family.

I have no reason to disbelieve HIA 36 account though it was his belief that he reported the matter in [redacted] I find that difficult to reconcile with the visit to Ms HIA 36 in [redacted] Such a discrepancy is understandable after [redacted] years.

52.1 Description of occurrence

[10] See HIA 36 Personal file

HIA 36 detailed that he was abused by BR 15 while he was in a dormitory in the main house at Rubane and that he had subsequently told his mother about the abuse. HIA 36 confirmed that he reported the abuse after it had stopped i.e after he had left the main house to live in a Chalet. He reported that his mother spoke to the Brothers about his account. HIA 36 also advised that he discussed the matter with [redacted] Records indicate that HIA 36 moved to Chalet [redacted] in [redacted]

52.2 Reported to in the Order

HIA 36 says that his mother spoke to the Brothers after he told her. BR 6 was not sure whether it was a Social Worker who reported it first.

52.3 What the Director of the Community did?

BR 6 reported the matter to BP 3 who was Provincial at the time. BR 6 visited the boy's mother in Belfast. BR 6 volunteered the information about the incident to the RUC in his interview in 1995. He said that BR 15 was transferred as a precaution.

52.4 What the Provincial did?

The Provincial at this time was BP 3 I have determined that Br BP 3 was in Kircubbin between [redacted] only 3 days before BR 6 visit to Mrs HIA 36 on the [redacted] BR 6 also met BP 3 in Downpatrick on [redacted] While there are no records available for these meetings, it seems likely that that this case was the subject for discussion as BR 15 was transferred to [redacted] a few days after the second meeting, namely on [redacted]

The Provincial was faced with the strenuous denial by BR 15 and by the comment of the complainant's mother that you could not believe a word from him but still decided to remove BR 15 from the Home.

BR 6 said that BR 15 was transferred as a precaution.

52.5 Reported outside the Order

While we cannot be sure at this stage, BR 6 stated that the complaint could have come from the Social Worker. HIA 36 said that he told his mother at the time. HIA 36 recounted how he had also discussed the issue with DL 140 who was attached to Rubane and was aware that BR 6 and possibly DL 140 [redacted] as well had been in touch with his mother.

52.6 Reported to the police

There is no record of this incident having been reported to the police. Br. BR 6 BR 15 and the Provincial, BP 3 were all deceased when HIA 36 came forward in 2012. BP 3 was killed in a car crash [redacted]

52.7 Why not reported to the police?

We do not know why it was not reported to the police. There were no witnesses to the incident and it was HIA 36 word against BR 15 There was no previous allegation against BR 15 the Brothers were faced with a

strong denial by BR 15 and the mother's comment to BR 6 that HIA 36 was not trustworthy.

52.8 Does the Order accept that it was a mistake not to report to the police?

In hindsight, and bearing in mind current safeguarding protocols and what we know about abusers it is accepted that the matter should have been reported but at the time, the Order dealt with the matter fairly much in accordance with the standard response at that time and in a fashion not dissimilar to that overseen by MHA in [redacted] The Brother was removed from the home and transferred to another Community in [redacted] where he would not have access to children. According to our current safeguarding policy an allegation or even a strong suspicion of abuse would be reported to the police and left to them to investigate the matter. It should be noted that BR 6 was heavily involved in the previous incident in respect of BR 14 in [redacted]

52.9 If the Order does not accept it was a mistake not to report – why not?

N/A

53 **Kircubbin [redacted] - BR 1**

53.1 Description

In [redacted] a number of boys alleged that BR 1 sexually abused them under the pretext of giving them a 'medical examination' on their arrival at the Home or shortly afterwards. BR 1 claims that when boys were admitted to the Home, because there was no doctor or nurse available, he gave them a cursory examination to ensure they were free from hair lice, nits, body lice, skin rashes, scabies etc. It was an opportunity also to notice any bruises, birth marks, tattoos or scars by which they could be readily identified.

53.2 Reported to in the Order

On [redacted] the Bishop sent for BR 1 and suspended him and told him not to return to Rubane.

53.3 What the Director of the Community did?

The accused, BR 1 was [redacted] BR 6 as [redacted] took over until BR 2 was appointed in [redacted]

53.4 What the Provincial did?

BP 4 Provincial, was not informed about the situation until after BR 1 had been suspended by the Bishop. BR 1 was assigned to secretarial work in the Provincialate in Dublin. The Provincial interviewed him at length on many occasions about the allegations but he strenuously denied the allegations. Shortly after this BR 1 developed a malignant tumour of the spine. The PPS decided not to pursue proceedings against him. After major surgery he had a remission for a number of years but developed a further malignant tumour of the brain from which he died on [redacted]

53.5 Reported outside the Order

As far as I am aware the report was made by a Social Worker, [redacted], arising out of a conversation she had with some former residents of Rubane in a hostel in Belfast on [redacted] The allegation was made known to Bishop Philbin, Diocese of Down and Connor, who suspended Br. BR 1 on [redacted] I have attached a copy of [redacted]'s report as **Exhibit 6.**

53.6 Reported to the police

I do not know whether it was the Social Worker or the Diocese reported the matter to the RUC but the police received a report from [redacted] dated [redacted] six days after the conversation she had with the former residents in Belfast. On the [redacted] a team of police detectives visited the Home and interviewed all the boys in the Home. As far as I am aware every boy who had been in the Home from [redacted] was subsequently interviewed.

53.7 Why not reported to the police?

N/A

53.8 Does the Order accept that it was a mistake not to report to the police?

N/A

53.9 If the Order does not accept it was a mistake not to report – why not?

62. **Kircubbin** [redacted] – BR 33

BR 33 had been a member of the De La Salle Order but he left the Order on the [redacted]

62.1. Description of occurrence

On the [redacted] the Home was visited by a Mrs [redacted], resident DL 469 DL 469 and. Mrs DL 469 alleged that BR 33 had 'put his arms' around DL 469 DL 469 subsequently withdrew the allegation but another social worker DL 470 arrived in the home on the [redacted] to conduct a further investigation. It is recorded that DL 470 was satisfied that the allegations had been fabricated.

On [redacted] DL 471 Senior Social Worker notified Br BR 8 that DL 472 had alleged that BR 33 had fondled his privates as he was putting him to bed in [redacted]

The allegations were put to BR 33 on the following day and he denied them. He recalled an event with a HIA 50 which must have fitted with the context of the allegation but denied that he had fondled any boy.

On [redacted] Dean Montague, representing the Bishop, called with written instructions for the BR 8 [redacted] to suspend BR 33 pending the outcome of the police investigation. BR 33 was

informed of the suspension and told to remain away from the premises while the investigation was under way.

Records relating to this complaint are attached hereto as **Exhibit 7.**

62.2. Reported to in the Order

BR 8

63.3. What the Director of the Community did?

BR 8 followed the advice of the Social Services and reported the allegation to the RUC and to Fr. McCann

63.4. What the Provincial did?

There is no record that the Provincial was informed or involved in any way

63.5. Reported outside the Order

DL 473 a social work assistant DL 471 Senior Social Worker.

Fr. McCann, as representative of the Board of Governors was informed.

63.6. Reported to the police

Following an internal investigation of DL 472's complaint and on the advice of the Social Services, it was decided to report the matter to the RUC.

BR 8 reported the allegation to Sgt Reid, Greyabbey RUC and submitted a written report outlining the allegation. D/I Fitzsimmons and Sgt. Parker interviewed BR 8 as a prelude to the investigation and interviewed DL 472 DL 472 on the in the presence of his Social Worker.

BR 8 received a letter of resignation from BR 33 He wished to return to and work on the family farm. He said he had permission from the police for this. BR 8 checked with Newtownards CID. They knew of his plans and had given their approval.

63.7. Why not reported to the police?

N/A

63.8. Does the Order accept that it was a mistake not to report to the police?

N/A

63.9. If the Order does not accept it was a mistake not to report – why not?

N/A

64. **Kircbbin DL 134, DL 135 - Dismissal**

Allegations of sexual abuse against these House Parents surfaced during the RUC investigation in 1995. BR 6 who was from prepared a statement for me and I have attached same hereto as **Exhibit 8.** He indicated that he was not aware of any allegation of sexual abuse against them at the time of their dismissal. He was in contact with the Ministry of Home Affairs and with the Bishop in connection with their dismissal.

65. **Kircubbin [redacted] – HIA 135 and Mrs [redacted]**

In [redacted] BR 2 was notified by DHSS and the RUC that the RUC had received a complaint from a HIA 135 that he had been interfered with by other boys during his residency in Rubane between [redacted] HIA 135 confirmed that he had no complaint to make about the Brothers. The De La Salle Order had no input into the investigation. It is believed that although Mr HIA 135 named a number of individuals that the police decided not to speak to them.

In [redacted] the mother of resident DL 476 made an allegation that her son had been sexually abused. The RUC were involved and they interviewed DL 476 He denied his mothers allegations.

These two incidents resulted in the EHSSB placing an embargo on the home and the events surrounding both should be well documented by EHSSB, RUC and DHSS.

The circumstances surrounding these reports arose during the investigation of a physical abuse allegation against a lay member of staff. The papers relating to that investigation have been provided on foot of the Section 9 notice. Extracts relevant to the HIA 135 and DL 476 complaint are attached hereto as **Exhibits 9 & 10**.

H. **Peer Abuse**

66. At various times, particularly in Rubane, homosexual activity among the boys was identified. Former residents, especially those who had come through care in Nazareth Lodge and had no experience of the outside world would say that as adolescent boys 'it was normal'. The Order did not accept it was normal and attempts were made to educate the boys and eradicate such behaviour. It is recognised now, that it was perhaps more widespread than initially appreciated. Some of this behaviour would have taken place in a consensual manner. It is however accepted that there were also occasions when residents were subject to coercion by older or stronger boys.

67. We accept that peer abuse did happen. A number of cases were discovered by staff and dealt with at the time. We learnt later that a number of boys had complained of peer abuse during the police investigation of 1995. We are aware that the PPS decided not to prosecute a number of boys. It is not known whether these boys alleged they reported the abuse at the time.

68. From their own training, the Brothers were alert to the possibility of peer abuse especially in boarding schools or Residential Homes. While there were no written guidelines, we were aware as Christians of what was forbidden by the commandments in relation to Chastity and as Brothers we were aware of the purpose of the regulations such as the avoidance of particular or exclusive friendships. From my own experience teaching in a boarding for seven years, I was aware of the need for constant supervision and vigilance to prevent situations where such behaviour could occur. As young Brothers, we were warned about the danger of particular or exclusive friendships.

69. A distinction was made between abuse which was consensual and could be regarded as "peer exploration" and abuse where violence or compulsion was involved, though neither form of abuse was tolerated.

70. We would argue that the Brothers took every reasonable precaution through supervision and vigilance to prevent it happening.

71. BR 17 tried to deal with it in prior to1958.

72. The matter was raised with the Ministry of Home Affairs at the February 1963 meeting. BR 39 reported how it was a problem in the old Milltown School. The Trustees argued in favour of a dormitory style accommodation, rather than the Chalet style favoured by the Ministry of Home Affairs in Order to mitigate against the risk of *'undesirable practices'*. A record of that meeting is attached hereto as **Exhibit 11.**

73. It is noted that during the [redacted] Diocesan investigation into the Milltown School Br BR 39 referred to boys 'affected with sex mania'. He suggested that there had been misbehaviour among boys before they entered Milltown when the American troops where based there and went on to detail how he had to refuse admittance to a 15 year old boy suffering from venereal disease. See Exhibit 3.

74. BR 2 tried to deal with it when he was [redacted]

75. BR 2 [redacted] says that the Home received no advice on how to deal with this issue among adolescent boys.

76. Serious cases were referred to the visiting psychiatrist, Dr. McCauley by the officer in charge in consultation with a boys social worker. In one instance, a boy was referred for assessment in Muckamore Abbey. In other cases which seemed less serious and due to adolescent activity, boys were spoken to and warned that such activity was not acceptable.

77. Precautions were taken by the staff to minimize any possible occasions of such conduct. The daily life pattern was organized so that the boys were under constant supervision. Down in the woods or down in the farmyard, away from the confines of the play areas, were considered to be places where boys were not allowed to go without special permission. The 1981 SWAG report was critical of the Home for excessive supervision.

78. At night time, a Brother was on night call to respond to any disturbance within the residential unit.

79. A night watchman, [redacted] was employed as an external security person to check up and report on night disturbances.

80. During the fifties, sixties and seventies there was practically no sex education given in schools and the Brothers were actively discouraged from engaging in sex education. It was considered to be the responsibility of the parents and of the resident chaplain. Viewed objectively now, one can readily see the difficulty faced by staff having adolescent boys of whom a substantial number of had either in adequate or no parenting.

81. BR 2 says that he was not aware of any guidelines laid down by the Department or Social Services re: sex education and reporting of sexual misconduct among residents.

82. Prior to 1976, the Home had the services of a Psychiatrist. Every Wednesday afternoon a Child Psychiatrist (Dr. McAuley) who was attached to the Royal Victoria Hospital and

[redacted] visited the Home and he interviewed and counselled the boys referred to him by the Officer in Charge and in consultation with the boy's Social Worker. The service was discontinued for a short time after Dr. McAuley retired, before Dr. Barcroft took over the responsibility for psychiatric care on a consultancy basis. Due to the remoteness of the Home, Dr. Barcroft altered the interview arrangements by organising appointments at the Royal Victoria Hospital. This proved unsatisfactory, as it required boys travelling to Belfast, accompanied by a member of staff. At a later stage, by making representations, Dr. McAuley resumed seeing the boys on a temporary basis. The reporting of such occurrences to Psychiatrists was, as far as we are aware standard practice for sexual deviancy at that time.

83. The following entries from BR 2 personal diaries show that a psychiatrist visited the Home regularly and was available to meet with boys who had problems in this area. While the reasons for referral may not always be obvious I am advised by Br BR 2 that as far as he can recall the referrals detailed below related to 'sexual' problems. These problems were of course often only one symptom of psychiatric disturbance. The details are provided for illustrative purposes and are not comprehensive.

- Wed. [redacted] Dr. McAuley calls at 11.00 a.m. Sees DL 71 DL 71 DL 157 and HIA 146
- [redacted] Dr. McAuley in all morning.
- [redacted] Dr. McAuley in and has chat with DL 115 (Housemother) re: [redacted] and [redacted]
- [redacted] Dr. McAuley sees [redacted] 1st time, HIA 146 HIA 146 DL 157 [redacted]
- [redacted] Dr. McAuley did not come.
- [redacted] Dr. McAuley arrives at 11.00. Did not see anyone.
- [redacted] Dr. McAuley sees DL 59
- [redacted] Dr. McAuley arrives. Sees [redacted] DL 59 [redacted] Wants I.Q. on [redacted]
- [redacted] Dr. McAuley has a long day. From 10 -11 and 3 -5. Saw a lot of boys.
- [redacted] Dr. McAuley sees DL 59 DL 58 [redacted]
- [redacted] Dr. McAuley sees three new boys. [redacted] and [redacted]

84. DL 115 referred [redacted] because of his bizarre behaviour and extraordinary stories.

85. It is clear that some boys were referred to Dr. McAuley because of sexual problems.

- DL 59

  It is clear that he was referred to [redacted] because of sexual deviance. In a report dated [redacted] prepared by Social Worker, [redacted] for the Child Psychiatry Unit, [redacted] requesting admission she wrote to "One evening in Nazareth Lodge, Sr.[redacted] went to the boys' dormitory and found him in a compromising situation with one of the other children. To be monitored by Dr. McAuley on discharge to Rubane. DL 115 (Chalet [redacted] Reports) reports DL 59 'asking that boys in his dormitory kiss him goodnight. - now they call him [redacted] In [redacted] she refers to the same again and adds 'he needs supervision when dressing or undressing'. She specifically refers to 'sex problems' end 'sex play' and needs careful watching - [redacted] On Sunday, [redacted] she reports an incident in the Chalet and says, "I think DL 59 needs a very firm hand".

- DL 58

  Report of DL 115 re incident in Chalet DL 58 and DL 59 masturbating. (DL 59 File)

- DL 301

  DL 301 was in the Home from [redacted] He was transferred from Chalet [redacted] to the House on [redacted] because of behaviour problems. In BR 2 personal notes for [redacted] when he was attached to Chalet [redacted] as assistant to SR 32 he had reason to question him and HIA 16 HIA 16 on a rumour of sexual activity between boys in the Chalet.

  When DL 301 was transferred to the House Br BR 2 came across inappropriate activity in the toilets late at night with another boy DL 315 BR 2 told them to get to bed and that kind of activity was not allowed. BR 2 has no recollection of referring either of them to Dr. McAuley or anyone else. I believe this matter is referred to in some of BR 2 1995 RUC interview notes.

- DL 93

  DL 93 was in Chalet [redacted] at the same time as DL 301 DL 301 and was a very disturbed boy. A boy [redacted] reported that DL 93 had exposed himself in front of another boy HIA 135 and asked him to do the same. Br BR 2 recalls referring DL 93 to Dr. McAuley who recommended him to [redacted] for a thorough

assessment. It is believed he was eventually taken into care in [redacted]

86. Reports of Sexual Activity among Boys.

In his personal Diary, BR 2 noted the following;

- [redacted] 'SR 57 over – discussed sex problems among boys"
- [redacted] DL 140 speaks to BR 6 about sex problems among boys - BR 22 BR 3 - suggestions.
- [redacted] HIA 94 changed to the House – alleged interference with other boys.
- [redacted] HIA 147 returns to the fold. Allegations of misdemeanours." HIA 147 had left Rubane by this time but had returned for a visit. It was not unusual for former residents to return for weekends, summer holidays to partake in games or catch up with friends and staff.]
- [redacted] BR 6 and I discuss HIA 147 case.

[These are just some examples – other entries will be relevant]

87. Sex Education: In the 60's 70's and 80's sex education was rarely taught in Catholic schools as most teachers did not feel qualified or comfortable to do so. It may have been taught as a biology subject but not in the context of a moral or spiritual issue.

88. In the Boys' Home, the Brothers did not teach sex education and it was left to the priests who were assigned as chaplains to the Home. [redacted] - DL 410 [redacted] DL 477 [redacted] and DL 140 [redacted] were resident on a premises within the Home and the staff and boys had access to them on a daily basis. Apart from liturgical services, they visited the classes every week. Boys were free to visit the chaplain's house. The chaplain himself, in consultation with the head of the Home, encouraged the boys to visit him if they had any problem or needed direction. Fr DL 140 was involved in trying to address sexual activity among the boys in [redacted] and it is recorded that he drew up a list of names of the boys involved.

89. The chaplains had no authoritarian role in the Home and boys would be able to talk freely and confidentially to them. If there was any abuse they would advise boys on what steps to take if any abuse was reported to him outside the seal of Confession.

90. Post 1971, In the area of sexual deviancy, it was recommended that the boy concerned should be moved from the Chalet Unit to the House where he could be more strictly monitored. Some boys were referred to the visiting Psychiatrist if it was thought there was a serious underlying problem and not when it was a minor issue deemed to be a 'normal' part of growing up.

91. Post 1980, a programme was initiated in "Relationships" which involved groups of older boys in a series of encounters in the home of a married couple in Kircubbin. This programme was basically a sex education programme and was considered a success.

92. As far as I am aware, there were no Child Protection policies laid down to regulate sexual abuse among adolescent peers. It is noted that the Black Report of 1979 contained a section on 'child abuse' but it makes no reference to sex within the confines of 'child abuse' and no mention of abuse in the context of peers. Mr Parkes, who was a recipient of the [redacted] complaint about BR 14 contributed to this report.

