

- 2.6 The 1908 Act also made various provisions in relation to the funding of reformatory and industrial schools, together with measures which governed the circumstances in which children and young people were sent to the schools. Essentially, subject to certain limitations¹⁰, if a youthful offender was ordered to be sent to a certified school, it was the duty of the local council to provide for his reception and maintenance¹¹. It was the duty of the local education authority to provide for the reception and maintenance of remaining children such as school refusers sent to certified industrial schools¹². The Chief Secretary was empowered to recommend that money be paid from the Treasury towards the expenses (including removal expenses) of any child or youthful offender up to certain limits¹³.
- 2.7 The 1908 Act also included various general measures designed to tackle cruelty to children and young people. Under these provisions, any person:

“who has the custody, charge, or care of any child or young person who wilfully assaults, ill-treats, neglects, abandons, or exposes such child or young person to be assaulted, ill-treated, neglected, abandoned, or exposed, in a manner likely to cause such young person unnecessary suffering or injury to his health (including injury to or loss of sight, or hearing, or limb, or organ of the body and any mental derangement), that person shall be guilty of misdemeanour” and liable on conviction to punishment¹⁴.

Shaping the 1950 Act

- 2.8 A number of significant matters arose prior to the 1950 Act, which influenced the policy and the 1950 Act. In January 1923, R Dawson Bates, Minister MOHA, appointed a Committee *“to enquire into the number and character of committals to reformatory and industrial schools, care of boys and girls after leaving the schools, the financial position, costs to be borne by Treasury, local authorities and parents and the provision of a borstal institution for youthful offenders”*. The Committee made a number of recommendations including:

- the provision of a Juvenile Courts system in separate buildings;

¹⁰ Ibid., s.74(5).

¹¹ Ibid., s.74(1).

¹² Ibid., s.74(2).

¹³ Ibid., s.73

¹⁴ Ibid., s.12(1).

- children and young persons on remand to reformatory and industrial schools as places of detention should be kept separated from those already committed;
- suitable buildings (at a reasonable cost) should be made available for a borstal institution to be established in Northern Ireland;
- the substitution of the term 'reformatory' by 'Training School'.

2.9 In 1935, following developments in England and Wales which used probation services much more frequently to support children than was the case in Northern Ireland, the Committee on the Protection and Welfare of the Young and Treatment of Young Offenders (known as the Lynn Committee) was established. In 1936, appointing Probation Officers became the responsibility of the Minister MOHA.

2.10 The Lynn Committee published its report in 1938. The report examined a number of issues that were believed to be contributory factors to offending behaviour in young people including: unemployment, inadequate housing, cinemas, dance halls and street trading. Due to the outbreak of World War II (1939 – 1945) recommendations emanating from report were not advanced at that time.

2.11 However, on 19 January 1948, the Minister of Home Affairs¹⁵ wrote to the Prime Minister of Northern Ireland about the lack of control over the juvenile justice system and the prospects of the introduction of a Children's Bill. His letter stated:

*"There is complete chaos in the matter of responsibility for the treatment of young offenders. The public, and probably most Members of Parliament, think that my Ministry is responsible for the care, treatment and reformatory education of the children who are committed to one or other reformatory or industrial schools. They also think that I have powers and functions in connection with the prevention of juvenile delinquency."*¹⁶

Although the State accepts complete responsibility for all wrongdoers over 16 years of age it declines to accept responsibility for those under

¹⁵ The Minister of Home Affairs' letter to the Prime Minister on 19 January 1948

¹⁶ The Minister of Home Affairs' letter to the Prime Minister on 19 January 1948

16.¹⁷

The law provides that children under 16 may be sent to reformatory or industrial schools, but it does not provide any premises to which they may be sent. These premises must be provided by local authorities or by religious bodies or by voluntary charitable organisations. My Ministry has no direct or effective control. Home Office inspectors do visit the schools or homes, and they report on dietary, cooking, cleanliness and general order of the place... I do not appoint, nor can I dismiss staff, nor do I have the power to direct any course of training or treatment or reformatory education. In short, I neither control nor direct policy.”¹⁸

2.12 The Minister’s letter outlined a number of proposals to address the lack of effective control:

- the transfer of responsibility for the provision of reformatory and industrial schools from local authorities, religious bodies and charitable organisations to the State;
- the making of one central authority responsible for the care, treatment and reformation of all convicted children (it was suggested that this should be the Children’s Department within the MOHA);
- that MOHA should have the right to appoint staff who are to deal with the children; and
- the need to legislate to give the central authority power to care for and protect children who, by reason of circumstances, stand in need of such protection.

2.13 The Minister noted that there would be additional cost but emphasised “... *this child service is a disgrace and has been starved for the past twenty years and we have trailed behind Britain*”. Additionally, he noted that the Catholic Church would still have the right to run its own institutions, subject to the Ministry’s control of general policy.

2.14 Also in 1948, a report was presented to the Government of Northern Ireland entitled ‘The Protection and Welfare of the Young and the Treatment of the Young Offender’¹⁹, which reiterated the concerns of the Minister. The report underscored the tensions between Government,

¹⁷ Ibid

¹⁸ Ibid

¹⁹ The Protection and Welfare of the Young and the Treatment of the Young Offender. Published 1948, reprinted in 1959. Cmd 264.

local authorities and voluntary bodies. In one passage the following observation was made: *"...It can be claimed that only as a last resort is any juvenile offender sentenced to reformatory and industrial schools. At the present time the duty of providing for the reception and maintenance of children and young persons sent to these schools by the court devolves to local authorities but it is the responsibility of the Minister (MOHA) to certify such schools as fit and proper'.*

2.15 The report²⁰, which cited the Curtis report²¹, noted that for well over a century the country had generally appreciated and had relied on voluntary effort for the care of neglected and other children. This voluntary work supplemented the facilities which had existed under the Poor Law code. It recommended that it was essential, and to ensure co-ordination, for one single Department i.e. MOHA to deal with all aspects of legislation affecting the care of the young and the treatment of young offenders. Other relevant recommendations included:

- Welfare Authorities in relation to their responsibilities for children should come under the control of the MOHA;
- Voluntary Organisations operating homes for children should be required to comply with certain conditions;
- managers of institutions for delinquent children and young persons should be subject to measures of control;
- the establishment of Juvenile Courts on a new basis and the Probation Service should be extended;
- new legislation was required in relation to after-care schemes; and
- the appointment of an Advisory Committee to be known as the Child Welfare Council.

2.16 These recommendations and the above policy influences formed the basis of the Children and Young Persons Act (Northern Ireland) 1950.

The Children and Young Persons Act (N.I.) 1950 (The 1950 Act)

²⁰ The Protection and Welfare of the Young and the Treatment of the Young Offender. Published 1948, reprinted in 1959. Cmd 264.

²¹ An official Committee was set up under Miss Myra Curtis, the Committee looked at a wide range of issues including: destitution, the homeless, war orphans, disabled children, children removed from their families and adoption. The report heavily criticised the poor conditions found in many institutions and the lack of staff training. The Curtis Report's proposals formed the basis of the 1948 Children's Act in England and Wales

- (v) any child or young person brought before the court by a probation officer or other person under whose "supervision" he has been placed (section 66 (1)). (As we have explained above (paragraph 108) there is a distinction in the English Act between "supervision" and probation proper, the latter being applicable only to "delinquents.")
- (vi) any child in respect of whom a school attendance order is not complied with (persistent truancy) (Act of 1933 3rd Schedule, which amends Section 45 of the Education Act, 1921).

It should be especially noted that under the Act of 1933 *young persons* as well as children who come within the categories at (ii), (iii) and (iv) above may be sent to approved schools.

169. The following is a list of the existing schools in Northern Ireland. It should be noted that three of the schools are certified for the reception both of "reformatory" and of "industrial" cases:

	Number of cases for which school is certified.
<i>For Protestant Males:</i>	
Malone Training School (Reformatory) Belfast	150
Balmoral Industrial School, Belfast ..	400
<i>For Protestant Females:</i>	
Shamrock Lodge Reformatory and Industrial School, Ballysillan, Belfast	118
<i>For Roman Catholic Males:</i>	
St. Patrick's Reformatory and Industrial School, Milltown, Belfast	150
Nazareth Lodge Industrial School, Ravenhill Road, Belfast (for boys under 10 years of age)	70
<i>For Roman Catholic Females:</i>	
St. Joseph's Reformatory and Industrial School, Middletown, Co. Armagh ..	70
St. Catherine's Industrial School, Strabane ..	100
Total ..	1,058

170. We recommend that, as in England, the distinction between reformatory and industrial schools should be abolished and that all the schools should be certified for the reception of boys and girls committed under any of the provisions of the new statute. We have given this matter very careful consideration and our conclusion is based on the following grounds:

- (a) The present differentiation is undoubtedly illogical. Many "neglected" children come from even worse homes and have been living in more immoral surroundings than those who have actually been proved to have committed acts of delinquency. There can, therefore, be no question of the tainting of innocent children by associating them with young "criminals" in the approved schools. As we have already mentioned, this view was endorsed by the heads of the Children's Branch of the London Home Office, who pointed out that nearly all the children who find their way into the approved schools come from the same class, that if anything the "neglected" type are often the more vicious-minded, and that high spirits are often the cause of the offences committed by young "delinquents."
- (b) A considerable proportion of the children in the industrial schools find their way there because there has been failure to comply with a school attendance order and it may be argued that it is wrong to mix those who are merely truants with boys or girls who have committed thefts or who come from vicious surroundings. It must be remembered, however, that under the provisions of the Education Act, the Education Authority makes a school attendance order against a parent only in a serious case of non-attendance, and that committal to an industrial school does not follow until the education authority has found it necessary to bring the case to court and the court has decided that there has been neglect on the part of the parent or persistent truancy on the part of the child. Children who are committed on these grounds do in fact come from bad homes or are of a very recalcitrant nature, and there can be no objection to their mingling with children who have on other grounds been found to be in need of special treatment.
- (c) There is an erroneous belief in some quarters that the present industrial schools are intended exclusively for "neglected" cases. This is incorrect, as will be seen from the list of grounds for committal to industrial schools which we have set out above. Industrial schools are the only institutions for "delinquents" under 12 years of age, and they may also receive offenders between 12 and 14 who have not been previously convicted. As will be seen from the tables in Appendix F*, a proportion of the "industrial" cases each year are in fact committed on grounds of "delinquency," notably at Balmoral and St. Patrick's Schools.

* Pages 228-230.

- (d) Three of the seven schools, namely St. Patrick's, Shamrock Lodge, and St. Joseph's are already certified for the reception of both reformatory and industrial cases, and in these three schools little or no attempt is made to separate the two categories.
- (e) The abolition of the present discrimination will be in accordance with the principle of protection which underlies the new English Act and which, we hope, will be even more fully recognised in Northern Ireland by the setting up of juvenile courts with "guardianship" instead of "criminal" jurisdiction. We have already recommended that a decision that a juvenile has not committed an act of delinquency should not preclude the court from making an order in relation to him if the evidence shows that he is in need of care or protection (paragraph 76). The needs of the individual child or young person rather than the nature of the complaint should be the determining factor in deciding upon the proper treatment for him. This is clearly implied in Section 44 (1) of the Act of 1933 which we have quoted above in the section dealing with juvenile courts (paragraph 43).

CLASSIFICATION OF THE SCHOOLS.

171. *In England* under section 81 of the Children and Young Persons Act, 1933, the Secretary of State may classify approved schools "according to the age of the persons for whom they are intended, the religious persuasion of such persons, the character of the education given therein, their geographical position, and otherwise as he thinks best calculated to secure that a person sent to an approved school is sent to a school appropriate to his case, or as may be necessary for the purposes of this Act."

The classification adopted in England and Wales is based mainly upon the following age-groups:—

Boys' Schools:

- (a) Junior —for boys under 13.
- (b) Intermediate—for boys of 13 and under 15.
- (c) Senior —for boys of 15 and under 17.

Girls' Schools:

- (a) Junior —for girls under 15.
- (b) Senior —for girls of 15 and under 17.

There were 87 approved schools in England and Wales on the 30th September, 1935, and in most parts of the country there is a boys' school for each age-group.

Remand or committal to custody in remand homes.

35.—(1) Any court, on remanding or committing for trial a child or young person who is not released on bail, shall, instead of committing him to prison, commit him to custody in a remand home named in the order for committal, to be there detained for the period for which he is remanded or until he is thence delivered in due course of law :

Provided that—

(a) it shall not be obligatory on the court so to commit a young person in respect of whom the court certifies that he is of so unruly a character that he cannot safely be so committed, or that he is of so depraved a character that he is not a fit person to be so detained ; and

(b) nothing in this sub-section shall affect any power of a court of summary jurisdiction under section ten of the Criminal Justice Administration Act, 1914, to commit a person who has attained the age of sixteen to prison until the next assizes or quarter sessions with a view to his being sentenced to detention in a Borstal institution.

4 & 5 Geo. 6, c. 68.

(2) An order for committal under this section may be varied, or, in respect of a young person who proves to be of so unruly a character that he cannot safely be detained in such custody, or to be of so depraved a character that he is not a fit person to be so detained, revoked, by the court which made the order, or if application cannot conveniently be made to that court, by any other court of summary jurisdiction and if it is revoked the young person may be committed to prison.

Attendance at court of child or young person charged with an offence, etc.

36.—(1) Where a child or young person is charged with any offence or is for any other reason brought before a court, his parent or guardian may in any case, and shall if he can be found and resides within a reasonable distance, be required to attend at the court before which the case is heard or determined during all the stages of the proceedings, unless the court is satisfied that it would be unreasonable to require his attendance.

(2) Where a child or young person is arrested or taken to a place of safety, the constable by whom he is arrested or any police officer or other person for the time being in charge of the constabulary station to which he is brought, or the person by whom he is taken to the place of safety, as the case may be, shall cause the parent or guardian of the child or young person, if he can be found, to be warned to attend at the court before which the child or young person will appear and, if the parent or guardian fails or neglects without reasonable excuse so to attend, the said court may issue a warrant to compel the attendance of the parent or guardian and may adjourn the hearing of the case to such day as the court thinks fit.

(3) The parent or guardian whose attendance shall be required under this section shall be the parent or guardian having the actual possession and control of the child or young person :

Provided that if that person is not the father, the attendance of the father may also be required.

(4) The attendance of the parent of a child or young person shall not be required under this section in any case where the child or young person was before the institution of the proceedings removed from the custody or charge of his parent by an order of a court.

37.—(1) Where a child or young person is to be brought—

(a) before a court of summary jurisdiction in respect of an offence alleged to have been committed by him ; or

(b) before a juvenile court as being in need of care or protection ;

the responsible person (as hereinafter defined) shall forthwith notify the day and hour when, and the nature of the charge or other grounds on which, the child or young person is to be brought before the court—

(i) to the probation officer, or one of the probation officers, for the petty sessions district in which the court will sit ; and

Notices of charges against and applications relating to children and young persons.

- (a) no newspaper report of the proceedings shall reveal the name, address, or school, or include any particulars calculated to lead to the identification, of any child or young person concerned in the proceedings, either as being the person against or in respect of whom the proceedings are taken, or as being a witness therein;
 - (b) no picture shall be published in any newspaper as being or including a picture of any child or young person so concerned in the proceedings as aforesaid;
- except in so far (if at all) as may be permitted by the direction of the court.

(2) Any person who publishes any matter in contravention of any such direction shall on summary conviction be liable in respect of each offence to a fine not exceeding fifty pounds.

Special Procedure with regard to Offences specified in First Schedule.

Warrant to search for or remove a child or young person.

42.—(1) If it appears to a justice of the peace on information on oath laid by any person who, in the opinion of the justice, is acting in the interests of a child or young person, that there is reasonable cause to suspect—

- (a) that the child or young person has been or is being assaulted, ill-treated, or neglected in any place within the jurisdiction of the justice, in a manner likely to cause him unnecessary suffering or injury to health; or
- (b) that any one of the offences mentioned in the First Schedule to this Act has been, is being or is about to be committed in respect of the child or young person;

the justice may issue a warrant authorising any constable named therein to search for the child or young person, and, if it is found that he has been or is being assaulted, ill-treated, or neglected in manner aforesaid, or that any such offence as aforesaid has been, is being or is about to be committed in respect of him, to take him to and detain him in a place of safety, until he can be brought before a juvenile court, or authorising any constable to remove

him with or without search to a place of safety and detain him there until he can be brought before a juvenile court.

(2) A justice issuing a warrant under this section may by the same warrant cause any person accused of any offence in respect of the child or young person to be apprehended and brought before a court of summary jurisdiction, and proceedings to be taken against him according to law.

(3) Any constable authorised by warrant under this section to search for any child or young person, or to remove any child or young person with or without search, may enter (if need be by force) any house, building, or other place specified in the warrant, and may remove him therefrom.

(4) Every warrant issued under this section shall be addressed to and executed by a constable, who shall be accompanied by the person laying the information, if that person so desires, unless the justice by whom the warrant is issued otherwise directs, and may also, if the justice by whom the warrant is issued so directs, be accompanied by a registered medical practitioner.

(5) It shall not be necessary in any information or warrant under this section to name the child or young person.

43. Where in any proceedings with relation to any of the offences mentioned in the First Schedule to this Act, the court is satisfied that the attendance before the court of any child or young person in respect of whom the offence is alleged to have been committed is not essential to the just hearing of the case, the case may be proceeded with and determined in the absence of the child or young person.

Power to proceed with case in absence of child or young person.

44.—(1) Where a justice of the peace is satisfied by the evidence of a registered medical practitioner that the attendance before a court of any child or young person in respect of whom any of the offences mentioned in the First Schedule to this Act is alleged to have been committed would involve serious danger to his life or health, the justice may take in writing the deposition of the child or young person on oath, and shall thereupon subscribe

Extension of power to take deposition of child or young person.

the deposition and add thereto a statement of his reason for taking it and of the day when and place where it was taken, and of the names of the persons (if any) present at the taking thereof.

(2) The justice taking any such deposition shall transmit it with his statement—

- (a) if the deposition relates to an offence for which any accused person is already committed for trial, to the proper officer of the court for trial at which the accused person has been committed; and
- (b) in any other case, to the clerk of the court before which proceedings are pending in respect of the offence.

Admission of deposition of child or young person in evidence.

45. Where, in any proceedings in respect of any of the offences mentioned in the First Schedule to this Act, the court is satisfied by the evidence of a registered medical practitioner that the attendance before the court of any child or young person in respect of whom the offence is alleged to have been committed would involve serious danger to his life or health, any deposition of the child or young person taken under the Petty Sessions (Ireland) Act, 1851, as amended by the Criminal Justice Act (Northern Ireland), 1945, or this Part of this Act, shall be admissible in evidence either for or against the accused person without further proof thereof if it purports to be signed by the justice by or before whom it purports to have been taken:

Provided that the deposition shall not be admissible in evidence either for or against the accused person unless it is proved that reasonable notice of the intention to take the deposition has been served upon the person (whether the prosecutor or accused) against whom it is proposed to be given in evidence and that he or his counsel or solicitor had, or might have had if he had chosen to be present, an opportunity of cross-examining the child or young person making the deposition.

Principles to be observed by all Courts in dealing with Children and Young Persons.

General considerations.

46.—(1) Every court in dealing with a child or young person who is brought before it, either as being in need of care or protection or as an offender or otherwise,

shall have regard to the welfare of the child or young person and shall in a proper case take steps for removing him from undesirable surroundings, and for securing that proper provision is made for his education and training.

(2) A court shall not order a child under the age of ten years to be sent to a training school unless for any reason, including the want of a fit person of his own religious persuasion who is willing to undertake the care of him, the court is satisfied that he cannot suitably be dealt with otherwise.

Juvenile Courts.

47. Courts of summary jurisdiction constituted in accordance with the provisions of the Second Schedule to this Act and sitting for the purpose of hearing any charge against a child or young person or for the purpose of exercising any other jurisdiction conferred on juvenile courts by or under this or any other Act, shall be known as juvenile courts and in whatever place sitting shall be deemed to be courts of summary jurisdiction.

Constitution of juvenile courts.

48.—(1) Subject as hereinafter provided, no charge against a child or young person, and no application whereof the hearing is by rules made under this section assigned to juvenile courts, shall be heard by a court of summary jurisdiction which is not a juvenile court:

Assignment of certain matters to juvenile courts.

