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HISTORICAL INSTITUTIONAL ABUSE INQUIRY  
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being heard before:

SIR ANTHONY HART (Chairman)

MR DAVID LANE

MS GERALDINE DOHERTY

held at

Banbridge Court House

Banbridge

on Tuesday, 1st September 2015

commencing at 10.00 am

(Day 134)

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

1 Tuesday, 1st September 2015

2 Opening remarks by THE CHAIRMAN

3 CHAIRMAN: Good morning, ladies and gentlemen. I am sorry  
4 we have kept you waiting. We had a slight technical  
5 hitch, which has now been resolved, and we are ready to  
6 begin.

7 May I welcome you, first of all, to this the 134th  
8 day of our public hearings. Today we start Module 7,  
9 which will concern itself with four juvenile justice  
10 institutions: St. Patrick's Training School, Lisnevin  
11 Training School, Rathgael Training School and the  
12 Hydebank Young Offenders Centre. These will all be  
13 dealt with sequentially during this module, but, as  
14 Ms Smith will explain in a few moments, there are  
15 a number of factors which are common to all of them,  
16 which is why we are dealing with them in this lengthy  
17 module, because we anticipate it will extend until late  
18 November.

19 In a moment Ms Smith will give us this overview and  
20 then later today Mr Joseph Aiken, Junior Counsel to the  
21 Inquiry, will open the material relating specifically to  
22 the first of those institutions that we are going to  
23 deal with, St. Patrick's Training School.

24 Yes, Ms Smith.

25 MS SMITH: Chairman, good morning. Before I start my

1 remarks I understand there are some appearances to be  
2 recorded.

3 CHAIRMAN: Yes, Mr Wolfe.

4 MR WOLFE: Yes, sir. I appear on behalf of the Department  
5 of Justice with my learned friend Mr David Reid.

6 I have also been asked on behalf of Mr Andrew  
7 McGuinness to indicate that he represents the Department  
8 of Health, Social Services and Public Safety. He is  
9 unable to be here today, but the Department is otherwise  
10 represented by Ms Tania Stewart.

11 CHAIRMAN: Yes. So I understand. Thank you very much.

12 MR WOLFE: I am obliged.

13 Opening remarks by MS SMITH (COUNSEL TO THE INQUIRY)

14 MS SMITH: Good morning, Chairman, Panel Members, ladies and  
15 gentlemen. This morning, as you have said, Chairman,  
16 sees the start of a module of evidence relating to those  
17 juvenile justice institutions that the Inquiry has said  
18 it would investigate, namely St. Patrick's Training  
19 School, Rathgael, Lisnevin and Hydebank. Three of these  
20 institutions were training schools and one was and  
21 remains the young offenders centre in Northern Ireland.

22 I am going make some general remarks about the  
23 location and operation of each home and about the  
24 history, background and legal framework relevant to the  
25 operation of training schools in Northern Ireland.

1 I~will say something of how children came to be placed  
2 there as well as outlining a little about the  
3 development of the juvenile justice system during the  
4 period covered by our terms of reference.

5 As you have said, Chairman, once I conclude my  
6 remarks, Mr Aiken will then detail the position specific  
7 to St. Patrick's Training School. It is his intention  
8 to set out a lot of information relating to the  
9 operation of that home and tell you about the material  
10 which the Inquiry has received relevant to the issues of  
11 abuse and systemic failings.

12 At the end of this week we will also read some  
13 statements from those who are unable to attend in person  
14 and who have spent time in St. Patrick's, and next  
15 Monday, 7th September, we will begin calling witnesses  
16 to give their accounts of the time they spent in that  
17 institution.

18 Following that, we will hear from those who spent  
19 time in Rathgael and the other two institutions, and at  
20 that point I shall give more detailed information about  
21 those.

22 It will be apparent that some of the witnesses spent  
23 time in more than one of these four institutions, and  
24 where that is the case, in keeping with our desire to  
25 try to avoid asking people to give evidence more than

1 once, they will speak about each of the institutions  
2 that they were in covered by this module; in other  
3 words, someone who, for example, spent time in St.  
4 Patrick's and then Lisnevin will only give evidence once  
5 in this module.