93. I also note that the 1952 Home Office Memorandum on the Conduct of Children's Homes, while setting our many aspects to the successful delivery of residential child care makes no reference to sex education or instruction for adolescent boys.

I. Current Policies and Procedures

94. The Order's current policy on the Safeguarding of Children is based on the following;

a. 1995 Child Sexual Abuse: Framework for a Church Response was published in 1995
   - to consider and advise on an appropriate response by the catholic Church in Ireland, where there is an accusation, suspicion or knowledge of a priest or religious having sexually abuse a child
   - to identify guidelines for Church policy in this area and suggest a set of procedures to be followed in these circumstances.

b. 2005 – Our Children, Our Church – update and more comprehensive guidelines for the protection of Children

c. 2009 – Safeguarding Children in the Catholic Church – Standards and Guidance Document for the Church in Ireland – published by the Safeguarding Board set up as a unified approach to Child Protection across the Catholic Church in Ireland.

d. 2011 – Children First – Proposed Legislation by the Irish Government introducing mandatory reporting for the first time.

2 3 OCT 2013

Witness Name: Br Pius McCarthy

Date: 22nd October 2013

The Inquiry into Historical Institutional Abuse 1922 to 1985

Statement 3: Admission Statement

1. I, Br Pius McCarthy am the Provincial Secretary to the De La Salle Order in Ireland. I have held that post since 1995.1 had previously served as Provincial Secretary from 1974-1976.

   I make this statement in response to the HIAI's letter of 21st May 2013 requesting;

   A. Details of 'abuse' that the Order accepted occurred within the De La Salle Boys Home at Rubane and St Patrick's Training School.

   B. Details of those persons connected to Rubane or St Patrick's Training School who were convicted, charged or investigated in respect of allegations of abuse.

   C. Details of Civil Claims brought by former residents of Rubane or St Patrick's Training School.

2. It should be noted and appreciated that the knowledge the Order has today of 'abuse' in both Institutions arises through a combination of contemporaneous records, patterns of allegations, disclosures from criminal and civil cases and from engagement with former residents. This 'knowledge' has been developed over the last 17-18 years and accordingly there are matters about which we are much better informed today than we were 10-15 years ago. It is difficult to take a historical snapshot and analyse 'our' knowledge at any particular time. Were I can, I will try and contextualise the knowledge. In that way the HIAI may get a better understanding of the Order's position, in dealing not only with the Criminal Investigations but with the Civil Claims.

'Abuse' which the Order 'accepts' occurred

3. I do not seek to define abuse. I am conscious that Inquiries in the Republic of Ireland have given it a very wide interpretation. I do not seek to confine the Order's response narrowly but at this juncture I believe it would be best to focus on those aspects of life in St Patrick's or Rubane which obviously fall within the definition. For instance, I am not aware of any allegations from St Patrick's or Rubane relating to food, clothing, or work regimes that in other contexts have been suggested to constitute abuse. If the HIAI identifies allegations of that nature against the De La Salle Order I will be happy to address them. My response will be focused on;

   (i) Sex Abuse by Adults
   (ii) Sex Abuse by Co-Residents
   (iii) Physical Abuse by Adults

4. I intend to respond, as far as possible, in a chronological matter so that the HIAI can get an idea of how the Order's knowledge of these matters developed. There will be a certain

over-lap with my Statement on the Order's knowledge of abuse in general. Where there was implied knowledge or unproven allegations I will refer to them within the chronology and expand on the Order's knowledge later in the statement.

5. I would remind the HIAI of the Order's policy during the relevant period and in particular the general confinement of knowledge to the Director of a particular Community and the Provincial, and the absence of written records and document retention. I appreciate that the policy may well draw criticism but it needs to be understood within the context and practice of the era.

(i) Sex Abuse by Adults

(a) Members of the De La Salle Order

[redacted] BR 17

6. [redacted] BR 17 was appointed to Rubane Boys Home in [redacted] He became [redacted] on [redacted] He remained there until [redacted] when he was transferred to [redacted]

7. The HIAI will be aware from the Order's disclosure that records have survived in respect of allegations made against BR 17 in [redacted] The records do not contain specific detail about the nature of the abuse. The allegations were 'withdrawn' but the investigating Provincial noted his 'doubt'. [redacted] Investigation Papers attached hereto as **Exhibit 1**.

8. In [redacted] the Order received a complaint about BR 17 relating to his time in Downpatrick in the [redacted] BR 17 was questioned about the allegation and accepted the veracity of it. He maintained that it was a 'one off' event. The Provincial, Br BP 4 sent BR 17 to a Psychiatrist, Dr Cooney, and subsequently BR 17 was transferred to [redacted] I believe that Br BP 4 did contact the Bishop in [redacted] before authorising the transfer. It is impossible to know whether Br BP 4 accessed the [redacted] records at this time.

9. In February 2000 the Order received a complaint from [redacted] of the 1981 complainant. In February 2004, a former Rubane resident made a complaint and in September 2004 the Order received a further complaint about Br BR 17 This related to Br BR 17 time in [redacted] between [redacted] and [redacted] Given the [redacted] account, the [redacted] investigation, the veracity of these accounts were accepted.

10. It was only then, after 2004, that a picture of repeat offences over a long period of time emerged. Br BP 1 'doubt' was, tragically for the Order and residents, correct.

11. From 2005 onwards a series of complainants came forward with accounts about Br BR 17 It is accepted that Br BR 17 had the propensity to sexually abuse children.

[redacted] **Br** BR 14

12. Br BR 14 was a [redacted] from [redacted] to [redacted]

13. Records exist in respect of a complaint in [redacted] These have been disclosed to the HIAI. The records appear to reveal that a resident, home on summer leave, made a complaint to his parents or social worker. Down County Welfare notified the Order of the complaint. Belfast Welfare and the Ministry of Home Affairs were also alerted. The records are attached hereto as **Exhibit 2**.

14. The records do not detail the complaint beyond the terminology 'immoral conduct'.

15. Br BR 14 was questioned about the complaint and accepted that it was true. He maintained that it was a one off and that no other boy was involved.

16. The complainant himself appears to suggest that more than one boy may have been involved.

17. To date no other complaint or civil claim has been received by the Order in relation to Br BR 14 though I recently received an enquiry from the PSNI about him.

18. Br BR 14 was present in Rubane when Br BP 1 conducted the [redacted] investigation and was aware of the nature of that investigation.

19. It is accepted by the Order, on account of Br BR 14 admission, that he did abuse a boy. To date, other than the suggestion from the 1964 complainant, I have no evidence to suggest that he sexually abused more than one boy. However, the Down & Connor Safeguarding Office named Br BR 14 when passing on a complaint from a former resident. They did not specify the nature of the allegation.

[redacted] Br BR 15

20. On the 4th April 1996 during an RUC interview Br BR 6 told police investigators that he had received a complaint about a Br BR 15 He did not date the complaint nor did he identify the complainant.

21. Br BR 15 had left [redacted] He was interviewed as part of Operation Overview in 1996 but I do not have access to his interview transcript. I believe that he denied the allegations made against him.

22. From 1996 onwards until the trial of Br BR 1 Br BR 6 Br [redacted] and Br BR 31 I received accounts during the course of the criminal proceedings of allegations involving Br BR 15 These matters were left with the RUC to pursue and I cannot comment on the decisions that they made other than to say I believe that BR 15 was in failing health at that time.

23. From 1998 we began to see a pattern of Br BR 15 being named as a perpetrator of abuse within the civil claims. The Order was still recovering from the shock of the revelations post the Brendan Smyth affair, and the implication of some of its members both in that investigation and the wider investigation that it matured into.

24. Claims involving Br BR 15 were settled on a without admission of liability basis but they invariably involved a number of alleged perpetrators and sometimes allegations of peer abuse as well. It was difficult to deal with the allegations and properly investigate them against the back drop of the criminal and civil claims. We were aware of Br BR 6 concession regarding the contemporaneous complaint but had little more by way of information.

25. It was not until 2012 that the Order developed a clear understanding in respect of Br BR 15 The Order was approached by HIA 36 Mr HIA 36 had been in Rubane from [redacted] He had remained in contact with a number of the Brothers after he left Rubane and supported Br BR 2 during the course of the 2011 HIA 148 trial. It was accepted by the Order during the course of the HIA 148 trial that Br BR 15 may have perpetrated abuse while at Rubane. After the trial Mr HIA 36 made approaches to the Order. He confirmed;

- That he had been abused by Br BR 15
- That he had reported the abuse at the time
- That BR 6 had gone to see his mother

26. This testimony was consistent with Br BR 6 interview. Br BR 6 had mentioned going to

see the mother of the complainant and that she had dismissed it, querying her son's truthfulness. The Order found HIA 36 to be credible and his account helped explain BR 6 s statement.

27. Reviewing records it was determined that BR 6 visited [redacted] on the [redacted] It was also noted that the Provincial, BP 3, was in Rubane from the [redacted] BR 6 met BP 3 in Downpatrick on the [redacted] and BR 15 was removed from Rubane on the [redacted] HIA 36 's account provided the context for these visits and meetings.

28. As far as I am aware BR 15 continued to deny all the allegations made against him.

29. As an Order it is difficult for us to make concessions about a man who is dead and cannot answer for himself but we do recognise our responsibility to balance the reputation of the deceased with the rights and dignity of the abused.

30. On balance, largely thanks to HIA 36 s account and supported by a pattern of other similar accounts, the Order acknowledges that BR 15 sexually abused boys in Rubane.

31. BR 15 was removed from Rubane and subsequently left the Order.

32. He had been a [redacted] and had served in Rubane from [redacted] to [redacted] He had been present and knew about the nature of the [redacted] investigation. He was present when BR 14 was removed in [redacted] but may not have known about the nature of the complaint or the reason for BR 14 's removal.

[redacted] BR 1

33. BR 1, as a result of the fact that he was removed from Rubane in [redacted] in the aftermath of the Kincora Boys Home scandal, that he was [redacted] when Brendan Smyth visited, and was the subject of wide spread publicity in the mid 1990s is perhaps the Brother who has attracted most publicity associated with Rubane.

34. BR 1 accepted during his police interviews in [redacted] that he did conduct 'medical examinations' or "medical checks" on the boys. It was and is accepted that undertaking the role of medical officer was naive at best. BR 1 justified same on the basis that he was operating, unlike St Patrick's Training School where he had been previously, without the assistance of a nurse or Doctor and that he had a responsibility to keep the home free from infectious diseases.

35. It is accepted that the medical examinations were a technical assault. We are not convinced that if carried out, solely for medical reasons, that they constituted abuse.

36. The Order accepts that they have received numerous claims against BR 1 but we have been unable to come to a conclusion about BR 1 . We feel that the following points are relevant;

- Post Kincora and BR 1 's removal parents/social workers would have been much more alert to the risk of predatory sexual abuse. Why did no boys come forward with complaints of the more serious nature at that time or before 1995?

- Why did no boys in Rubane interviewed by the police in [redacted] make complaints beyond the 'medical examinations'? BR 1 had been

removed and accounts from former residents suggest that the RUC interviewers were specifically asking about Br BR 1

- Why did no boys who had recently left Rubane make no complaints beyond the 'medical examinations'?

- Would Social Workers at that time not be specifically trying to elicit from their wards whether the boys had been the victims of more serious sexual interference?

- BR 1 was implicated in the Brendan Smyth affair. There was a suggestion in the media that Br BR 1 and Brendan Smyth were friendly and that Br BR 1 was knowingly facilitating Smyth. **See Exhibit 3.**

- On 6th June 1995 Br BR 1 appeared on TV, leaving Newtownards Court on abuse charges, including for the first time an allegation of buggery. Thereafter a large number of boys came forward to make allegations of a most serious sexual nature against him. The Order has never seen the complaint which generated the initial charge. It was not included among those on the final 'charge' sheet. All of the allegations on the final charge sheet relate to statements made post the TV appearance. **See Exhibit 4.**

- We accept that the suppression of a victim's memory and the mindset required to come forward may be more easily overcome if one realises that he is not alone in his complaint but the absence of serious complaints in 1980, the media frenzy in 1995 and the absence of the initial buggery complaint does leave a doubt in our mind.

- A number of the early complainants against Br BR 1 weren't in Rubane with him. This led to doubts that residents were basing accounts on the newspaper articles. Br BR 1 was only in Rubane on one occasion before [redacted], a day visit in [redacted]

- A wide-scale RUC investigation into St Patrick's Training School in 1994 did not, as far as we are aware uncover any allegations against Br BR 1 despite the fact that he served there from [redacted] until [redacted]

- Br BR 1 continued to deny the allegations both to the RUC, the Order and to a Psychologist who examined him in June 1997.

37. Attached hereto as **Exhibits 5** and **6** are 'Questions and Answers' which I went through with Br BR 1 at the time of the criminal investigations and a copy of a Psychologists Report dated 3rd June 1997. The Q&A was prepared by me as an Aide Memoire to help me get a better understanding to life in Rubane and the background to the criminal investigation.

38. It has been difficult against this background of lingering doubts regarding the media reporting and the conduct of Operation Overview to get a truly objective view about Br BR 1 He continued to be held in high regard by the Brothers who knew him. A number of civil cases against him were settled. Some of these

confined their complaints to the medical examination or inappropriate touching. We have not come to a conclusion about the more serious allegations against him.

39. The fact that Brendan Smyth visited Rubane during Br BR 1 [redacted] has laid to widespread media reporting and speculation. I am not aware of any evidence which suggests that Br BR 1 knew Smyth prior to him taking up the appointment [redacted] in 1977. There is for instance no evidence to suggest that Smyth visited St Patrick's Training School. When the 1995 police investigation commenced I was keen to get an understanding to the background. I asked Br BR 1 among other things, about Brendan Smyth. He denied any recollection of him. At that time, I honestly didn't know whether Smyth had been in Rubane or not. I accept now that it is difficult to reconcile Br BR 1 'denial' of Brendan Smyth with an account by a former resident, DL 40 that he had told Br BR 1 about Smyth interfering with him. Mr DL 40 attributes Br BR 1 with having stopped Smyth from abusing him. I can understand how Br BR 1 may have been frightened about being associated with Smyth but perhaps he genuinely didn't associate the name 'Brendan Smyth' with Mr DL 40 complaint or with the identity of the Priest whom Mr DL 40 believes Br BR 1 challenged on his behalf. If Mr DL 40 is correct then at the very least Br BR 1 had knowledge of Smyth's propensity to abuse boys in [redacted] He could be criticised for not doing enough to stop him but it would be unfair of me to speculate as to what Br BR 1 did or didn't do other than to say there is no record of Mr DL 40 report within either the Rubane or general De La Salle records. If Smyth did stop coming to Rubane it would be important to establish were Smyth was residing in order to determine whether there are other potential reasons for the cessation of his vists.

(b) Civilians

[redacted] DL 230

40. It has become apparent from an account by an ex-resident that a [redacted] given the nickname DL 230 by the boys sexually abused boys in the woods. Staff were not aware of this at the time. At least one boy recounted this complaint to the RUC during Operation Overview. It is not known whether the individual was identified or questioned at that time. It is believed that the individual may have been identified by the PSNI during recent investigations as a DL 230 but that he had since deceased.

[redacted] DL 137

41. DL 137 was employed as [redacted] at St Patrick's Training School in the late [redacted] In the late 1990s a number of former residents came forward in the context of civil claims. DL 137 had been convicted of sexual offences in the mid 1990s. It is believed he was identified during the RUC investigation of St Patrick's Training School during 1993/94.

42. The Civil Claims were brought against the Board of Management of St Patrick's Training School rather than the Order. It is accepted that the abuse occurred.

43. In recent years another civil claim has led to a re-investigation of events surrounding DL 137 It appears that he was identified as an offender at the subject time and forced to resign from the School. No record of the report survives and varying verbal accounts have been given. It is believed that a member of staff, perhaps a dinner lady, found

DL 137 interfering with resident and reported the matter to a Brother. It is accepted that the Order or the Board of Management should have reported the matter to the RUC.

(ii) Abuse by Co-Residents

44. It is with considerable regret that it is now apparent that peer abuse was a much more widespread problem than was recognised at the time.

45. There are some early references to this type of activity, namely;

- Br BP 1 'summing up' the [redacted] investigation wherein he records;
  - o '[Br I] *has perhaps given too much guidance re sex to the boys. His explanation was that the boys were given to bad habits in Nazareth ..and some others who come in from Welfare Authorities. Found that two years ago there was much wrong doing among the boys'*
- In 1963 during the debate over the expansion of Rubane and in particular whether it would be expanded with dormitory buildings or chalet style cottage there are a number of potential references to such activity;
  - o At a meeting at Chichester House between the Ministry of Home Affairs and the Trustees of St Patrick's Training School on 26th February 1963 the Trustees commented that the provision of chalet units with small rooms presented *'a real danger in that boys who have been deprived of normal home life will have opportunity for undesirable practices'*. See **Exhibit 7** attached hereto.
  - o BR 39 conceded that the 'problem' was acute at the Old Milltown Training School but that it had been eradicated at St Patrick's Training School by the provision of large dormitories 'designed deliberately to remove privacy under which bad practices could take place.' BR 39 during the [redacted] Milltown investigation, referred to some boys being admitted who had 'sex mania', to an incident of venereal disease with a 15 year old prospective resident and appeared to draw a distinction between the older reformatory boys than the industrial boys who perhaps had less experience of the outside world prior to admission. See **Exhibit 8** attached hereto.
  - o Monsignor Mullally argued that he could not agree to the provision of chalet type units *'where problem boys are concerned'*. See Exhibit 7.

46. Given these accounts, later direct knowledge in the early 1970s, the accounts of ex-residents to the RUC in the mid 1990s and accounts provided by ex-residents to ourselves and our advisors during recent civil claims it is accepted that 'peer abuse' operated at varying levels over a significant time frame.

47. It is accepted that some of this 'peer abuse' was blatant sexual abuse whatever way it is viewed. There are accounts of actual buggery by older boys on younger boys.

48. However, there are also accounts of boys involved in mutual touching and the accounts at times are suggestive of a 'consensual' nature to the interference. I'm loath to underplay the significance of any type of abuse but each complaint in this regard would require careful consideration.

49. I would be surprised if Rubane House was alone in being troubled by such activity. It does not seem to have come as any surprise to the Ministry of Home Affairs officials present at the February 1963 meeting. It is not known whether such problems afflicted other homes run by other religious institutions or those run by the state however the

expression of sexuality among young adults is not an unnatural phenomenon. Some residents recall that it was 'normal' for them to partake in such activity. Some recount that they didn't know any better. I suppose, if one looks at a young orphan boy, separated from female company until 15/16 years of age and beyond his adolescence one can better understand the resident's perspective.

50. I am not aware of any guidance or instruction on issues of sexuality in children's homes being issued at that time. A 1952 Home Office Memorandum on the Conduct of Children's Homes, found within Rubane's papers, makes no reference to sex education, puberty or male adolescence at all. The Memorandum is attached hereto as **Exhibit 9.** I am not aware of whether Social Services would have recognised it as a problem in homes generally. Indeed I believe this type of issue becomes mixed up in a societal denial and taboo on such issues. Some modern academic authorities suggest that children who are abused are more likely to abuse others. Boys who had been abused outside the home were admitted to Rubane. [redacted] There is no indication that specific guidance or counselling was provided - as one would expect today. In this context it is also noteworthy that the 1952 Home Office Memorandum advocated a mixed cohort of boys and girls from 3-15 years of age in Chalet Units. That policy was not followed in Rubane and given what we now know about peer abuse in the institutional setting it is perhaps indicative of a certainty naivety about the sexual development of young people in care.