Provided that—

- (a) a charge made jointly against a child or young person and a person who has attained the age of seventeen shall be heard by a court of summary jurisdiction other than a juvenile court; and
- (b) where a child or young person is charged with an offence, the charge may be heard by a court of summary jurisdiction which is not a juvenile court if a person who has attained the age of seventeen is charged at the same time with aiding, abetting, causing, procuring, allowing or permitting that offence; and
- (c) where a person who has attained the age of seventeen is charged with an offence, and a child or young person is charged at the same time with aiding, abetting, causing, procuring, allowing or permitting that offence,

(2) For the purpose of a proceeding under this section, the court, when it becomes satisfied that it is expedient to deal with the case summarily, shall cause the charge to be reduced into writing and read to such parent or guardian or as the case may be to such young person, and shall then address to him a question to the following effect: "Do you desire the case to be tried by a jury, or do you consent to the case being dealt with summarily?" with a statement, if the court thinks such statement desirable for the information of the person to whom the question is addressed, of the meaning of the case being dealt with summarily and of the assizes or quarter sessions, as the case may be, at which the case will be tried, if tried by a jury.

(3) Where the parent or guardian of a child is not present when the child is charged with an indictable offence before a court of summary jurisdiction, the court may, if it thinks it just so to do, remand the child for the purpose of causing notice to be served on such parent or guardian, with a view, so far as is practicable, of securing his attendance at the hearing of the charge; or the court may, if it thinks it expedient so to do, deal with the case summarily.

(4) This section shall not prejudice the power of a court of summary jurisdiction to send a child or young person to a training school.

(5) Every conviction or dismissal under this section—

- (a) of a child, shall contain a statement as to the consent or otherwise of his parent or guardian;
- (b) of a young person, shall contain a statement of his consent;

to his being tried summarily.

(6) Section two of the Criminal Justice Act (Northern Ireland), 1945 (which empowers courts of summary jurisdiction to deal summarily with certain indictable offences where the person charged is an adult within the meaning of that section) shall have effect as if for the words "the age of sixteen years or upwards" in sub-section (b) thereof there were substituted the words "the age of seventeen years or upwards" and subject thereto

the provisions of sub-sections (3), (4), (5), (7) and (8) of the said section two shall apply in relation to offences authorised to be dealt with or dealt with under this section in like manner as they apply to offences authorised to be dealt with or dealt with under that section.

Children and Young Persons in need of Care or Protection.

62.—(1) For the purposes of this Act a child or young person in need of care or protection means a person who is—

Definition of "in need of care or protection."

- (a) a child or young person who, having no parent or guardian or a parent or guardian unfit to exercise care and guardianship or not exercising proper care and guardianship, is either falling into bad associations, or exposed to moral danger, or beyond control; or
- (b) a child or young person who requires care or protection being—
 - (i) a person in respect of whom any of the offences mentioned in the First Schedule to this Act has been, is being or is about to be committed; or
 - (ii) a member of the same household as a child or young person in respect of whom such an offence has been, is being or is about to be committed; or
 - (iii) a member of the same household as a person who has been convicted of such an offence in respect of a child or young person; or
 - (iv) a female member of a household whereof a member has committed an offence under the Punishment of Incest Act, 1908, in respect of another female member of that household; or
- (c) a child or young person in respect of whom an offence has been committed under section twenty of this Act.

a Edw. 7, c. 45.

(2) For the purposes of this section, the fact that a child or young person is found destitute, or is found wandering without any settled place of abode and without visible means of subsistence, or is found begging or receiving alms (whether or not there is any pretence of

singing, playing, performing or offering anything for sale), or is found loitering for the purpose of so begging or receiving alms, shall (without prejudice to the generality of the provisions of paragraph (a) of the last preceding sub-section) be evidence that he is exposed to moral danger.

Powers of juvenile courts in respect of children and young persons in need of care or protection.

63.—(1) If a juvenile court is satisfied that any person brought before the court under this section by a welfare authority, local education authority, constable or authorised person, is a child or young person in need of care or protection, the court may either—

- (a) order him to be sent to a training school; or
- (b) commit him to the care of any fit person, whether a relative or not, who is willing to undertake the care of him; or
- (c) order his parent or guardian to enter into a recognizance to exercise proper care and guardianship; or
- (d) without making any other order, or in addition to making an order under either of the last two preceding paragraphs, make an order, to be known as a "supervision order," placing him for a specified period, not exceeding three years, under the supervision of a probation officer, or of some other person appointed for the purpose by the court.

(2) Any welfare authority, constable or authorised person having reasonable grounds for believing that a child or young person is in need of care or protection may bring him before a juvenile court; and it shall be the duty of a welfare authority to bring before a juvenile court any child or young person residing or found in their area who appears to them to be in need of care or protection unless they are satisfied that the taking of proceedings is undesirable in his interests, or that proceedings are about to be taken by some other person.

(3) The Summary Jurisdiction Acts (Northern Ireland) shall apply in relation to recognizances under sub-section (1) of this section as they apply in relation to recognizances to be of good behaviour, and where a recognizance under the said sub-section (1) is adjudged

to be forfeited the court, if it thinks fit, instead of adjudging the person bound thereby to pay the sum in which he is bound, may adjudge him to pay part only of the said sum or may remit payment thereof.

(4) For the purposes of this section, the expression "authorised person" means any officer of a society which is authorised by general or special order of the Ministry to institute proceedings under this section, and any person who is himself so authorised.

64.—(1) Any court by or before which a person is convicted of having committed in respect of a child or young person any of the offences mentioned in the First Schedule to this Act (not being an offence which resulted in the death of the child or young person) or any offence under section twenty of this Act, may—

- (a) direct that the child or young person be brought before a juvenile court with a view to that court making such order under the last preceding section as may be proper; or
- (b) if satisfied that the material before the court is sufficient to enable it properly to exercise jurisdiction, may make any order which a juvenile court might make.

(2) Where any court has, under this section, directed that a child or young person be brought before a juvenile court it shall be the duty of the welfare authority in whose area he was residing or found to bring him before such a court under sub-section (1) of the last preceding section.

Refractory Children and Young Persons.

65. Where the parent or guardian of a child or young person proves to a juvenile court that he is unable to control the child or young person, the court, if satisfied—

- (a) that it is expedient so to deal with the child or young person; and
- (b) that the parent or guardian understands the results which will follow from and consents to the making of the order;

may—

- (i) order the child or young person to be sent, subject to the consent of the local authority

Powers of other courts.

Power of parent or guardian to bring child or young person before juvenile court.

(b) be deemed to authorise the child or young person to be taken to the court from any place to which he has lawfully been removed by virtue of this sub-section.

(3) When and so often as, in pursuance of the last preceding sub-section, a child or young person is removed from any remand home or other place of safety for his detention in which such an order as is mentioned in that sub-section has been made, being an order in force at the time of the removal, the person by whom he is so removed shall forthwith give written notice of the fact to the clerk of the court by which the order was made.

Regard to be had to religious persuasion of persons sent to training schools.

72.—(1) A court before making a training school order with respect to any child or young person shall endeavour to ascertain his religious persuasion.

(2) A court, or the Ministry, in determining the training school to which a person is to be sent shall, where practicable, select a school for persons of the religious persuasion to which he belongs.

(3) Where an order has been made sending a person to a training school which is not a school for persons of the religious persuasion to which he belongs, his parent, guardian or nearest adult relative may apply—

(a) if the order was made by a court of summary jurisdiction, to a juvenile court acting for the same petty sessions district or place; and

(b) in any other case, to the Ministry; to remove or send the person to a training school for persons of his religious persuasion, and the court or Ministry shall, on proof of his religious persuasion and notwithstanding any declaration with respect thereto embodied in the training school order, if any, relating to him, comply with the request of the applicant;

Provided that nothing in this sub-section shall empower a court, or impose an obligation upon the Ministry, to comply with any such request as aforesaid unless the applicant has named a school for persons of the religious persuasion in question and shown to the satisfaction of the court or Ministry that the managers thereof have accommodation available.

73.—(1) A training school order may be made to take effect immediately, or its operation may be postponed to a later date specified in the order or to be subsequently specified by endorsement thereon in accordance with the provisions of this Act:

Coming into force of training school orders.

Provided that the operation of the order shall not be postponed except pending the completion of arrangements for the reception of the child or young person into a suitable school, or on account of his ill-health.

(2) If a training school order is not made to take effect immediately, or if at the time when such an order takes effect the child or young person cannot be sent to the school, the court which made the order or any other court which would have jurisdiction to make an endorsement thereon under the next succeeding section may make an order committing him either to custody in any place to which he might be committed on remand, or to the custody of a fit person to whose care he might be committed under this Act, and, subject as hereinafter provided, that order shall have effect until he is sent to a training school in pursuance of the training school order:

Provided that an order made under this sub-section shall not remain in force for more than twenty-eight days, but if at or before the expiration of that period any such court as aforesaid considers it expedient so to do, the court may make a further order under this sub-section.

Any order made under this sub-section may be made in the absence of the child or young person concerned.

74.—(1) Every training school order shall contain a declaration—

Contents of training school orders.

(a) as to the age; and

(b) as to the religious persuasion;

of the child or young person with respect to whom it is made.

(2) Every training school order, other than an order made by reason of the commission of an offence under section twenty of this Act, shall name the local authority within whose area the child or young person was resident, or if that is not known, the local authority or one of the local authorities within whose area the offence was

committed or the circumstances arose (as the case may be) rendering him liable to be sent to a training school:

Provided that—

- (a) in determining for the purposes of this subsection the place of residence of a child or young person, regard shall not be had to any period during which he resided in any place as an inmate of a school or other institution, or while boarded out under this Act by a welfare authority to whose care he has been committed, or in accordance with the requirements of a supervision order or a probation order or the conditions of a recognizance; and
 - (b) an order made in respect of a child or young person not resident in Northern Ireland shall, instead of naming a local authority, state that he was resident outside Northern Ireland.
- (3) Every training school order which is made to take effect immediately shall—
- (a) specify the training school to which the child or young person with respect to whom the order is made is first to be sent, being that one of the available schools (whether situate within the jurisdiction of the court making the order or not) which the court, after considering any representations made to it by the local authority concerned, considers to be most suitable to the case; and
 - (b) state whether the local authority, if any, named therein or the probation officer or a police officer is to be responsible for conveying to the school the child or young person with respect to whom the order is made.
- (4) Where a training school order is not made to take effect immediately, then if either the date to which its operation is postponed or the school to which the child or young person is to be sent or the authority or person who is to be responsible for conveying him, is not specified in the order, the date, school, authority, or person shall be subsequently specified by endorsement thereon.

(5) If for any reason a child or young person with respect to whom a training school order has been made cannot be received into the training school specified in or endorsed upon the order, another school may be specified by an endorsement or further endorsement thereon, as the case may be.

(6) An endorsement under the foregoing provisions of this section may be made either—

- (a) by the court which made the training school order; or
- (b) if the order was made by a court of summary jurisdiction, by a juvenile court acting for the same petty sessions district or place; or
- (c) if the order was made by a court not being a court of summary jurisdiction, by a juvenile court acting for the petty sessions district or place where the child or young person was committed for trial, or if he was not committed for trial, by a juvenile court acting for the petty sessions district or place within which he was resident;

and any such endorsement may be made in the absence of the child or young person concerned.

(7) A training school order made by reason of the commission of an offence under section twenty of this Act shall state that it is so made.

75.—(1) Where a court orders a child to be sent to a training school, the order shall be an authority for his detention in a training school until the expiration of a period of three years from the date of the order or until the expiration of four months after he attains the upper limit of compulsory school age whichever is the later.

Duration and effect of training school orders.

(2) Where a court orders a young person to be sent to a training school, the order shall be an authority for his detention in a training school—

- (a) if at the date of the order he has not attained the age of sixteen, until the expiration of a period of three years from the date of the order; and
- (b) if at the date of the order he has attained the age of sixteen, until he attains the age of nineteen.

(2) The Ministry may require the person in charge of a voluntary home to hand over any child accommodated in the voluntary home to a welfare authority with a view to the child being boarded out by the welfare authority, and the child shall thereupon be deemed to have come within the care of the welfare authority under section eighty-one of this Act.

(3) Any person who contravenes or fails to comply with any regulation made under this section or any requirement made or direction given under any such regulation shall be liable on summary conviction to a fine not exceeding ten pounds.

Inspection
of voluntary
homes.

102.—(1) The Ministry may cause any voluntary home to be inspected from time to time.

(2) Any person appointed by the Ministry to inspect any voluntary home shall have power at all reasonable times to enter the home and to make such examinations into the state and management thereof and the condition and treatment of the children therein as he thinks requisite, and any person who obstructs him in the execution of his duties shall be liable on summary conviction to a fine not exceeding five pounds; and a refusal to allow a person so appointed to enter the home shall, for the purposes of section forty-two of this Act (which relates to search warrants) be deemed to be a reasonable cause to suspect that a child or young person in the home is being neglected in a manner likely to cause him unnecessary suffering or injury to health.

(3) Where a person is acting in the exercise of any of the powers conferred by this section in respect of the inspection of any voluntary home he shall, if so required by the person in charge of the home, produce his authority to inspect the home.

After-care
of children
formerly in
care of
welfare
authorities
or voluntary
organisa-
tions.

103.—(1) Where it comes to the knowledge of a welfare authority that there is in their area any child who has attained the upper limit of compulsory school age and who at the time when he attained that age or at any subsequent time was, but is no longer,—

- (a) in the care of a welfare authority under section eighty-one of this Act; or
- (b) in the care of a voluntary organisation;

then, unless the authority are satisfied that the welfare of the child does not so require, they shall be under a duty so long as he has not attained the age of eighteen to advise and befriend him:

Provided that where in a case falling within paragraph (b) of this sub-section the welfare authority are satisfied that the voluntary organisation have the necessary facilities for advising and befriending him, the welfare authority may make arrangements whereby while the arrangements continue in force he shall be advised and befriended by the voluntary organisation instead of by the welfare authority.

(2) Where a child who has attained the upper limit of compulsory school age—

(a) ceases to be in the care of a welfare authority under section eighty-one of this Act and proposes to reside in the area of another welfare authority; or

(b) ceases to be in the care of a voluntary organisation;

the authority or organisation shall inform the welfare authority in whose area the child proposes to reside.

(3) Where it comes to the knowledge of a welfare authority or a voluntary organisation that a child whom they have been advising and befriending in pursuance of this section proposes to transfer or has transferred his residence to the area of another welfare authority, the first-mentioned welfare authority or, as the case may be, the voluntary organisation, shall inform the said other welfare authority.

PART VII.—REMAND HOMES, TRAINING SCHOOLS,
AND PERSONS TO WHOSE CARE CHILDREN AND YOUNG
PERSONS MAY BE COMMITTED.

Remand Homes.

104.—(1) Subject to the provisions of sub-section (9) of this section, it shall be the duty of the Ministry to provide or arrange for the provision of remand homes, and the Ministry may, subject to the provisions of this section, make arrangements with other bodies or persons for the provision of such homes.

Provision
of remand
homes.

(2) The Ministry shall not make any such arrangements as aforesaid with any other body or person unless the Ministry is satisfied that—

- (a) the premises are in all respects suitable for the purposes of a remand home; and
- (b) the person who will ordinarily have charge of or control over those premises is a fit and proper person to have the custody and care of children and young persons.

(3) The Ministry shall establish and maintain a register of remand homes provided in accordance with the foregoing provisions of this section, and in such register shall set forth in respect of each such home—

- (a) the situation and postal address of the premises;
- (b) particulars of the accommodation provided in the premises;
- (c) the number of children or young persons who can be accommodated in the premises; and
- (d) the name of the person ordinarily having charge of or control over the premises;

and the Ministry shall cause a copy of the register, and a notification of any change therein, to be sent to each Clerk of the Crown and Peace, clerk of petty sessions and constabulary station; and copies so sent shall be maintained accordingly.

(4) The Ministry shall cause remand homes to be inspected, and may make rules for their inspection, regulation and management, and for the classification, treatment, employment, discipline and control of persons detained in custody therein, and for the visitation of such persons from time to time by persons appointed in accordance with the rules.

(5) Where at any time it appears to the Ministry that the conduct of a remand home is not in accordance with any rules for the time being in force under the last preceding sub-section, or is otherwise unsatisfactory, the Ministry may, after giving to the person having charge of or control over the premises not less than twenty-eight days' notice in writing of its proposal so to do, remove the home from the register.

(6) A person aggrieved by the proposed removal of a remand home from the register may appeal in accordance with the provisions of section one hundred of this

Act; and the provisions of that section and of the Third Schedule to this Act shall have effect for the purposes of this section as they have effect in relation to voluntary homes.

(7) In the selection of a remand home to which a child or young person is to be committed regard shall be had to his religious persuasion.

(8) A child or young person who may lawfully be remanded in custody may be so remanded to any remand home in Northern Ireland.

(9) Nothing in this section shall be construed as requiring the Ministry to provide remand homes so long as places of detention provided under the Act of 1908, and available for use as remand homes remain suitable for that purpose and sufficient for the needs of Northern Ireland.

105.—(1) The order or judgment in pursuance of which a child or young person is committed to custody in a remand home shall be delivered with the child or young person to the person in charge of the home and shall be a sufficient authority for his detention in the home in accordance with the terms thereof.

Provisions as to custody of children and young persons in remand homes.

(2) A child or young person while so detained and while being conveyed to and from the remand home shall be deemed to be in legal custody.

(3) A child or young person who escapes from a remand home may be apprehended without warrant and brought back thereto, and any person who knowingly assists or induces or attempts to induce a child or young person so to escape or knowingly harbours or conceals a child or young person who has so escaped or prevents him from returning, shall on summary conviction be liable to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

Training Schools.

106.—(1) The managers of any school intended for the education and training of persons to be sent there in pursuance of this Act may apply to the Ministry to approve the school for that purpose, and the Ministry may, after making such inquiries as it thinks fit, approve

Approval of schools.

the school for that purpose and issue a certificate of approval to the managers. A school so approved is in this Act referred to as a "training school."

(2) If at any time the Ministry is dissatisfied with the condition or management of a training school, or considers its continuance as a training school unnecessary, it may by notice served on the managers withdraw the certificate of approval of the school as from a date specified in the notice, not being less than six months after the date of the notice, and upon the date so specified (unless the notice is previously withdrawn) the withdrawal of the certificate shall take effect and the school shall cease to be a training school:

Provided that the Ministry, instead of withdrawing the certificate of approval, may by a notice served on the managers of the school prohibit the admission of persons to the school for such time as may be specified in the notice, or until the notice is revoked.

(3) The managers of a training school (other than a training school provided by a local authority) may, on giving six months' notice in writing to the Ministry of their intention so to do, surrender the certificate of approval of the school, and at the expiration of six months from the date of the notice (unless the notice is previously withdrawn), the surrender of the certificate shall take effect, and the school shall cease to be a training school.

(4) No person shall in pursuance of this Act be received into the care of the managers of a training school after the date of the receipt by the managers of the school of a notice of withdrawal of the certificate of approval of the school or after the date of a notice of intention to surrender the certificate; but the obligations of the managers with respect to persons under their care at the respective dates aforesaid shall continue until the withdrawal or surrender takes effect.

(5) The Ministry shall cause any grant of a certificate of approval of a training school, and any notice of the withdrawal of, or intention to surrender, such a certificate, to be advertised in the Belfast Gazette within one month from the date thereof.

Powers of
Ministry
respecting
certified
schools and

107.—(1) For the purposes of the provisions of the Act of 1908 a power to provide and maintain certified schools shall be deemed to have been conferred on the

Ministry by that Act and the provisions of the Fifth Schedule to this Act with respect to certified schools shall have effect accordingly.

training
schools.

(2) The provisions of section one hundred and twenty-six (which requires contributions to be made by local authorities in respect of persons sent to training schools) of, and of the Fourth Schedule to, this Act shall apply, with such modifications (including additions or exceptions) as the Ministry may prescribe, to such schools as are mentioned in the preceding sub-section and subject to any such modifications the expression "training school" shall, for the purposes of this Act, be construed as including any such school:

Provided that the Ministry shall obtain the approval of the Ministry of Finance to the contributions prescribed by it under the said section one hundred and twenty-six as the contributions to be made by local authorities in respect of persons sent to any such school.