6 In terms of numbers, in total the Inquiry has spoken  
7 to 48 people who were resident in one of these  
8 institutions. 27 people have come to the Inquiry to  
9 speak about their time in St. Patrick's. Four of those  
10 also spent time in Lisnevin and two of those four were  
11 also in Hydebank for a while. We will hear from 18  
12 people who were in Rathgael. Two of those were also in  
13 Lisnevin, one of whom was also in Hydebank. Two other  
14 people came to speak about Lisnevin, one of whom also  
15 spent time in Hydebank, and only one person came to  
16 speak about Hydebank alone.

17 Many of the matters complained about have echoes in  
18 the testimony already heard in relation to the homes  
19 which the Inquiry has been dealing with in previous  
20 modules. In this module the complaints you will hear  
21 about include allegations of sexual abuse of children by  
22 staff members, sexual abuse by other residents, the  
23 physical abuse of children by housemasters and teaching  
24 staff, the humiliation of children and bullying by staff  
25 and other residents.

1           A further matter which the Inquiry will need to  
2           consider is an issue that some have complained of, the  
3           issue of restraint. What methods were permissible,  
4           appropriate and proportionate in the restraint of  
5           children? When, if at all, did restraint -- the  
6           restraint of unruly children become abuse?

7           Mr Wolfe and I have spoken, and the Department of  
8           Justice has been asked specifically to provide  
9           information on this issue, and the Inquiry will hear  
10          evidence in due course. I will say something later in  
11          my remarks about what the legislation says regarding the  
12          appropriate punishment for children in training schools.

13          In my opening to the Inquiry back in January 2014  
14          I set out the history of the juvenile justice system in  
15          Northern Ireland, and although I am loathe to repeat  
16          what I said then, I think it important to remind the  
17          Inquiry as we start a module dealing with the juvenile  
18          justice institutions a little about the background to  
19          the homes we are about to examine. I will confine my  
20          remarks to the type of institutions we are examining in  
21          this module, namely training schools, and say a little  
22          about the young offenders centre.

23          As before, when looking at the juvenile justice  
24          institutions for my general opening, I have relied for  
25          most of the following on the statement provided to the

1 Inquiry by Nick Perry of the Department of Justice dated  
2 17th May 2013, which can be found in the current bundle  
3 at SPT1592 to 1678.

4 In addition, the Inquiry has more recently received  
5 a joint statement provided by the Departments of Justice  
6 and of Health, Social Services and Public Safety by  
7 Ms~Karen Pearson and Dr Hilary Harrison dated  
8 21st August 2015, which is found at SPT1299 to 1330.  
9 This has been very helpful in preparing to open this  
10 module and I shall refer to specific parts of that  
11 statement as I go along.

12 You will recall that the forerunners of Northern  
13 Ireland's training schools were the reformatory schools  
14 and industrial schools, which operated throughout  
15 Ireland, the operation and management of which was  
16 governed by the consolidating statute, the Children Act  
17 1908. This Act can be found in this bundle at SPT100001  
18 to 100077.

19 The essential difference between the two  
20 institutions is that reformatory schools were designed  
21 to train and reform those boys convicted of criminal  
22 offences while industrial schools were principally meant  
23 to cater for those children in need of care and control.  
24 These were the two main types of juvenile justice  
25 institutions for children under the age of 17 until the

1 Children & Young Persons Act (Northern Ireland) 1950 was  
2 enacted. You will remember that Nazareth Lodge in  
3 Belfast, which the Inquiry looked at in Module 4, was  
4 an industrial school from 1902 until 1951.

5 Following the partition of Ireland, responsibility  
6 for the eleven schools then in existence in Northern  
7 Ireland fell to the Reformatory and Industrial Schools  
8 Branch of the Ministry of Home Affairs. Responsibility  
9 for juvenile justice institutions remained with the  
10 Ministry until 1972, when, following the advent of  
11 Direct Rule, the Northern Ireland Office took over the  
12 responsibilities in relation to policy and legislation  
13 governing training schools.

14 I am going to outline a little about the history and  
15 development of each institutions -- each of the  
16 institutions we will be looking at in the course of this  
17 module and I do not wish to tread on territory that will  
18 be covered by Mr Aiken, who will shortly give details  
19 about the history of St. Patrick's Training School.  
20 Instead I will say something about the history of the  
21 other three institutions the Inquiry will examine in  
22 this module.