51. There were contemporaneous attempts to deal with the matter. Br BP 2 in particular was alert to the problem in the early [redacted] His diaries reveal that he identified and questioned a number of boys about such activity, including;

- DL 301
- DL 315
- HIA 16
- DL 93
- HIA 94
- [redacted]
- [redacted]
- DL 133
- [redacted]
- [redacted]
- HIA 153

52. It should be noted that a number of the boys came from very dysfunctional backgrounds. The Home had engaged the psychiatric services of Dr Barcroft and later Dr McAuley. Some of the boys were referred to Dr McAuley because of their sexual behaviour. Psychiatric treatment for sexual deviancy, whether by adult or child, was a recognised model at that time. One particular boy, DL 93 was sent to Muckamore Abbey for 3-4 months for assessment.

53. After HIA 147 left the home rumours surfaced about his activity as well. These have been borne out by more recent accounts.

54. A complaint which we now hear is that the boys who had lead 'sheltered' lives in the

[redacted]

voluntary care sector from birth or their early years were vulnerable to the more 'streetwise' boys who were admitted to care in their early teens on foot of statutory orders. I consider it fair to conclude that the risk these boys posed to other boys was not identified at the time, notwithstanding the concerns I now know BR 39 raised in respect of Milltown in [redacted]

55. DL 157 and DL 59 would be other names associated with this issue but the RUC statements of 1995 will identify many others.

56. In general Sex Education was rarely taught in Catholic Schools until the mid to late 1980s. In the majority of cases it was left to parents to give direction to their children. In an institutional background the chaplains attached to the home may have given some direction. It is known that in the early [redacted] Br BR 2 Br BR 6 Br BR 22 SR 57 and Fr DL 140 all discussed and consulted on the issue. In addition to seeking psychiatric referral and guidance from Fr DL 140 boys who were identified in the chalets were moved to the main house for closer supervision in an effort to curtail the problem. Fr DL 140 advocated expelling the boys from the home. At the time it was felt that this approach was too draconian and that psychiatric intervention, instruction and monitoring could curtail the issue.

57. Accounts by boys reveal that such activity in all likelihood continued in some form until the home closed.

58. In [redacted] former resident HIA 153 made a report to the RUC about peer abuse he suffered during his residency from [redacted] This resulted in a temporary embargo being placed on new admissions by the EHSSB and an investigation by the RUC and DHSS. All those involved had left the home by that time. Records held by the Order indicate that the RUC felt it unwise to interview the alleged perpetrators. RUC and DHSS records dealing with this complaint may survive. An account of the report to Rubane is attached hereto as **Exhibit 10**.

59. I'm aware that [redacted] the subject of Social Services Inspectorate Investigation in the early 1990s alleged that he was the subject of abuse by fellow residents in St Patrick's Training School prior to 1969. See 'An Abuse of Trust' – The Report of the Social Services Inspectorate Investigation into the case of [redacted] December 1993.

(iii) Physical Abuse

60. It is perhaps more difficult to draw the distinction between legitimate physical punishment and physical abuse. Corporal punishment was permitted by the Regulations, albeit that different Regulations applied to the Home and School.

61. Numerous allegations were made during the 1995 Operation Overview and it is difficult to deal with each in turn. In general, the Order does accept that the homes were run in a very different environment than pertains to the present day and in an era when physical control of children was much more liberally applied in society generally. However, it is accepted that even by the standards of the era individual Brothers and staff may have, on occasion, crossed the boundary between acceptable and unacceptable.

62. It is noteworthy that one resident from the 1977-1980 era confirms that he did not find the physical regime at Rubane any different to that administered in his old school, St Augustines, on the Ravenhill Road.

63. Without trying to condone such behaviour it should be remembered that in general, though with Rubane in particular, there were issues of understaffing, overcrowding and

significant numbers of children with behavioural problems. This is recognised in the SWAG report of 1981 and the Hughes Report. There was pressure and stress on the staff and I accept that there may have been errors of judgment.

64. Br BR 2 in a draft prepared for the Hughes Inquiry, concedes that he had to have 2 members of staff removed from the home, namely;

- DL 279 - he was warned about physically assaulting [redacted] and physically assaulting [redacted] and subsequently removed with Board of Management and DHSS knowledge in [redacted]
- DL 81 - he physically assaulted DL 413 [redacted]. There is an extensive file relating to this complaint and it details that Board of Management and DHSS were aware of the matter.

65. Br BR 2 in the same draft conceded to having spoken to Br BR 18 about his conduct on [redacted] and DL 421 (Housemaster) about his conduct on [redacted] It is implied that both were spoken to about using physical force.

66. There have been a number of complaints against lay teachers that have surfaced during the course of recent litigation. Neither the nature of the complaints, nor the context of same has been made clear to the Order and it is therefore difficult for the Order to respond in any meaningful way. In [redacted] Br BR 2 was of the view that contemporaneous reports of physical abuse in the school would have been dealt with by the principal. The Department of Education may have records relating to any such complaints.

67. In 1981, Br Alphonsus Reid pleaded guilty to causing actual bodily harm to, I believe, DL 48 DL 48 in [redacted]

Convictions

68. Br Alphonsus Reid - On 21/02/81 the DPP directed that he be charged with assault causing actual bodily harm to DL 48 DI 53 , and DL 52 between [redacted] He pleaded guilty and was given a conditional discharge.

69. Jimmy McGuigan pleaded guilty to offences arising out of his employment at Nazareth Lodge. The charges were in relation to DL 57 and DL 56 DL 56 on dates unknown between [redacted] I am not sure about the detail. There has been no specific allegation that these offences or indeed any others relate to his time in Rubane though one current civil claimant implies Mr McGuigan did commit offences while attached to the Home.

70. Brendan Smyth pleaded guilty to a number of counts of gross indeceny. It is believed that within these counts were allegations of sexual abuse connected to Rubane - involving DL 59 and DL 41

71. DL 137 was convicted a sexual offences during the 1990s. It is believed that some of the charges may have related to events in St Patrick's Training School in the late 1970s/early1980s.

72. HIA 147 a former resident, was convicted of a number of sexual offences but they are not believed to date to his time in Rubane.

73. [redacted] a former resident, was convicted of sexual offences but they are

not believed to date to his time in Rubane.

Charged

74. It is believed that the only people charged in addition to those outlined at 4 above are;

- BR 1
- BR 6
- [redacted]
- BR 3

75. Copies of committal papers have been provided. The PSNI should have additional papers.

Investigations

76. It is believed that in addition to those charged the following individuals have been investigated;

- BR 15
- BR 2
- BR 10
- BR 25
- SR 32
- BR 26
- [redacted]
- BR 20

77. The PSNI would have a full list and details relating thereto. Some of the investigations are current and we do not have full details.

78. Where available we have provided the interview notes.

CIVIL CLAIMS

79. A full schedule of claims/complaints arising from Rubane and St Patricks post 1995 is attached as **Exhibit 11**. This is current as of 22nd October 2013.

80. In respect of Rubane there have been 41 Civil Claims – litigated and pre-litigated together with another 11 cases of complaint/record request/PSNI query without intimation of claim and sometimes with vague details.

81. In respect of St Patrick's there have been 7 Civil Claims – litigated and pre-litiagted together (not including 2 settled by the Board of Management) with another 8 cases of complaint/record request/PSNI query without intimation of claim and sometimes with vague details.

82. The earliest complaints came from the RUC arising from Operation Overview in the summer of 1995. There was a significant level of overlap with many of the early complainants and most also formed part of the criminal proceedings being prepared at that time.

83. The first civil proceedings were brought by DL 59 on 22nd February 1997.

84. Although DL 59 named Br BR 1 and Br BR 13 we have never seen his RUC

statement and the proceedings were settled directly by Brendan Smyth's Norbetine Order. Brendan Smyth had conceded to abusing DL 59

85. During the mid to late 1990s the focus of the civil claims was largely based on the subject of the criminal proceedings. Most of the Brothers were still alive and maintained their innocence both in the criminal proceedings and with me when I was preparing material for the civil claims. While we accepted the naivety of Br BP 1 in conducting medical examinations, and the concessions of Brendan Smyth we remained convinced that allegations of serious sexual abuse had no foundation and that the Order was a victim of media speculation and the furore which arose from Brendan Smyth's admissions and conviction.

86. It should be noted that the Order had very little experience of either criminal or civil proceedings at that time and it was a very difficult issue for the Order and the individual Brothers concerned. Some of the allegations were simply horrendous and collectively we found it very difficult to accept that Brothers whom we had worked with and witnessed for decades could be guilty of such grievous crimes.

87. Br BR 1 was unwell and died in [redacted] In early 2001 the Order settled the first of the cases involving Br BR 1 While the Order continued to maintain that the more serious allegations were untrue it accepted that 'medical examinations' had occurred. On legal advice, compromise terms were agreed. In many ways this set a precedent for other claims and an underlying policy of trying to resolve claims if possible. In some cases, we recognised that plaintiffs were the subject of medical examinations or 'peer abuse'. While not necessarily accepting legal liability for same we felt that it was appropriate to seek resolution rather than put both complainants and our own members through a grueling process. The fact that we were dealing with a relatively limited number of claims at that time was relevant to the decision making process. With the benefit of hindsight, the support of former residents with whom we did not engage in the early years and knowing what we know today, it may have been wiser to contest some of these actions.

88. There was a surge of complaints in the mid 2000s, largely in respect of Br BR 17 BR 17 and thereafter, especially post the Ryan Report a steady influx of new claims.

89. Where ex-residents were willing we met them directly. On occasion, counseling has been provided. We have worked with the Safeguarding team and with the RUC/PSNI. We have had cases in which we accept the abuse occurred. We have had cases in which we believe that some of the complainant's allegations may be true but disputed the extent of same. Looking back there are cases that we should not have settled and times when further investigation was merited but these are difficult issues to deal with, from a whole series of perspectives.

90. While it is accepted that abuse did occur in Rubane it was and remains difficult to investigate accounts. We believe that some of the media reporting post the Brendan Smyth affair was unhelpful. It has been reported to us that the RUC 1995 investigation often 'prompted' names to interviewees. We have had ex-residents report to us that they were asked to take part in a 'conspiracy' against the Order. We have had to balance very positive accounts about some deceased Brothers with opposing accounts detailing the most grievous crimes. Deciphering the genuine from the disingenuous has been far from an easy or welcoming task.

HISTORICAL INSTITUTIONAL ABUSE INQUIRY

Date: 12th June 2014

On Behalf of the De La Salle Brothers

Statement 4: Section 9 Request – Administering Authority

Response to HIAI Letter of 25th March 2014

I, Br Francis Manning will say as follows;

1. The Hughes Inquiry 1985 concluded that the Administering Authority of the De La Salle Boys Home, Rubane House, Kircubbin was the Diocese of Down & Connor. I do not believe that there was any issue or dispute before the Inquiry on this net point.

2. Fr Peter McCann gave evidence to the Hughes Inquiry. He was a senior clerical figure within the Diocese of Down & Connor and was Chairman of the Management Committee of Rubane House at that time. He was also a member of the Board of Governors. His statement to the Hughes Inquiry is attached hereto as **Exhibit** 1. While there may be some confusion about the definitive constitution of the Committees which oversaw various roles in respect of Rubane House throughout its 35 year history it should be noted that those Committees were, by and large, dominated and chaired by Diocesan clergy, if not the presiding Bishop of Down and Connor himself.

3. Rubane House was purchased by the De La Salle Brothers on behalf of the Diocese of Down and Connor in 1950. It is difficult to reconcile the legalities of the purchase with the financing reality. Rather unusually, it appears that the De La Salle Order borrowed money from the Diocese to fund the purchase but despite repaying the Diocesan loan the legal ownership of the House and land remained at all times with the Diocese of Down & Connor until the Diocese sold the property in 1985. The Provincial of the Order at that time, BP 1 was unhappy with the arrangement which seems to have been negotiated between BR 39 and the Diocese.

4. Minutes of a Meeting held at St Mary's Hall, Befast on Saturday 10th June 1950 survive and are attached hereto together with associated letters which illustrate the early administrative structures of Rubane House – see **Exhibit 2.** Therein it is confirmed;
   (i) that the property would remain Diocesan.
   (ii) the formal request from the Bishop to the De La Salle Order to staff the Home.
   (iii) the financial commitments of the Diocese.

(iv) the appointment of a Chaplin.

(v) the Parish Priest of Ballycran would operate the Bank Account (though this changed in later years).

(vi) that BR 12 was to act as [redacted]

(vii) that there was to be close co-operation between Rubane House & St Patrick's Training School and

(viii) that BR 39 was to deal with local authorities until *'Rubane House is well established.'*

5. An Application was made to have Rubane House registered as a Voluntary Home on the 6th May 1950 and the covering letter together with associated letters regarding separate application in respect of the proposed school are attached hereto as **Exhibit 3.**

6. The inaugural meeting of the Governing Board of the De La Salle Boys Voluntary Home took place on the 27th September 1950. Then Bishop of Down & Connor, Bishop Mageean was the Chairman of the Board. Six other Diocesan Priests together with the De La Salle Provincial, BP 1 the proposed initial Superior BR 12 BR 12 and BR 39 [redacted] were in attendance. The De La Salle Community at Rubane provided and Annual Report to the Board detailing the activity and finances of the Home each year. A sample of Minutes of the Governing Board Meetings and the Annual General Reports are attached hereto as **Exhibit 4.**

7. A Voluntary Workers Committee was established by BR 39 with the permission of the Bishop, shortly thereafter but its role was solely to raise funds. The Constitution of the Voluntary Workers Committee is attached hereto as **Exhibit 5.** It was the Governing Board, which authorised and made decisions on management issues – see minutes of Second Meeting dated 21st February 1951 **Exhibit 4** – such as overdraft facilities, level of maintenance charges and fire report recommendations.

8. At the Third Meeting of the Governing Board, held on the 30th October 1951 it is noted that a General Purposes Committee (GPC) was 'established' to *'advise on matters that may arise in the period between meetings of the Governing Board.'* This Committee was to be comprised of five Diocesan priests. It is not entirely clear whether the GPC was established at this time, because nearly two years later the minutes of the fifth meeting dated 11th June 1953 record *'His Lordship intimated that he would appoint a General Purposes Committee which would meet monthly {my emphosis} to discuss any relevant matters.'*- see **Exhibit 4.**

9. The high level management of Rubane was essentially shared between these two Committees, reporting ultimately to the Bishop of Down and Connor.

10. I use the terminology, 'high level' to distinguish between the low level management, day to day running of the Home which was undertaken by the De La Salle Brothers themselves.

11. The vision of Rubane House was developed by BR 39 but the realisation of his honourable proposal was only possible with the agreement, backing and support of the Bishop. In general Canonical Law terms, all religious institutes, such as the De La Salle Order, enjoy autonomy as to internal regimes and by reason of this legal institution, the management of religious subjects belongs solely to their superior i.e Br. Provincial. It is the Br Superior who places them at the service of diocesan authority, transfers them, or changes their assignments. However, to exercise the ministry of the Institute (education and child care for the De La Salle Brothers), the permission of the residential Bishop is required. The Agreement drawn up between the Brothers and the Bishop illustrate this very well.

12. While Rubane House was the 'brainchild' of BR 39 to comply with formalities Bishop Mageean would have invited the De La Salle Provincial to appoint a Superior and members of staff to the fledging Home. Thereafter, as Fr McCann volunteered and as the Hughes Inquiry determined the Diocese essentially delegated day to day running of the Home to the De La Salle Brothers.

13. The Bishop of Down & Connor would have continued to assume a level of responsibility for the Home throughout its existence. It is noted that Diocesan Trustees in addition to than De La Salle Brothers were engaged in discussions with the Ministry of Home Affairs on the introduction of the Chalet system from 1963, that the Bishop was consulted and notified about various expansion plans and financing problems and that it was the Bishop who stepped in, to suspend Br BR 1 on receipt of complaints in 1980, without reference to the De La Salle Provincial. In 1977 a formally named 'Management Committee' was established with the said Fr McCann as Chairman. Indeed, it was Fr McCann who told BR 77 to leave the Home in [redacted] while an investigation into allegations of physical abuse was undertaken. It may well have been the Diocesan representation on this Management Committee which led Judge Hughes to conclude that the Diocese was the Administering Authority but even if one examines the years preceding 1977 there was little practical difference as to where ultimate authority for the Home lay.

14. It is my view that the Bishop of Down & Connor did, at all times, consider that he had overall responsibility for Rubane House and was essentially the 'administering

authority'. The De La Salle Order adopts the conclusions of Judge Hughes in this regard.

15. Notwithstanding the above, the Order recognises that it had day to day control of operations on the ground and was therefore the only organisation who could actually comply with many of the 1952 regulations on a practical level.

16. Rubane House was properly registered with the Ministry of Home Affairs in accordance with Section 99 (1) of the CYPA 1950. I do not know who made the application, but a copy of the certificate dated 8th January 1951 was found among the papers taken from Rubane House in 1985. Notice of de-registration requirement was given by BR 8 in a letter dated 21st June 1985. These records are attached hereto as **Exhibit 6.**

17. I am aware that the Ministry of Home Affairs did inspect Rubane House periodically in accordance with Section 102 of the CYPA. I assume that such inspections were facilitated by the 'Officer in Charge' or in other words the Superior of the De La Salle community at Rubane and I am not aware of the Ministry of Home Affairs ever raising any issue about being denied or delayed access to the Home. There is a reference to an inspection by Dr Simpson and Miss Wright contained within the History of the House dated 19th May 1955 which records "inspected Home and examined records" – see **Exhibit 6a.**

18. I now propose to deal with the Regulations in turn;

19. ***Reg 4 (1) – The Administering Authority shall ensure that each home in its charge is conducted in such a manner and on such principles as will further the well-being of children in the home.***

    Notwithstanding the admissions and concessions by the Order in respect of how some members of the Congregation, abused children contrary to their vocation, the Order considers that it largely complied with this Regulation. There is no doubt that great hurt and harm was caused by the heinous actions of a small number of Brothers but these needs to be balanced with sentiments of gratitude and thanks that other former residents would volunteer. Contemporaneous reports from the Ministry and Departments were, I believe, largely complimentary and the De La Salle Brothers, hampered at times by staffing, finance and resourcing issues did generally further the well-being of the disadvantaged children who were entrusted to their care.

20. ***Reg 4 (2) – The Administering Authority shall make arrangements for the Home to be visited at least once monthly by a person who shall satisfy himself whether the home is conducted in the interest of the well-being of the children, and shall report to the administering authority upon his visit and shall enter in the record book...his name and date of his visit.***

The Diocese of Down and Connor had a permanent representative in Rubane, by way of a resident Chaplin (Diocesan Priest) from 1951 until the death of DL 140 in [redacted] Thereafter the local Parish Priest of [redacted] DL 454 visited the Home on an almost daily basis. I note that none of the various Chaplains were on the Governing Board or General Purpose Committee at any stage which would have been a logical appointment if their primary purpose had been to report to those Committees. However, the Bishop may have taken comfort from the fact that a Priest, with Canonical duties to report to him, was essentially attached to the Home in its formative years. I am unable to say whether the Governing Board or the GPC would have ever sought the views of the Chaplin prior to their meetings. DL 454 did become a member of the Board of Governors from [redacted]

The Bishop, [redacted] DL 260 in his capacity of chairman of the Board of Governors, attended the opening of the new chalets and extension of the school.