108.—(1) A local authority may, with the approval of the Ministry, undertake, or combine with any other local authority in undertaking, or contribute such sums of money upon such conditions as they may think fit towards, the purchase, establishment, building, alteration, enlargement, rebuilding or management of a training school:

Provision
of training
schools by
local
authorities.

Provided that the Ministry before giving such approval shall be satisfied that the proposed expenditure is reasonable and, where it is proposed to purchase, build or establish a new school, that there is a deficiency of training school accommodation which cannot properly be remedied in any other way.

(2) In the event of a deficiency of training school accommodation, it shall be the duty of every local authority concerned to take, either alone or in combination with other local authorities, appropriate steps under this section to remedy the deficiency.

109.—(1) The Ministry may classify training schools according to the age of the persons for whom they are intended, the religious persuasion of such persons, the character of the education and training given therein, their geographical position, or otherwise as it thinks best calculated to secure that a person sent to a training school is sent to a school appropriate to his needs, or as may be necessary for the purposes of this Act.

Classifica-
tion, admin-
istration,
and manage-
ment.

(2) The managers of a training school shall be bound to accept any person who in pursuance of this Act is sent or transferred to their school or otherwise to their care, unless—

- (a) the school is a school for persons of a particular religious persuasion not being that of the person whom it is proposed to send or transfer; or
- (b) the school is a school provided by a local authority which is not, or by a combination of local authorities no one of which is, liable to make contributions in respect of the person whom it is proposed to send or transfer; or
- (c) the managers of the school satisfy the Ministry that there are already as many persons detained in that school, or, as the case may be, otherwise under their care, as is desirable.

(3) The provisions set out in the Fourth Schedule to this Act shall have effect in relation to the administration of training schools and the treatment of persons sent thereto.

Escapes
from
training
schools,
etc.

110.—(1) Any person who has been ordered to be sent to a training school and who—

- (a) escapes from the school in which he is detained, or from any hospital, home or institution in which he is receiving medical attention; or
- (b) being absent from his school on temporary leave of absence or on licence, runs away from the person in whose charge he is, or fails to return to the school upon the expiration of his leave, or upon the revocation of his licence; or
- (c) being absent from his school under supervision, fails to return to the school upon being recalled,

may be apprehended without warrant and brought back to his school; and (notwithstanding any enactment regulating the time within which and the court before which proceedings may be brought) any such person may, whether or not he is brought back, be brought with the authority of the Ministry at any time before a court of summary jurisdiction having jurisdiction where he is found, or where his school is situate; and that court may (notwithstanding any limitations contained in this

Act upon the period during which he may be detained in a training school) order him—

- (i) if he is under the age of sixteen, to be brought back and to have the period of his detention in the school increased by such period not exceeding six months as the court may direct; or
- (ii) if he has attained the age of sixteen, to be brought back and to have the period of his detention so increased, or to be sent to a Borstal institution for two years.

(2) Where a person is under the last preceding sub-section brought back to his school, the period of his detention shall (notwithstanding any limitations contained in this Act upon the period during which he may be detained in a training school) be increased, over and above any increase ordered by a court, by a period equal to the period during which he was unlawfully at large.

(3) The expenses of bringing a person back to a school shall be borne by the managers of the school.

(4) If any person knowingly—

- (a) assists or induces or attempts to induce a person to commit any such offence as is mentioned in sub-section (1) of this section; or
- (b) harbours or conceals a person who has committed such an offence, or prevents him from returning;

he shall, on summary conviction, be liable to be imprisoned for any term not exceeding two months, or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

(5) If a court of summary jurisdiction is satisfied by information on oath that such an offence as aforesaid has been committed and that there is reasonable ground for believing that some person named in the information could produce the offender, the court may issue a summons requiring that person to attend at the court on such day as may be specified in the summons, and to produce the offender, and if he fails to do so without reasonable excuse, he shall, in addition to any other liability to which he may be subject under the provisions of this Act, be liable on summary conviction to a fine not exceeding five pounds.

the Ministry may reimburse the welfare authority the whole of the expenditure incurred by the welfare authority in respect of his maintenance or otherwise in relation to him under this Act; but nothing in this section shall be construed as relieving any person from any liability imposed on him by this Act in respect of that child.

Contributions towards maintenance of certain children and young persons.

121.—(1) The provisions of this section and of the next two succeeding sections of this Act shall have effect in relation to—

- (a) persons received into the care of a welfare authority under section eighty-one of this Act;
- (b) children and young persons committed to the care of a fit person under Part III of this Act;
- (c) children and young persons ordered to be sent to a training school under Part III of this Act.

(2) It shall be the duty of the father and mother of every such child or young person as aforesaid to make contributions in respect of him in accordance with the following provisions of this Part of this Act, but, in respect of a person to whom paragraph (a) of the preceding sub-section applies only so long as that person has not attained the age of sixteen.

(3) A person who has been received into the care of a welfare authority under section eighty-one of this Act and has attained the age of sixteen and is engaged in remunerative full-time work shall so long as he remains in the care of the welfare authority be liable to make such contributions in respect of himself as the welfare authority may determine.

(4) Where a child or young person has been committed to the care of a fit person, not being a welfare authority, contributions under this section shall be payable to that person to be applied by him in or towards the maintenance, or otherwise for the benefit, of the child or young person.

(5) Contributions under this section shall be payable—

- (a) in respect of a person received into the care of a welfare authority under section eighty-one of this Act or of a child or young person committed to the care of a welfare authority

- (b) as a fit person, to the welfare authority; and
- (b) in respect of a child or young person ordered to be sent to a training school, to the council of the county or county borough within which the person liable to make the contributions is for the time being residing.

(6) Any sums received by the council of a county or county borough under paragraph (b) of the last preceding sub-section shall, subject to such deductions as may be prescribed in respect of services rendered by them, be paid over by them to the Ministry and of the amount so paid over—

- (a) not less than one-half thereof shall be appropriated in aid of moneys provided by Parliament for the purposes of this Act; and
- (b) there shall be paid to the council of each county or county borough so much of the remainder thereof as appears to the Ministry to relate to persons in respect of whom that council is liable to make contributions under section one hundred and twenty-six of this Act.

122.—(1) A court of summary jurisdiction, acting for the petty sessions district in which any person resides who under the last preceding section is liable to make contributions in respect of any person received into the care of a welfare authority under section eighty-one of this Act, may make an order requiring the person liable as aforesaid to pay such weekly sum on foot of those contributions as the court, having regard to his means, thinks fit.

Contribution orders.

(2) A court which makes an order committing a child or young person to the care of a fit person or sending him to a training school may at the same time, and any court of summary jurisdiction acting for the petty sessions district in which any person resides who under the last preceding section is liable to make contributions in respect of a child or young person, may subsequently at any time make an order requiring that person to pay such weekly sum on foot of those contributions as the court, having regard to his means, thinks fit.

(3) An order made under either of the two preceding sub-sections is in this Part of this Act referred to as a "contribution order" and the person against whom such order is made is in this Part of this Act referred to as a "contributor."

Supplemental.

4. An Appeal Tribunal may give directions with respect to the practice and procedure to be followed in any proceedings before the Tribunal and anything incidental to or consequential on such proceedings.

5. The Ministry may nominate one of its officers to act as clerk of an Appeal Tribunal.

Sections
107, 109.

FOURTH SCHEDULE.

PROVISIONS AS TO ADMINISTRATION OF TRAINING SCHOOLS
AND TREATMENT OF PERSONS SENT THERE TO.*General Provisions.*

1. The Ministry may make rules for the management and discipline of training schools, and different rules may be made as respects different schools or classes of schools.

2. No substantial addition to, or diminution or alteration of, the buildings or grounds of a training school shall be made without the approval in writing of the Ministry.

Treatment of Pupils.

3. A minister of the religious persuasion to which a person in a training school belongs may visit him at the school on such days, at such times and on such conditions as may be fixed by rules made by the Ministry, for the purpose of affording him religious assistance and instruction.

4. If it appears to the managers of a training school that a person who has been ordered to be sent to their school requires medical attention before he can properly be received into the school, or that a person detained in the school requires such attention, they may make arrangements for him to be received into and detained in any hospital, home or other institution where he can receive the necessary attention; and that person, while so detained, shall for the purposes of this Act be deemed to be under the care of the managers of the school, and shall, for the purposes of section thirty-seven of the Mental Health Act (Northern Ireland), 1948, be deemed to be detained in the school.

Power to Place out Pupils.

5. At any time during the period of a person's detention in a training school the managers of the school may grant leave to him to be absent therefrom in the charge of such person and for such period as they think fit, but during such period he shall, for the purposes of this Act, be deemed to be under the care of the managers of the school, and the managers may at any time require him to return to the school.

6.—(1) At any time during the period of a person's detention in a training school the managers of the school may and, if the Ministry so directs, shall by licence in writing permit him to live with his parent, or with any trustworthy and respectable person (to be named in the licence) who is willing to receive and take charge of him:

Provided that, without the consent of the Ministry, a licence shall not be granted during the first twelve months of the period of a person's detention.

(2) The Ministry shall through its inspectors review the progress made by persons detained in training schools with a view to ensuring that they shall be placed out on licence as soon as they are fit to be so placed out.

(3) The managers of the school may at any time by order in writing revoke any licence and require the person to whom it relates to return to the school.

(4) For the purposes of this Act a person who is out on licence from a training school shall be deemed to be under the care of the managers of the school.

7. If a person under the care of the managers of a training school conducts himself well, the managers of the school may, with his written consent, apprentice or place him in any trade, calling, or service, including service in the Navy, Army or Air Force, or may, with his written consent and with the written consent of the Ministry, arrange for his emigration.

Before exercising their powers under this paragraph the managers shall, where it is practicable so to do, consult with the parents of the person concerned.

Misconduct of Pupils.

8. If a person detained in a training school is guilty of serious misconduct, the managers, if authorised by the Ministry so to do, may bring him before a court of summary jurisdiction and that court may (notwithstanding any limitations contained in this Act upon the period during which he may be detained in a training school) order him—

- (a) if he is under the age of sixteen, to have the period of his detention in the school increased by such period not exceeding six months as the court may direct; or
- (b) if he has attained the age of sixteen but is under the age of seventeen, to have the period of his detention so increased, or to be sent to a Borstal institution for a period of two years; or
- (c) if he has attained the age of seventeen, to have the period of his detention so increased, or to be sent to a Borstal institution for two years, or to be imprisoned for three months.

Discharge and Transfer.

9.—(1) The Minister may at any time order a person under the care of the managers of a training school to be discharged, or to be transferred to the care of the managers of another school.

(2) Upon a person being so discharged or transferred as aforesaid, the Ministry shall cause notice to be sent to the local authority liable to make contributions in respect of him.

10. The provisions of section seventy-two of this Act shall apply in relation to the transfer of persons to training schools and orders made for that purpose as they apply in relation to the sending of persons to such schools and orders made for that purpose.

11. Where a person detained in a training school is transferred to the care of the managers of another school, he shall be conveyed to his new school by and at the expense of the managers of the first-mentioned school.

*Powers and duties of Managers and other Persons
in Charge of Pupils.*

12.—(1) Subject as hereinafter provided, all rights and powers exercisable by law by a parent shall as respects any person under the care of the managers of a training school be vested in them:

Provided that, where a person out on licence or under supervision from a training school is lawfully living with his parents or either of them, the said rights and powers shall be exercisable by the parents or, as the case may be, by the parent with whom he is living; but it shall be the duty of any such parent so to exercise those rights and powers as to assist the managers to exercise control over him.

(2) The managers of a training school shall be under an obligation to provide for the clothing, maintenance and education of the persons under their care, except that while such a person is out on licence, or under supervision, their obligation shall be to cause him to be visited, advised and befriended and to give him assistance (including, if they think fit, financial assistance) in maintaining himself and finding suitable employment.

13. Every person who—

(a) is authorised by the managers of a training school to take charge of a person under their care, or to apprehend such a person and bring him back to the school; or

(b) is authorised by a local or welfare authority or, being a probation officer, is authorised by a court, to take to a training school a person ordered to be detained therein; shall, for the purposes of his duty as aforesaid have all the powers, protection, and privileges of a constable.

Superannuation of Officers.

14. The managers of any training school may, as part of the expenses of the management of the school, pay, or contribute towards the payment of—

(a) a superannuation allowance or gratuity—

(i) to any officer who retires by reason of old age or permanent infirmity of mind or body;

(ii) to any officer, who, in accordance with the terms of his appointment, is required to vacate his office by reason of the death, or the retirement on account of old age or permanent infirmity, of another officer;

(iii) to any dependant of an officer who has died in the service of the school:

Provided that no payment or contribution in respect of any such superannuation allowance or gratuity shall be made unless it is made in accordance with rules approved by the Ministry with the concurrence of the Ministry of Finance for regulating the grant of such allowances and gratuities, or unless it is specially sanctioned by the Ministry.

FIFTH SCHEDULE.

Sections 107,
139.

TRANSITORY PROVISIONS.

1. Any Order in Council, order, or regulation made, any certificate given, any deposition taken and anything done under any enactment repealed by this Act shall, for the purposes of this Act, be deemed to have been made, given, taken or done under the corresponding provisions of this Act.

2. Any rule, warrant or licence under any enactment repealed by this Act and re-enacted, with or without modifications, by this Act shall have the like effect, and the like proceedings may be had thereon and in respect thereof, as if it had been made, made and confirmed, or granted, under this Act.

3. Where immediately before the commencement of Part I of this Act the keeping of any children in any premises was lawful under the provisions of the Act of 1908, as amended by the Children (Amendment) Act (Northern Ireland), 1931, limiting the number of children who may be so kept, a person shall not be guilty of an offence under the said provisions by reason only that the number of children kept by him in those premises exceeds the number which by virtue of this Act may lawfully be kept therein, so long as—

(a) any conditions imposed under the said provisions are complied with, and

(b) no child is kept in the premises who was not kept there immediately before the commencement of Part I of this Act.

4. Any person who at the commencement of Part III of this Act is under section twenty of the Act of 1908 being detained in a place of safety may be so detained until he can be brought before a juvenile court under this Act.

5. Nothing in this Act shall render invalid any summons pending at the commencement of Part III of this Act for bringing a child or young person before a court of summary jurisdiction with a view to his being committed under section twenty-one or under Part IV of the Act of 1908 to the care of a relative or other fit person or with a view to his being sent to a certified school, but the court before which the child or young person is brought under the summons, if it is constituted as a juvenile court, shall proceed as if he had been brought before it as being a child or young person in need of care or protection, and if it is not constituted as a juvenile court, shall adjourn the case until it can be so constituted and shall then proceed as aforesaid.

M. J.

STATUTORY RULES AND ORDERS OF
NORTHERN IRELAND

1952. No. 132

TRAINING SCHOOLS

Rules

RULES, DATED 24TH JULY, 1952, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER PARAGRAPH 1 OF THE FOURTH SCHEDULE TO THE CHILDREN AND YOUNG PERSONS ACT (NORTHERN IRELAND), 1950.

The Ministry of Home Affairs by virtue of the powers conferred upon it by paragraph 1 of the Fourth Schedule to the Children and Young Persons Act (Northern Ireland), 1950, and of all other powers enabling it in that behalf, hereby makes the following Rules :—

1. These Rules may be cited as the Training School Rules (Northern Ireland), 1952.
2. These Rules shall come into operation on the 1st day of October, 1952.
3. In these Rules the following expressions have the meanings hereby respectively assigned to them, that is to say :—
 - “ the Act ” means the Children and Young Persons Act (Northern Ireland), 1950 ;
 - “ the Ministry ” means the Ministry of Home Affairs for Northern Ireland ;
 - “ Fire Service ” means in the area of the County Borough of Belfast the Belfast Fire Brigade and elsewhere in Northern Ireland the Northern Ireland Fire Authority ;
 - “ school ” means a training school approved by the Ministry under section one hundred and six of the Children and Young Persons Act (N.I.), 1950 ;
 - “ Board of Management ”, in relation to a training school established or taken over by a local authority, means the local authority, and, in relation to any other training school, other than those under Government ownership, means the persons for the time being having the management or control thereof ;
 - “ Manager ” means the person appointed by the Board of Management to take charge of the school ;
 - “ Inspector ” means any one of the Inspectors appointed by the Ministry of Home Affairs under section one hundred and thirty-six of the Children and Young Persons Act (N.I.), 1950.

Management

4. Two at least of the Board of Management of a boys' school shall be women, and two at least of the Board of Management of a girls' school shall be men.

5. The Board of Management shall appoint a finance committee and such other committees as they think necessary for the efficient management of the school. Any committee so appointed shall have such powers or duties as the Board of Management may determine.

6. The Board of Management shall appoint one of their number to be Chairman.

7. The Board of Management shall notify to the Ministry the names and addresses of their members and shall similarly notify any change due to death, retirement or other cause.

8. The Board of Management shall meet so far as practicable once a month at the school.

9. The Board of Management and any committee appointed by them shall keep minutes of their proceedings and these minutes shall be open to inspection by an Inspector of the Ministry.

10.—(1) The Board of Management shall maintain an efficient standard throughout the school and for this purpose they shall take into consideration any report which may be communicated to them by or on behalf of the Ministry.

(2) It shall be the duty of the Board of Management to ensure that the condition of the school and the training, welfare and education of the boys and girls under their care are satisfactory, and for this purpose they shall pay frequent visits to the school.

(3) The school shall be visited at least once a month by at least one member of the Board of Management, who shall satisfy himself regarding the care of the boys or girls and the state of the school, and shall enter his conclusions in the Log Book or other convenient record kept at the school.

(4) The Board of Management shall exercise an effective control over all expenditure.

11. The name of the school shall be chosen by the Board of Management subject to the approval of the Ministry.

Accommodation

12.—(1) The number of boys or girls resident in a school at any time, whether sent under the provisions of the Act or not, shall not exceed such number as may be fixed for that school from time to time by the Ministry.

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(2) Except with the special authority of the Ministry the Board of Management shall not receive or retain in the school any boy or girl otherwise than in accordance with the classification of the school as determined by the Ministry in pursuance of sub-section (1) of section one hundred and nine of the Act.

Stores Accounting and Stocktaking

13.—(1) The Board of Management shall arrange for the introduction of a system of stores accounting to ensure that adequate control is exercised over the various supplies of materials, equipment and other stores purchased for use at the school.

(2) Arrangements shall be made by the Board of Management for complete stocktaking to be held at the school not later than 31st March each year, and for a copy of the stocktaker's report to be furnished to the Ministry.

Fire Precautions

14. The Board of Management shall —

- (a) obtain the advice of the Fire Service before opening a new Training School or making any structural alterations to an existing school ;
- (b) arrange for the periodic inspection of the school by the Fire Service ;
- (c) ensure that fire drills are carried out at regular intervals so that the staff and the pupils are well versed in the procedure for saving life in case of fire ;
- (d) arrange for a report to be sent to the Ministry forthwith in the event of an outbreak of fire in the school.

Appointment of Staff

15.—(1) The Board of Management shall be responsible for the appointment, suspension or dismissal of the staff of the school : provided that no person shall be appointed to the staff of the school without the Ministry's approval.

(2) Any vacancy for a manager shall be advertised unless the Board of Management obtains the consent of the Ministry to dispense with this requirement.

16. The manager, deputy manager, matron, teachers and instructors shall be employed under a written agreement, or, in the case of a local authority school, under a minute of the local authority.

17. Except with the consent of the Ministry no member of the staff shall be retained after he has reached the age of 65 years.

18. In every school, not being a local authority school, the Board of Management shall cause to be given to every member of the staff who is not eligible for superannuation under the Teachers' Superannuation

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Acts immediately on his or her appointment a copy of the superannuation scheme approved by the Ministry, and shall take such steps as are necessary to allow any eligible member to enter the scheme.

Manager

19.—(1) The manager shall be responsible to the Board of Management for the efficient conduct of the school.

(2) He shall keep a Register of Admissions and Discharges in which shall be recorded all admissions, licences, revocations of licences, recalls, releases and discharges ; a Log Book in which shall be entered every event of importance connected with the school ; a Daily Register of the presence or absence of each boy or girl ; and a Punishment Book. These shall be available for inspection by the Board of Management at all times. The Log Book shall be laid before the Board of Management at each of their meetings and shall be signed by the chairman.

