

**SUBMISSIONS ON BEHALF OF THE DIOCESE OF DOWN & CONNOR TO
THE HISTORICAL INSTITUTIONAL ABUSE INQUIRY**

**MODULE 7 - SAINT PATRICK'S TRAINING SCHOOL, GLEN ROAD,
BELFAST, Co. ANTRIM**

Introduction

1. The Diocese of Down & Connor makes the following submissions with the aim of assisting the work of the Inquiry. It is intended that these submissions be read in conjunction with the statements made by Fr. Timothy Bartlett tendered in this module on behalf of the Diocese.
2. These submissions adopt those made in Part 1 of the Diocese' submissions in module 4 relating to Rubane House, Kircubben, Co. Down. The Diocese believes that a similar division of responsibilities referred to in Part 2 of those submissions existed as between the Diocese and the De La Salle congregation as was the case in respect of Rubane. Broadly the day to day management of the training school was a matter for the congregation with the Management Board taking an interest primarily in financial matters. The Diocese would accept however that the nature of the Diocese involvement was comparable to Rubane there would appear to have been a greater intensity to its work as evidenced by the minutes of the Board meetings.
3. The Diocese believes that this is likely to be due to the fact that Rubane was in a remote rural location and was of a smaller scale. The convenience of St Patrick's to the Diocesan administrative apparatus would mean that visits by the Committee personnel were likely to be more frequent.

4. The minutes disclose that during the earlier years the first or at least an early item on the agenda was scrutiny of the auditor's report for St Patricks.¹ Latter examples include the typed minutes of the meeting of the 23rd January 1942 which disclose an interest in repairs and the obtaining of grant aid on behalf of the school.² This appears to be the first reference to grant aid in the available minutes.
5. As with the lands at Rubane those at Milltown and later at the Glen Road were held on behalf of the Diocese by the trustees for the charitable purposes set out in the trust deed. By such manner the Diocese had a proprietary interest in the real property and a natural consequence of this is that the Board of Management would have a degree of control over that property and how it was maintained and developed.

PART 3 - Incidents and Allegations directly affecting the Diocese

BR70 & the allegations of SPT30 & SPT32

6. In ■■■ a complaint was made against staff in St Patrick's of emotional and sexual abuse by the mother of a boy SPT30, who was resident in St Patrick's, to the Ministry of Home Affairs through her son's solicitors.³ The Minister it appears had a conversation and corresponded with James McSparran QC. This may have been because the complaints were recorded by a barrister, James Brown, who had represented SPT30 at court and had sought the views of senior counsel on the way forward. The suggestion offered was that the Bishop should be asked to investigate the matter.

¹ SPT80220-80237

² SPT10548

³ SPT10589

7. This occurred in the form of a Diocesan Tribunal which met on the 9th April [REDACTED]. It heard from a number of witnesses including BR39 (who played a significant role in the setting up of Rubane) and boys resident in Milltown.⁴
8. During the course of this hearing an allegation of assault made by SPT30 against BR70 in [REDACTED] was also examined. It was confirmed that a complaint had been made to the Ministry, the boy was examined by two Doctors, the first the medical examiner for training schools and the second one acceptable to the boys solicitor (though BR39 appears to be mistaken as to his name). It was found that the matter had been grossly exaggerated by the boy and his mother presumably for advantage before the court.⁵
9. Despite the fact that the reinstatement of BR70 had been directed by the MHA after the [REDACTED] incident, the Brother was nonetheless moved by BR39 in January [REDACTED].⁶
10. The Diocesan Tribunal concluded that the allegations made by SPT30, who appears to have been a notably troubled child, were without foundation and Bishop Mageean reported these findings to the MHA by letter dated the 21st April [REDACTED].⁷
11. Whilst the manner in which this matter was dealt with is far removed from the protocol that would be followed today it does demonstrate a willingness by the Diocese to exert authority over St Patrick's when called upon to do so by the state authorities. This shows a close working relationship between the state and the Diocese where there was a comity of interest.

⁴ SPT10551-10557

⁵ SPT10595

⁶ SPT10552

⁷ SPT10578

The Murder of Bernard Taggart

12. In November 1973, Bernard Taggart a 15 year old boy with a mental age of 8 or 9 years was abducted from St Patrick's and killed by the Provisional IRA. The Inquiry panel are familiar with the factual circumstances of his death from Inquiry Counsel's opening and the documents referred to.⁸

13. The circumstances of the murder directly affect the Diocese by virtue of the evidence of BR52 as to how the incident was brought to the attention of the Diocese.