It is in my view relevant that the Governing Board established a General Purpose Committee to meet *'monthly'* (see 8 above) and it would appear that this Committee may have been earmarked to carry out this statutory requirement. The GPC meet at Rubane on 23rd June 1953 (See Events of Importance Log Book) and again on 21st July 1953 and 18th August 1953 (presumably at Rubane) though thereafter reference to the GPC is more sporadic and the next entry I can find is 24th May 1954.

I have never uncovered any evidence to suggest that any sort of register specifically in respect of this statutory monthly visitation was kept or maintained. I am aware that in preparation for the defence of the criminal proceedings in 1998 that the Order were asked to establish the type and nature of records which had been lost or destroyed and a 'visitors book' was mentioned by Brothers who had served in Rubane. This book was kept in the parlour and was signed by all visitors, not just Diocesan or Management Committee visitors.

It may be of some relevance that the Governing Board AGM was held at Rubane House on 11th June 1953 and 30th March 1954, again in 1957 and 1959 and throughout the 1970s which establishes that the Bishop himself did attend the Home. The Bishop, [redacted] DL 260 in his capacity of chairman of the Board of Governors, attended the opening of the new chalets and extension of the school.

In 1978 a Management Committee was established, chaired by Fr McCann and while intended as an advisory body it did visit the Home, spoke to staff and residents and listened to grievances as is illustrated by Minutes if their Meetings attached hereto as **Exhibit 7**

If this Inquiry adopts a different conclusion to Judge Hughes and determines that the De La Salle Order was the administering authority I can point only to the intermittent visits of BR 39 to the Home up until his death in [redacted] and the annual visit of the Provincial and Assistant Provincial – see **Exhibit 8** (for post 1962 visits) but these were an internal De La Salle procedure and took place whether the De La Salle Community was running a Voluntary Home or not. I have no doubt the Provincial would have examined the facilities and well-being of the children but those visits were not undertaken on account of the statutory requirement.

21. ***Regulation 5 (1) The Administering Authority shall appoint a person to be in charge of the homes: - Provided that any person in charge of the home immediately before these Regulations come into force shall be deemed to have been appointed to be in charge of the Home under this paragraph.***

Rubane House opened its doors to the first intake of boys from Milltown/St Patrick's in January 1951. BR 12 was the [redacted] When these regulations came into effect on 1st October 1952 BR 12 remained as [redacted] in Rubane and was for the purposes of the legislation the [redacted]

While BR 12 would have been identified by the Provincial, BP 1 as [redacted] his appointment would have to have been ratified by the Bishop of Down and Connor. It is highly likely, given BR 39 s standing in the child care domain that he too would have been consulted on the appointment.

Records relating to BR 12 approval as [redacted] by the Ministry of Education survive – see **Exhibit 3**.

22. ***Regulation 5 (2) The Person in charge of the home shall compile the records referred to in the Schedule.....and shall keep them at all times available for inspection by any inspector appointed by the Ministry.***

Irrespective of the identity of the Administering Authority this obligation rested with the De La Salle Order.

I am not aware of the Order having received any complaint about records being unavailable or missing but Ministry of Home Affairs records may contain contemporaneous complaints in this regard.

Visits from Home Affairs were noted within the Events Log, up until 1972, the History of the House, Desk Diaries and during BR 2 [redacted] in his personal diary.

23. ***Regulation 5 (3) The person in charge of the Home shall be responsible for custody of the medical records of each child and shall keep them at all times available to the medical officer or to any inspector appointed by the Ministry.***

Again, this responsibility rested with the Order.

Medical records were kept and maintained in respect of the boys. From the establishment of the Home, medical inspections by Dr Scott or Dr Graham were regular. Each boy would have had a personal file containing details of medical conditions/treatment. It is clear from the Events of Importance Log Book that medical inspections and mass screening were provided to the boys and in keeping with good practice it is assumed that Dr Graham would have maintained and updated records in respect of the boys. The records which survive within the files of earlier residents are minimal. I can't say that they would have been more detailed at a point in the past but given the regularity of the medical inspections one would have expected the Brothers or Dr Graham to have maintained the paperwork. It is certainly recognised in the History of the House and Events log that certain boys had medical conditions, such as bone growths, and that they were obtaining repeat referrals and treatment.

It should be noted by the Inquiry that a lot of records relating to the earlier boys were lost in a fire at [redacted] were they had been removed to, probably to assist there transition into adulthood. [redacted] became a 'hub' for many of these boys. HIA 21 [redacted] HIA 21 witnessed a former resident burning records there maliciously in [redacted]

It may be of interest to note that letters written by BR 39 [redacted] in 1951 – attached hereto as **Exhibit 9** – make reference to psychiatric assessment, Home Affairs issued medical card, Friday visits from a Dr Harrington and medical records for the boys. There is also a record relating to a Quarterly Medical Return in respect of those boys 'boarded out' from St Patricks to Rubane though this may have been undertaken under separate legislation pertaining to the Training School.

24. ***Regulations 6 – The Administering Authority shall secure so far as it is practicable each child in the home attends such religious services and receives such religious instruction as are appropriate to the religious persuasion to which he belongs.***

It is foreseen that any criticism arising in this regard will suggest that the religious focus of the Home was excessive. This is not accepted by the Order. The early years, right through to the 1970s would have seen a strong faith focus with Mass and pray

featuring routinely but this was in keeping with the teaching of the Church at that time. There is no doubt that attitudes would have relaxed over the years, very much as they did in society generally. For instance, there are references in later years to Mass attendance being encouraged but not being mandatory.

25. ***Regulation 7 (1) The administering authority shall appoint a medical officer for each home in its charge.***

It is noted by Regulation 7(3) that it was permitted to divide the duties of the medical officer.

The formal position throughout the existence of Rubane was that the Order established a relationship with the local GP in Kircubbin, initially Dr Graham and thereafter Dr Glennie, and he essentially acted as the Medical Officer. This relationship was known to the Ministry and one with which they seemed perfectly content.

These visits would have been recorded in the History of the House, the Events Log, Desk Dairies, Personal files and some Brothers' personal diaries. Some references do contain details of positive acclamations of health standards among the boys.

The Home also actively sought more specialist medical intervention. There is reference to them sending boys for specialist enuresis assistance as early as December 15th December 1954. Community nurses were consulted about bed-wetting in the early 1970s.

The Order also proactively sought and obtained the services of various psychiatrists, Dr McAuley and Dr Barcroft, specifically to examine and report on the many disturbed children in the Home.

There is no doubt that the level of medical care would have fluctuated but the Order remains satisfied that the provision of medical care was generally exemplary.

The provision of child specific records on an individual personal file improved significantly after 1980. Before this time, while the Order remains confident that adequate medical provisions were provided it recognises that the maintenance of records on and within the personal files may have been better. This is something it has become acutely aware in preparing for this Inquiry because such records would, if anything, have helped the Order to demonstrate the level of care that was provided.

Dr Long conducted an annual medical inspection of all the boys on behalf of the Education Committee. A few of these individual records survive e.g. HIA 41

26. ***Regulation 8 The Administering Authority shall make suitable arrangements for the dental care of the children in the Home.***

Dental care was provided by way of regular visits by external dentist, Dr Smylie. Serious cases were referred to Newtownards Hospital.

27. ***Regulation 9 (1) The administering authority shall notify the Ministry forthwith –***

(i) Of the death of any child in the home and of the relevant circumstances:

There were no deaths at Rubane.

(ii) Of any accident in the home resulting in serious injury to a child or a member of staff;

The Order is not aware of any such report nor is it aware of any accidents which would have given rise to such a report. There were certainly incidents when boys broke limbs or sustained lacerations requiring stitches but nothing, as far as I am aware which could be regarded as 'serious' to the extent that the Ministry would wish to be informed about it. In later years, and as Social Welfare visits became more regular boys Social Workers would have been notified of serious incidents, e.g when HIA 31 [redacted]

28. ***Regulation 10 –Fire Authority***

Fire Authority inspections were conducted regularly and the History of the House and Events Log detail same. Other ancillary records have been disclosed to the Inquiry.

Records of Fire drill Reports are available from 1981 – 1984 and a sample attached hereto as **Exhibit 10.** Also contained within **Exhibit 10** are (a) a letter dated 21st June 1962 from Ministry of Home Affairs requesting a response to recommendations made to the Home regarding fire precautions (b) exchange of letters between the Ministry of Home Affairs and BR 2 [redacted] regarding fire precautions in April 1973.

29. ***Regulation 11 (1) The Person in Charge of a home shall ensure that generally order is maintained by his personal influence and understanding and that of his staff, and resort to corporal punishment should be avoided as far as possible.***

The Order accepts that the Superior of the Home was responsible for the care, conduct and upkeep of discipline within the Home.

The Order is aware of the repetition of the allegations of excessive Corporal Punishment. The Punishment Book for 1950-1966 survives but records surprisingly few entries given the volume of complaints. It must be conceivable that some punishment was not recorded within the book. However, it should also be noted

that the School attached to Rubane operated under entirely different legislative rules and guidelines and corporal punishment was very much a part and parcel of school life right up until the early 1980s. Corporal Punishment administered within the School would not have to be recorded within the Punishment Book required by the subject Regulations. The boys of course, would not draw any distinction between Home and School and the delineation was blurred practically because many of the Brothers teaching in the school during the day were also providing care within the Home later in the evening or at weekends. One of the later reports, possibly the SWAG report of 1981 alluded to this issue and one can readily accept that it was probably as difficult for the Brothers as it was for the children to make the various distinctions. For example, if a boy absconded during school time, it was the 'school' which administered the punishment and the subject regulations did not apply. Practically, that created a real blurring of the appropriate authority at any given time. Boys may have absconded from school but been returned to the Home in the evening. I don't believe that there were any clear guidelines on this issue. As many of the teaching Brothers also had a role in the Home the boys would certainly have not drawn any distinction between the two. This anomaly may explain why complainants make reference to strap as opposed to cane and why some complainants make reference to being punished in front of their peers. It would be important for the Inquiry to appreciate that some of the context surrounding corporal punishment as reported by applicants, while on first reading would be contrary to the Voluntary Homes Regulations may have been permitted by the respective Education regulations at that time.

In making the concessions above the Order does not however accept the impression given by the applicants in general in respect of corporal punishment. It is accepted that the regime would have been strict and tough by todays' standards but from 1964 onwards the Superiors were all against corporal punishment. It was administered as a last resort in an attempt to instil discipline in much the same vein as a day school or normal family home in those eras but it was reserved for serious misdemeanours.

Regulation 11 (2)

A rewards system was operated within the Home from the outset and a large number or applicants to the Inquiry report their recollections of that system.

Regulation 11 (3) Other forms of corporal punishment shall be subject to the following conditions:-

(a) It shall be inflicted only on the hands or posterior with a light cane and shall not exceed six strokes in the case of a child over 10 years of age, and 2 strokes in

the case of a child over 8 and under 10 years of age. No child under 8 years of age shall be so punished.

The relevant extract of the regulations was attached to the inside cover of the Rubane Punishment Book.

It is difficult to comment on specifics but in general the Home catered for very few boys less than 10 years of age.

There is no record within the punishment book of a child less than 10 being subject to corporal punishment. The Book contains records of punishment ranging from 3 to 6 strokes of a cane on hands or posterior.

The Order acknowledges the repetition of allegations of 'beatings' as opposed to corporal punishment. It is difficult for the Order to comment on specific allegations without an examination of circumstances.

It is acknowledged, as has been highlighted to the Inquiry, that BR 2 spoke to a number of members of staff during the 1970s in respect of their treatment of the boys but it is not accepted that boys were beaten by Brothers as alleged to this Inquiry, for example to the extent of unconsciousness or in requisite of hospital treatment.

Surviving Brothers, only recall corporal punishment as permitted by the regulations.

It may be important to note that while these regulations did not permit corporal punishment by 'strap', the regulations pertaining to the school did. Therefore, a recollection of punishment by strap by an applicant is not in itself evidence of breach of these regulations. Some teachers may have used a strap in school. Br BR 2 ' recollection is that a cane was always used in the Home according to regulations.

(b) It shall not be administered by any person other than the person in charge of the home or in his absence his duly authorised deputy.

This is the recollection of surviving Brothers, that the corporal punishment was administered only by the Superior or by his Deputy.

It is noted that the Punishment book records punishments administered by Brother BR 12 BR 17 and, in the period of BR 6 , by BR 13

However, other Brothers as teachers in the school were permitted to administer corporal punishment while at school. As referred to above, it is possible given the ambiguity over School and Home Regulations that teachers from the school may have administered punishment for an event which took place in 'School' time during 'Home' time.

(c) A second member of staff shall invariably be present to witness proceedings.

It is accepted that this regulation may not always have been adhered too.

(d) No caning shall be administered in the presence of another child.

It is not accepted that boys were subject to corporal punishment in front of other children as a generality. It may have occurred from time to time but the accusation that boys were regularly punished before their peers as some sort of 'example setting' is denied.

Again, the position in the school was different and children, just as in a day school of that era would have been subject to cane or strap in front of their peers.

(e) Any child known to have a physical or mental disability shall not be subject to corporal punishment without the sanction of the medical officer.

There are no records or recollections of surviving Brothers to suggest that any such permission was sought from the medical officer/Dr Graham.

It is possible that boys, who today would be classified as having a mental disability, were punished without sanction of the medical officer. That possibility is dependent on the interpretation of 'mentally defective' as against 'educational sub normal' which was the terminology of that era. One does not necessarily equate to the other.

30. ***Regulation 11 (4) Particulars of the administration of corporal punishment under paragraph (3) of this regulation (giving the name and age of the child concerned, the offence and the number of strokes of the cane awarded him) shall be entered in the record book...'***

The Punishment Book for 1950-66 contains such particulars.

Thereafter there was a lapse in the record keeping in this regard.

The Desk Diaries recorded some punishment and personal dairies of individual Brothers (eg BR 2 others but neither source captured the entirety of the information required by legislation.

There are copies of Returns in existence from 1981-1983 which include weekly admissions, discharges, children in need of medical attention and punishments awarded – see attached **Exhibit** 11 They are signed by BR 7 Corporal punishment was negligible after 1980. Quarterly returns to the Department were not retained by the Order.

31. ***Regulation 11 (5) At the commencement of each quarter the administering authority shall furnish to the Ministry a return giving particulars of corporal punishment imposed during the preceding three months.***

No such return was found with the Rubane records but it is believed that the Order, notwithstanding its position on the 'administering authority' point did provide quarterly returns to the Ministry as required.

32. ***Regulation 12 (1) The Ministry may give directions limiting the number of children who may at any one time be accommodated in the home.***

I have been unable to locate any specific direction but various documents do make reference to the number of resident children and the number of children permitted to be accommodated within the Home. The Order will continue to examine its records in this regard. The Order accepts that at various times in the mid to late 50s and from early 1960s until the construction of the Chalets there were intermittent problems with overcrowding but the resident numbers were generally in keeping with the 'permitted' numbers and periods of excess were not lengthy. A letter from [redacted] to the Ministry of Home Affairs dated [redacted] concedes that numbers are in excess of those permitted but this would appear to be the inception of the move towards the construction of the additional Chalets – see **Exhibit** 12. Certainly by the early 1970s some Welfare Authorities were refused 'placements' because there were no vacancies.

33. ***Regulation 12 (2) The Ministry may give directions limiting the period during which any child may be accommodated in a home.***

I have been unable to locate any specific direction in that regard but I understand from surviving Brothers and from records that 'Welfare' regularly advised that boys would be returning home or transferring to another residential institution. It was 'Welfare' rather than the Order who determined when 'Welfare Boys' would leave.

34. ***Regulation 12 (3) The Ministry may direct any child to be removed from a home and to be placed in another home or in a welfare authority home or to be boarded out, or to be otherwise dealt with.***

See 33 above.

35. ***Regulations 12 (4) The Ministry may require the administering authority to furnish returns of the children in a home or boarded out from the home in such form as the Ministry may from time to time direct.***

As far as I can determine this Regulation was complied with at all times. There are records within the Rubane papers detailing 'breakdowns' at various stages on what appear to be Ministry pro-forma returns – see attached as **Exhibit 13.** From the early

1970s weekly returns commenced. It may be of interest to note that the identity of the 'organisation carrying on the home' was routinely described as 'the Governing Board' and the Chairman as the Bishop.

36. ***Regulation 13 The Ministry may give directions to the administering authority prohibiting the provision for the children in any home in its charge of clothing specified in the directions.***

The Order can locate no records in respect of clothing directions and surviving Brothers have no recollection of this being an issue.

37. ***Regulation 14 The administering authority shall furnish to the Ministry on demand such information as the Ministry may from time to time require as to the facilities provided for the parents or guardians or relatives of children in the home to visit and communicate with the children, and shall comply with any directions given by the Ministry as to the provision of such facilities.***

The Order can locate no record in respect of such a direction. Rubane House was inspected regularly. Dr Scott and a female inspector whose name cannot be recalled [it may be in the records] inspected the bedrooms when they visited. The quiet rooms in the Chalets and the parlour in the House were always made available for visitors, parents, siblings. In the early days there was only one phone available for boys to receive and send calls. In the chalets there were phones to receive incoming calls. Letter writing and receiving was encouraged and boy's individual records often refer to the receipt of letters.

38. ***Regulation 15 The administering authority shall forthwith give notice to the Ministry when a person in charge of the home ceases to be in charge of the home, and of any new appointment to the position.***

The only formal records the Order has located relate to the appointments of Br BR 2 in [redacted] and BR 8 in place of [redacted] BR 2 in [redacted] – see **Exhibit 14**.

Departing Superiors may simply have written privately to those in positions of Authority. Attached hereto as **Exhibit 15** is acknowledgment by DL 260 that BR 2 notified him of his departure in [redacted]

Given the close relationship between the De La Salle community at Rubane and the Ministry it is assumed that Ministry officials would have been given notice of changes in position. There may not have been a formal written letter but rather the personnel change would have been communicated by phone, informal letter or at official meetings.

39. ***Regulation 16 Where a primary school or a training school is established or maintained within a home, these regulations shall not apply to any child during that part of the day in which he is attending the primary school .....***

This has been referred to above, particularly in relation to Corporal punishment and the type of punishment permitted. There was a blurring of the distinction between Home and School. The boys would not have distinguished between the two at all. Certain Brothers, if they had responsibility in each facility, may not have maintained the segregation of the regulations and there may have been confusion about which regulations applied if an offence occurred during school time but the issue could only be dealt with after school hours.

40. The passage of time and the loss or destruction of records makes it difficult to comment accurately on the creation, maintenance and keeping of records. Within the Rubane House Records I have been able to locate the following which were required by Regulation;

(i) A Punishment Book detailing incidents of Corporal Punishment relating to the Home from 1952 until 1966. Attached as **Exhibit 16.**

The Regulations required submission of punishment returns. I am unable to say whether these returns were made in the early years of Rubane and unable to comment as to whether they adequately detailed and reported incidents of Corporal Punishment.

I do not know why the 'Punishment Book' was not updated after 1966. It may have been that thereafter desk diaries were used to record punishments and that these, together with other sources, e.g [redacted] diary were used to complete the quarterly returns to the Ministry of Home Affairs.