(3) The manager shall not incur any expenditure, other than petty expenditure within a limit approved by the Board of Management, without their previous sanction or that of a member of the Board authorised to act on their behalf.

20. The manager, with the approval of the Board of Management, shall determine the duties of the other members of the staff. These duties may include duties connected with the supervision of the boys or girls in the school, their recreation and their after-care.

21. The manager shall obtain the authority of the Board of Management and shall also notify the Ministry before leaving the school for more than two days.

22.—(1) Where there is no deputy manager the Board of Management shall appoint in writing the principal teacher or other experienced member of the staff to exercise the functions of the manager during the manager's absence and shall communicate to the Ministry the name of the person so appointed.

(2) The deputy manager (or, as the case may be, the person appointed under paragraph (1) of this Rule) shall exercise the functions of the manager during the manager's absence and such of these Rules as relate to the powers and duties of the manager shall apply accordingly.

23. As soon as practicable after the admission of a boy or girl the manager shall inform the parent or guardian of his or her arrival.

Care of Boys and Girls

24. Each pupil shall be provided with a separate bed and shall be kept supplied with suitable clothing similar to that worn in ordinary life.

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25.—(1) Sufficient and varied food, based on a dietary scale to be drawn up by the Board of Management after consultation with the manager and medical officer, shall be provided. The dietary scale shall include a list of dishes and a table of quantities to be supplied to each pupil.

(2) The dietary scale shall be subject to the approval of the Ministry, and, except as provided for by Rule 39 (c), no substantial alteration shall be made in it without the Ministry's approval. A copy shall be kept posted in the school dining-room.

School Routine

26.—(1) The daily routine of the school (including the hours of rising, school-room instruction and practical training, domestic work, meals, recreation and retiring) shall be in accordance with a scheme drawn up by the Board of Management and approved by the Ministry.

(2) A copy of the daily routine shall be kept posted in some conspicuous place in the school.

(3) Any substantial deviation from the daily routine shall be entered in the Log Book and a notification shall be sent forthwith to the Ministry.

Education

27.—(1) The education of the pupils in the school shall be based on the principles of the Education Act (Northern Ireland), 1947, so as to secure efficient full-time primary or secondary education suitable to the age, ability and aptitude of each individual boy or girl while of compulsory school age and his or her further education thereafter as long as he or she remains in the school.

(2) The school-room time-table and syllabus shall be subject to the approval of the Ministry and a copy of the time-table shall be kept posted in the school-room.

28.—(1) The practical training of all pupils shall be in accordance with a scheme drawn up by the Board of Management and approved by the Ministry. Any substantial deviation from the scheme shall be recorded in the Log Book and a notification shall be sent forthwith to the Ministry.

(2) The practical training given to pupils over compulsory school age shall so far as practicable be directed to their preparation for a particular form of employment; regard shall be had to the capacity and preference of each pupil and in all suitable cases the parent or guardian shall be consulted.

29. The attendance of pupils at classes within the school (including classes of practical training) shall be recorded in registers kept for that purpose, and a separate register shall be maintained for each class.

Employment

30. No pupil shall be employed in such a way as to impair his or her capacity for profiting by instruction or to deprive him or her of reasonable recreation and leisure. Children under 12 shall not be employed except in light work such as making their own beds or cleaning their own boots or shoes.

Religious Instruction

31.—(1) Each day shall be begun and ended with prayer. So far as practicable arrangements shall be made for the attendance of the pupils each Sunday at a place of public worship.

(2) Holy days shall be observed in such manner as the Board of Management deem proper.

(3) Where adequate arrangements can be made religious instruction shall be given suited to the age and capacity of the pupils.

(4) Where the manager of a school for boys or girls of a particular religious persuasion has consented to receive a pupil who does not belong to that religious persuasion arrangements shall be made so far as practicable for such pupil to receive religious assistance and instruction from a minister of the religious persuasion to which he or she belongs.

Recreation, Visits and Letters

32.—(1) Adequate provision shall be made for free time and recreation including organised games and walks and visits outside the school boundaries ; and except in bad weather at least one hour daily shall be spent in the open air.

(2) If a cadet contingent is maintained at the school, enlistment shall not be compulsory and training or drill shall not be used as a means of enforcing school discipline.

33.—(1) So far as reasonably possible, a holiday away from the school shall be arranged annually.

(2) Home leave shall be granted to each boy or girl each year unless circumstances make it undesirable.

(3) Except with the permission of the Ministry home leave shall not be granted in excess of sixteen days at any one time or twenty-four days in any year.

34. Boys and girls shall be encouraged to write to their parents at least once a month and for this purpose postage stamps shall be provided by the Board of Management.

35. Permission shall be given to receive letters from parents, relatives and friends and, at such reasonable intervals as the Board of Management may determine, visits from them shall be allowed.

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36. Arrangements shall be made for the giving of pocket money each week subject to such conditions as may be approved by the Ministry.

37. The Manager may suspend any of the facilities mentioned in Rules 35 and 36 of these Rules if he is satisfied that they interfere with the discipline of the school ; and any such suspension shall be recorded in the Log Book.

Discipline and Punishment

38. The person in charge of the school shall ensure that generally order is maintained by his personal influence and understanding and that of his staff, aided by a system of rewards and privileges which shall be subject to the Ministry's approval, and resort to corporal punishment shall be avoided as far as possible.

39. Where correction is needed for minor acts of misbehaviour one of the following methods shall be adopted :—

- (a) Forfeiture of rewards or privileges (including pocket money).
- (b) Temporary loss of recreation in which case the offender shall be required to perform a useful task.
- (c) Alteration of meals for a period not exceeding three days : provided that any such alteration shall be within the limits of a special dietary scale drawn up by the Board of Management after consultation with the manager and the school medical officer, and approved by the Ministry.
- (d) Separation from other pupils : provided that this punishment shall only be used in exceptional cases and subject to the following conditions :—
 - (i) No boy or girl under the age of twelve shall be kept in separation.
 - (ii) The room used for the purpose shall be light and airy and kept lighted after dark.
 - (iii) Some form of occupation shall be given.
 - (iv) Means of communication with a member of the staff shall be provided.
 - (v) If the separation is to be continued for more than 24 hours, the written consent of a member of the Board of Management shall be obtained and the circumstances shall be reported immediately to the Ministry.

40.—(1) Where corporal punishment is found necessary its application shall be in accordance with 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 boy or girl over 10 years of age, and 2 strokes in the case of a boy or girl over 8 and under 10 years of age.

- (b) It shall not be administered by any person other than the person in charge of the school or in his absence his duly authorised deputy.
- (c) A second member of staff shall invariably be present to witness the proceedings.
- (d) No caning shall be administered in the presence of another boy or girl.
- (e) Any boy or girl known to have a physical or mental disability shall not be subjected to corporal punishment without the sanction of the medical officer.

(2) The mental state of boys or girls who render themselves liable to repeated corporal punishment shall be carefully investigated by the medical officer.

41. Notwithstanding the provisions of the preceding Rules 39 and 40 (b), (c) and (d), for minor offences committed in the school-room by boys or girls, the principal teacher may be authorised by the Board of Management to administer with the cane not more than two strokes on each hand.

42. Where the principal teacher is authorised as in Rule 41 to administer corporal punishment, he shall keep a book to be known as the School-room Punishment Book and he shall at once enter therein any corporal punishment inflicted by him under Rule 41.

43.—(1) The manager shall be responsible for the immediate recording of all corporal and other serious punishment in the Punishment Book which he is required to keep under Rule 19, except corporal punishment inflicted by the principal teacher under Rule 41.

(2) The manager shall examine the School-room Punishment Book, if any, at least once a week and shall sign it.

(3) The Punishment Book (and the School-room Punishment Book, if any) shall be examined at each meeting of the Board of Management and shall be signed by the chairman. They shall also be shown to the school medical officer at least once a quarter.

(4) At the commencement of each quarter, the manager shall furnish to the Ministry a return giving particulars of corporal punishment imposed during the preceding three months.

44. Except as provided by these Rules, no member of the staff shall inflict any kind of corporal punishment. The term "corporal punishment" includes striking, cuffing, shaking or any other form of physical violence. Any person who commits a breach of this Rule shall render himself or herself liable to dismissal.

45. No pupil shall be allowed to administer any form of punishment to any other pupil.

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Placing-out and After-care

46.—(1) It shall be the duty of the Board of Management to place out on licence each boy or girl as soon as he or she has made sufficient progress in his or her training ; and with this object in view they shall review the progress made by each boy or girl and all the circumstances of the case (including home surroundings) towards the end of his or her first year in the school and thereafter as often as may be necessary and at least quarterly.

(2) At each review the Board of Management shall consider the date at which the boy or girl is likely to be fit to be placed out on licence and for this purpose they shall receive and consider a report from the manager made after consultation with the staff.

(3) Where there is reason to believe that a boy or girl can be placed out on licence during the first twelve months of detention, the case shall be reported by the Board of Management to the Ministry with a view to its consent being obtained.

(4) The Board of Management shall maintain a Licensing Register showing the date and result of their review of each case and the reason for their decision.

47. The Board of Management shall see that every effort is made to obtain suitable employment for each boy or girl who is fit for release on licence and for this purpose they shall avail themselves where necessary of any help that can be obtained, whether from public organisations or private individuals. Where the home is unsatisfactory they shall place the boy or girl in a hostel or other suitable lodging.

48. The Board of Management shall provide every pupil on leaving with a sufficient outfit, and, if necessary, with a reasonable sum for travelling and subsistence, and they shall communicate with the parent or guardian and the local authority, if any, responsible for his or her maintenance.

49. It shall be the duty of the Board of Management to ensure that adequate arrangements are made for the after-care of every pupil released from the school until the statutory period of supervision expires and, subject to the approval of the Ministry, they shall appoint for each pupil a suitable person to carry out his or her after-care.

Medical Officer

50. The Board of Management shall appoint a Medical Officer whose duties shall include :—

- (a) a thorough examination of each boy or girl on admission and shortly before leaving the school ;
- (b) a quarterly inspection of each boy or girl ;
- (c) a quarterly general inspection of the school from the hygiene point of view and advice as to dietary and general hygiene ;

- (d) the examination and treatment of all sick and ailing boys or girls ;
- (e) the keeping of medical records in a form approved by the Ministry ;
- (f) the furnishing of such reports and certificates as the Board of Management may require.

Dental Treatment

51.—(1) Adequate arrangements shall be made by the Board of Management to enable each boy or girl to receive dental examination and such treatment as may be necessary from a dentist shortly after admission to the school and thereafter at least once in every six months.

(2) For each boy or girl who normally attends a Primary School outside the Training School, the fullest possible use shall be made of the dental services provided by the Health Authority.

(3) A dentist specially appointed for duty at a Training School shall keep a record of his work in a form approved by the Ministry.

Notification of Illness, etc.

52.—(1) Any occurrence of death, infectious disease or accident shall at once be reported by the manager to —

- (a) the Ministry, and
- (b) the parent or guardian of each boy or girl concerned.

The manager shall also furnish a report to the Ministry if any member of staff is involved.

(2) Each notification to the Ministry in regard to an accident shall be accompanied by a full explanation of the circumstances in which it occurred, together with a report from the Medical Officer as to the extent of the injury or injuries sustained.

Records

53. The Board of Management shall arrange for the keeping of all registers and records required by the Ministry and shall cause to be sent to the Ministry such returns, statements and other information as may be required from time to time.

Promulgation of Rules

54. The manager shall cause a copy of these Rules to be given to each member of the staff, including the Medical Officer and the dentist.

Inspection

55. The Board of Management shall arrange that the school shall be open at all times to inspection by or on behalf of the Ministry and they shall give all facilities for the examination of the books and records of the school.

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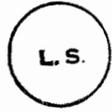
General

56. Where, in the opinion of the Board of Management, it is desirable in the special circumstances of any case that the provisions of one or more of the foregoing Rules should not apply, a special arrangement may be made with the prior consent of the Ministry.

57. These Rules are in substitution for those in force hitherto and, where appropriate, shall apply to Government-owned training schools.

58. The Interpretation Act, 1889, shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

Sealed with the Official Seal of the Ministry of Home Affairs for Northern Ireland this 24th day of July, Nineteen Hundred and Fifty-two in the presence of



J. B. O'Neill,
Assistant Secretary.

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9—Summary and List of Recommendations

9.1 In preparing our Report we have taken account of the social, economic and environmental factors which have a bearing on family and child development and we have tried to set our proposals in a wider perspective. We have had to assess the possible effects of civil unrest. We have stressed the importance of reinforcing the family and the community to help children develop through the difficult period of childhood and adolescence, and avoiding the labelling of children at an early age. We take the view that such help as is needed should be provided as far as possible in the normal educational or community setting.

9.2 We accept that the best help to the developing child is a stable and secure environment with caring adults. This caring environment is most likely to be found in a well-functioning family and we are concerned to strengthen the capacity of families and communities to support their children through childhood and adolescence. In Northern Ireland, as elsewhere in the United Kingdom, communities are disintegrating and the influence of the extended family is being eroded. However, family structures are stronger here and should be utilised and strengthened.

9.3 The essential features of our strategy are prevention and co-ordination. Where problems do occur we advocate early and accurate identification and our approach is to seek support for children through the family, school and the community, requiring co-operation and communication between parents and children, between families and the community, and between the wide range of voluntary and statutory agencies which have a responsibility to help children and to prepare them for adult life. We have, therefore, recommended the establishment of teams based on selected schools and the setting up of District Child Care Teams. The team approach is aimed at ensuring better co-ordination and a comprehensive examination of the needs of each child.

9.4 Where care proceedings are considered necessary we propose that these should continue to be a matter for judicial determination. They will be dealt with by the juvenile court specialising in civil matters, although in the longer term we would wish the concept of a family court to be seriously considered. In cases requiring compulsory intervention the court will have available to it a care order and a supervision order.

9.5 While we recognise the importance of both fostering and residential care in helping individual children, we are concerned that the decision on care in each case should be related to the needs of the individual child. For this reason we are recommending that the statutory preference for fostering should be dropped. We place much emphasis on care in the community, however, and suggest that residential care should be seen as one of a range of options rather than an inevitable first choice. Children in need of care, including truants, requiring removal from home will no longer be held in the same institutions as offenders. We suggest that the needs of individual children might best be met in smaller domestic-scale residential establishments and that where there is a need for additional facilities this is more likely to be for a range of small specialised units to accommodate those children with particular needs. There will be a

change in the needs which training schools were developed to meet, requiring a change of approach in these establishments. We were highly impressed, however, by the skill, devotion and dedication of staff involved in the residential care field, including the training schools, and we are confident that they will welcome the opportunity to continue to help children in new and imaginative ways in a more open system.

9.6 While all children at some stage of their development may exhibit anti-social tendencies there will only be a relatively small number who commit offences of a seriousness which society cannot tolerate or who show themselves to be persistent offenders. We have not recommended any change in the present age of criminal responsibility although we consider that minor offenders should not be prosecuted but should be dealt with through an extended use of police cautioning and, at the same time, should be given help to overcome any personal or family problems. Serious and persistent offenders, and those who dispute guilt, should go to a juvenile court dealing solely with criminal matters which would have a range of sanctions available to it including a custodial order which would be determinate and would attract remission. This new order would replace the present indeterminate training school order. We propose that the custodial unit should be managed by an independent management committee which will also be responsible for the management of the Probation Service. The Probation Service will have a central role in dealing with juvenile offenders.

9.7 Throughout our Report we refer to the contribution of the voluntary sector which has been of vital importance in the historical development of services and will continue to be so in the future. We are anxious that statutory bodies should recognise the importance of a strong voluntary sector and should take active steps to secure the participation and active involvement of voluntary and community bodies in the work of caring for children.

9.8 The standards of children are the standards of the wider society. How children grow up is affected by the social and economic environment and by the opportunity or otherwise of fulfilment. More than anything the behaviour of children is determined by the behaviour of adults—what they do and what they are seen to tolerate. There is a basic dishonesty in a society which demands from children higher standards of behaviour than adults have been prepared to tolerate for themselves.

9.9 We now set out a detailed list of our recommendations.

Karen Pearson
Head of Criminal Justice Division

Mr Paddy Butler
Solicitor to the Historical Institutional
Abuse Inquiry
HIA Inquiry
P Box 2080
Belfast

Criminal Justice Division
Massey House
Stormont Estate
Belfast
BT4 3SX



28 August 2015

Dear Paddy,

Request for confirmation of pupil files held by DOJ

Counsel to the Inquiry has requested confirmation of the minimum number of residents in St Patrick's Training School between 1926 and the closure of the school. I can advise that the Department's initial analysis of the personal files which it holds in respect of ex-residents of St Patrick's has identified 4,537 pupils. Please note that this assessment has not been validated and may contain errors or duplications.

A handwritten signature in cursive script that reads "Karen Pearson".

Karen Pearson
Department of Justice

Conclusion and Apology.

40. In concluding this preliminary statement on Module 7 of the Inquiry, I offer the observation that throughout the history of Milltown and St. Patrick's the level of funding provided by the State, the level of regulation and inspection provided by the various statutory authorities and the frequency of supervision and inspection carried out by the Management Board itself appear to have been consistently more substantial and qualitative than was the case in Rubane. Particularly following the establishment of the new site on the Glen Road, this included a closer collaboration between St. Patrick's and the management of other Training Schools such as Rathgael, as well as more comprehensive and better funded provision for in-service training of staff.
41. The Diocese also wishes to acknowledge the outstanding contribution made by so many Brothers of the De La Salle Order, Sisters of the Bon Secour and Franciscan Missionary Orders, as well as so many lay staff who from the foundation of St. Patrick's acted with the noblest of motives, the highest of ideals and the utmost levels of dedication to the welfare of the children in their care, often in the most difficult social, financial and political circumstances, including partition, the Second World War and the period we know as the Troubles. That some of those charged with the care of children in such institutions betrayed the sacred trust placed in them by parents, the State, the Church and the young residents of St. Patrick's themselves, does not in the view of the Diocese detract from the outstanding concern for the welfare children most in need in our society shown by so many of those who founded, developed, managed and ran St. Patrick's throughout its almost 100 years of existence.
42. Mindful that this is the last module of the Inquiry in which it is called to give evidence, the Diocese wishes to repeat however, that the abuse of even one child by an adult charged with their care, all the more so one professed to witness to the highest Christian motivation and ideals, is utterly abhorrent and intolerable. On behalf of the Diocese I repeat our sincere and profound apology to anyone who was abused while in care in St. Patrick's or in any other institution owned or managed by the Diocese. It is our sincere hope that the Historical Institutional Abuse Inquiry will help to establish the truth about abuse in all such institutions in Northern Ireland and to make recommendations as to how such failures can be most assuredly prevented in the future. Most importantly, the Diocese remains committed to co-operating with the Inquiry and its findings in the effort to bring whatever healing and support that can be provided to those who were abused while under our care. We are mindful, that with the De La Salle Order, our predecessors, motivated by the highest ideals, undertook the responsibility of acting *in loco*

parentis to the children and young people who came in to our care at St. Patrick's and Rubane. Asking forgiveness for the many ways in which the Diocese and others failed to provide the safe, nurturing and loving environment that children should rightfully expect from a Church that actively took on this responsibility, we express our commitment to work with the Inquiry to implement any findings and recommendations which it may make.

43. On behalf of the Diocese I also take this opportunity to thank the Inquiry and its staff for the impeccable probity, professionalism, balance and courtesy it has shown in all its dealings with the Diocese throughout the Inquiry. The Diocese continues to pledge its full cooperation as the Inquiry continues and in anticipation of its conclusions and recommendations.

Signed: Very Rev. Timothy Ball

Date: 10th August 2015.