14. It is submitted that West Belfast was in a state of unbridled chaos at this juncture in the history of St Patrick's. The local population was openly hostile to the police and army and many areas were effectively closed to them. The IRA was in the ascendancy and had widespread popular support at the time. It represented the civic authority in the minds of many in Catholic West Belfast at that time. Whilst modern observers will be incredulous that the authorities in a boys home with responsibility for the care of a vulnerable child permitted him to be removed from the school account must be taken of the times. It is likely to have been foolhardy in the extreme for those involved to have attempted to resist. The removal and safe return of Bernard's [REDACTED] the previous day may have led to a sense of expectation that the same would occur in respect of Bernard. It is submitted that there is likely to have been other contacts with local groups and organisations without the tragic consequences of this incident and which were sufficiently commonplace as not to have been recorded as notable.

⁸ Day 135 page 71 *et seq*

15. BR52 recounts in his evidence to the Inquiry⁹ that the day of the abduction of Bernard Taggart¹⁰ he went to see Bishop Philbin and spoke to him about the incident. The Diocese has confirmed to the Inquiry that there is no Diocesan record of any such meeting and nothing in Bishop Philbin's private papers to suggest that it occurred. There is no mention of any such meeting in the contemporaneous witness statements from the time relating to events.
16. The Diocese' view is that there can be no doubt that BR52 spoke to the Bishop or his representative in the days after the event but does not accept that it is correct that BR52 came to see the Bishop on that afternoon. BR52 would have been aware that there was little that the Bishop could do to assist personally. There were clerics closer to St Patrick's who would have had a better understanding of who to contact to make enquiries regarding Bernard Taggart's whereabouts and it would be surprising if BR52 had been unaware of who they were.
17. It further seems unlikely that BR52, who by this stage was becoming increasingly worried, would have taken time out of his search for information to personally driven across Belfast to see the Bishop when a telephone call would have sufficed in the circumstances.
18. The Diocese is forced to conclude that BR52 is mistaken regarding the sequencing of events on that day at this remove. Given the particular nature of this isolated but nonetheless tragic event, the Diocese is not of the view that it demonstrates any identifiable systemic failing. The Diocese finds it difficult to envisage what system could have been put in place which would have been sufficiently robust to deal with the prevailing turbulent and discordant circumstances and the climate of fear then endemic. The nature of the times is

⁹ Day 148

¹⁰ Day 148 Page 117 line 11

graphically illustrated by the nature of the charges which some of the boys in the care of the training school faced set out in the management meeting minutes of 10th May 1974.¹¹

19. A somewhat startling example of the exigencies of the time is provided by the evidence of BR52 when he describes the intervention of a senior Republican to help avoid trouble in the school and that contact being facilitated by a representative of the Northern Ireland Office.¹²

The Dismissal of DL137

20. As is apparent from the minutes of the management meetings at the relevant time there is no record of the Board having been told of the allegations that had been made against DL137 either in [REDACTED] or the more serious allegations in [REDACTED]. DL137 resigned on the 12th March [REDACTED]¹³ having been confronted by BR95. The minute of the next management meeting chaired by Bishop Philbin shows that BR95 was present but informs the Board only that DL137 had resigned.¹⁴ This appears to be consistent with BR95's statements to police regarding the incidents.¹⁵

21. The Diocese notes that BR95, in his second police statement, says that if the [REDACTED] incident had been any more serious than BR137 offering money to boys he would have reported it to the Board of Management. However, the [REDACTED] allegation in relation to the swimming pool was certainly more serious yet it appears clear that he Board was not informed on that occasion either.

22. The Diocese accepts that there was systems failure in relation to DL137's activities. Whilst BR95 seems, for his own reasons, not to have felt obliged to

¹¹ SPT80298

¹² Day 148 page 103 line 13 *et seq.*

¹³ SPT21369

¹⁴ SPT80999

¹⁵ SPT21392 & SPT21394

have informed the Board of Management, a system should have existed that ensured that the members of staff who reported the matters to BR95 in [REDACTED] would have simultaneously reported them to the Board through an appointed officer. It is particularly regrettable that this did not occur given what DL137 went on to do to others.

BR26

23. A total of 16 individuals have made allegations against BR26 who spent some [REDACTED] years working in St Patrick's and whose name would have, no doubt, been synonymous with the institution for those who spent time there. Those allegations are dealt with in detail in the transcript of the evidence of BR26¹⁶ and his witness statement to the Inquiry.¹⁷

24. Of particular significance for the Diocese are the allegations made by SPT96. He made a statement to police on the 26th October 1993¹⁸ during their enquiry initiated as a result of the allegations of SPT134. SPT96, in correspondence to the Chief Constable of the RUC alleged that he and others resident in the home were the subject of serious sexual abuse by named De La Salle brothers including BR26. He was interviewed¹⁹ by police and made a series of allegations. These allegations were ultimately found to be groundless by the thorough police investigation and no prosecution occurred.

25. The issue of BR26's remaining in employment in St Patrick's during the course of the investigation is a matter which affects the Diocese directly as is clear from the evidence of Mary Madden on how Bishop Farquhar, the then chairman of the board of management, was informed and what action was taken.