23 The first institution the Inquiry will look at after  
24 St. Patrick's is Rathgael Training School. Rathgael's  
25 history can be traced back to 1872 and to a training



1 ship known as "Gibraltar", which was subsequently  
2 re-named "Grampian". The ship was a certified  
3 industrial school set up by local philanthropists and  
4 located in Belfast Lough. The emphasis was on sea-going  
5 training, which did not suit the younger boys for whom  
6 the ship had to cater. It was also difficult to treat  
7 boys who fell ill and the costs of maintaining the  
8 vessel were considerable. So premises on land were  
9 sought.

10 This led to the rental of a house known as Fox Lodge  
11 to cater for the junior boys and this property was  
12 certified as an industrial school in 1884. The number  
13 of boys grew and a lease was obtained from Sir James  
14 Musgrave for 22 acres on the edge of Musgrave Park at  
15 Balmoral. Fox Lodge closed in November 1897 and the  
16 boys transferred to Balmoral. In passing, you will  
17 recall from Module 4 that Fox Lodge was the property  
18 purchased by the Sisters of Nazareth in 1899, which  
19 became Nazareth Lodge.

20 Also in 1899 the training ship "Grampian" was  
21 abandoned and the senior boys transferred to a large new  
22 wing at Balmoral Industrial School.

23 From 1919 negotiations began between the Committee  
24 of Balmoral School and the Belfast Corporation leading  
25 to the handing over of the school by the voluntary

1 committee that had operated -- been operating it to  
2 Belfast Corporation. This act provides an early example  
3 of the change from voluntary provision of services to  
4 the state and local government provision, and that  
5 happened in June 1920.

6 In 1940, because of the onset of the war, Musgrave  
7 Park premises were taken to be used as a military  
8 hospital and the school had to vacate the Musgrave Park  
9 site. It moved to the former premises of Victoria Homes  
10 and Shamrock Lodge Industrial School in Ballysillan.  
11 The girls who had been resident there had been evacuated  
12 to property at Greenisland, which was then to become  
13 Whiteabbey Girls Training School.

14 Malone Reformatory School was established in 1860 by  
15 another group of local members of the establishment at  
16 Lisburn Road in Belfast. In 1926 the Malone Training  
17 School Act was passed and this provided for the control  
18 of Malone Reformatory to be passed to the Ministry of  
19 Home Affairs and the set-up of a borstal institution for  
20 Northern Ireland at Malone, which then became known as  
21 a borstal institution and reformatory.

22 As early as 1934 there was a suggestion that the  
23 reformatory boys from Malone might be transferred to  
24 Balmoral. This did not, in fact, happen until after the  
25 1950 Children & Young Persons Act, which wrought many

1 changes to the childcare and juvenile justice landscape.

2 One of the changes brought about by that enactment  
3 was to remove the borstal institution from Malone. The  
4 borstal became a separate institution and was set up at  
5 Woburn House in Millisle, County Down.

6 The passage of the Malone and Whiteabbey Training  
7 School Act in 1956 placed the Balmoral, Malone and  
8 Whiteabbey Training Schools under the authority of  
9 a single board of management appointed by the Minister  
10 of Home Affairs, thus ending the role of Belfast  
11 Corporation in Balmoral.

12 In 1958 Balmoral moved to join Malone at its  
13 premises at Lislea Drive off the Lisburn Road. Despite  
14 alterations, it rapidly became apparent that the  
15 facilities were not sufficient to meet the needs of the  
16 combined schools, and a decision was taken to build  
17 a new facility.

18 The board purchased a site at Rathgael Road in  
19 Bangor in 1959 and the boys all transferred to the new  
20 purpose-built establishment of Rathgael Training School  
21 in January 1968.

22 By the 1970s there were four training schools in  
23 Northern Ireland divided along both religious and gender  
24 lines. In 1985 Whiteabbey Training School closed and  
25 the girls transferred to Rathgael, thereby creating

1 a mixed gender training school for the first time.

2 In the 1990s the accommodation units at Rathgael  
3 were restructured to enable the separation of children  
4 admitted for reasons of care from those who were  
5 offenders, a development about which I shall say more  
6 shortly.