119. The extracts from the punishment book, disclosed by the DoJ, do not, as far as I am aware, reveal a numeracy of strokes in excess of the 1952 Rules and on many occasions less than 6 strokes were applied.
120. Surviving Brothers do not recall a 'cane'. Their memory, and they have been pressed on this point, is that a strap was used. That accounts with [REDACTED] account at SPT 20595 and the entry diary entry referenced at SPT 20591 that [REDACTED] was given '4 strokes of the strap' when he threw the fork at [REDACTED]. Both these boys were in the school in the early [REDACTED]. Certainly, from what I can ascertain punishment was administered with a strap contrary to the requirements of the 1952 Rules. I note at SPT-12382 to SPT-12391 and SPT-12428 to SPT-12455 that the Ministry drew attention to the continued use of the strap as opposed to a light cane. A light cane may well have been purchased in response to this request and some applicants do make reference to a cane but surviving Brothers are definite that the 'strap' remained in use (albeit with diminishing regularity) until into the 1980s. It is therefore accepted that Brothers within the school continued to use a strap long after the implementation, and in contravention, of the 1952 Rules. The Order does not however consider that the regime was overly physical or that children were punished violently or indiscriminately. The on-going contravention was, as far as the Order is concerned, a breach of the actual rule as opposed to the spirit of the Rules.
121. Notwithstanding the preceding paragraphs, the use of corporal punishment, did subside in the 1980s. It is of note at SPT 10415 that it is recorded that '*corporal punishment has not been carried out for many years*'.
122. A number of applicants have referred to being isolated as a form of punishment. The 1952 Rules, 39 (d), permitted 'separation' of pupils in 'exceptional circumstances'. St Patrick's did, when necessary operate a 'separation' policy with the use of detention rooms. At one stage two rooms were specifically converted for this purpose and the provision of this facility would have been well known to both the Ministry and the NIO. That said the detention/isolation rooms were used infrequently. It is interesting to note that the RUC in 1993 looked at this aspect. They recorded at SPT 20595/96 that [REDACTED] '*had no knowledge of cells being used during his detention at the school which lasted 4 years*'. At SPT 20588 the RUC recorded 'some of the people interviewed did confirm the existence of cells in the school which were situated in the vicinity of the boiler rooms but none of them had any knowledge of any inmate having been detained in them'. It is submitted that a detention in the 'cell' would have been something discussed among the boys and it is of note that none of the 149 boys interviewed could recall them having been used.
123. Surviving Brothers recount that the isolation rooms were only used in exceptional circumstances, such as aggressive behaviour towards staff or other people, to facilitate a cooling off period for those likely to be a risk to themselves or others and for persistent absconding. It is conceded that at times they were also used when it was feared a boy may abscond prior to a court appearance.
124. The accommodation of boys within the isolation units was recorded by way of log book. It does not appear that any such log book has survived and as far as can be ascertained no such book has been disclosed by the DoJ or located in PRONI.

Surviving Brothers do not recognise the accounts of boys being held in isolation for 'days' and in their view no boy would have been held longer than 'overnight'.

125. The Order does not accept that the use of such isolation units was abusive per se or that the staff's use of same was anything otherwise than in accordance with the permitted rules.
126. The Order notes the reference at 12244 to a teacher, [REDACTED] having kicked a boy and the inference that it was not his 'first offence'. It is assumed that the log in which this was recorded would have been available to Board of Management and Department inspectors. The absence of other such events being recorded may suggest that such occurrences were not widespread. The Order does accept the possibility that in the heat of the moment and particularly among staff working with disturbed and difficult children, that members of staff may occasionally have 'lost their cool' and struck out at residents.

Peer Abuse

127. The 1948 Ecclesiastical Commission discovered evidence of peer abuse among the residents.
128. It appears that [REDACTED] BR 39 was alert to difficulties with what he termed 'sex maniacs' in 1946/47 and presumably wanted them housed separately to prevent abuse/interference with other boys. Nothing ever seems to have come of this proposal for separate accommodation.
129. The Home Office Circular 200/1952 'Indecent Practices in Approved Schools', which has been referred to by some academics as the first evidence of attempts to combat peer abuse, is contained at SPT 11406. It is not clear whether this was found among the papers recovered by the NIO from St Patrick's or whether it is included in the bundle as an ancillary and relevant document.
130. In 1963 [REDACTED] BR 39 pointed specifically at the design of the large dormitories in St Patrick's as being an intentional construction to maximise supervision and how this had reduced undesirable practices.
131. It is noted that in the early 1990s, SPT 11962, residential social workers were raising the need for staff training on 'Peer Abuse'. [REDACTED] raised the particular importance of the night watchmen receiving such training at SPT 12011.
132. There can be no doubt that substantial numbers of boys over the years, subject to abuse in their own homes, or the perpetrators of sexual abuse outside the school did become resident in St Patrick's. HIA 384 makes allegations about a [REDACTED] SPT 54. The [REDACTED] HIA 54 papers at SPT 12557 demonstrate that he was a known sex offender before he was admitted to St Patrick's. It appears that [REDACTED] HIA 54 was in fact a victim of abuse as well, having been abused by his father as a young boy. [REDACTED] HH 47 whose death was the subject of a review at SPT 12598, was also being monitored for 'sexual behaviour'. Civil claimant [REDACTED] records reveal he was committed for the attempted rape of a young girl. [REDACTED] [SPT 12241], HIA 94 and HIA 51 are other examples of boys with 'sexual' histories being admitted to the school. It seems to be a natural conclusion given what [REDACTED] BR 39 was reporting in the 1940s

and what we know about some of the later entrants that any given cohort probably included boys with sexual behaviour problems. The earliest entrant displaying sexual offending, other than those referred to by **BR 39** in 1948, that can be identified was a [REDACTED] in 1959 – SPT 49483 – who is recorded as having been committed to St Patrick's for 'indecent assault'.

133. The personal papers relating to HIA 384 demonstrate just how difficult it was, both practically and financially, to manage an individual with deviant tendencies (however generated). These papers do however reveal that by this time, the early 1990s, early intervention with recognised experts was available. The papers at SPT 21775 reveal that the allegations of HIA 384 and counter allegations against him were reported to the RUC in 1995.
134. Despite **BR 39**'s knowledge in the 1940s and the Home Office Circular of 1952 (whether it was within the St Patrick's documents or not) there was, according to surviving Brothers, no guidance, direction or training given on the risks associated with peer abuse up until [REDACTED] seems to have highlighted the issues in the late 1980s/early 1990s. The Order did not give or facilitate any training but nor did it receive any from the Ministries, Departments, Board of Management or NIO representatives.
135. The RUC uncovered allegations of peer abuse in 1993 during the **SPT 134** investigation. Indeed, by that time an individual, [REDACTED] was the subject of a SSI report regarding his activities post his residency at St Patricks which included allegations of peer abuse at St Patrick's. While the Board of Management were aware of the [REDACTED] case – see Board of Management minutes dated 10th February 1995 – it is not clear that they appreciated exactly what was or was not being alleged **HIA 54** according to 11047, underwent a 'sex education programme and counselling sessions' which demonstrates that efforts were being made to combat the difficulties created by some resident's background. HIA 384 followed a similar programme.
136. Surviving Brothers do not recall peer abuse being a specific issue or difficulty. They would have been conscious of the 'risk' but concede it was not something they were particularly alert to or on the lookout for. That said HIA 384's report about the activity of two other boys was recorded as was HIA 162's behaviour in the dorms and the risk he may potential pose to others was noted. Many of the night staff, when such behaviour was more likely, where of course lay staff rather the Brothers. The accounts, as per Rubane, appear to resemble a mixture of coercive accounts and accounts of sexual exploration in young adults. It is accepted that boys may have been reluctant to report such activity. The Order does now accept that sexual activity among the boys was in all probability, a bigger problem, than they realised contemporaneously and that on reflection more could have been done to counteract it. Dealing with the problem would not however have been particular easy and a number or the applicants aptly demonstrate that. The knowledge and guidance on peer abuse was not of the level we know today.

Reflections

137. I note at SPT-22545 that an individual by the name of [DL 139] made allegations in the 1990s in respect of [BR 1] and [BR 26] allegations which the RUC at RUB 64038 considered 'so fantastic' that they were not even put to either Brother. The material in respect of [DL 139] is enlightening. The Order have seen it for the first time during the course of this Inquiry but it corroborates the Order's opinion that former residents were influenced by media reporting and I would highlight SPT-22574 wherein [DL 139]'s brother [] is recorded as having;

'posted to [DL 139] a number of local Sunday newspapers containing stories of child abuse and the Church and that [DL 139] had telephoned him one night and said that he was going to allege he had been abused by members of the Church. He added that it had said in the newspapers that the Church authorities had put money aside to pay victims of abuse.'

I interpret the RUC's conclusions as being evidence that they considered this allegation had been fabricated. I don't believe that all the allegations being made against De La Salle Brothers have been fabricated. The Order has made admissions to this Inquiry. However, it is clear that some former residents, for whatever reason, were and are capable of making false allegations and this type of material supports our contention in that regard.

138. While investigating a complaint from a [] regarding the mid 1980s the PSNI contacted a witness whom [] proposed would corroborate his account. The PSNI traced this witness, a [] and his response is recorded at SPT 23594. The constable spoke to [] and recorded 'he has informed me that he believes that [] is lying and the only thing he can think of is that he wants money'. He says that he remembers both [] but says that 'the brothers [Brothers] in the Order looked after them and had nothing but good intentions towards all the boys'.

139. It is surprising that despite the 1990 police investigations some Brothers were not the subject of allegations until the emergence of speculation surrounding the establishment of this Inquiry. For instance, some 20 years after the initial police investigations [BR 42] ([]) and [BR 94] ([]) have had to endure PSNI interviews to account for their roles 40-50 years ago.

140. Allegations of abuse by the members of the Order were widespread in the 1990s. Acceptance that there had been clerical abuse was an established fact in Irish society by the middle of the 1990s and has continued with the reports of various Inquiries and Commissions throughout Ireland to be a topical issue. The fact that the De La Salle Order settled some actions in the 2000's and contested the [] case in 2011 has been reported in the media. There was an increase in claimants approaching the Order after the announcement of this Inquiry. This Inquiry was widely publicised throughout the UK and further afield and yet it is noted that two individuals came forward to the police within 24 hours of this Order's apology in January 2014. We remain sceptical of the veracity of some of the allegations.

141. The Order acknowledges its failure to deal with the allegations made against [DL 137] appropriately.

INCIDENTS

~~FIRE INCIDENT.~~

13-4-92

At 7.35 p.m. the fire alarm went off in the upstairs corridor of Stemish House. The night supervisor was in the area at the time. The boys were called out of their rooms and the usual fire drill procedures were put in place.

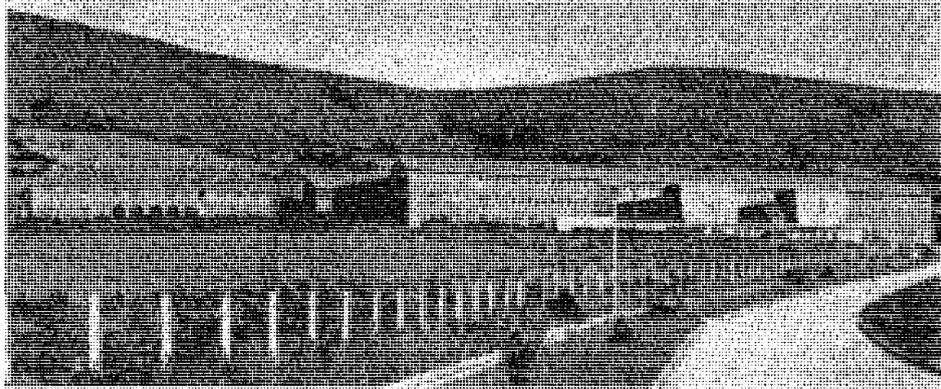
On investigation it transpired that the smoke was coming from bedroom No. 7 where sheets and comics were found smouldering in the corner of the room while the boys were assembled downstairs. The fire alarm glass in the foyer was broken by the boy who occupies room No. 7. The matter was reported to the Police and the youth in question was interviewed, and charged with arson. He appeared in court on 18-4-92 and was remanded to his own school on criminal charges.

5/6/92

Subsequent statements revealed that [redacted] had had a 'run-in' with more than one boy on that particular day - which is not an unusual occurrence. Full details on file.

SPT 11963 and Staff Training Strategy at SPT 11984. The later document is described as a 'proposal' but as far as I recall it was later 'adopted'.

15. In 1994 [REDACTED] of the Children's Order at St Patrick's and support the setting up Glenmona Resource Centre. [REDACTED] The appointment had the approval of the NIO [REDACTED]
16. I recall that I was spoken to by the RUC around 1994 about allegations made by a SPT 136 against BR 26 SPT 136 had alleged that [REDACTED] while he had been a resident of the school. I recall telling the police that [REDACTED] I was mindful that SPT 136 mother had told me her son had a conviction for perjury, having given false evidence under oath against a local man who received a court penalty as a result. The penalty was subsequently rescinded when SPT 136 confided in his mother that he had concocted the account. I believe I told the RUC about this matter at the time of my interview.
17. In 1996 [REDACTED] BR 26 [REDACTED] There was a report commissioned from Price Waterhouse which was critical about a number of aspects surrounding the running of the school – both financial and child care issues. I'm not exactly sure of the internal politics but I do recall there was a certain amount of tension with the Order keen to appoint BR 90 [REDACTED] and the NIO equally as keen to see a [REDACTED] [REDACTED]
18. In all my time at St Patricks I can confirm that I have no recollection of hearing any allegation being made against a member of staff, De La Salle Brother or otherwise. As I reflect on St Patricks I conclude that, while it was not the sophisticated system of care that one would insist upon today, the staff were 'child centred'. In my opinion the relationships between staff and young people were caring and there was always a great rapport between staff and the boys. In my view it was certainly not a hostile or violent environment. Some of the older staff may have been a bit 'paternalistic' in the 'I know what is best for you style' but that is the way it was back then.
19. In terms of peer abuse I can accept that there was a lack of awareness in general and particularly around the complexity of some children's experiences and needs. The accommodation in which the young people were cared for was large, sparse and did not have a homely atmosphere. The ratio of staff to young people was very much less than is the case today and staff training, if in place at all, was inadequate. All these factors would, in the current climate, give rise to child protection concerns.



VIEW OF ST. PATRICK'S NEW TRAINING SCHOOL AND BROTHERS' RESIDENCE



OLD MILLTOWN BOYS' HOME

1917 but adjourned to 2 April 1917. The minute for this meeting of 2nd April simply records, 'finally arranged for Brothers to take charge of the school on 1 May 1917'.

8. From the Minute Book, it would appear that until 25th April 1955, meetings of 'the Committee' were generally held on an annual basis and focused on matters of finance, maintenance and development of buildings and property, as well as the appointment of staff. The annual auditors report from the very first meeting after the move to Milltown indicates that the finances of the institution were considered 'satisfactory' or 'very satisfactory' in every case. Indeed, at the request of the Brothers, a number of increases to the salary provided to the Brothers were approved in these early years. On 25th Oct 1920, for example, it is recorded that at the request of [REDACTED] the 'salaries' of the Brothers would be increased 'by £20 per head per annum'. This same meeting records that 'the debt incurred by the purchase of the farm was paid off', suggesting that the five acre farm purchased with the Milltown site was a key source of revenue for the school as well as various bequests that are occasionally referenced in the minutes. The minutes also confirm that all purchase of lands and property throughout the history of the Institution were financed by the Diocese, latterly on the proportional grant-aided basis agreed at the time with the relevant government department.

9. Notably, each minute from 7th June 1929 up to April 1955, when meetings became quarterly, mentions that the reports of the 'Diocesan Examiner' and of the 'School Inspectors' (in some minutes specified as 'the Board of Education Inspector + the Home Office Inspector') were read at the meeting. Without exception, these annual reports are recorded as being 'very' or 'highly satisfactory'. The minutes indicate that the Committee itself undertook occasional inspections of the school. In 1930, for example, it is recorded that such an inspection had found the 'Tailoring Shop' to be 'very unsatisfactory' and that a 'change in the working of the shop' considered necessary. It is perhaps important to note that the role of the 'Diocesan Examiner', consistent with the practice in all Catholic schools in the Diocese at the time, would have been limited to an assessment of the quality of religious instruction in the school. This is confirmed by occasional use in the minutes of the title 'Catechetical Inspector' rather than the title 'Diocesan Examiner'.

10. In terms of engagement with the statutory authorities, it is worthy of note that as early as 19th February 1924 reference is made to engagement with the 'Superintendent' who is asked to 'look about Malone Reformatory' and 'to inquire the cost, fitness and assistance from Home Office to be got for the Industrial School.' Of interest in relation to the later development of the home at Rubane, the minute of this meeting as far back as February 1924 records that, in 'the opinion of the Committee [it] is undesirable to have Ref. boys in the same Estb. with Industrial

For Mr. Patrick's T.S. (cont. file)

St. Patrick's Industrial School for Catholic boys was first housed in premises in Donegall Street, Belfast, the Chief Secretary for Ireland having granted a certificate on 27th August, 1869, for the accommodation of 65 boys of 6 years and upwards.

A few years later the Committee of the School decided that, in order to provide training for some of the boys in farming and gardening, they should try to obtain premises in the country and eventually they secured the existing School premises. These premises were described as being situated near the village of Milltown about three miles from Belfast. As a temporary arrangement some of the pupils slept at Milltown and walked each morning to Donegall Street where they received breakfast, followed by religious and educational instruction, and after dinner they walked back to Milltown to receive instruction in country pursuits. The Milltown premises were many years old and in bad repair and the Committee had to spend around £800-£900 on repairs and improvements - that was considered a very large sum at that time - before they could obtain a certificate for those premises as an industrial school. The certificate was finally granted on the 11th January, 1873, to accommodate 65 boys and the Donegall Street premises, by then considered unsuitable, were closed down, the 47 boys in residence being transferred to Milltown. Further improvements were carried out from time to time and the certificated accommodation was increased to 75 from the 8th June, 1874, to 110 from the 18th August, 1879, and to 150 from the 17th November, 1879.

On the 9th June, 1922, the Minister of Home Affairs for Northern Ireland made an Order under the Children Act, 1908, certifying St. Patrick's to be a reformatory as well as an industrial school, the Managers of the School having already agreed to this, with accommodation for a total number of 150 boys - the number already certified for the industrial school. For some years during the Second World War, the certified accommodation was for 225 boys, including a considerable number of junior boys who had been evacuated to Forkhill, Co. Armagh; and in March, 1949, the accommodation for boys in the Milltown premises was fixed at 160 - the number for which the School is still certified.

With the passing of the Children and Young Persons Act (N.I.), 1950, the former reformatory and industrial schools became known as Training Schools. This Act made possible many badly-needed reforms for the care and training of children and young persons, and amongst other powers it enabled the Ministry to give grants towards the provision of new premises for Training Schools and that the Local Authorities would share the costs.

The School premises at Milltown have, by careful management and attention, been kept in a reasonable state of repair, but for many years the Managers have felt the need, and have been planning, for a new School on modern lines. The Ministry has had every sympathy with the project and shortly after the 1950 Act came into force, the scheme got under way. The Managers of the School, with considerable foresight, had already rented a farm of some 103 acres on the Glen Road, Belfast, which they considered would be a good site for the type of School they had in mind, and in 1951 the Ministry approved the purchase of this site for the purpose at £13,501, the Trustees who had acquired the land in 1943 being willing to sell the property at that price - the amount of their total outlay - although its current value as estimated by the Valuation Division of the Ministry of Finance was £19,750. Since then the Ministry has approved expenditure on preliminary works, including professional fees, as follows:-

Concrete entrance drive, fencing	}	£13,416
and drainage		
etc.		

Brother's House

-

£39,949

and the working drawings for the Training School have recently been approved. This work is now out to tender and it is estimated that the building costs will be in the region of £220,000.

The Ministry's grant is 50% of the approved expenditure, payable by instalments of 90% of half of the value of work executed as the work proceeds. The remaining 50% of the approved expenditure is being raised as the work proceeds by loans from the Ministry of Finance out of the Government Loans Fund. The loan charges are met eventually by the Local Authorities - the annual cost thereof being taken into account in determining the contribution rate payable by Local Authorities each year in respect of children and young persons detained in Training Schools.

The grant paid by the Ministry to the Managers of the School up to the present in respect of the acquisition of the site and preliminary works amounts to £25,736, and it is expected that a further £5,000 will be granted in respect of these works in the current financial year. If the work on the actual Training School commences soon, it is possible that grant of about £2,500 may be paid in respect of that work before the 31st March next and it is possible that the grant payable in the year 1954/55 will be around £35,000.