I am told that from 1970 onwards quarterly returns were definitely made to the Ministry but Rubane House did not keep copies. I would need to see the records from the Ministry before commenting further.

(ii) Events of Importance Log Book for 1952 – 1970 was maintained. Attached as **Exhibit 17.**

I am not sure why this book was not maintained post 1970. It may have been that its demise coincided with the formulation of more detailed individual resident records and it was felt to be of little additional value. By 1971 and the installation of [redacted] as [redacted] it may be that he considered the detailed personal files and records being maintained in diaries, incident books, and ledgers made the separate 'events log' to be unnecessary. In any event it does appear that the Events of Importance Log was neglected post

1972. I am not aware of Ministry/Departmental inspectors raising any complaint in respect of same.

I am not aware of the definition of 'Events of Importance'. There are clearly events which were 'Important' but do not appear in the Log, such as the 1958, 1964 and 1970 investigations.

(iii) Diet Book

It has not been possible to locate such a book. It may well have been lost of destroyed when Rubane closed in 1985. There is a single page document detailing the 'menu' at the Home within the papers but it is believed that this relates to the post 1980 period. School Dinners were supplied by the Education Board and conformed to regulations. None of these menus have survived. There may be records from Glastry School (now closed) were the meals were prepared. Weekly menus were made out for evening meals by the houseparents in each chalet.

Persons in charge

41. The following individuals were [redacted] at Rubane;

No.	Name	Arr Rubane	Period as [redacted]	Left Rubane	
1	BR 12	[redacted]	[redacted]	[redacted]	Died [redacted]
2	BR 17				
3	BR 6				Period in St Pats in [redacted]
4	BR 2				
5	BR 1				Suspended
6	BR 2		[redacted]		Period of absence in Rome [redacted]
7	BR 8				

- BR 7 [redacted] BR 2 while BR 2 was in Rome.

42. [redacted] above would have been appointed by the Provincial with the approval of the Bishop of Down and Connor. The Provincial, in consultation with his assistant would have identified the candidate as suitable having regard to the candidates experience, qualifications, demeanour and ability as determined by the Provincial. Usually, the person in charge had some proven experience in administration, possibly as Principal of a school.

43. It is accepted that [redacted] BR 17 proved unsuitable. It is accepted that BR 17 BR 17 in breach of his vocation and in contravention of his duty abused children in his care.

BR 17 was appointed to Rubane, secondary to a period of teaching in [redacted] where he was generally highly regarded by colleagues and the populace at large. He was a qualified teacher, with 5 years primary school teaching experience before he was appointed to Rubane staff in [redacted] He acted as a [redacted] at Rubane before being appointed [redacted]

There is no evidence that the Order had any complaint about his behaviour prior to his arrival in Rubane. The Order's remorse in respect of BR 17 is compounded by the fact that there was an opportunity in [redacted] to prevent further damage and hurt and that that opportunity was missed. The fact that BP 1 accepted BR 17 BR 17 protestations of innocence supports the Order's position that there had been no previous report of inappropriate behaviour. It is now evident that societal taboo around issues like sex abuse and sex abuse allegations contributed to the Order missing the opportunity to remove BR 17 from the Home and the Order. A general lack of awareness of the risks of adult sex abuse will have contributed to the appointments to places of authority of people unsuitable to work with children.

44. Allegations have been made against BR 12 BR 6 BR 2 and Br BR 1

The Order accepts that BR 1 was naïve to conduct medical examinations in the manner in which he has conceded doing so. The Order does not believe that Br BR 1 was guilty of the much more serious offences of which he was and remains accused. Evidence may arise out of this Inquiry which changes the Order's view in that regard but the Order retains grave concerns in respect of the distinction between the 1980 and 1995 allegations against BR 1 and how the investigation into Fr Brendan Smyth may have influenced the allegations.

The Order finds it difficult to accept the extent and veracity of the allegations against BR 12 BR 6 and BR 2 and does not consider that their respective appointments were a mistake or that they were unsuitable for the task.

45. Section 103 of CYPA

From the outset Rubane House maintained a mixture of 'Welfare' and 'Voluntary' Boys although by 1972 all children were maintained by and on notice to the respective Welfare Authorities. From in and around [redacted] a DL 475 Social Worker employed by Social Services in Newtownards engaged with Rubane to assist with getting the Voluntary boys, the Nazareth Lodge Boys, preparing for departure from Rubane into the Welfare System. DL 475 was a frequent visitor to the Home between [redacted] and her reocrds can be found among some individual residents file – See HIA 36 It is believed that she was appointed after a request was made by BR 6 It is also believed that DL 475 is still alive and may be able to assist the Inquiry further. Up until that point the responsibility for voluntary boys of school leaving age being discharged from Rubane rested with Welfare Committees established within the Diocese of Down & Connor. As far as can be ascertained;

(1) From 1950 to 1953 Voluntary Boys returned to Milltown (St Patricks) before discharge.
(2) From about 1953/54 Voluntary boys were being discharged to the care of 'welfare officer'. DL 367 DL 367 liaised with the Order and benefactors/ supporters of the Home to co-ordinated employment opportunities and provided update reports on the boys.
(3) From about 1962 a NL 40 replaced DL 367 as the [redacted]
(4) Both DL 367 and NL 40 worked under the Nazareth Lodge Welfare Committee. A formal constitution dating to 1962 has been located but there are records endorsed as the Nazareth Lodge Welfare Committee going back as far as 1955. This Committee was in later years assisted by the Down & Connor Catholic Family Welfare Society.

Section 103 (2) (b) required that if a child of school leaving age was leaving the care of a *voluntary arganisation* that the Welfare Authority in whose area the child proposed to reside would be notified by the *Voluntary Organisation* whose care the child was leaving.

I can find no record of any such notification being given but it appears that all voluntary children, of school leaving age, who left Rubane did not actually leave the care of a *voluntary organisation* altogether. Rather, the voluntary boy was

discharged to the care of what is often referred to in the records of the 'Aftercare Committee'. This Committee had various guises over the years but in general was a Committee of benefactors, voluntary workers, social workers and welfare officers (though non-government) loosely aligned to the Diocese of Down & Connor with a Diocesan Priest as a Chaplain.

The earliest 'welfare report' from this Committee is dated 3rd March 1951 and described as a 'Meeting of the Executive Committee'. It is not known whether the Brothers at Rubane were conscious of the statutory requirement to notify the state Welfare Authority but as boys were released to the care of another voluntary organisation it appears to me, on a simple interpretation of the legislation that there was no necessity for the Brothers to notify state Welfare in any event.

Early reports of the Aftercare Committee survive and were located among the papers of the late [redacted] who assisted with the aftercare provision in the 1970s/80s as Hon. Secretary to the Down and Connor After-Care Committee which incorporated the Nazareth Lodge Welfare Committee). A sample is attached hereto as **Exhibit 18**, namely;

(i) NLWC – Minutes of Executive Committee 3rd March 1951
(ii) Welfare Officers Report for period ending 17th Dec 1954
(iii) Welfare Officers Report for period ending 31st Dec 1955
(iv) Welfare Officers Report for period ending 31st Dec 1956
(v) Welfare Officers Report for period ending 31st Dec 1957
(vi) Welfare Officers Report for period ending 31st Dec 1958
(vii) Welfare Officers Report for AGM 21st January 1962

These reports provide an extremely useful insight into the aftercare facilities available to departing Rubane Boys and also the interaction between voluntary and state sectors and indeed the state Welfare Authorities reliance, at times, on the Nazareth Lodge Welfare Committee to fulfil duties which were really for a state Welfare Authority to complete.

DL 367 regularly details the employment position of the past pupils – the type of jobs occupied, the turnover of employments status, difficulties with maintaining jobs and efforts being made to encourage the boys to be responsible for their own finances.

The 1955 report makes interesting references to a Dr Tohill compiling a survey on after-care 'with particular emphasis on the work of the Voluntary Organisation' and to the fact that the Committee was even maintaining contact and support for boys who had emigrated to England and Scotland. This report also illustrates the distinction between 'self-supporting' and 'supported' categories of ex Rubane boys

and how those boys in employment with a wage income insufficient to meet their outlays were still being provided with additional subsidy by the Committee.

The [redacted] report suggests that DL 367 was going to commence frequent visits to Rubane in order to prepare the boys for post care employment. The list attached to this report details the employment of Inquiry applicants HIA 24 and HIA 66 HIA 66

The 1958 report indicates that the Ministry of Education held a meeting at Rubane House on the 8th October 1958 with a Sub Committee of the aftercare committee specifically in respect of deficiency in training for gaining apprenticeships.

By 1962, at the latest, the voluntary Welfare Committee actually has 'on its books' 13 boys who were under the care of state Welfare Authorities. It is not quite clear what arrangement was made with the various Welfare Boards (6 of them) in terms of financing but presumably day to day supervision and assistance of these Welfare Boys was being provided in Belfast by the Nazareth Lodge Welfare Committee. Aside from the funding issue that in itself suggests a relatively close relationship between this voluntary welfare care and the state welfare care provision. It is also of interest that note that the Welfare Officer was maintaining contact up to and including 21 years of age. Attached as **Exhibit 19** is a letter from BR 17 to the Ministry of Home Affairs dated 28th February 1962 which highlights the fact that voluntary resources and finance were being expended on behalf of boys who should have been fully financed by the state Welfare Authorities. That letter also refers to 'night classes' being provided to the boys.

Later reports form the dated 1976, 1978 and 1979 are attached hereto as **Exhibit 20.** They reveal the problems regarding the provision of finding suitable accommodation for the boys which was delayed by financial constraints of government and seemingly spurred on by the death of [redacted]

More detailed records of the day to day activity of aftercare in the 1980s survive and are available as required.

Surviving records also reveal what must have been a relatively close relationship between NL 40 the NLWC and the various Welfare Authorities. See attached as **Exhibit 19.** Inter alia these records disclose that the NLWC had sought funding to allow NL 40 to obtain further qualifications, that NL 40 was going to be more closely aligned to Rubane and that NL 40 was, just like Mr DL 367 before him, in fact looking after some 'Welfare' boys on behalf of Welfare Authorities in addition to his role with the 'Voluntary Boys'. Welfare authorities were well aware of the arrangements and I can find no evidence to suggest that at any time they sought details of the boys being cared for by the NLWC. I assume that

Welfare were content that the statutory requirements were being fulfilled by the NLWC and it successors in title. For instance the letter of 28th March 1966 explicitly raises the fact that the Committee would be looking after ex-Nazareth Boys, as distinct from Welfare Boys. This was express notice that there were ex-residents unsupported by Welfare Authorities yet there is no indication that Welfare sought to intercede on their behalf. Indeed, I note that it was the view of [redacted] BR 17 by letter dated 3rd January 1962 that the NLWC was subsidising the Welfare Authorities in the supervision of 'their [Welfare] boys'.

Signed: Br Fraudes Manning

Date: 12 June 2014

HISTORICAL INSTITUTIONAL ABUSE INQUIRY

Date:

On Behalf of the De La Salle Brothers

Statement 6: Section 9 Request – Rubane House Finances

I, Br Francis Manning will say as follows;

1. There is no single document, or series of documents, which can comprehensively outline the financial position of Rubane House between 1950 and 1985 to which I can refer. This statement draws on various types of documents and seeks to come to some conclusions but the passing of Brothers and the loss of documents makes it impossible to compile a complete financial history. In particular the annual audited accounts and financial statements referred to with the minutes of the Governing Board are not available.

2. Rubane House was established in 1950. BR 39 [redacted] was instrumental in the creation of the Home. BR 39 was on the Child Welfare Council and was evidently a personality with an in depth knowledge of the child care system in NI, both within the Welfare and Voluntary sectors. By letter of 15th October 1950 BP 1, De La Salle Provincial, specifically instructed that BR 39 was to 'deal with local bodies & Ed [education?] office until Rubane House [was] well established.'

3. The mechanism for the purchase of Rubane House remains unclear. It would appear that the property was bought by the Bishop of Down and Connor for £32,500. Surviving papers suggest that the source of the funds were (i) Bishop Mageean £10,000 (although Minutes of the 10th June 1950 suggest he borrowed this money from a Parish Priest) and (ii) St Patrick's Orphan Society £25,500 (conflicting figures ranging from £20,000 to £25,500 are quoted. Further loans, perhaps negotiated by BR 39 and authorised by the Bishop under the Maynooth Statutes were obtained from the Munster and Leinster Bank, Milltown School (St Pats) and St Patricks' Orphan Society. These funds clearly covered the capital expenditure of the purchase together with what I assume to be ancillary expenditure in furnishing and equipping the Home. Records, which I believe were prepared by BR 56 and updated by BR 13 are attached hereto within **Exhibit 1**. They detail that the loan to the Bishop, with interest, was repaid in full by December 1954 and that £10,000 was still owed to the St Patrick's Orphan Society by 31st December 1967. The Diocese

remained the legal owner of the Property but the Brothers paid for the 'purchase' as it was the Brothers in Rubane who repaid the loans which funded the purchase. This document suggests that in 1968 the 'Home' was only able to service the interest on this loan (perhaps due to commitments to the Chalet programme – see later). The loan to the Munster Bank is simply recorded as 'now paid' though I can't determine exactly when this occurred. It is evident from these papers and the AGM minutes that nearly 20 years after establishment the 'Home' was still trying to repay the initial capital expenditure/investment.

4. When the Home was established Bishop Mageean also established a number of Committees, what we would describe in modern parlance as sub-committees. One of these was the De La Salle Orphan Boy's Home Voluntary Workers Committee (Voluntary Workers Committee). A record, attached hereto as **Exhibit 2** suggests that it was assisting, if not in fact driving, the repayments in the early years. I don't know exactly how the practical repayment arrangements worked but it looks as if the repayments arose as a combination of Voluntary Workers Committee resources and 'Home' resources raised by the Order via donations or farm income. Another Committee, the General Purposes Committee was established in 1953 and part of its remit, as referenced by the Bishop's letter 17th June 1953, also in **Exhibit 2** was 'payment for [the boys].'

5. The first annual report – attached hereto as **Exhibit 3** – does not provide a full breakdown of accounts but it does reveal 2 matters;

   (i) That the farm was a source of valuable income.
   (ii) There was an awareness of the level of grant assistance available for the construction of 'school' accommodation.

6. The Voluntary Workers Committee was established by the Bishop but its membership was drawn from the Diocese, the Order and lay benefactors – see an early advertisement attached hereto as **Exhibit 4**. The Committee held street collections, ran bazaars and concerts and therefore relied heavily on public subscription.

7. I have attached as **Exhibit 5** contemporaneous press cuttings that give some further background detail to the contextual background of the home, together with reference to the financial standing of the home, the initial debt and the fundraising efforts linked to servicing the debt. These reports also contain reference to the fact that as a voluntary home, boys would be admitted without Welfare support.

8. A letter from the NI Council of Social Service dated 28th November 1950 attached hereto as **Exhibit 6** establishes that [redacted] approached the Ministry authorities as early as 1950 seeking a grant towards Rubane. This letter sets out the statutory position that the Ministry could not provide grants for the establishment of the Home but could assist with grants for improvement or the provision of staff once established. [redacted] wrote to the Ministry of Home Affairs on 6th May 1950, enclosing the application for registration of Rubane House as a Voluntary Home, outlining the financial commitment of the purchase and the impossible burden on [De La Salle] shoulders unless financial assistance from the Ministry or Welfare Authorities was forthcoming. An undated, but presumably earlier letter from a [redacted] to [redacted] – **attached as Exhibit 7** – demonstrates that [redacted] was seeking assistance on public funding from people he clearly believed were influential figures.

9. The De La Salle Boys Home at Rubane comprised both Home and School. I attached hereto – as **Exhibit 8** – documentation relating to an application to the Ministry of Education commencing with a letter of 1st August 1950 by which [redacted] initiated a process of grant funding for the establishment of the school. I assume that the statutory regulations preventing the grants for the 'establishment' of a Home did not apply to a school. It seems that a letter similar to the 1st August letter to the Ministry of Education may also have been sent to the Ministry of Home Affairs leading to the correspondence referred to in paragraph 8 above. The Voluntary Workers Committee appear to have funded 35% of the school provision with the other 65% coming from Ministry of Education sources.

10. An informative document – attached hereto as **Exhibit 9** – was prepared by Br [redacted] in [redacted] This memo and accounting exercise was prepared in anticipation of a [redacted]eeting between the Provincial [redacted] and Bishop Philbin, designed to discuss the financial position of the home. The meeting never took place, [redacted] having been killed in a car crash on his way to the meeting. The document details income from the following sources;

    (i) the Voluntary Workers Committee contributed £140,000 between 1950 and 1972.
    (ii) The farm - £55,000 1950-72
    (iii) Various Welfare Authorities - £185,722 50 - 72
    (iv) General Purposes Committee - £45,658.00 51 -72
    (v) St Vincent de Paul - £8284.00 – 66 - 72
    (vi) Private and Voluntary Donations - £19,5000
    (vii) Grants - £10, 405

It is difficult to look behind these figures to any great extent. [redacted] refers to the differential between the 'Voluntary' and 'Welfare' boy. While boys committed to the Home by Welfare Authority were maintained by the appropriate Welfare Committee/Authority at a per-capita rate, 'voluntary' boys were not maintained by the state. This discrepancy remained until 1972 and was a legacy from the inception of the Home arising from tension between Catholic Church and Welfare State.

In theory parent(s) could contribute to a boys upkeep but in general this rarely happened and early payments often lapsed. It is clear that the St Patrick's Orphan Society did provide some maintenance for voluntary boys – see **Exhibit 10**. There are records detailing how various St Vincent de Paul fraternities 'adopted' certain voluntary boys and paid or partly paid for their upkeep – see attached as **Exhibit 10.** The Home largely relied on the Voluntary Workers Committee and General Purposes Committee contributions in order to provide funds for both capital investment (meeting shortfall in grants) and day to day upkeep. Financial problems within the Home were alleviated somewhat by the fact that by June 1972 all of the boys had been subsumed within the Welfare system but shortfalls in funding remained. I note that [redacted], even 2 years post universal adoption by the Welfare Authorities was still referring to a need to 'supplement contribution from the Welfare Authorities' and was suggesting that the Diocese be approached to 'review its position' and to 'meet all future financial requirements of the Home'. These sentiments appear to have been the proposed agenda for the ill-fated meeting between [redacted] and Bishop Philbin in [redacted]

11. There is an interesting letter from Bishop Philbin dated 9th September 1967 – see **Exhibit 11.** With hindsight, it seems to suggest a softening of the Church's approach to Welfare assistance and Bishop Philbin raises a number of important issues, namely;
    (i) Whether all the possibilities (including fostering, care in their own homes, etc) are being fully exploited;
    (ii) Whether assistance available from the public authority is being fully exploited;
    (iii) Whether methods of institutional care would benefit by adjustments in the light of modern thinking and experience;
    (iv) Whether new methods of bringing up children together might be explored, and more attention given to the advantage of keeping brothers and sisters together;
    (v) Whether the training of staff for this kind of work needs to be more thorough, and whether numbers of persons employed should be increased. Could Ministry grants be obtained in this connection?

Another letter dated 24th April 1968, also addressed to BR 6, makes reference to ensuring 'the maximum use of funds available from public authorities' and implies a restriction on voluntary admissions to Rubane in favour of entry through the Welfare system.