¹⁶ Day 147 page 82 *et seq.*

¹⁷ SPT2191

¹⁸ SPT21008,21098-21106

¹⁹ SPT20807-20812

26. In her statement to the Inquiry²⁰, Ms Madden recalls that police informed her department of the ongoing investigation in November 1993. There then follows a series of meetings and exchange of memos within the department which are set out in the NIO file on BR26²¹.
27. On the 18th November 1993 a note of a meeting between the Northern Ireland Office and Social Services Inspectorate (SSI) records that the BR26 issue was discussed. Dr McCoy SSI expressed the view that the action of the management of any institution such as St Patrick's should be to suspend a staff member against whom such allegations had been made. This was notwithstanding the police concerns that alerting the staff member to the investigation may adversely affect it. At that stage it appears that the NIO's main concern was that if the Bishop was to be told this may result in BR26's leaving the jurisdiction.²²
28. There then followed a meeting between the NIO and investigating police that same day during which the police indicated their concerns that suspending BR26 would lead to his fleeing the jurisdiction.²³
29. A submission paper was then prepared by Mary Madden²⁴ to Mr Lyons the Assistant Under-Secretary of the Criminal Justice Directorate, setting out the various options for the NIO in which she recommended that approval be sought to inform the Bishop of the allegations against BR26. Mr Lyon's response is to seek the advice of Dr McCoy SSI. That advice ultimately, it appears, is that the Board of Management of the School should be informed but that any action would be a matter for them and that the NIO would not

²⁰ SPT2677

²¹ SPT12922-12955

²² SPT12925

²³ SPT12926

²⁴ SPT12927-12933

consider intervening if the decision was thought to be unreasonable in the particular circumstances of the case.²⁵

30. Dr McCoy then provides a copy of his advice to Mr Lyons to Ms Madden also in a memo dated 25th November 1993²⁶. He relies on the advice contained within DHSS Circular HSS(CC) 2/85 and concludes that it represents best practice and the Bishop be informed and advised “of possible courses of action”. No copy of the DHSS circular appears on the NIO file however a copy appears in the bundle relating to Module 4 of the Inquiry’s work at SNB19076. This document deals largely with disciplinary offences but is silent on the issue of precautionary suspension.

31. A meeting then took place between Ms Madden, John Lyon, Bishop Farquhar and Canon McCann at St Malachy’s in Belfast. Unfortunately no note of that meeting appears on the NIO file nor among Diocesan records. No-one in the Diocese now has any memory of exactly what was discussed though it appears clear that the fact of the allegations against BR26 were made known. Ms Madden’s recollection in her statement is that Mr Lyons took the lead and the Bishop was advised that BR26 should be suspended. With respect to Ms Madden’s recollection this does not appear to accord to the ultimately decided view of the Criminal Justice Directorate which emerges from the exchanges of memoranda and the contents of HS(CC) 8/52. Rather it appears that the purpose of the meeting was to alert the Board to the situation and discuss various options open to it as regards BR26.

32. At paragraph 14²⁷ of her Inquiry statement, Ms Madden confirms that the two men reported back to her advising that the allegations had been put to BR26 and he denied them vehemently and would make himself amenable for

²⁵ SPT12937 at para. 3

²⁶ SPT12939-12940

²⁷ SPT2677

interview. Her statement does not identify who she understood to have confronted BR26 nor is this clear from her oral evidence²⁸.

33. There is no Diocesan record of who spoke to BR26 regarding the allegations. It is the Diocesan view that Canon McCann would have been the person most likely to have conducted any investigation and it will have been unlikely to have been the Bishop himself. Given the relative Canonical positions of the Diocese and the De La Salle Order it is inevitable that some contact would have taken place from the latter and that would have been the proper channel of communication. That Canon McCann may have been involved is supported by the recollection of Monsignor McCaughan referred to in the statement of Father Timothy Bartlett of the 27th November 2015.

34. The identity of the person who spoke to BR26 regarding the allegations is significant. Counsel to the Inquiry put it to BR26²⁹ that the Bishop and Canon McCann “took the allegations to you” which certainly suggests that they did so personally. He then asks the witness “Can you remember these matters ever being brought to your attention by Bishop Farquhar and Canon McCann?” That, with respect is not an accurate reflection of the contents of Ms Madden’s evidence. In fairness to counsel he does go to ask whether any member of the Management Board spoke to BR26 which he denies.

35. On this issue the Diocese must accept that there was a systemic failure in not suspending BR26 and that if such an allegation was brought to the attention of the Diocese today it would be handled in accordance with current best practice.

BLM Solicitors

2nd December 2015

²⁸ Day 149 page 59

²⁹ Day 157 page 55 line 24 *et seq*