The plans for the new Training School provide for accommodation of 200 boys (junior and senior) and a resident staff of 30. There will be an Assembly Hall, Chapel, Play Halls, Dining Halls, Kitchen, Stores, Libraries, Hobby Rooms, Dormitories, Class-rooms, Sick-bay, rooms for Woodwork, French polishing, Metalwork, Shoe-making, Tailoring, Band, etc., with administrative offices, staff quarters and various ancillary offices and stores. There will be playing fields and adequate facilities for farming and gardening instruction.

ST. PATRICK'S MALE INDUSTRIAL SCHOOL, MILLTOWN

9th April, 1948.

W I T N E S S E S .

		Page
1	BR 39	1
2	BR 83	8
3	BR 86	11
4		14
5		16
6		18
7		20
8		22
9		25

DIOCESE OF DOWN AND CONNOR.

ST. PATRICK'S MALE INDUSTRIAL SCHOOL, MILLTOWN.

Examination of Witnesses on Friday, 9th April, 1948.

A Diocesan Tribunal met at 11 a m. on Friday, 9th April, 1948, in St. Patrick's Male Industrial School, Milltown, Belfast. His Lordship the Most Rev. Dr. Mageean presided.

The [REDACTED]

[REDACTED] were also present.

The Witnesses replied to the Court as follows :

(1).

[REDACTED] BR 39

1.

[REDACTED] BR 39

2.

3.

Since [REDACTED] [REDACTED]

before that.

4.

As [REDACTED]

Castletown.

5.

6.

Generally, I would say it is good.

7a.

For the past two years we have been getting in a very difficult type of boy from the moral point of view. Especially in the Reformatory section we get the failures of the probationary system. These boys have an abnormally suspicious mind.

There was misbehaviour among these boys before they had entered the school, during the period when the American

to time.

We sometimes get a boy affected with sex-mania; and we had once to refuse a boy who was found to be suffering from venereal disease. He was 15 years of age.

[REDACTED] : Do these boys associate with the other boys?

ANSWER : They do; there is no division. They should be in a separate building.

7b $\frac{1}{2}$ DR. MAGEEAN : Were there suggestions with regard to the Brothers?

ANSWER : There were. They concerned an exemplary Brother -

BR 69 [REDACTED]

One day I got a phone message to say boys were talking [REDACTED] BR 69 Three of them said he had had immoral relations with them.

I knew him to be a good religious. I was much his junior, so I referred the matter to the Provincial. Three or four days after, the Provincial wired me to meet him in Forkhill. I went there. We held an inquiry. The three boys who made the accusations (about 12 years old) were questioned. They said another boy (about 17) had told them to make these allegations.

This boy was called in. He admitted he told the boys to say these things. He said he had no grounds for making the allegations. His reason was - he thought [REDACTED] BR 69 was too strict and he wanted him changed.

Another thing. I saw the accusations made : they have been shown to me. Three names were mentioned :

[REDACTED] BR 86

[REDACTED] BR 83 and

[REDACTED] BR 1

DR. MAGEEAN : Yes.

Two are here; [REDACTED] BR 1 [REDACTED]
WITNESS : / Brother [REDACTED] BR 83 [REDACTED] He came from

[REDACTED] three years ago. He is exemplary as a religious.

McLAUGHLIN COMPANY
SOLICITORS

DEAR [REDACTED]

IN REGARDS TO OUR CONVERSATION LAST WEEK I STARTED TO THINK THAT THE DE LA SALLE ORDER AND THEIR SOLICITORS ARE TREATING MY SEX ABUSE CLAIM AS TRIVIAL, I THINK THE DE LA SALLE ORDER TEND TO FORGET THAT I WASN'T EVEN 10 YRS OLD WHEN I WAS PUT IN THEIR CARE FOR TRUANCY [REDACTED] I WAS NEVER TOLD WHEN I WOULD BE GETTING OUT. I SPENT MOST OF THE TIME IN MILTOWN BELFAST AND FROM 1941-1943 I WAS TRANSFERED ALONG WITH 60 OTHER BOYS TO FORKHILL @ ARMAHGH, BOTH HOMES WERE INTIRELY RUN BY BROTHERS OF THE DE LA SALLE ORDER, THEIR HEAD OFFICE

2

BASED IN DUBLIN, IT WAS WHILST
I WAS IN FERRHILL I WAS SEXUALLY
ABUSED AND BATTERED BY **BR 97**

BR 97 I HATED THE WORD "BATTERED"
AND I ALWAYS THOUGHT THE
TERM SEXUAL ABUSE COVERED THAT
WORD. **BR 97** CALLED ME
TO HIS ROOM AS I WAS GOING TO THE
TOILET THAT NIGHT, I NEVER GAVE
HIM A CHANCE TO DO THAT TO ME
AGAIN, I STOPPED GOING TO THE
TOILET DURING THAT NIGHT, I USED
TO SPREAD MY COAT ON MY
BEDSHEET JUST IN CASE I SHOULD
WET THE BED. SOMETIME AFTERWARDS
HE APPROACHED ME WHILE I WAS CLEANING
THE BROTHERS DINING ROOM, I TOLD HIM
TO LEAVE ME ALONE OR I WOULD
TELL. FOR MONTHS AFTER THAT I
LIVED IN PSYCHOLOGICAL FEAR OF
THAT MAN, AND IT TOOK THE

3

TRAGEDY OF MY FATHER'S DEATH TO GET
ME AWAY FROM FORDHILL AND HILL.
I WAS THEN SENT BACK TO MILLTOWN
AND LET OUT TO GO TO MY FATHER'S
FUNERAL, IN MILLTOWN WE WERE
ALLOWED TO GO HOME TO OUR FAMILY
FOR A FEW HOURS ON SUNDAYS.

I TRIED TO FORGET THE BAD THING
THAT HAPPENED TO ME AND I FELT
ASHAMED EVERY TIME I THOUGHT
ABOUT IT. IN MARCH 1944 ALL
THE BOYS CAME BACK FROM FORDHILL
IT WAS THEN [REDACTED] BR 39

[REDACTED] ASKED ME ABOUT
BR 97 [REDACTED] AND I TOLD HIM
WHAT HE HAD DONE TO ME. TWO
OR THREE OTHER BOYS HAD MADE
STATEMENTS AGAINST THARSALA

BR 97 [REDACTED]

4)

[REDACTED] I DIDN'T KNOW
 THEN BUT I NOW KNOW FROM THE
 DE LA SALLE RECORDS HE WAS
 TRANSFERRED [REDACTED]

[REDACTED] FOR WHAT
 HE HAD DONE I THINK HE SHOULD
 HAVE BEEN HANDLED OVER TO
 THE POLICE. I KNOW FOR SURE
 THAT ME AND THE OTHER BOYS
 WERE THE REASON HE WAS [REDACTED]

[REDACTED]
 THE DE LA SALLE AND SOLICITORS ARE
 ASKING WHY IT HAS TAKEN 60 YEARS
 TO SPEAK OUT ABOUT ALL THIS.

AS I HAVE ALREADY STATED I TOLD [REDACTED] BR 39

[REDACTED] BR 39 ABOUT IT IN [REDACTED] AND
 ALSO ITS ONLY IN THE LAST FEW
 YEARS THAT NEWSPAPER ARTICLES
 AND PAMPHLETS HAVE COME OUT
 STATING THAT ANYONE WHO HAS
 BEEN SEXUALLY ABUSED OR BATTERED

(5)

IN INDUSTRIAL SCHOOLS OR ORPHANAGES
BETWEEN 1970-1980 CAN CLAIM
COUNSELLING AND COMPENSATION, I THOUGHT
THEN I RELATED TO THAT CLAIM, AND
WITH THE ADVICE OF SOME GOOD FRIENDS
I DECIDED TO DO SOMETHING ABOUT IT
THAT WAS WHEN I CAME TO SEE YOU
OLIVER IN BELFAST LAST OCTOBER.

ONE LAST THING I WOULD LIKE TO SAY
TO THE DE LA SALLE ORDER. I AM NOT
SAYING THAT ALL THE BROTHERS WERE
BAD, BUT I WAS ONLY A CHILD WHEN
I WAS PUT IN YOUR CARE AND I SHOULD
HAVE BEEN LOOKED AFTER A LOT BETTER
AND I WILL NEVER FORGET WHAT
HAPPENED TO ME IN FORTHILL.

I THINK I AM ENTITLED TO AN
APOLOGY BECAUSE MY TIME IN FORTHILL
WAS THE WORST TIME IN MY LIFE

SPT 101

[Redacted]

Knockbracken Mental Health Services
Knockbracken Healthcare Park
Saintfield Road
Belfast BT8 8BH
Tel: (028) 90565274 fax: 90565819

STRICTLY CONFIDENTIAL

Your ref: MMcM/EM
Our ref: JL/SL/1.07

4 January 2007

PSYCHIATRIC REPORT

Name	SPT 101
Report Requested By	McLaughlin & Company, Solicitors, Willowfield House, 218/220 Woodstock Road, Belfast. BT6 9DL.

FAMILY HISTORY

[Redacted]

PERSONAL HISTORY

[Redacted]

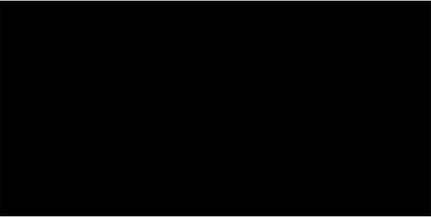
Monday.

[Redacted]

DETAILS OF INCIDENT

SPT 101 alleges that he was sexually abused by a brother whom he was able to name to me, during the period he was in Forkhill. He states this happened on one occasion - he had to pass his room from the dormitory to go to the toilet. He describes this man calling him into his room and talking to him about his family before starting to touch him through his nightshirt. The brother then took his hand to put through his robe. SPT 101 describes feeling scared of him. He describes being held down and turned round before the man penetrated him anally. He describes the brother saying to him "it's alright". SPT 101 remembers thinking "how did I get wet"? He returned to his dormitory crying and lay on his coat in case he wet the bed.

/contd..




McLaughlin & Company, Solicitors
Willowfield House
218/220 Woodstock Rd
Belfast,
BT6 9DL

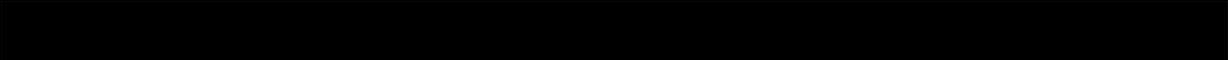
Ref: MMcL/CK/L108
22nd Feb. 2007

Dear Mr McLaughlin,

Further to your letter of 13th Feb'07 this is my latest report on your client **SPT 101** who has now been my counselling client since 17 June 2005 and whom I have agreed the contents of this report. I have been seeing **SPT 101** on a regular weekly basis now, numbering 74 sessions.

During this time **SPT 101** has gradually become able to express more clearly some of the events that he experienced at the Industrial School, run by the De La Salle Order. He recognises that being held down while a sexual act was performed on his young body was in fact a male rape; that the physical violence that he saw enacted on other young people around him; like striking them with bunches of keys and stones; increasingly brutal and bloody head shaving when children ran away and were then caught; the accidental death of a boy while being driven to work in the potato fields; were all felt and seen as a real threat to his own person in a brutalising environment. (ref. The Ryan Report criteria)

As a boy his survival technique was to become increasingly withdrawn. **SPT 101**'s speech impediment or 'stoppage' seems to date from this time as it is not remembered by family members before his incarceration nor recorded on any school records seen by **SPT 101** and yet he is returned to Belfast, needing to use physical and breathing techniques to deal with a vocal stutter. He still has need of these techniques today, for instance when answering the telephone or in conversation when he becomes agitated.



11	05/09/11	SPT 99		Sexual - [REDACTED] - no [REDACTED] on staff	Proceedings - denied and to be contested [REDACTED]
12	09/02/12	HIA 137		Sexual - BR 24 BR 24	No proceedings - denied - also alleges abuse by [REDACTED]
13	11/11/13	SPT 34		Sexual - BR 1 BR 100 BR 77 BR 4 BR 42	Denied, Proceedings Nov 2013. DoJ co-defendant.
14	17/02/14	SPT 96		Sexual/Physical - BR 39 BR 39 BR 83	Denied
14	30/07/14	SPT 129		BR 94	SPT-25578 extent of papers.
15	02/02/15	SPT 100		Sexual/Physical - not identified	Seems cannot name perpetrators

102. Br Pius McCarthy appears to have been prepared to accept the possibility that SPT 101 allegation was genuine. He came to that conclusion without any corroborative evidence. BR 97 was transferred from Forkhill in January 1945. [REDACTED] The Order had no record of complaints against BR 97 but in accordance with policy pertaining in the mid 2000s engaged with SPT 101 solicitor with a view to resolving the claim. It is of interest to note that the '1948 papers' which only became available to the Order again as a result of this Inquiry detail an account by BR 39 [REDACTED] allegation made by Forkhill residents about a BR 69 [REDACTED] BR 39 [REDACTED] referenced interviewing the complainants - apparently at Forkhill. On reviewing the allegation of SPT 101 it is now noted that he alleged that BR 39 [REDACTED] SPT 101 believed to be 2/3 other boys. No BR 69 [REDACTED] for this era has been identified. SPT 101 referred to the questioning by BR 39 [REDACTED] having taken place in Milltown (not Forkhill). By January 1945, the time when BR 97 [REDACTED] all of the Forkhill boys were back in Milltown. We know from the way in which BR 39 [REDACTED] BR 1 [REDACTED] complaint [REDACTED] suspend Brothers. The timing of BR 97 [REDACTED] transfer supports SPT 101 [REDACTED] recollection of 2005 that the interview with BR 39 [REDACTED] took place in Milltown, yet it is contrary to BR 39 [REDACTED] recollection of 1948 that it took place in Forkhill. SPT 101 had left Milltown by the time of the 1948 Inquiry so unless BR 39 [REDACTED] had been involved in two separate inquiries regarding Forkhill but was only prepared to admit one it appears that SPT 101 and BR 39 [REDACTED] are referencing the same event. I cannot be 100% sure but if anything the evidence that has materialised since we settled SPT 101 [REDACTED] SPT 101 claim strengthens the likelihood that his account was accurate. Br Pius

24th February 1943.

A meeting of the Committee was held on the 24th February 1943. His Lordship Most Rev. Dr Mageean presided. There were also present:

The minutes of the last meeting were read and signed. The reports of Religious and Home Office Inspectors were read and considered satisfactory.

A letter was read from the Ministry of Home Affairs stating that it was the intention of the Ministry to increase their grants for the maintenance of boys in the school as from the 1st April 1942. The new grant to be 20 pounds for each boy per week.

The future of the school in view of the increase in number and lack of accommodation was then discussed. It was decided that steps should be taken to build a new school at the earliest possible date. The manager was instructed to find out if an available site could be obtained convenient to the city and if the Ministry would be willing to give financial assistance towards the erection of the building.

Dr Mageean,
St. Michael's, 1943.

G1908 Wt. 610/127 250 E/37 11/11/11. Gp. 100

NORTHERN IRELAND
29 FEB 1944

P.383

YEAR 1943-4

Circuit.....**2**.....Section.....**A**.....

Received in Office and entered in
Register.....**23rd February, 1944**.....

County.....**Borough of Belfast**.....

ANNUAL REPORT upon.....**St. Patrick's**.....**Reformatory and School.**
Industrial

Post Town.....**Falls Road, Belfast**.....

School inspected.....**in**.....**reports of January and February, 1944**.....**From**.....**to**.....**Class**

Date of last inspection.....**30th October, 1942**.....

TEACHING STAFF.

(1)

Name in full of every person employed in the school since date of last inspection by Ministry of Education's Inspector	Position in School	Date of Birth	Married or not	Month and Year of first appointment		(a) In this case of teachers qualified under Ministry of Education, State College and year of training and note as to award or non-award of Diploma or full recognition. (b) Note particulars of any qualifications possessed by teachers not so qualified	Date of leaving
				As Pupil Tr. or Mon.	As Teacher Here In other Refy. Indl. or P.E. School		
BR 39							
BR 86							

The last three are connected with Forkhill House, Co. Armagh.

(2) PUPILS ON ROLLS AND PRESENT AT THE INSPECTION:

Note in this table the number of pupils on rolls and the number present at the inspection.

Standard	No. on Rolls		No. Present		Standard	No. on Rolls		No. Present	
	Boys	Girls	Boys	Girls		Boys	Girls	Boys	Girls
Infant	-	-	-	-	VI	20	-	20	-
I.	10	-	10	-	VII	4	-	4	-
II.	7	-	7	-	VIII	-	-	-	-
III.	19	-	19	-	TOTALS	102	-	102	-
IV.	15	-	15	-					
V.	27	-	27	-					

- (3) Specify the exact hours devoted to instruction in subjects included in the programme of the Ministry of Education, showing total hours of such instruction daily, and days upon which given. **9.45 - 11.15 and 11.30 - 1.0 = 3 hours. 2.45 - 4.15 and 4.30 - 6.0 = 3 hours. Each class attends**
- (4) Specify programme subjects not taught, **in the morning for one week and in the afternoon for the succeeding week.**
Nil.
- (5) Specify subjects taught which are not included in the programme of the Ministry of Education.
Bookmaking and tailoring.
- (6) If there are two or more teachers specify the standards or subjects taught by each.

BR 39

BR 86

at Forkhill House, Co. Armagh.

- (7) Indicate briefly the arrangements for promotion of pupils in standards (whether annually, and at what date) and whether the pupils are promoted with due regularity and are properly classified having regard to their ages and capabilities.

Pupils are promoted annually on 1st July. In the special circumstances classification is low. See table overleaf.

(8) Note any defects in premises, equipment or organisation which should be brought under the notice of the Ministry of Home Affairs.

A section of the Junior Division was evacuated to Forkhill House, Co. Armagh.

Three new classrooms have just been completed: two of these are in use. They are well lighted and suitable.

The evacuated boys and their Teachers are expected to return about May, 1944.

The floors of the new classrooms are of cement. This is unsuitable being a ready conductor of heat. Wooden floors should be placed over this as soon as timber for this purpose can be released. This release might be effected by the Ministry of Home Affairs.

Equipment is required for Horticulture, now being introduced.

The amount of time devoted to secular instruction is inadequate for pupils of 6-14

(An additional sheet should be used if space provided is insufficient).

years of age, and the daily period 9.30 - 6.0 p.m. is unsuitable.

(9) Statement for the Ministry of Home Affairs and Corresponding Manager.

(This statement should give a general view of the teaching and conduct of school based upon the facts noted at inspectors' visits. Inspectors are asked to refer to what is said on pages 8, 9, 10 and 11 of the Prefatory Note to the Programme of Instruction issued in 1932, in regard to moral instruction, and to report whether a good tone pervades the whole of the teaching and the general conduct of the school. The statement should also have reference to the value of the school as an educational institution. When necessary, it should contain suggestions for improvement).

The following table gives an analysis of the classification of the pupils:-

Ages in years in February, 1944.

Standard	8	9	10	11	12	13	14	15	16	17	Years
I	1	1	3	1	1	2	1	-	-	-	
II	-	-	1	-	3	2	1	1	-	-	
III	-	-	-	3	1	6	4	3	1	-	
IV	-	-	-	2	3	4	6	3	-	-	
V	-	-	-	1	3	5	7	10	1	1	
VI	-	-	-	-	1	2	2	11	1	1	

The time devoted daily to secular instruction is 1 1/2 hours below the normal. Many of the boys were irregular attenders at school before their admission to this special school, some of the older ones have not yet learned the elements of the main subjects, and classification is very low. The work of the Teachers is difficult and often depressing, and in the special circumstances is being regarded as satisfactory. The school's influence is decidedly uplifting, and designed to foster in the special type of boy for which it exists, self-respect, and regard for the rights and feelings of others. The two trades being taught make a strong appeal to the older boys, and horticulture now being introduced promises to be a most interesting practical subject.

In all standards the Teachers ought to devote most care to the subjects of fundamental importance, to avoid over-instruction, and to develop application and concentration. The need for thorough preparation, for all teaching is now stressed. More could be done for geometrical drawing in all standards - a practical branch, if properly treated, of high educational value.