12. BR 6 and thereafter BR 2 as [redacted] appear to have raised the issue of the financial burden of the voluntary boys with the Diocese and I refer to a series of letters attached hereto as **Exhibit 12**. The first letter from BR 6 ? to the Bishop dated 12th May 1968 refers to the St Patrick's Orphan Society contributing £1 per week for 33 ex-Nazareth Boys (or in other words the large proportion of 'voluntary boys'). The letter goes on to say that the St Vincent de Paul are further assisting with 22 of the boys. BR 6 sought an increase in the weekly contribution and also queried whether the outstanding debt (or at least the interst) to the Orphan Society could Bishop be alleviated. is 'very anxious to alleviate' the financial burden of the home. A further letter from BR 6 to Fr White (Secretary of the Orphan Society) dated 19th October 1968 expresses similar sentiments and records that the Bishop 'is very anxious to alleviate our financial burden' suggesting that BR 6 and Bishop Philbin must have, at the very least, discussed the ongoing problems.

    A letter from BR 6 to Bishop Philbin dated 22nd April 1969 suggests that the 'Kircubbin Orphanage Society (attached to the Society of the St Vincent de Paul) paid a further '30 shillings' in respect of the 22 ex- Nazareth boys that they were sponsoring. If these letters accurately reflect the contributions at that time it would appear that the Home was receiving assistance from Diocesan Committees of approx. £2.50 for 22 boys and £1.00 for 15 boys as against a weekly cost per head of October 1968 of approx. £6.00. BR 2 in his [redacted] memo opines that the ratio of voluntary to welfare was about 1:1 throughout the 1950s and 1960s.Without a detailed analysis of the residents in any given year it is impossible to comment further though the 1966 general report does reflect the extent of the problem created by shortfall in maintenance funding for voluntary boys with 45 of the 75 boys in the home present on a voluntary basis – see **Exhibit 12**.

    It may be of interest to note reference in a letter dated 19th August 1968 reporting on the advertisement of teaching and care staff and how the Ministry [Education?] funded the teaching posts. I further note that the advertisement seeking 4 house-parents only returned 3 applications.

13. As indicated above, the Order was, from a very early stage, aware of both the availability and restrictions on Ministry capital funding. Funding was sought and obtained for the construction of the school in the early 1950s. A major capital

investment occurred in the later 1960s when the Chalets were constructed. This project was the result of many years of discussions and consultations surrounding the implementation of the cottage system. The practical pros and cons of the system have been raised elsewhere but it is clear that the Order, and indeed the Diocesan Trustees sought the input of Ministry officials at a very early stage. I refer to various documents attached hereto as **Exhibit 13**. A formal application under Section 118(1) of the CYP 1950 was evidently made by letter from BR 6 dated 7th July 1966. The Ministry agreed to grant aid the project to £50,000 provided that the total cost was at least £100,000 or in other words, no more than 50% of the cost. This project appears to have coincided with the further extension of the School and refurbishment of house and canteen. BR 2 's table, at Exhibit 9 details a spend of £285,000 being £108,000 on school, £69,000 on House & Canteen and £108,00 on School but it is clear from Mr Sterling's letter of 16th October 1970 that the anticipated spend was only £191,795 and that the whole project was considerably over-budget. The Ministry provided £50,000 for the Chalets and £45,000 for the school (though BR 2 's note refers to only £15,000 in this regard).

14. I understand that there was considerable financial pressure created by the expansion of Rubane House. It came at a time when the voluntary committees were reporting, because of civil disturbances, both a decrease in subscriptions and an increased demand on their funds from other sources (e.g the St Vincent de Paul). The move to ensure all boys were maintained by Welfare Committees took shape at this time and was evidently connected to the financial difficulties. The effective running of the home could no longer continue using traditional methods. Thereafter we see the continued correspondence with the Bishop, the proposed meeting in 1974 and further efforts to liaise with the Ministry of Home Affairs. There is a letter from Br BR 2 to Mr Irvine dated 3rd October 1972 referencing a meeting between Br BR 2 , BR 46 , Mr Sterling and Mr Irvine. BR 46 was attached the St Patrick's Training School but he organised the Voluntary Workers Committee and maintained Rubane House's bank account. That letter refers to 'proposals' which Br BR 2 felt would 'go a long way in easing the present difficulties' but does not give any further detail. Thereafter it is noted that the Ministry partially grant aided the purchase of a car and mini-bus for the Home and funded replacement cover for staff attending training courses – See **Exhibit 14** attached. BR 2 also recalls that it was in or about 1973 that Mr Sterling offered to solve all financial problems if the Home could be turned into a 'mini-Maze', for the accommodation of juveniles caught up in the Troubles, a proposal that BR 2 was not prepared to adopt.

15. There can be little doubt that the inclusion of all the boys within the Welfare system was critical in alleviating the financial position of the Home. Shortfalls in funding for

Voluntary boys did create a financial strain. However, it is not clear whether, even for the Welfare maintained boys, payments per child were sufficient to meet the respective capita costs each year. There is evidence, namely a letter of 24th December 1970 from BR 6 to Mr Green, indicating that there was an annual retrospective audit exercise required and that the Brothers would then make a request to Welfare for additional maintenance per capita. This type of exercise appears to have continued annually throughout the 1970s and culminated with the discussion between BR 2 and Mr Wallington on 14th November 1980 when the per capita rise was from £55.00 to £102.00. As late as 1981 in a meeting with Mr Wallington BR 2 recorded a rise in maintenance from £55.00 to £102 suggesting that there may have been a considerable shortfall for some time – See **Exhibit 15**.

16. Additional expansion and capital investment in the 1970s, by way of Playhall, additional security (post the 1973 bomb attack) and overflow sleeping accommodation was facilitated with what appears to have been 75% grants from the department – see **Exhibit 16.**

17. Full accounts for the years 1977, 1978, 1982 and 1983 Farm accounts survive and the Inquiry my find them useful. They are attached as **Exhibit 17** and reveal that Expenditure in excess of Income remained a problem rising to a per annum deficit of £45,071 by 1982.

18. Financial difficulties beset the Home from the outset. The differential between voluntary and welfare child was never fully offset by the hard work of the Diocesan committees or generous contributions of benefactors. Shortfalls in basic maintenance requirements had to be obtained from funds which could otherwise have funded physical developments or more importantly staff training and staff salaries. One of the problems that remained in Rubane, right into the 1980s was that the Home was unable to pay salaries commensurate with what suitably qualified staff could obtain elsewhere. Financial constraints did have repercussions on provisions, numbers of staff and opportunities afforded to the boys. Undoubtedly there where a combination of factors which created this dilemma. I have pointed to a few of them which are evident from the surviving paperwork but it may well be that the complete picture can only be known when Diocesan, Ministry and Departmental papers have been examined.

19. The Minutes of the Governing Body have been disclosed in full to the Inquiry although for completeness I exhibit them again as **Exhibit 18.** I would like to draw specific attention to the following entries;

(i) *21st February 1951*

'The financial report in dealing with ways and means to meet future liabilities instanced the three main resources as

(a) Voluntary Workers Committee.

(b) Development of the Farm.

(c) Maintenance charge for each boy.....

.....As regards the mointenance charge it was agreed that this be £3.00 per week per boy this being the accepted payment of various Welfare Authorities.'

(ii) *25th April 1955*

'The deficiency of £3,506.00 of Income against Expenditure for the year was explained by BR 12 *as more than accounted for by the following facts;*

(1) Less than £1.00 a week was forthcoming for 30 boys thought the overall cost of maintenance was £3.00 a week.

(2) Included in the deficiency was repayment of the loan account.

No action was taken as to how the deficiency was to be met in the future except by increasing the farm income.

BR 12 *reported that the Newtownards Council was bringing the mains to Rubane Corner but that it was the responsibility of the Home to bring it the rest of the way. It was suggested that a grant would possible be available from the Ministry of Agriculture to bring the water to the farm in 2" piping....* BR 12 *was instructed to find the cost of bringing the water to Rubane and what grants would be available from the Ministry of Agriculture or Ministry of Home Affairs.'*

[Obviously – a sign of the times but it is interesting to note that by a piped supply of water to the Home was not in situ until what appears to have been the end of 1956, 6 years after the Home opened. Up until that time water was drawn from a well]

(iii) *26th March 1956*

[Expansion of the farm...] – *'Towards this cost [the home] received £720 grant from the Ministry of Agriculture'*

(iv) *3rd March 1960*

'The problem of where the money required for the buildings was going to come from was discussed. Charitable sources not very reliable as great demands were at present being made on the public due to intermediate school building etc.'

(v) *5th June 1961*

'the Chairman asked why the St Vincent de Paul Society had discontinued its contributions towards the Home. BR 17 *explained that the society had given as a reason, among others, that they were building a new seamans hostel and had to economise their spending.'*

(vi) *20th February 1963*

'To ease the financial strain on the Home it was decided that St Patrick's Catholic Orphan Society be approached with a view to an increase of the weekly contribution towards maintenance of Nazareth Lodge boys at Rubane. The Governors would like to see the weekly contribution raised to £1.00 and BR 6 *was instructed to notify the Society if their decision' [*BR 6 *attended the meetings of the Orphan Society. It appears that the Society was paying part of the maintenance charge envisaged for voluntary boys]*

(vii) *24th February 1965*

'...satisfaction was expressed at the profit shown by the farm and also that two thousand pounds had been paid off the Capital debt.'

(viii) *15th June 1967*

'It was pointed out by BR 6 *that the total expenditure involved in extension projects would amount to approximately £214,000. Grants from various ministries concerned would total about £126,000. Added to this was a sum of £50,000 on hand by the De La Salle Workers Committee [Voluntary Committee], leaving a deficit of £58,000. ...It was pointed out to the Board that the Ulster Bank in Kircubbin was willing to make a loan to cover this deficit. The Board agreed that this loan should be sought on the strength of a letter of authorisation from His Lordship, the Bishop.*

(ix) *31st May 1972*

'Concern was expressed by the Board regarding the heavy debt incurred by the extensions and renovations in recent years. BR 46 *pointed out the difficulties that he was meeting with in raising funds by traditional methods, due to the continuing troubles and various means were suggested to offset the losses incurred particularly by Flag Days*

(x) *16th July 1973*

'Arising from the General Report, satisfaction was expressed at the progress in the reduction of the Capital Debt...'

(xi) *24th June 1974*

'...it was noted by BR 2 *that the staff had been increased and also re-structured during the previous year. This had lightened many burdens, but it also had an effect an the overall financial position of the Home – especially regarding salaries. It was suggested and agreed that an application should be made to increase the maintenance fee from £23.50 to £28.00, per boy, to cover extra expenses.'*

(xii) *24th June 1975*

'....it was proposed that an application for a raise in maintenance charges from £28.00 to £35.00 be made to the various boards...'

(xiii) *24th October 1979*

'In June 1978 an increase of £4.00 per week was applied for to bring the per capita to £48.00. As both sets of audit figures showed a deficit it was found necessary to apply for a further increase of £7.00 to bring the weekly per capita to £55.00. The Boards approved this figure and agreed it should be backdated to 1st September 1978. This new figure would be sufficient to clear the deficit and hopefully keep us above board for the rest of the year. The farm account was also examined and continued to show a healthy profit...'

Signed: Br Francis Manning

Dated: 27 Aug. 2014

HISTORICAL INSTITUTIONAL ABUSE INQUIRY

Date:

On Behalf of the De La Salle Brothers

Statement 7: Section 9 Request – Civil Complaints

I, Br Francis Manning, will say as follows;

1. I attach hereto, as **Exhibit** 1, an updated list of all Civil Claims received by the Order or their solicitors in respect of Rubane House, current to 27th August 2014. Unfortunately, Br Pius McCarthy, who administered most of these claims died on the 27th May 2014. Some of those listed, namely HIA 218 & HIA 219, HIA 94, DL 494 and HIA 191 are recorded on this list because the PSNI notified Br Pius McCarthy of a complaint rather than any formal claim process having been initiated.

2. The first residents arrived in Rubane House on the 17th January 1951. The 'long form' Admission Register records that 982 boys were admitted to the Home between the 17th January 1951 and the date of the last admission, 26th February 1985. The 'short form' register records that 884 boys were resident in Rubane House between the 17th January 1951 and the 28th February 1978. The long form admission book records that 166 boys were admitted between the 28th February 1978 and the 26th February 1985. It is not clear why the short form register stopped on the 28th Feb 1978 and nor is it clear why some residents entry into the Home e.g HIA 183, was not recorded in the long form admission book. It appears that adding the long form post 28th February 1978 entries to the short form total, is the most accurate way of determining how many children resided in Rubane House. On that basis it appears that (884 plus 166) 1050 children resided in Rubane House between 1951 and 1985.

3. Subject to the proviso at 1 above 56 former residents have initiated a civil complaint against the Order.

4. To the best of the Order's knowledge 59 former residents applied to this Inquiry. Two – HIA 148 and HIA 153 have withdrawn.

5. 30 former residents, including HIA 148 & 153, have initiated a civil complaint and applied to this Inquiry.

6. 85 of 1050 former residents have therefore initiated a civil complaint or applied to this Inquiry.

7. The Order is aware that other former residents did make complaints to the RUC/PSNI but the extent and nature of those complaints is, to a large extent, only coming to the knowledge of the Order through the Inquiry process.

8. The first Civil cases directed against the Order arose during and in the immediate aftermath of the Criminal case against BR 1, BR 6 BR 3 and BR 31 in 1998. Br BR 1 gained considerably notoriety at that time and the first 7 civil claims received all named him as a perpetrator of abuse. The Order had and continues to have reservations in respect of the allegations against BR 1 largely due to the fact that there was a thorough RUC investigation in [redacted] which canvassed opinions and comments from over a 100 residents who had stayed in Rubane with BR 1 and none of them were consistent with the extent of the allegations which emerged in 1995. Furthermore, an RUC investigation into St Patrick's Training School in 1994, an establishment where BR 1 had worked for many years, also, as far as the Order is aware failed to uncover any allegations against him. BR 1 died in October 2000. Notwithstanding the Order's reservations they did, post BR 1 's death settle some of the cases naming him as a perpetrator of abuse. The Order was conscious that BR 1 was no longer able to give evidence. It felt that the general climate post the Brendan Smyth scandal was detrimental to their ability to successfully defend the claims and as a consequence we, with legal advice, agreed to settle a number of claims on a compromise basis. An aspect of one of the early settled cases ([redacted]) and one of the earlier initiated claims ([redacted]) was the allegation that BR 1 was present in Rubane prior to [redacted] We know now, from much more detailed assessment of the available records that there is no corroborating evidence, barring fleeting visits in [redacted] and [redacted] that BR 1 was in Rubane prior to [redacted]

   In July 2013 we received a claim from [redacted], alleging that he had been abused by BR 1 in [redacted], or in other words after BR 1 's suspension and during the initial RUC investigation.

9. In February 2004 the Order received its first complaint, post 1958, about BR 17 at Rubane. This complaint, from HIA 183, was considered by the Order's then Provincial, BP 5 as being genuine and credible. BR 76 had received a complaint about BR 17 in [redacted] from one of his former pupils in [redacted] relating to a period in the [redacted] Thereafter the Order received a series of complaints about BR 17. The Order was prepared to accept the generality of the allegations and settled a number of claims. Representatives met with a number of these complainants, signalling a new approach within the Order to dealing with the victims of sex abuse. We recognised that victims wanted to speak to representatives. A number of these cases were resolved without recourse to proceedings or defence medical reports.

10. Post the release of the Ryan report there was a further influx of claims across a wide spectrum of eras and naming a multitude of Brothers and perpetrators. Notwithstanding that the Order was prepared to accept that certain Brothers, at certain periods in time, had perpetrated abuse the Order remained suspicious of a number of these claims for a number of reasons, namely;

    (i) Inconsistencies with police statements;
    (ii) Growing body of support for individual Brothers, support and lay staff from ex-residents;
    (iii) Letter from an ex-resident referencing a 'conspiracy' by ex-residents – namely HIA 511 [redacted] re DL 447

    Furthermore, individual claims were, when analysed in detail considered to be unfounded and difficult to believe.

11. In 2011 the Order contested the case brought by HIA 148, who was also an early applicant to this Inquiry. The Lord Chief Justice dismissed his action and was also critical of his supporting witness [redacted] [HIA 34]. This case demonstrated to the Order that there were indeed individuals prepared to pursue false claims but it also brought home just how demanding and mentally draining the defence of false claims was proving for our Brothers; in this instance BR 2. I attach a copy of the Judgement as **Exhibit 2.**

12. The Order has, in its view, tried to adopt a reasonable and responsible attitude to dealing with the victims of abuse. The Order has met with victims of abuse personally. We have tried to accommodate, as best we could, those individuals who had logistical or health issues. By way of example; (i) we resolved HIA 279's complaint in [redacted] (ii) we expedited a settlement with HIA 50 without a thorough investigation of the facts when he told us that [redacted] – a decision which we now believe to have been rash and misjudged.

13. Even in the face of accepted accounts we have had difficult dilemmas to resolve; for instance the accounts of HIA 45 and HIA 59 who both named a Brother [redacted] both described the same Br [redacted], both presented the same photograph of Br [redacted] but who were both in Rubane with different BR 17, BR 23.

14. To date the Order has settled 22 cases and paid £387,000.00 in compensation.

15. The Order recognises the hurt and distressed caused by the abuse. The Order has determined to engage with the Inquiry as comprehensively as possible in order to maximise the prospects of establishing the truth about Rubane House so as to provide some comfort to the abused, place the Order's role into context within the provision of residential care and to be a support for those Brothers who worked tirelessly for the benefit of the underprivileged boys who were entrusted to their care. Dealing with victims of abuse and investigating historic allegations has not been an easy or simplistic task. We know, for some of the reasons highlighted above, that it can be difficult and complex and fraught with the

prospects of error. I am satisfied that the Order has done its best to be as fair as possible to all involved.

Signed: B. Frances Manning

Date: 27 Aug 2014

HISTORICAL INSTITUTIONAL ABUSE INQUIRY

Witness Name: Br Francis Manning, De La Salle Order

Date: 28th October 2014

Statement 8: [redacted] and [redacted] papers – Section 9 Notice

I Br Francis Manning will say as follows;

1. I am current Provincial of the De La Salle Order in Ireland having held that post since 2008.

2. I make this statement in Response to Section 9 Notice dated 10th October 2014.

3. I have been specifically asked for;

   1. *All documents held by the De La Salle Order (the Order) relating to Brother* [redacted] *(otherwise known as* [redacted]*) including but not limited to:*

      (a) All correspondence relating to him including any letters about him sent or received at any time by Brother Directors (of the communities in which he resided), Irish Provincials (for the time being), or the Superior General and his General Chapter (for the time being);
      (b) All psychiatric reports or other medical notes and records obtained by the Order relating to him;

4. I have personally, and in conjunction with the archivist, searched the Order's archives in Castletown for information relating to the said [redacted].

5. The subject's mutation card which essentially details his various roles within the Order is the only material of a 'personnel file' type nature maintained by the Archives. I attach a copy of this card as **Exhibit 1**. It was this card which Br Pius McCarthy would have used to prepare the typed script CV's provided to the HIAI.

6. Br Pius McCarthy had previously conducted a search of the archives and located the [redacted] investigation papers. I am not sure when this search was conducted. These papers were disclosed to the Inquiry and exhibited to Br Pius McCarthy's Admission Statement of 22nd October 2013. I attach hereto as **Exhibit 2** for completeness.

7. The only additional material that has been located within the Archives in Castletown is a letter dated [redacted] which is evidently the response from Br [redacted] BR 79, Assistant General, based in Rome to [redacted] BP 1's letter of [redacted] which is among the [redacted] papers at Exhibit 2. I attach hereto as **Exhibit 3**.