Spelling and recitation of good poetry, call for special teaching.

Physical Training is praiseworthy.

Now that three modern classrooms are available the Manager and Superintendent would like to have the normal school day introduced, i.e., from 9.30 a.m. to 3 p.m. on five days weekly for boys up to 14 years of age, and future vacancies on the staff filled by Trained Teachers. With this I agree. Boys are sent here because they did not go to school. Yet when here they have to attend only 3 hours daily: on alternative weeks the school period is from 2.45 p.m. to 6.0 p.m., including an interval of 1/4 hour. This period is at an unsuitable time.

Note Paragraph "A" was not quoted in copies of extracts which issued to the Corresponding Manager and Principal Teacher.

(Signed) S. Weatherup,

15th February, 1944.

Copies of Report sent to Ministry of Home Affairs and Corresponding Manager.....

Report sent to Registry.....

RULES for the Management and Discipline of St. Patrick's Reformatory and Industrial School, Milltown, Falls Road, Belfast, dated the 12th February, 1948.

Management. *Responsible school to the Board*

- (1) The School shall be under the patronage of the Roman Catholic Bishop of the Diocese of Down and Connor and the constitution of the School Board of Management shall be as follows: The Bishop, (Chairman) The Vicar General, the parish priests of St. Paul's, St. Malachy's, St. John's, and the Administrators of all the Bishop's Parishes in the City of Belfast. The De La Salle Brothers shall have charge of the School, under a special Agreement with the Bishop, and the Superior for the time being shall act as Correspondent.
- (2) *Board of Management* The Managers shall appoint a Finance Committee and such other Committees as they think necessary for the efficient management of the School. Any Committee so appointed shall have such powers or duties as the Managers may determine.
- (3) *Board* The Managers shall meet so far as practicable once a quarter and one meeting at least in each year shall be held at the School.
- (4) *Board* The Managers and any Committee appointed by them shall keep minutes of their proceedings and these minutes shall be open to inspection by or on behalf of the Chief Inspector and by or on behalf of the School Auditor.
- (5) *Board* The Managers shall maintain an efficient standard throughout the school and for this purpose they shall take into consideration any report which may be sent to them by or on behalf of the Minister of Home Affairs. They shall satisfy themselves by frequent visits to the school that the clothing, maintenance and education of the boys under their care are satisfactory. They shall exercise an effective control over all expenditure.
- X (6) The name of the School shall be chosen by the Managers subject to the approval of the Minister of Home Affairs.

Accommodation.

- (7) The total number of boys resident in the school at any time, whether sent under the provisions of the Act or not, shall not exceed such number as may be fixed for that School from time to time by the Minister of Home Affairs.

Appointment of Staff.

- (8). The ^{Board} Manager shall be responsible for the appointment, suspension or dismissal of the staff, but the appointment of ^{Manager} Headmaster shall not be made without the approval of the Minister of Home Affairs, and no principal teacher shall be appointed unless he is a certificated teacher or in exceptional cases possesses such qualifications as may be approved by the Ministry.
- (9). The ^{Manager} headmaster, matron, teachers and instructors shall be employed under written agreement.
- (10) Except with the consent of the Minister of Home Affairs no member of the staff shall be retained after he has reached the age of 65 years.
- (11) The ^{Manager} headmaster, matron, teachers and instructors shall be eligible for superannuation,

^{Manager}
HEADMASTER.

- (12). The ^{Manager} Headmaster shall be responsible to the ^{Board} Managers for the efficient conduct of the school. He shall keep a Register of Admissions and Discharges in which shall be recorded all admissions, licences, revocations of licences recalls, releases, and discharges; a Log Book in which shall be entered every event of importance connected with the school; and a Punishment Book. These shall be available for inspection at all times.
- (13). The ^{Manager} Headmaster with the approval of the ^{Board} Managers shall determine the duties of the other members of the staff. These duties may include duties connected with the supervision of boys in the school, their recreation and after-care.
- (14). The ^{Board} Managers shall appoint in writing the Principal Teacher or other experienced member of the staff to exercise the duties of the ^{Manager} Headmaster during his absence.
- (15). As soon as practicable after the admission of a boy the ^{Manager} Headmaster shall inform the boy's parent or guardian of his arrival.

CARE OF BOYS.

- (16). Each boy shall be provided with a separate bed and shall be kept supplied with suitable clothing similar to that worn in ordinary life.
- (17). The boys shall be supplied with sufficient and varied food based on a dietary scale to be drawn up by the ^{Manager} Headmaster after consultation with the Medical Officer. The dietary scale shall include a list of dishes and a table of quantities to be supplied to each boy.

The dietary scale shall be subject to the approval of the Chief Inspector and no substantial alteration shall be made in it without his approval. A copy shall be kept posted in the school kitchen.

(18).

School Routine.

The Daily Routine of the School (including the hours of rising, schoolroom instruction and practical training, domestic work, meals, recreation and retiring) shall be in accordance with a scheme approved from time to time by the Chief Inspector.

A copy of the Daily Routine shall be kept posted in some conspicuous place in the school.

Any substantial deviation from the Daily Routine shall be entered in the Log Book and a notification shall be sent forthwith to the Chief Inspector.

EDUCATION.

(19). The education given in the school shall be based on the principles of the Education Act (N.I) so as to secure adequate elementary education for boys of school age ^{and their continued education} thereafter so long as they remain in the school.

The schoolroom time table and syllabus shall be subject to approval by the Chief Inspector. A copy of the time table shall be kept posted in the schoolroom.

The practical training of the boys shall be in accordance with a scheme approved from time to time by the Chief Inspector. Any substantial deviation from the scheme shall be entered in the Log Book and a notification shall be sent forthwith to the Chief Inspector.

The attendance of boys in the schoolroom and at all classes of practical training shall be recorded in registers which shall be marked in accordance with the regulations of the Board of Education.

(20). The practical training given to boys over school age shall, so far as practicable, be directed to their preparation for a particular form of employment. Regard shall be had to the capacity and preference of each boy and in all suitable cases the parent or guardian shall be consulted.

RELIGIOUS INSTRUCTION.

(21) Each day shall be begun with simple worship. The boys shall attend Holy Mass on all Sundays and Church Holidays.

Religious instruction suited to the age and capacity of the boys, shall be given for one half-hour each day.

Recreation, visits, and letters.

(22). Adequate provision shall be made for free time and recreation, including organised games and walks and visits outside the school boundaries. Except in bad weather at least an hour daily

shall be spent in the open air.

So far as reasonably possible, a holiday away from the school shall be arranged annually.

Home leave shall be granted to each boy each year unless circumstances make it undesirable, but the period of home leave shall not exceed sixteen days in any year without the permission of the Chief Inspector.

- (23) Boys shall be encouraged to write to their parents at least once a month and for this purpose postage stamps shall be provided.

Boys shall be allowed to receive letters from their parents, relatives and friends and, at such reasonable intervals as the Managers may determine, visits from them.

The Headmaster may suspend any of these facilities if he is satisfied that they interfere with the discipline of the school. He is authorised to read all letters which pass to or from the Children in the school, and to withhold any which are objectionable.

- (24) Arrangements shall be made for giving of pocket-money each week subject to such conditions as may be approved by the Chief Inspector.

Discipline and punishment.

- (25) The discipline of the school shall be maintained by the personal influence of the Headmaster and staff and shall be prompted by a system of rewards and privileges.

- (26). When punishment is necessary for the maintenance of discipline one of the following methods shall be adopted:-

- (i) Forfeiture of rewards or privileges (including pocket money) or temporary loss of recreation.
- (ii) Alteration of meals for a period not exceeding three days: provided that such alteration shall be within the limits of a special dietary scale approved by the Chief Inspector.
- (iii) Separation from the other boys: provided that this punishment shall ~~only~~ be used in exceptional cases and subject to the following conditions:-
 - (a). No boy under the age of twelve shall be kept in separation.
 - (b) The room used for the purpose shall be light and airy and kept lighted after dark.
 - (c) Some form of occupation shall be given.
 - (d) Means of communication with a member of the staff shall be provided.
 - (e) If the separation is to be continued for more than 24 hours the written consent of one of the Managers shall be obtained and the circumstances shall be reported to the Chief Inspector.
- (iv) Corporal Punishment. Every effort shall be made to

/enforce

enforce discipline without resort to corporal punishment. Where it is found necessary its application shall be in strict accordance with Rule 27 or 28 as the case may be.

27. Corporal punishment in boys Schools shall be subject to the following conditions:-
- (a) It shall be inflicted only, with a cane or tawse of a type approved by the Ministry.
 - (b) If applied on the hands, the cane shall be used and the number of strokes shall not exceed three on each hand, but no boy over 15 shall be so punished.
 - (c) If applied on the posterior with a cane or tawse, it shall be applied over the boy's ordinary cloth trousers and the number of strokes shall not exceed six for boys under 15 or eight for boys of 15 ~~and over~~; provided that in exceptional cases, with the special approval of one of the Managers, twelve strokes may be administered to boys of 15 and over.
 - (d) No boy with any physical or mental disability shall be so punished without the sanction of the Medical Officer.
 - (e) No corporal punishment shall be inflicted except by the ^{Manager} Headmaster (or during his absence by the Officer appointed under Rule 14 to exercise the duties of Headmaster) or by an officer of the school in his presence and under his direction.
 - (f) It shall not be inflicted in presence of the other boys.
 - (g) Notwithstanding the provisions of paragraph (e) and (f) of this Rule, for minor offences committed in the schoolroom by boys under 15, the principal teacher may be authorised by the Managers to administer with the cane not more than two strokes on each hand. Where the principal teacher is so authorised by the Managers to administer corporal punishment, he shall keep a book to be known as the Schoolroom Punishment Book and he shall at once enter therein any corporal punishment inflicted by him under this paragraph.
- 2
28. The ^{Manager} Headmaster shall be responsible for the immediate recording of all corporal and other serious punishments in the Punishment Book which he is required to keep under Rule 12, except corporal punishment inflicted by the principal teacher under Rule 27. ^{Manager} The Headmaster shall examine the Schoolroom Punishment Book, if any, at least once a week and shall sign it.
- (29. Except as provided by these Rules no member of the staff shall inflict any kind of corporal punishment. The term "corporal punishment" includes striking, cuffing, shaking or any other form of physical violence. Any person who commits a breach of this rule shall render himself liable to instant dismissal.
- No boy shall be allowed to administer any form of punishment on the other boys.

Placing out and After-care.

30. The ^{Board} Managers shall see that every effort is made to obtain suitable employment for a boy who is fit for release on licence and for this purpose they shall avail themselves where necessary of any help that can be obtained whether from public organisations or private individuals. Where the boy's home is unsatisfactory they shall place him in a hostel or other suitable lodgings.

31. The ^{Board} Managers shall provide every boy on leaving with a sufficient outfit and, if necessary, with a reasonable sum for travelling and subsistence, and they shall communicate with his parents, if any, responsible for his maintenance.

32. The ^{Board} Managers shall satisfy themselves that adequate arrangements are made for the after-care of every boy released from the school until the statutory period of supervision has expired.

Medical Officer.

33. The ^{Board} Managers shall appoint a Medical Officer whose duties shall include a thorough examination of each boy on admission and shortly before leaving the school; a quarterly inspection of each boy; visits to the school at least once a week; general inspection of the school from a hygienic point of view; advice as to dietary and general hygiene; the examination of all sick and ailing boys and of such resident members of the staff as the Managers may specify; the keeping of medical records in a form approved by the Ministry. The furnishing of such reports and certificates as the Managers may require.

Dentist.

34. The ^{Board} Managers shall appoint a dentist whose duties shall include an examination of the teeth of each boy at least once a year, and the undertaking of such fillings, extractions or other dental work as may be necessary. He shall keep a record of his work in a form approved by the Ministry.

35. General Regulations: The Officers and teachers of the school shall be careful to maintain discipline and order, and to attend to the instruction and training of the boys, in conformity with these Regulations. The boys shall be required to be respectful and obedient to all those entrusted with their management and training, and to comply with the regulation of the school.

Inspection.

36. The ^{Board} Managers shall arrange that the school shall be open at all times to inspection by or on behalf of the Chief Inspector and they shall give all facilities for the examination of the books and School records.

COPY

St. Patrick's Boys' School,
Milltown,
Falls Road,
Belfast.

Report taken from [REDACTED] BR 70 on the
22nd September, 1946.

I was on duty in the Boys' Recreation Yard on Saturday, the 21st instant. [REDACTED] reported to me that his wallet had been stolen by one of the boys. I asked the boys collectively if they knew anything about the wallet and there was no response. Later that day [REDACTED] came to me and handed me some of the missing money, which he stated he had received from [REDACTED]. The money tallied with the cash taken from the wallet and I questioned the boy [REDACTED]. He informed me that he got it from [REDACTED] SPT 30

I called out [REDACTED] SPT 30 and he admitted having stolen the money, but refused to hand over about half the cash which was still missing. When he persisted in telling lies I gave him three strokes on the jaw with my hand and sent him back to his company.

Signed

[REDACTED] BR 70

COPYST. PATRICK'S BOYS' SCHOOL,
Milltown,
Falls Road,
Belfast.Statement taken from [REDACTED] SPT 30 on the
22nd September, 1946.

I remember Saturday, the 21st September, 1946. I was playing in the Recreation Yard with the other boys. I saw [REDACTED] and [REDACTED] wrestling in the yard. I saw a wallet falling from [REDACTED] pocket and I went over and picked it up. I later examined the wallet and took the money out of it. I then threw the wallet up on the roof of the lavatories and gave some of the money to [REDACTED] to purchase sweets for me. [REDACTED] BR 70 accused [REDACTED] of taking the money and I walked over. [REDACTED] BR 70 asked me if I had taken the money and I said "No Brother"; he then struck me three slaps on the jaw with his hand and told me to get back to my company.

On Sunday afternoon I had a visit from my mother and I told what [REDACTED] BR 70 had done to me. I told her that he had kicked me and marked my face and body because I thought I would get to the hospital for a few months. [REDACTED] BR 70 has been good to me and I don't want to do him any harm.

Signed [REDACTED] SPT 30

PHONE 22888



St. Patrick's Boys' School,

MILLTOWN,
FALLS ROAD,
BELFAST.

1st October 1946.

My dear Lord Bishop,

I beg to acknowledge receipt of your letter of the 30th instant, in reference to the allegations made by [REDACTED] against [REDACTED] BR 70 [REDACTED] BR 70 who is [REDACTED] and I have to report to Your Lordship on the matter as follows;

The boy [REDACTED] SPT 30 [REDACTED] was committed to the School on the [REDACTED] and he has been a very difficult case since his admission. He has absconded on several occasions, for no apparent reason, and he has twice been before the Court on charges of Breaking and Entering. He is at present on Remand to the City Commission on a charge of Larceny. I attribute the boy's misconduct to the evil influence of his mother, who is a poor Catholic with no interest in the boy's spiritual welfare.

On the 22nd September, this boy when taxed by [REDACTED] BR 70 [REDACTED] about stealing another boy's wallet, denied it and he received a slap on the face from [REDACTED] BR 70 [REDACTED] which caused two scratches over his right eye- I will attach a copy of the School Doctor's report of his examination on the 23rd September.

The circumstances were used by his mother, with a view to influence the Court in the case which is pending against the boy. Her statements were grossly exaggerated and I placed the facts before the Ministry of Home Affairs, following a communication they had from her Solicitor,

[REDACTED] The boy was examined by [REDACTED] Medical Inspector of Industrial Schools, and his opinion was that the matter was trivial. We agreed that a doctor nominated by [REDACTED] would see the boy. On the 24th Sept, he was examined by [REDACTED] and he showed me his report which proved that the mother's charges were unfounded.

At this stage Mrs [REDACTED] apparently found that her case had little merit, and she called to discuss a /settlement

settlement with me, but I refused to enter into the matter with her.

There can be no question of the boy's discharge from the School, at this stage, as he will likely be recommitted at the next Court.

I attach herewith cheque £ 300, which is due to Your Lordship for the Rent of Glen Road Farm, to the 1st October, 1946.

With kind wishes and I regret if you have been caused any inconvenience, over the boy's case.

I am, My dear Lord Bishop,

Yours very obediently,

BR 39

COPYSolicitors.

16th January, 1948.

The Secretary,
The Ministry of Home Affairs
(Prisons Branch),
STORMONT, BELFAST.

Dear Sir,

We have received instructions from [REDACTED]

in the following circumstances:-

It would appear that Her son, SPT 30, is at present detained in St. Patrick's Industrial School, Milltown, Belfast, and she complains of the treatment the boy is receiving there. While she agrees that the boy should be punished for anything he has done she does not wish to encourage him in wrongdoing in any way but she finds that the boy is being constantly referred to by BR 39 as a "Jail Bird" and a "Blackguard". [REDACTED] invited him to lift the safe in the premises and break out of the School and steal something so that the boy would be sent to Borstal. Furthermore, BR 39 [REDACTED] has, we are instructed, forbidden the other boys in the School to associate with " [REDACTED] the Jail Bird" meaning SPT 30 by which name this official refers to the boy in front of the other boys. This boy is somewhat of a temperamental nature, and, as we are acquainted with the history of the case, we have found it necessary to make complaints in respect of the treatment this boy has been receiving on a previous occasion to the Courts.

The official above referred to has, and is constantly making derogatory references to the boy in front of the other boys referring to the boy's mother and the complaints that were made in Court. As a result of this treatment the boy is most unhappy in the School and his mother is prepared to

/have

MEMORANDUM FOR THE DIRECTOR

DATE: 10/15/54

FROM: SAC, [illegible]

SUBJECT: [illegible]

have him removed to any other Institution for the remainder of his term as it is obviously, on our instructions, not in the best interests of the boy that he should remain at the School. We should be glad if you would look into this, most important matter as the situation is one that would seem quite to require investigation.

Yours faithfully,
[Redacted Signature]

Very truly yours,
[Redacted Name]

2. St. Patrick's, Milltown.

This School houses 225 boys. It is provided by the Roman Catholic Church and staffed, in the main, by the Christian Brothers. The premises are an old mill, about 100 years old, adapted to its present use. I would withdraw its certificate at once on the ground of unsuitability of premises if I dared, but where would the 225 boys go. The staff here are very good, but the premises are simply awful.

3. Victoria Homes.

This institution is provided by a Voluntary Charitable Body and takes female children of two types -

- (a) unwanted, homeless or derelict protestants;
- (b) committed Protestant children.

At present there are 7 committed children. This Charity is perpetually short up, has a big overdraft and cannot afford a competent staff. We put the girls away here because we have no other place to put them at the moment.

There are a number of other places but these are samples. My Ministry neither controls nor directs any of them.

So far I have dealt with the treatment of children convicted by the Courts and sent to institutions. There is another aspect of the problem.

At any given moment there is a considerable number of children who, while not actually delinquents, are potentially delinquent owing to causes over which they have no control. A child may be living in the house with criminal brothers or sisters. Father or mother may be separated, as on bad terms or drinking. A case came to my notice recently where a girl just under 16 was living with a sister who was a prostitute. There are very many cases of children who are deprived of a normal home life. At present I have no power to help or protect such children. It is quite clear to me that the law should be in a position to throw a strong protective arm around such children. In the English Children's Act of 1933 a "care and protection" clause was introduced, and similar, but rather wider, powers should be given in Northern Ireland.

No one contemplates a wholesale interference with home life, even if it is not all that a social welfare worker might desire. The power to interfere would be strictly limited to cases where the danger to the child's welfare was real and imminent, and the Children's Court would be a protection against unnecessary or improper interference with parental rights.

There is not the least doubt that a proper protective service would have a very great effect. I would have proposed to use the Probation Service very largely in this work. Recently I called all the Probation Officers in for a conference, and I got from the Courts a report on every case put under the care of a Probation Officer during the past eighteen months. Out of some hundreds of cases only about half a dozen got into trouble again, and most of the cases which did backslide were those of backward children who are almost non-educable. The Probation Service, at present, is working very well.

You will appreciate now that I feel that I have no effective
/power

public and you. I would be most grateful
 therefore if you would consider how best I
 can be assured that all is well at Milldown.

The suggestion which you made to me is entirely
 acceptable, and if His Lordship is prepared
 to have this matter looked into, I will be
 well satisfied to leave the whole thing in
 his safe hands, and in such circumstances
 I shall not want to know what enquiries
 he makes or what steps, if any, he may take.

Yours sincerely


to time.

We sometimes get a boy affected with sex-mania; and we had once to refuse a boy who was found to be suffering from venereal disease. He was 15 years of age.

[REDACTED]: Do these boys associate with the other boys?

ANSWER : They do; there is no division. They should be in a separate building.

7b $\frac{1}{2}$ DR. MAGEEAN : Were there suggestions with regard to the Brothers?

ANSWER : There were. They concerned an exemplary Brother -

BR 69 [REDACTED]

One day I got a phone message to say boys were talking

[REDACTED] BR 69 Three of them said he had had immoral relations with them.

I knew him to be a good religious. I was much his junior, so I referred the matter to the Provincial. Three or four days after, the Provincial wired me to meet him in Forkhill. I went there. We held an inquiry. The three boys who made the accusations (about 12 years old) were questioned. They said another boy (about 17) had told them to make these allegations.

This boy was called in. He admitted he told the boys to say these things. He said he had no grounds for making the allegations. His reason was - he thought [REDACTED] BR 69 was too strict and he wanted him changed.

Another thing. I saw the accusations made : they have been shown to me. Three names were mentioned :

[REDACTED] BR 86

[REDACTED] BR 83 and

[REDACTED] BR 70

DR. MAGEEAN : Yes.

Two are here; [REDACTED] BR 70 [REDACTED]

WITNESS : / Brother [REDACTED] BR 83 [REDACTED] He came from

[REDACTED] three years ago. He is exemplary as a religious.

No suggestion could be made against him. I don't believe for one moment he ever made a suggestion. He is professed and is about [REDACTED] He is a saint - works hard at everything.

[REDACTED] BR 86 is here since [REDACTED] - came from [REDACTED] He is a good religious ; inclined to be soft with the boys.

I talked the thing over with him. I am convinced there is nothing in the charges.

I know he has pets among the boys, but they are not private friends. For example - [REDACTED] I had complaints that he favoured some boys in [REDACTED]

He has favoured some boys, but I would be shocked if there is anything wrong.

[REDACTED] BR 70 was here for about a year prior to Jan. 1947. [REDACTED]

[REDACTED] He was sent here as [REDACTED] He didn't do well at all. He used to beat the boys.

In October 1946, he beat the boy SPT 30 SPT 30 made a complaint to the Home Office through a solicitor that he had been beaten and kicked by [REDACTED] BR 70

DR. MAGEEAN : Was there any other fault ?

WITNESS : The Home Office held an Inquiry, and I gave permission to have the boy examined by [REDACTED] at the request of [REDACTED] Solicitor.

(During the Inquiry [REDACTED] BR 70 was suspended. The usual thing is to suspend the person concerned until the Inquiry is over.)

The allegations were found by the Ministry to be grossly exaggerated, and the Ministry ordered that [REDACTED] BR 70 be re-instated.

Because of the Inquiry Brother Provincial changed [REDACTED] BR 70 in Jan. 1947.

DR. MAGEEAN : Were there any charges apart from severity ?

Witness: Not then.

I sent a note that he was unfit for work of supervision in schools. As a result of what I had to say, [REDACTED]
[REDACTED] At that stage there was no suspicion regarding morality.

In October last, a boy came to me [REDACTED]
He told me that [REDACTED] BR 70 [REDACTED] had immoral relations with him. He mentioned ~ about three times. [REDACTED]
[REDACTED]

He was about 15. He was in the category of bad boys with bad relations outside. His mother is in [REDACTED]

He was a sex-maniac.

[REDACTED] : Was [REDACTED] BR 70 [REDACTED] severe with him ? or had he any spite against him ?

WITNESS : Not that I know; but he was capable of saying anything. He and his brother are terrible problems to us. His name is [REDACTED] SPT 32 [REDACTED] I punish them every other day for something - wilfully breaking things, fighting with other boys.
DR. MAGEEAN: Were any other Brothers ever mentioned apart from these three ?

WITNESS : No.

7c. We had a [REDACTED] - [REDACTED] SPT 32 [REDACTED]
against whom allegations were made. These were serious, immorality, and so on. [REDACTED]
[REDACTED]

I thought the actions of the man were a kind of jest. It was alleged that he painted a boy's private.

[REDACTED] SPT 32 [REDACTED]
[REDACTED]

At least two boys concurred that he did it. [REDACTED] SPT 30
was not one of them.

[REDACTED] is always the most unpopular man in the School. BR 83 was responsible for having SPT 30 kept in one Sunday. This may have been his reason for making the charge against the Brother. They would know the Brother would be changed.

DR. MAGEEAN : How many boys were concerned in the affair of SPT 32 ?

WITNESS : I questioned five : three denied it : two said he ~~interfered~~ interfered with them. All were big boys - all Reformatory boys.

When BR 70 was changed [REDACTED] from 100 boys. They asked to get him kept on. SPT 30 name was the first on the list.

(The evidence was here read to the Witness).

I have nothing to add, change or take away in the answers which have been read to me.

Signed

BR 39

(2). [REDACTED] BR 83

1. [REDACTED] BR 83
2. In 1940.
3. Since 1944.
4. Before that in [REDACTED] for two years.
5. [REDACTED]

[REDACTED]

Rising - getting the boys up to morning prayer, breakfast, class, dinner; seeing to their clothes.

From 3.30 to 5, I am off. [REDACTED]

Two of us are with them most of the time. In the fields there is another Brother with them - [REDACTED] I am often there too, in the farms around the district, during the harvest time.

6. It is remarkably good.
- 7a. We get a few not very good boys lately, but on the whole it is good.

I can't separate the Industrial from the Reformatory boys. This is my biggest trouble.

DR. MAGEEAN : What is the practice in England ? Are the Industrial and the Reformatory boys separated ?

WITNESS : There are three grades : Industrial, Reformatory, and an intermediate grade.

[REDACTED] : Are the boys sent by the Commission difficult boys?

WITNESS : Most of the boys sent by the Commission are , and about one in every thirty in the whole house is.

DR. MAGEEAN : Is their attitude to morality abnormal - that is - the Reformatory boys ?

WITNESS : Not every lad. I came across some bad ones. I have known evil practices to exist among the boys.

9

7b. DR. MAGEEAN : Have the boys made any charges against other people besides the other boys ?

WITNESS : You sometimes hear a passing word, or sometimes in a wild kind of way. I would sometimes hear that a Brother was making a pet of a boy - but nothing more.

7c. I heard no charge against a lay person, or lay teacher on the staff.

DR. MAGEEAN : You have supervision of the Dormitory; did you notice any malpractices ?

WITNESS : No.

DR. MAGEEAN : Have you heard any charges about the dormitories?

WITNESS : About once or twice it was reported that a boy went into another boy's bed.

[REDACTED] : Was it said that any boys were taken out of bed ?

WITNESS : No. There is a night watchman who goes round every hour, and could see through the glass door anything that goes on. There is a dim light on at night.

DR. MAGEEAN : Was there any improper conduct in the fields ?

WITNESS : Nothing improper ever happened or was reported to me when I was in the fields.

DR. MAGEEAN : Or in the workshops ?

WITNESS : I visit the workshops once or twice in the day, and I never saw anything wrong.

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

About the fields : one boy made a wild charge against a brother - the boy SPT 30 The Brother was Brother BR 86 This was a day or two before he left - shortly after

DR. MAGEEAN : How do they obey you ?

WITNESS : They are not very scared of me.

DR. MAGEEAN : Do you get on well with the boys ?

WITNESS : Yes.

DR. MAGEEAN : ARE they good boys ?

WITNESS : Yes. Most of them.

[REDACTED] : What is wrong with the others ?

WITNESS : There is some bad talk.

[REDACTED] : Is there any bad carrying-on goes on ?

WITNESS : Not that I know.

[REDACTED] : Any bad language ?

WITNESS : Yes.

DR. MAGEEAN : The Sacred Name ?

WITNESS : Not very often.

DR. MAGEEAN : Are the bigger boys naughty boys ?

WITNESS : Yes, in some cases ; in others they are all right.

[REDACTED] : How do the bigger boys get on with the smaller boys?

WITNESS : They call them a lot of kids; they don't treat them harshly - but sometimes they bully them.

DR. MAGEEAN : Is there anything you would like to complain of ?

WITNESS : No.

[REDACTED] : Are there any bad practices going on ?

WITNESS : There is imputity between the bigger and the smaller boys.

DR. MAGEEAN : Where ?

WITNESS : In the lavatories.

DR. MAGEEAN : Have you seen this ?

WITNESS : No, I have been told of it.

[REDACTED] : Who is responsible for this ?

WITNESS : Mostly the big boys, aged from 17 down, or 18.

24

[REDACTED] : Did they lead many small boys astray ?

WITNESS : I don't know.

DR. MAGEEAN : Are these practices common ?

WITNESS : I couldn't say for sure.

[REDACTED] : Any carry-on in the Dormitories ?

WITNESS : There was talk of boys going into other boys' beds.

[REDACTED] : You never heard of any boys being taken out of their beds ?

WITNESS : No.

DR. MAGEEAN : Did you know SPT 33 [REDACTED]

WITNESS : Yes.

DR. MAGEEAN : Was he in the habit of using bad language ?

WITNESS : Yes.

DR. MAGEEAN : Did you know of any bad conduct between SPT 33 and the boys ?

WITNESS : Yes ; there was one occasion when the boys forced each other down, and painted their privates.

DR. MAGEEAN : How many boys were concerned ?

WITNESS : Five.

DR. MAGEEAN : Was this reported to the Superior ?

WITNESS : Yes, it was reported by the boys.

(The answers were read here.)

I have nothing to add, take away or change in the answers which have been read to me.

Signed

[REDACTED]

27

DR. MAGEEAN : Are there any dirty practices ?

WITNESS : Before Christmas there were. Big boys abusing small boys in the lavatories. Not in the Dormitories; the watchman was put on for this, but this has stopped. BR 39

BR 39 said once he would have to leave the School if these bad practices went on.

DR. MAGEEAN ; Any bad papers ?

WITNESS : Yes, I saw "News of the World".

[REDACTED] : Any other papers ?

WITNESS : Yes, there were magazines called "True Crime", brought in by the city boys.

[REDACTED] : Is there anything else ?

WITNESS : Yes; there is bad talk in the yard. Some fellows always talk about these things.

DR. MAGEEAN : What was going on in the Dormitories before the watchman was put on ?

WITNESS : There were big boys going into other boys' beds.

DR. MAGEEAN : Did you see this ?

WITNESS : Yes, I saw it twice.

(Here the answers were read).

I have nothing to add, take wa away, or change in the answers which have been read to me.

Signed.

[REDACTED]

Concordat cum originali

[REDACTED]

[REDACTED]

PRIVATE & CONFIDENTIAL.

21st April, 1948.

The Right Honourable Edmond Warnock, K.C.,
Minister of Home Affairs,
Stormont,
Belfast.

Dear Mr. Warnock,

On 24th March last, [REDACTED] handed me the letter you wrote to him regarding certain grave charges made by the [REDACTED] SPT 30 [REDACTED] concerning St. Patrick's Industrial School, Milltown.

It appeared to me that the allegations called for investigation by an Ecclesiastical Commission. Following on this decision I went to the Institution on Friday, 9th April 1948, accompanied by my Vicar General, [REDACTED]

[REDACTED] to enquire into the standards of morality obtaining in the school, with special reference to the incidents and abuses alleged by [REDACTED] SPT 30 [REDACTED]

I had previously requested [REDACTED] RR 39 [REDACTED]

BR 39 [REDACTED]

[REDACTED] SPT 30 [REDACTED] SPT 30 [REDACTED] SPT 30 [REDACTED] who has left Milltown and is now detained elsewhere, was not called.

The Commission sat continuously from 10.30 a.m. until 4.30 p.m. and at the conclusion of the session we were satisfied that we had obtained a complete and accurate assessment of the moral standards of the school and were in a position to arrive at a reliable judgment regarding the truth of the charges alleged by [REDACTED] SPT 30 [REDACTED]

I should mention that each witness was put on Oath before his evidence was taken and at the conclusion of the examination his evidence was read over to him by the Notary and he was afforded an opportunity of adding to, withdrawing from or

-2-

altering what he had said. In the case of the boys who were examined, I explained to them the nature of an oath, emphasising its gravity and solemnity by reason of the fact that it called upon Almighty God to bear witness to the truth of what they said. I also gave them an assurance that any evidence they gave would be treated in the strictest confidence so that there would be no danger of their suffering any victimization as a result of their testimony.

The Commission arrived at the following conclusions:

- (1) The standards of morality obtaining in St. Patrick's Industrial School are most satisfactory and would even compare very favourably with those of Institutions where the residents have not been brought together by reason of delinquency.
- (2) The charges of immoral conduct alleged by SPT 30 against BR 83 BR 70 and BR 86 are devoid of all foundation. The Commission failed entirely to discover any incident, the exaggeration or misrepresentation of which, could have provided a basis for the charges and is, therefore, satisfied that they are a complete fabrication on the part of SPT 30

In the course of the investigation several witnesses referred to one instance of what might be described as horse-play of an indecent character which for the sake of completeness we think it well to record. It would appear that the ring-leader in this incident, which involved some boys being forcibly held down on the floor while their genital organs were painted, was a man named SPT 33 who at that time was

It is, perhaps, indicative of the moral tone of the school that the matter was immediately reported to BR 39 by some of the boys who did not attempt to conceal that they were greatly shocked by it. BR 39
BR 39

Before concluding this account of our investigation, I would wish to thank you for the manner in which you elected to deal with the charges when they were brought to your notice and to assure you that I greatly appreciate your extreme courtesy and consideration

I am, very sincerely yours,

+A. Mageean,

Bishop of Down and Connor.

St. Patrick's School, Milltown, Belfast.

This school was inspected on the 29th November, 1950, on which day there were in residence 134 boys (81 including 6 voluntary pupils in the junior school, 47 in the senior school). The figures for 1949 were 117 boys resident (75 junior and five voluntary, 37 senior).

Details of admissions and discharges during the year are as follows:-

1. Number admitted:

Junior 24 - Total 53
Senior 29

2. Number discharged:

Junior 22 - Total 34
Senior 12

3. Number on licence:

Junior 1 - Total 9
Senior 8

4. Number admitted to hospital and subsequently discharged during the year:

Junior 2 - Total 3
Senior 1

5. Number absconded and recovered:

Junior Nil - Total 1
Senior 1

The general health of the boys was good during the year, and there were no epidemics. A regular quarterly medical inspection of the pupils is made by the School Medical Officer, [REDACTED]. He also visits the school daily and is on call for any emergency. He ensures that every boy has been vaccinated and immunized. BR 39 [REDACTED] informed us that recently arrangements had been made to have all boys medically examined immediately prior to discharge from the school.

As recorded in last year's report, all the boys at the school have received a Mantoux test and negative reactors have been given B.C.G. inoculation. An excellent card index system of medical records is kept in a filing cabinet in a well equipped medical and dental surgery. The Matron is responsible for attending to all minor ailments. The school dentist visits once a week. BR 39 [REDACTED] reported that the existing stock of printed medical cards had now been used up, and suggested that this would be an opportune time to introduce a uniform medical card for all training schools. [REDACTED] a further stock of the existing cards in the hope that something might be achieved in this direction. At the same time, BR 39 [REDACTED] also expressed a desire for the organisation of a closer association between officers of all training schools, pointing out that the exchange of ideas and the knowledge of methods used in other schools would inevitably lead to a general improvement.

The problem of enuresis was discussed with BR 39 [REDACTED]. He says that there are always a certain number of pupils who suffer from this complaint and at [REDACTED] suggestion I provided him with details of an electrical apparatus designed for the treatment of this complaint. I understand that the Ministry's sanction has already been

/given

given to the purchase of one such apparatus for trial purposes. Should this prove successful, BR 39 says have the apparatus made in the School workshop.

Accommodation:

Linoleum has been laid to cover the old wooden floors in the dormitories. A new stainless steel double sink has been installed in the scullery annexe to the kitchen. Apart from this there has been little change since last year. As a new site has been obtained on the Glen Road and approval obtained for the provision of new premises on this site, it is not proposed to recommend any further changes in the existing school. The entire premises were adequately equipped and were clean and tidy at the time of the inspection. The bathroom and lavatory accommodation is adequate and well kept.

Training Facilities:

A public elementary school education is provided for the boys of school age in classrooms which are adequate and suitable. Classification of boys is necessarily on the basis of attainment, and there is inevitably a nondesirable mixture of older and younger boys in one class. Educational ascertainment was discussed with BR 39 and he seems to be of the opinion that at present at any rate there would not be much object in having any of the present pupils ascertained by the approved school medical officers of the Health Committee. In our opinion boys should be ascertained before they are admitted to school and indeed as far as possible before the children are referred to the courts. We think that all children of school age who are to be brought before the court for an offence sufficiently serious to render it probable that they may be committed to a training school, and whose educational report suggests some degree of mental defect or who have a record of psychological or mental disturbance should be ascertained by a medical officer approved by the Local Health Authority for the ascertainment of handicapped children if this has not already been done. A copy of this medical officer's report should be sent to the Local Welfare Officer and be submitted by him to the magistrate as part of the educational and medical reports to be provided by him under Section 37(ii) of the Children and Young Persons Act (Northern Ireland). Provided the ascertainment is effected in this way at the request of the Local Welfare Officer following his study of the educational report we do not think this procedure will conflict in any way with the provisions of Section 36 of the Mental Health Act, but suggest that this aspect should be carefully studied before any directive is sent to Local Welfare Officers.

For children or young persons already committed, Sections 30 and 53 of the Education Act (Northern Ireland) 1947 and Section 37 of the Mental Health Act (Northern Ireland) 1948 would appear to be applicable and the necessary examinations carried out in the cases of children of school age by the school Medical Officer approved by the Local Health Committee and in the case of young persons by a medical officer of the Northern Ireland Hospitals Authority. We do not think that this procedure would conflict in any way with the provisions of Section 37 of the Mental Health Act (Northern Ireland) 1948, but suggest that discussions with the Ministry of Health on this aspect would be advisable.

We saw boys being trained in tailoring, shoemaking, shoe-repairing, carpentering and leather work. We saw products of the workshop and were much impressed by the high standard of workmanship. The training in joinery is particularly good, each boy's drawings being carefully filed so that he may take them with him as a proof of his competence when he proceeds to his apprenticeship. A sewing-machine for the shoemaker shop has also been obtained on hiring terms since our last visit.

/An

Deal
with
in
separate
file
23/1/51

An excellent after care system has been organised by [REDACTED] the After Care Officer. Details of past pupils, at present serving their apprenticeship and who are placed in employment, are given as an appendix to this report. BR 39 [REDACTED] is making fresh efforts to have the school trade training recognized for apprenticeship purposes. BR 39 [REDACTED] again referred to the scheme for immigration to Australia, mentioned in our last report, saying that it was excellently organised, and that he had heard from two boys now in Australia, both of whom were doing well and earning good wages.

Since the last inspection, the hobbies room has been developed considerably. Several pupils were working there at the time of our visit, and were being supervised by one of the staff, an obvious enthusiast at this type of work. Several additional items of equipment have been obtained including an electrically driven lathe.

Recreation Facilities:

These are as described last year and there is little change. The provision of a new school on another site should enable better playing fields to be provided. The school band was rehearsing at the time of our visit and we were informed that the band had recently taken part in a broadcast performance.

Statutory Books:

The Statutory Books were inspected and were found to be written up-to-date, with the exception of the Medical Register, which, BR 39 [REDACTED] informed us, [REDACTED] considers to be unnecessary, in view of the detailed records maintained in the card index system. While the Register is undoubtedly convenient from the point of view of inspectors, it seems to us that provided detailed medical records are kept in the card index system, the maintenance of duplicate records in the Medical Register is not essential.

In general, this remains an excellent institution with a cheerful homely atmosphere. The training received is obviously of the highest order, and all the boys looked healthy and were happily engaged in some form of activity.

/IK.

Norman J. Simpson 21-12-50
Kathleen B. Fawcett 22-12-50