8. I have been in contact with the Order's archivist in Rome and have also been able to call upon the assistance of the Order's Provincial Co-Ordinator Br Aidan Kilty who was in Rome over the summer of 2014. Both individuals have conducted searches of the Order's archives in Rome but have been unable to locate any information relating to [redacted] BR 17.

9. I have been in contact with the [redacted] Province in respect of [redacted] BR 17's move to [redacted] in [redacted] are a De La Salle Province in the same manner that Ireland and South Africa are a single Province. They are unable to locate any documentation in respect of [redacted] BR 17's move to [redacted]

10. I have been unable to locate any medical report in respect of [redacted] BR 17. I'm aware from [redacted] BR 76's memo of [redacted] and from speaking to Br [redacted] BR 76 that [redacted] BP 4 sent [redacted] BR 17 to see [redacted] This was after the disclosure by [redacted] about abuse in [redacted] in the early [redacted] While I am satisfied that [redacted] did examine [redacted] BR 17 I cannot confirm whether the Order ever received any written report on him. No report can be located today. [redacted] BR 76 does recall that [redacted] spoke to [redacted] BP 4 about the consultations because he recalls [redacted] advising [redacted] BP 4 that [redacted] BR 17 maintained it was a 'one-off' event and that he [redacted] did not believe that [redacted] BR 17 continued to pose a threat to children. The only assistance we can provide the Inquiry in this regard is Br [redacted] BR 76's recollection of these conversations which will be the subject of a separate statement.

11. There is no documentary evidence dealing with his move to [redacted] or his life in [redacted] subsequent to that move. From what I can establish via Brothers of the [redacted] Province who worked with and knew him, there were no complaints about his behaviour in [redacted], either contemporaneously, or indeed to the current day.

12. I have been specifically asked for;

    2. *All documents held by the De La Salle Order (the Order) relating to* [redacted] BR 14 [redacted] *(otherwise known as* [redacted]*) including but not limited to:*

(c) All correspondence relating to him including any letters about him sent or received at any time by Brother Directors (of the communities in which he resided), Irish Provincials (for the time being), or the Superior General and his General Chapter (for the time being);

(d) Diaries or other such documents of the Irish Provincial who dealt with the dispensation of his vows and the reasons relating thereto;

13. Within the Order's Archives in Castletown Br Pius McCarthy had located the [redacted] papers which were Exhibited to his 22nd October 2013 Admission Statement. I attach them hereto as **Exhibit 4** for completeness.

14. As part of our co-operation with the HIAI I personally, with the assistance our Archivist, searched the Archives in Castletown. We located the following documentation;

(i) [redacted] BR 14 's mutation card used by Br Pius McCarthy to create the CV.

(ii) Letter dated [redacted] wherein [redacted] BR 14 applies for Dispensation from his vows.

(iii) Letter dated [redacted] from [redacted] BP 1 to the Vicar General in Rome which appears to have been the covering the letter referred to at (ii) above.

(iv) Letter (in French) dated [redacted] enclosing Indult (in Latin) dated [redacted]

(v) Letter (in French) dated [redacted] which appears to have forwarded [redacted] BR 14 's acceptance of his 'Secularisation' dated [redacted]

(vi) Certificate of Acceptance of Secularisaton dated [redacted]

I have attached the above as **Exhibit 5.**

15. With the assistance of Br Aidan Kilty, Provincial Co-Ordinator for Europe and the Procurator General the archives in Rome where searched and they located the documents attached hereto as **Exhibit 6** but they are essentially simply copies off or translations of the documents detailed above at 14 (ii) – (vi).

16. If Brothers kept diaries they would have kept them solely in a personal capacity. I am not sure whether [redacted] BP 1 kept a diary or not but if he did it is likely that it would have been given to his family or have been destroyed upon his death on [redacted]

17. The knowledge of the Irish Provincials in relation to the sexual abuse of children by Brothers within the Order has been set out in Br Pius McCarthy's admission statement of 22nd October 2013. It is evident from the paperwork relating to the [redacted] investigation that [redacted] BR 79, Assistant General to the Superior General in Rome was aware of this event. In [redacted] BP 1 alerted Rome to both the offences committed by [redacted] BR 14 in Rubane and those of Br [redacted] BR 69 in [redacted]

18. It is very difficult for me, fifty years after the events, to conclude what may or may not have been discussed within the General Chapter. I have searched through the General Chapters for 1966, 1976 and 1993 and can find no reference to 'child abuse'. The first recorded directive on the issue appears to be Proposition 14 of the Acts of the 43rd General Chapter in 2000 which details the following points;

    (i) To cooperate with local organisations which work for the promotion of the rights of the child;
    (ii) To detect local violations of the rights of children;
    (iii) To alert local authorities when children's rights are violated; and
    (iv) To ensure that its schools and universities teach and observe the rights of the child.

19. In my experience many ancillary issues surrounding the institute of the Order will be discussed among delegates at the General Chapter meetings. Discussions particular to individual Provinces will often take place in private and I would expect that the type of sensitive issue being raised by [redacted] BP 1 is unlikely to have been discussed before the full Chapter or Council. I appreciate, with the benefit of hindsight, that discussions of that nature are not conducive to knowledge share equating with modern best practice but we must not lose sight of the fact that we are talking about a different era with very different attitudes to abuse both within the Church and society in general. I cannot say whether other Provinces' were reporting similar problems. At best, I can only account for what happened to issues raised by the Irish Province. These appear to have been dealt with singularly when raised – the two [redacted] complaints resulting in dispensations. If complaints were raised within other Provinces they were not shared with the Irish Province and I doubt our problems were shared with the other Provinces.

Signed: Br Francis Manning

Date: 28 Oct. 2014.

RUB-5497

Casa Generalizia
dei Fratelli delle Scuole Cristiane

476, Via Aurelia - Tel. 540.101 - C. P. 99 B
ROMA

B100-8 No. 3.4

[redacted]

Dear Brother Visitor,

You certainly have your hands full with that nasty business of Kircubbin. And how well it should cut in on the proposed opening in Portadown! As yc say. the worst of the case from our point of view is the di ficulty of proving conclusively that BR 17 was completely innocent. In any case he has learnt a bitter less on and will know what prudence means in future. We are no used to orphanages and their peculiar problems in Ireland and we are learning the hard way!

[redacted]

In union of prayer and with all kind regards,

Yours sincerely,

HISTORICAL INSTITUTIONAL ABUSE INQUIRY

Witness Name: Br Francis Manning, De La Salle Order

Date: 28th October 2014

Statement 9: Hughes Inquiry Information – Section 9 Notice

I, Br Francis Manning, will say as follows:

I am the current Provincial of the De La Salle Order in Ireland, a position that I have held since 2008. At the direction of the HIA Inquiry, I have attempted to provide comprehensive answers to Questions posed by the Inquiry listed below. In order to assist the Inquiry I have, in conjunction with our Archivist, personally directed and conducted searches of the Order's archives in Dublin and Castletown, Co Laois for relevant material.

Question:

1. **Whether the De La Salle Order (the Order) disclosed its knowledge of any allegations of sexual abuse of children in Rubane House arising from events in (a) [redacted] to the Hughes Inquiry.**

Answer:

1(a) We have been unable to locate any material detailing the Order's involvement with the Committee of Inquiry into Children's Homes (the Hughes Inquiry). I suspect, similar to this Inquiry, that there would have been inter party correspondence passing between the Order and the Committee prior to the commencement of the oral hearings but that such correspondence would have been directed via the Orders' Solicitor at that time, Mr Brian Gibson. Mr Gibson later moved to Napier & Sons and a search of their archives has failed to locate any papers relating to the Hughes Inquiry.

1(b) The Provincial of the Order in 1984, at the time of the Hughes Inquiry, was Br [redacted] had been Provincial between [redacted] died on [redacted].

1(c) Br Pius McCarthy, who assisted the Order's preparation for this Inquiry, was Provincial Secretary in 1984. Br Pius was likely to have been the Order's point of contact with our solicitors and may well have had knowledge of the Order's involvement in the Hughes Inquiry. He died on 27th May 2014 and I have been deprived of information from that valuable source.

1(d) I had previously understood that the Hughes Inquiry, as far as it referred to Rubane, focused on the years after 1977. I was not aware that the Inquiry had in fact investigated complaints in respect of other Homes from earlier periods in time.

1(e) Due to the lapse in time, the change of personalities and lack of documentary records it is difficult for me to be categorical about the extent of the Order's disclosure to the Hughes Inquiry. I conclude on the rather simplistic, though in my view rational, basis that the [redacted] events were not brought to the attention of the Hughes Inquiry because the Inquiry did not deal with these events and had they been aware of them one may have expected there to be at least some reference to them.

Question:

2. If the answer to 1 is no, then please provide an explanation as to why these matters were not disclosed the Hughes Inquiry.

Answer:

2(a) Before I attempt to answer this question, I consider it important to emphasise that details and knowledge of all three events has developed as a result of documentation discovered during the course of various civil proceedings and investigations carried out for the purpose of this Inquiry. In respect of documentation relating to the said three events, the following should be noted –

(i) [redacted] The paperwork in respect of the [redacted] allegations against BR 17 [redacted] were not discovered until 2004/2005, when Br. Pius McCarthy was conducting an investigation into a complaint made by HIA 183 a past resident in Rubane. I believe that the paperwork, which has been disclosed to this Inquiry, was located amongst BP 1 private papers and documents, which had been archived in Castletown. Whilst I must accept that documentation was ultimately within the possession of the Order, I have no evidence to suggest that either [redacted] Br. Pius McCarthy or BR 2 knew of their existence at the time of the Hughes Inquiry. I have been advised by BR 2 that he had no idea that the documents existed and had no knowledge of the [redacted] allegations against BR 17 at the time of the Hughes Inquiry. He became aware of the documents in the mid 2000s. BP 1 who had specific knowledge of the [redacted] allegations and who carried out the said investigation died on [redacted]

(ii) [redacted] BP 1 carried out an investigation into the allegation of sexual abuse by BR 14 The allegation was reported to the

Down County Welfare. Belfast Welfare were also aware of the allegation. It now appears, from documentation provided to this Inquiry, that the Police were also aware of the allegation and conducted an investigation. I suspect, although I am unable to verify, the documentation in respect of this investigation was found amongst BP 1 private papers by Br. Pius McCarthy in or about 2004/2005. As stated above, BP 1 who had specific knowledge of the investigation, died on prior to the Hughes Inquiry.

(iii) There are no central records in respect of this complaint against Br. BR 15 The Provincial at this time was BP 3 . BR 15 strenuously denied the allegation. It is noted that BR 15 was transferred from Rubane to another community on He left the Order, of his own accord, in Until recently, the Order's knowledge of this event was largely confined to BR 6 's responses during a Police interview in 1995. Neither nor Br. Pius would have had knowledge of this event in BP 3 who conducted the investigation, was killed in a road traffic accident in

2(b) As set out in RUB-40362 the Terms of Reference for the Hughes Inquiry is reproduced at Appendix A to the Report. Paragraph 1:10 of the said report deals with the Inquiry's interpretation of some of the terms. In order to ascertain whether a Home or Hostel fell within the scope of the Inquiry, two tests were applied. The first test was whether *"residents were subjected to homosexual offences which led to conviction by the Courts."* The second test was whether *"homosexual misconduct led to disciplinary action against members of the staff."* The Inquiry decided that *"disciplinary action must have been grounded on homosexual misconduct and must have been conclusive against the member of staff. The precautionary suspension of a member of staff was insufficient to bring a case in."*

It was conceded on behalf of the Management Committee that the removal of Br. BR 1 from Rubane constituted *"disciplinary action"* and that this was sufficient to precipitate Rubane's inclusion within the scope of the Hughes Inquiry. Also, although not in respect of any conviction for a homosexual offence, Br. Alphonsus Reid's conviction for physical abuse was also considered by the Inquiry. I have been advised by BR 2 that it is his recollection that the focus of the Inquiry was very much on BR 1 and Br. Alphonsus and events post 1977. I also note at RUB-40157 that BR 2 's statement was read into evidence where he stated as follows –

"During my periods as not one allegation of homosexuality was made against a member of staff ...".

This remains [BR 2]'s position in respect of those time frames today.

2(c) [BR 2], who gave evidence to the Hughes Inquiry, acknowledges that shortly after he took up post in Rubane in [redacted] he was made aware that Br [BR 14] had been removed because of some allegation of impropriety. He also acknowledges that he was similarly aware that an allegation had been made against [BR 15] in [redacted] [BR 2] was not aware that [BR 14] had 'admitted' the charge. [BR 2] has advised me that he has no recollection of being asked by his Provincial or the Order's legal team to address these issues or indeed to address any issues further back than the [redacted] [BR 2] was unaware that paperwork existed in respect of the [redacted] event until relatively recently.

2(d) Against a background as stated above, it is not possible for me to provide an explanation as to why the events in [redacted] were not disclosed to the Hughes Inquiry. In respect of the threshold tests as provided in paragraph 1:10 of the Hughes Report, it is noted that an incident to be disclosed required *"a conviction"* or *"disciplinary action"*. A *"precautionary suspension"* was not sufficient. It is, therefore, arguable that neither the [redacted] or the [redacted] event fell within this criteria. However, it should be emphasised that there is no documentation that I have seen whereby the Order, having considered the specific threshold tests, made a conscious and deliberate decision not to report the [redacted] or the [redacted] events.

2(e) The dismissal of [BR 14] in [redacted] was a 'disciplinary' action and on my interpretation of the threshold criteria, it ought to have been brought to the attention of the Hughes Inquiry. I do not know why the matter was not raised. Br. [BR 6] would have had sufficient knowledge of the event, even if he did not realise that paperwork existed in the Archives. I simply do not know whether he did raise it with our legal advisors at the time or not. I am not aware of how closely [BR 6] was involved, if at all, in assisting with and preparing the Order's response to the Hughes Inquiry. However, there is no documentation that I have seen whereby the Order made a conscious and deliberate decision not to report the [redacted] event. On the contrary, the [redacted] event had already been reported to the Ministry of Home Affairs and the Welfare authorities. Therefore, it is difficult to understand why it did not form part of the Hughes Inquiry, given that the offence was accepted and that the Ministry of Home Affairs, the RUC and Welfare Boards were alerted to the event contemporaneously. I note that the Hughes Inquiry, similar to this Inquiry, did advertise for people with requisite knowledge of events to come forward and one would have expected at least some of the various agency participants in the [redacted]ssues to have been alive to and in a position to raise the event.

Question

3. If the answer to 1 is no, whether the Order accepts that the non-disclosure of any or all of the allegations was a serious failing in its part.

Answer

A. 3(a) This question assumes that the events in [redacted] should have been disclosed to the Hughes Inquiry. With respect, with the exception of the [redacted] event, this assumption cannot be made. The Order recognises, with the benefit of hindsight, it may have been preferable if the Hughes Inquiry had been alerted to each of the said events. However, even it had been alerted to the said events, it is by no means certain that the Hughes Inquiry would have determined that the [redacted] and [redacted] allegations fell within its Terms of Reference. Indeed, I would respectfully suggest that this would have been unlikely. The circumstances of the [redacted] event, akin to a precautionary suspension/transfer, would have fallen potentially outside the scope of the Inquiry.

3(b). As stated above, the [redacted] event should have been disclosed. I do not know why it was not. Perhaps BR 6, who was the only Brother with a relatively full knowledge of the circumstances, assumed that the Welfare Authorities or the Police would raise it, if they considered it appropriate. I simply do not know whether he did try to raise it or not. It is very difficult for me to compartmentalise what the Order, and its individual members, knew at any given time. Our knowledge of all these events has grown considerably in recent years and continued to expand right into the Opening Week of this Inquiry. I accept that the manner in which sensitive material such as the [redacted] and [redacted] investigations was kept and maintained was inadequate so as to provide other Provincials with the means of determining the nature and outcome of the said investigations. During the course of this Inquiry we have, thanks to directions from our lawyers and probing from Inquiry Counsel, carried out invasive and comprehensive searches ranging from Dublin, to Castletown and also to Rome. I do not know whether similar directions were issued at the time of the Hughes Inquiry or whether more reliability was placed on memory. With hindsight, this was a failing, because relevant material quite clearly existed. However, I am unable to ascertain how serious it may or may not have been because I simply do not know the extent of the requests/demands made of the Order at that time and indeed how the Hughes Inquiry would have dealt with or considered such material. There is no evidence, as far as I am aware, to suggest that the Order or its members deliberately concealed the events. Rather, having considered the material in my possession, it is my belief that the scandal surrounding BR 1 and

the conviction of Br Alphonsus simply created a de facto mind set within the Order that the focus of the Hughes Inquiry was on life in Rubane post 1976.

Question:

4. Anything else the Order would like to say to the Inquiry about the matter.

Answer:

A. 4. There were two other events that occurred in close proximity to the Hughes Inquiry which were also known to the DHSS and the RUC, namely a report by [redacted] HIA 153 in [redacted] and a report by [redacted] in [redacted] HIA 153 alleged that there had been homosexual activity among the boys when he had been a resident at Rubane in the [redacted] had alleged that he had been physically assaulted by a member of staff. The member of staff was subsequently disciplined. Papers relating to both events have been disclosed to this Inquiry. I am not in a position to comment as to whether these events where drawn to the attention of the Hughes Inquiry but both were within the recent knowledge, at that time, of the respective government agencies. Evidently, from what we now know the RUC uncovered during the [redacted] investigation, further accounts of homosexual activity among the boys were known to the police at that time. The Terms of Reference for the Hughes Inquiry appear to exclude 'peer abuse' and this Inquiry's ability to investigate life in the Home is much more inclusive.

Signed: Br Francis Manning

Date: 28 Oct. 2014

THE INQUIRY INTO HISTORICAL INSTITUTIONAL ABUSE 1922 TO 1995

On Behalf of the De La Salle Order

Position on [redacted]

Date: 5th December 2014

I, Br Francis Manning will say as follows:-

1. The purpose of this statement is to clarify the Order's current position in respect of [redacted]

2. Br Pius McCarthy, in the Order's Admission Statement dated 22nd October 2013 accepted, inter alia;

   (i) That [redacted] conducted medical examinations on the boys.

   (ii) That [redacted] had received some form or complaint from DL 40 and that there was no record of either [redacted] passing it on or how he had dealt with it.

3. The Order, taking into consideration further material, including the evidence of DL 40, HIA 104, HIA 362 and HIA 260 accepts;

   (i) That [redacted] conducted medical examinations on the boys. These examinations were inappropriate and should not have occurred. Br [redacted] explained his actions by drawing an analogy with the entrance system in St Patricks Training School where medical staff examined boys on arrival. The Order accepts that there cannot be any justification for a lay person, such as [redacted], to conduct any examinations under the pretext that they were for medical purposes. The Order accepts that for some boys subjected to this totally unacceptable behaviour, it was abusive and capable of causing confusion, upset, distress and humiliation.

   (ii) That [redacted] touched and fondled boys inappropriately in the playground. It is noted that DL 40 did not consider this behaviour to have sexual connotations but it is also noted that a number of residents described it as making them feel 'uncomfortable'. Whatever the response from the boys exposed to this type behaviour, the Order says that it was inappropriate and totalling unacceptable and capable of constituting abuse.

4. The Order accepts that [redacted] did not respond to DL 40's complaint about Fr Brendan Smyth appropriately. It is noted that DL 40 cannot be specific as to what exactly he told [redacted] and to what extent or otherwise he communicated the nature of the abuse to [redacted]. However, DL 40 confirmed that Fr Smyth never returned to Rubane after he made his complaint. All the Order can say now is;

(i) There is no record of what DL 40 told BR 1 exactly.

(ii) There is no record of BR 1 having told the Provincial.

(iii) There is no record of BR 1 having told the Bishop of Down & Connor.

(iv) There is no record of BR 1 having told the RUC.

(v) [redacted] DL 40's social worker, was not told about the complaint.

5. The Order accepts that BR 1 also received a complaint in respect of a physical assault by Br Alphonsus on DL 48 on or about [redacted] This complaint was an issue before the Hughes Inquiry and is referenced at RUB 40016/17. Fr Peter McCann gave evidence that he became aware of the incident via Fr O'Connor and the Catholic Family Welfare Social Worker. Fr McCann recounted that BR 1 accepted that the allegation was true. Br Alphonsus confirmed before the Inquiry that BR 1 warned him as to his future conduct. I am aware that BR 1 told the police in 1995 that he notified the Management Committee. If Fr McCann's recollection is correct then it appears that the Management Committee were alerted to the incident by a third party. The incident was not reported to the Provincial.

6. BR 1 supervised showers in the main house on Thursday and Friday nights. A number of boys referenced this behaviour in [redacted] and 1995. Supervision in the showers was necessary, to prevent horseplay and to ration the shampoo appropriately.

7. BR 1 was the primary subject of the [redacted] police investigation. Out of approximately 124 residents that were interviewed, 29 made allegations against BR 1 in respects of medical examinations and inappropriate touching/over familiarity in the playground. There were no allegations of anal rape, oral sex, or masturbation. These allegations were not made until 1995 and subsequent thereto.

8. The Order accepts that there were 'rumours' pertaining among the boys that Br BR 1 was 'queer'. The Order's view is that these rumours arose because of the medical examinations and the overfamiliarity in the playground. While accepting that some boys may have had genuine reasons for not reporting knowledge of or direct experience of abuse by BR 1, one would have thought that at least one of the 124 boys interviewed would have reported or alluded to more serious sexual abuse, if it had actually occurred. For this reason, the Order has difficulty accepting that BR 1 engaged in more serious sexual acts, to include anal rape.

9. On the 11th December 1994 DL 59, who was abused by Fr Brendan Smyth at Nazareth Lodge and Rubane made in a statement to the RUC [RUB 60389] alleging that BR 1 had made another resident, [redacted] anally rape DL 59. He further alleged that BR 1 frequently forced the boys to partake in sexually activity with each other. As a result of these allegations Br BR 1 was arraigned on various charges, one of which was 'aiding and abetting buggery' which was reported by the newspapers as 'buggery'.

10. We know from the evidence of some applicants to this Inquiry that there is a story behind every allegation and that some allegations lack credibility. The Order did not, and still does not accept, the veracity of DL 59 's allegation. No other former resident, either in [redacted] 1995 or since has corroborated the type of allegation made by DL 59, namely that BR 1 encouraged or forced the boys to engage in homosexual behaviour while BR 1 watched. [redacted] was subsequently killed in a [redacted] accident. The opportunity to speak to [redacted] has been lost. DL 59 brought a Civil Claim against the Norbertine Order and the De La Salle Order. He subsequently discontinued the action against the De La Salle Order. The allegations of DL 59 did not form part of the Bill of Indictment against BR 1, suggestive perhaps, that the RUC did not believe DL 59 's allegations.

11. It was only after BR 1 appeared on TV, leaving Newtownards Courthouse charged with 'buggery', following DL 59 's December 1994 allegations, that allegations of a more serious nature started to emerge.(see 12 below)

12. On the bill of indictment there were 3 complainants who alleged buggery against BR 1 at Rubane, namely;

    (i) [redacted] HIA 262

    (ii) DL 124

    (iii) DL 205

    The remaining charges related to 'indecent assault' which arguably could have materialised under the guise of a medical examination.

    It must be emphasised that neither [redacted] nor DL 124 were in Rubane with BR 1. It is accepted that DL 124 would have been in St Patrick's with BR 1.

    DL 205 was in Rubane. He alleged buggery subsequent to a medical examination. His statement dated 18th June 1995 post-dated the media reports of 'buggery' on the 8th June 1995. DL 205 is not an applicant to the Inquiry and his account has never been tested.

13. There was a further allegation from a [redacted] dated 16th August 1995 that, during his residency in St Patricks Training School, he was abused by Br BR 1 together with another Brother. The RUC did not believe [redacted] account.

14. It is not known how many former residents were contacted by the RUC in 1995 or how many made statements. However, from approximately 50 statements that the Order has identified within the material, including those of HIA 41 and HIA 259, there is only one additional statement alleging 'buggery' against BR 1. The allegation is contained in the statement of [redacted], namely that Br BR 1 and Br Alphonsus [redacted], acting together, buggered him. [redacted] denied that allegation when it was put to him by Inquiry Counsel.

15. The general tone of the 1995 complainants was that they focused on medical examinations, inappropriate touching and watching the boys in the showers.

16. [redacted] and my predecessors believed that the media reporting and the fact that [redacted] had been charged with buggery wrongly generated more complaints that he was engaged in more serious acts of sexual abuse. The fact that some of these complainants had not been in Rubane with [redacted] at any time added considerable weight to this proposition. Br Pius, at paragraph 36 of the Order's admission statement dated 22nd October raised a number or questions in this regard.

17. [redacted], thanks largely to the media and the scandal around Fr Brendan Smyth, gained significant notoriety in the mid-1990s.

18. The significance of [redacted]'s notoriety should not be underestimated. Not only has the Order received claims about alleged abuse by [redacted] from residents who were in Rubane before [redacted] arrived (see paras 12 and 16 above), the Order has also received a claim from [redacted] who only arrived after [redacted] was suspended. In our view the Inquiry has heard accounts from some former residents which are deliberately inaccurate and which establish that some people will invent or exaggerate accounts, for whatever reason, of being sexually abused.

19. The Order notes the evidence of HIA 104, HIA 260, HIA 362, HIA 18, HIA 25, DL 40 and their failure to recount any abuse beyond the medical examinations and inappropriate touching and any comment or knowledge beyond simple rumour and innuendo. DL 40 does not believe that [redacted] would have committed such abuse.

20. [redacted] served in St Patrick's Training School for nearly [redacted] years prior to taking up post in Rubane in [redacted] The Order is aware that there was a very large police investigation into St Patrick's Training School in 1994 and I believe that investigation, which involved contacting approximately 400 former residents, failed to uncover any substantial or significant body of complaint about Br [redacted]. If [redacted] abused boys in the manner set out, for instance by HIA 259, I would have expected the 1994 RUC investigation to have identified such abuse. Given that the HIAI is going to examine St Patrick's Training School in a later Module, I consider it appropriate to reserve further comment on the more serious allegations until the additional material has been made available.

21. [redacted] was identified by [redacted] as a successor to Br [redacted], the [redacted] By this time, namely [redacted] the [redacted] was no longer performing the dual role of [redacted] There was no longer a requirement for the [redacted] to be a qualified teacher and [redacted] was the first [redacted] who was not a qualified teacher. [redacted] had [redacted] years experience working at St Patricks, the project and Community which must closely resembled the structures at Rubane. At St Patrick's his primary role was as [redacted] It is possible, given that the day to day care was at this time provided predominantly by the Houseparents, that it was [redacted]'s administrative talent that [redacted] was trying to harness. It is accepted that [redacted] had no care qualifications. However, he had considerable practical experience of running a residential home in Northern Ireland and would have been very familiar with the various government agencies with whom he was expected to interact.

22. While there is some vagueness about the extent to which DL 40 alerted Br BR 1 to the activities of Fr Brendan Smyth, it is accepted that he did not act entirely appropriately in respect of that complaint. If he was unaware as to the extent of the complaint he should have extracted further details. If he was aware of the sexual nature of the complaint, the fact that there is no record of the complaint anywhere suggests that BR 1 did not report the matter to the appropriate civil and religious authorities. It is also accepted that BR 1 did not report the incident of physical assault on DL 48 by Br Alphonsus Because of Fr Peter McCann's swift intervention it is impossible to know whether Br BR 1 would have brought the matter to the attention of the Management Committee but at the very least one would have expected BR 1 to have notified DL 48 's social worker immediately.

23. As indicated above I consider it only fair to await the material from the St Patrick's Module before coming to a firm conclusion as to the allegations of sexual abuse in respect of BR 1 . My interim position is that I do not accept that BR 1 was guilty of abuse beyond the medical examinations and inappropriate touching. Whether BR 1 's intentions were innocent or not, I can see how his actions may have been interpreted by the residents both contemporaneously and with hindsight as suspicious. Also, as discussed above, Br BR 1 made a number of errors of judgement in the manner in which he dealt with some matters. However, the said errors do not necessarily lead to a conclusion that his appointment was inappropriate at the time it was made.

Signed: Br Francis Manning

Date: 5 Dec. 2014

THE INQUIRY INTO HISTORICAL INSTITUTIONAL ABUSE 1922 TO 1995

On Behalf of the De La Salle Order

Position on [redacted]

Date: 5th December 2014

I, Br Francis Manning will say as follows:-

1. The purpose of this statement is to clarify the Order's position in respect of Br [redacted].

2. HIA 147 alleged that [redacted] abused boys in Rubane and that [redacted]'s removal from Rubane was in some way linked to complaints about his behaviour coming to the attention of [redacted] and Bishop Philbin.

3. I attached hereto [redacted]'s CV as **Exhibit 1.**

4. [redacted] arrived in Rubane on the [redacted] and left again on the [redacted] He returned to Rubane, as per paragraph 10 of the HIA 147 response statement, for short periods of holiday relief at [redacted] and in [redacted]

5. The Order has been unable to locate any record detailing a complaint against Br [redacted]. It is noted that [redacted], when recounting allegations against [redacted] and [redacted] to the RUC in 1996 made no mention of [redacted].

6. [redacted] took final vows on the [redacted], nearly [redacted] years after he initially left Rubane. If there had been any suggestion of impropriety he would not have been allowed to take his final vows.

7. I'm conscious that one of [redacted]'s short stays at Rubane occurred subsequent to his final profession but the impression given by HIA 147 was that he was alleging on-going abuse by [redacted] over a period of time.

8. [redacted] left the De La Salle Order on the [redacted] Papers relating to his application for dispensation have been located in Rome and I attach same hereto as **Exhibit 2.**

9. The paperwork demonstrates that [redacted] left voluntarily having considered that he was unable to live the life of a Religious.

Signed: Br Francis Manning

Date: 5 Dec 2014

HIA Statement to the Inquiry on behalf of the De La Salle Order.

Witness Name: Br Francis Manning

Date: 11th December 2014

Br Francis Manning will say:

1. I am the Chairman of the current Leadership Team for the administration of the Irish Province of the De La Salle Order. I was appointed Provincial of the Order in 2008.

2. On the 4th September 2012 I attended before the Committee Stage of the Historical Institutional Abuse Inquiry Bill at Stormont and pledged that this Inquiry would have the full support and co-operation of the De La Salle Order. As an Order we have been dealing with the legacy of Rubane House consistently since 1995. I recognise the acute pain and suffering and damage caused to those victims who have been abused and their need to find comfort and closure. I also recognise the sense of betrayal that the victims have experienced and the violation of trust caused by certain Brothers within the Order.

3. I deeply regret the acts of some Brothers which have damaged the reputation of the Order and undermined the selfless care provided by so many Brothers in pursuance of their vocation.

4. I recognise also the hurt, stress and anxiety caused to members of our Congregation who have been falsely accused. For all these reasons, it was clear to me that there was a real need for the a comprehensive and transparent examination of the operation of Rubane House so that the truth was established and everyone involved, so far as was possible, could perhaps find some understanding, and healing. I recognised that the Order had a vital role to play in the process and the Order determined to do all within our power to maximise the prospects of success.

5. Over the last 20 years the Order's knowledge of events in Rubane has expanded considerably. It has grown further in the last 3 months. It has been difficult to examine what at times, have been events which occurred over 50 years ago. Many of the key personalities are deceased. I must pay tribute to the manner in which this Inquiry has been conducted. It has been tasked with dealing with very difficult and emotive issues and I appreciate the manner and courtesy which has been shown to all of the participants. I am very conscious that extensive documentary material has been located and produced and of the enormous effort made by all to present the material to this Inquiry in a coherent and manageable form.

6. Save for a solitary day, I have been present at every sitting of this Inquiry since the 29th September 2014. I have heard harrowing accounts of some of the abuse perpetrated by

members of my Order. I listened, with a sense of profound regret, to how opportunities to prevent further abuse were missed. I was present to hear residents reflect on their appreciation of the Brothers and the good work which they carried out at Rubane. I have become educated on the Diocesan and Governmental interaction with the home and the financial and societal problems within which it operated.

7. At the opening to this Inquiry, the Order made a sincere and unreserved apology to those who were abused and whom the Order failed to protect. Once again, I repeat this apology. It is with regret that we have not been able to make that apology in a face to face manner.

8. As an Order we are aware of the great challenges that the residents of Rubane faced in their childhood lives. As one witness put it, they were hampered by the 'variables' in their lives. We admire those who despite their institutional upbringing have taken on those challenges and have become successful in life. We also acknowledge that others have not been able to manage those challenges to their satisfaction. None of the residents of Rubane had an easy start in life. That some of them were hampered further is upsetting. That others, were helped, comforted and educated by members of my Order, in furtherance of the mission of St John Baptiste De La Salle, is a source of pride.

9. By modern standards we can appreciate now how difficult life was in Rubane. Institutional life posed many challenges for all involved. Better methods and philosophies have largely condemned it to history. It was a world of rules and routine but they were necessary to create security and good order. There were clearly challenges, like sexual activity among the boys themselves, which all of the interested parties found difficult to manage.

10. I refer to the De La Salle Brothers and their lay colleagues. They were charged with the responsibility of setting up the institutional structures and implementing them in a routine manner. They too were living as adults in an institutional environment. They were seen by the boys as the authoritarian figures while at the same time these boys were craving for attention, human warmth and parental love. It was a very difficult environment for all involved and I feel that members of my Order were asked to perform a very difficult, nowadays highly specialised, role and many of them did just that. History has tended to be unkind to them. I trust that this Inquiry will put their work into a better context.

11. As an Order we are devastated as we try to come to terms with the number, the nature and the graphic descriptions of the allegations of abuse made by Applicants to the Inquiry. Clearly great hurt and suffering has been caused by those Brothers who contravened their vows and everything the Order stands for. No words can adequately describe the Order's deep regret.

12. I am conscious also that Brothers who remained true to their vocation have suffered the indignity of false allegations and suspicion. Many who have selflessly dedicated themselves to

educate and care for the most vulnerable children in society now feel their efforts were worthless and that their reputations have been forever tarnished.

13. Many mistakes were made. From the Order's perspective I have reflected on how we dealt with and handled the allegations of [redacted] and [redacted] I appreciate that the understanding of the impact of sexual abuse and the proclivities of perpetrators were very different then. I have tried to understand why [redacted BP 1] made some of the decisions he did. Whatever his reasons in [redacted] I must conclude that he made grave errors of judgement. In [redacted] minimising the harm caused by [redacted BR 14] took precedence over honesty and transparency. This was a grave mistake and a real opportunity was lost to establish a system for the reporting sexual abuse and establishing protocols and guidance to recognise and prevent further abuse and detect perpetrators. I find it difficult to rationalise why, on leaving office, a Provincial would not brief his successor on abuse issues so as to build a knowledge base within the Order. There is no doubt that the Order, like many organisations, must have felt a great sense of embarrassment about the complaints and this led to a certain element of secrecy which was unhelpful in educating my Order as to the risks of such offending. I appreciate that my Order shares this failing with other branches of the Church, and indeed secular organisations, but that is of little comfort. We had a responsibility, like any organisation responsible for protecting children, to maximise an understanding of the potential risks of harm to those children coming to and to share that both within the Order and with other agencies and I believe that we join a long list of organisations who failed to do that.

14. In conclusion, Rubane Boys' Home cared for approximately1050 residents over 35 years, in very challenging circumstances. Many children suffered as a result of the atrocities that occurred at the hands of abusers and bullies. That should never have happened. However, it must also be acknowledged that many more children benefitted from and are grateful for the care and attention provided by those Brothers dedicated to the vision of the Order and its founder St John Baptist de La Salle.

Signed: Br Tarcisius Manning

Date: 11 Dec. 2014

PROVINCIAL MOTHER HOUSE.

Telephone: CASTLETOWN 2.

DE LA SALLE RETREAT,
CASTLETOWN,
LAOIS.

He said that the case against him was a single incident with one boy only.

The De La Salle Order regards an incident of this kind as extremely grave and immediate measures were taken to ensure that [redacted] would never again be allowed to have any contact with boys in any school.

In view of the seriousness of the case I thought it wise to visit the Home at Rubane and conduct an enquiry.

I arrived on [redacted] and on the same day I interviewed each member of the staff. Without giving any names I mentioned to each Brother that " a serious charge had been made against a Brother " and that any information they could give would be appreciated.

[redacted] knew of the charge and the persons involved.
[redacted] knew of the charge, for being [redacted], he was informed of the case by the Superior.
Naturally both were greatly shocked at the seriousness of the case. The other members of the staff, while surmising that something serious had taken place, were, and still are, quite ignorant of the incident in question. They did know that the boy, [redacted] did not return to the home due to some ' complications ' as mentioned over the phone by Down Welfare Authorities. None had any idea of the nature of the charge or of the person involved. I am quite certain that any one of those interviewed would have informed me were he aware of any misconduct between Brother and boy.

As a general rule the boys would inform the Brothers if they knew of any misconduct in the Home, but of this incident, now a month old, there was never a whisper.

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

I deeply regret that an incident of this kind should have taken place in an Institution devoted to the welfare of the children confided to the Brothers by the Welfare Authorities and by the various Committees.

As far as I can judge the extent of the damage done is limited and this in itself is consoling to all concerned.

RUB-5508

B101-1 No. 3.2

INCIAL MOTHER HOUSE.

'elephone: CASTLETOWN 2.

DE LA SALLE RETREAT,
CASTLETOWN,
LAOIS.

[redacted]

BR 14

BR 14

P. 1958.

Most Honourable Brother Superior General Nicet Joseph,

I beg with regret for a Dispensation from my Perpetual Vows, made [redacted]

The reason for my request is – Grave immoral actions with a number of boys.

Remain,
Most Honourable Brother Superior General your obedient servant

BR 14

[redacted]

INCIAL MOTHER HOUSE.

elephone: CASTLETOWN 2.

B101-1 No. 3.2

DE LA SALLE RETREAT,
CASTLETOWN,
LAOIS.

[redacted]

Very Rev. Brother Philip-Antoon,
Vicar General,
Casa Generalizia,
Roma, C.P.99B.

Very Rev. and dear Brother Vicar General,

I have more trouble on my hands.

I enclose a request for a Dispensation for BR 14 I have asked him to make this application as just now he is a positive danger to the others. During the past three years he has interfered with boys, a couple each year. He has lost the religious spirit and there is no hope of saving him.

[redacted]

I am sorry to give you all this trouble

This has been my worst year so far, and I hope that I have seen the last of such unsavory matters.

With deep affection and cordial greetings,

I remain,

Very obediently yours in Christ,

Visitor.