7 I turn now to say something about Lisnevin. As  
8 I said, in the 1970s there were four training schools  
9 and no remand homes as such. As the four existing  
10 institutions operated as open institutions, the Ministry  
11 of Home Affairs was planning for a fifth home, which  
12 would provide a place where children or young people  
13 could be detained in secure conditions. The Northern  
14 Ireland Office saw this through to completion after  
15 taking over the responsibilities of the Ministry of Home  
16 Affairs when the Northern Ireland Parliament was  
17 prorogued in 1972.

18 Lisnevin opened in October 1973 at premises formerly  
19 called Kiltonga Home on the outskirts of Newtownards,  
20 County Down. It was and remained non-denominational.  
21 While this was innovative in 1970s' Northern Ireland,  
22 the Inquiry has heard complaints from some of those who  
23 have spoken to it that division -- that the division  
24 existing between the communities in Northern Ireland and  
25 the effects of the Troubles did not end at the doors of

1 the training school.

2 HIA434 has told the Inquiry that in there were  
3 fights daily between the Catholic and Protestant  
4 residents; another, 418, states that he was subject to  
5 sectarian abuse from other residents and from staff; and  
6 HIA138 says that he was called sectarian names by staff  
7 on many occasions.

8 A board of management for Lisnevin was set up by  
9 virtue of an indenture between the management boards of  
10 the existing four training schools and the Ministry of  
11 Home Affairs. This board of management was made up from  
12 members of the other boards.

13 Lisnevin provided two separate units: a secure  
14 residential assessment unit for 20 boys and a longer  
15 term treatment unit, known as the "special unit", for  
16 a further 20 boys.

17 In 1977 the assessment unit moved back to Blacks  
18 Road in Belfast, where day assessment was carried out.  
19 The longer term treatment unit moved to the site of the  
20 old borstal at Woburn House, Millisle, County Down in  
21 1981.

22 In 1985 the juvenile remand unit of the young  
23 offenders centre closed and a ten-bed secure remand unit  
24 opened in Lisnevin. This meant that from 1985 children  
25 between the ages of 10 and 17 were no longer held on

1 remand within the adult penal system.

2 The Criminal Justice (Northern Ireland) Order 1999  
3 changed the way in which juvenile offenders were treated  
4 and this led to a single juvenile justice centre located  
5 on the Rathgael site and led to the closure of  
6 St. Patrick's and Lisnevin. Lisnevin closed in 2003.

7 I want now to say something briefly about the young  
8 offenders centre, which is commonly known by its  
9 location at Hydebank Wood as "Hydebank".

10 Hydebank, which opened in 1978, was built to manage  
11 a maximum of 325 young people between the ages of 16 and  
12 21. Boys of 15 who were convicted of certain offences,  
13 including terrorist offences, or who were considered to  
14 be a risk to themselves or others in the open training  
15 school system were sent to Hydebank. Unlike the  
16 training schools, Hydebank operates in accordance with  
17 the prison rules. It is managed by a governor and  
18 management team. The practice of holding male juvenile  
19 offenders between the ages of 16 and 17 in Hydebank  
20 ceased in November 2012.

21 I am now going to go on to speak about the  
22 legislative framework relating to the institutions, and  
23 as I outlined in my opening to the Inquiry, the Children  
24 Act 1908 was the piece of legislation which governed the  
25 establishment, operation and management of reformatory

1 and industrial schools between the years 1922 and 1950,  
2 and, as I said, the Act can be found in the bundle at  
3 SPT100001 to 100077.

4 A discussion of the development of that Act as it  
5 applied to the institutions in this module and the  
6 policy initiatives which helped shape change can be  
7 found in paragraph 2 of the joint statement of  
8 Ms Pearson and Dr Harrison at SPT1304 to 1306.

9 However, since all of the people you will hear give  
10 evidence about their time in these institutions relate  
11 events from 1957 onwards, I am going to concentrate  
12 these remarks on what led to the enactment of and the  
13 provisions of the Children and Young Persons Act  
14 (Northern Ireland) 1950 and subsequent legislation.

15 I should, however, say that I am aware that when he  
16 comes to examine material relating to St. Patrick's  
17 Training School, Mr Aiken will deal with a matter from  
18 the 1940s. I shall say no more other than that the  
19 relevant legislative provisions governing that time  
20 period were, of course, found in the 1908 Children Act.

21 If we could please put up SPT1306. If we look at  
22 paragraph 2.8 of the joint departmental statement which  
23 is on the screen in front of you, it is headed "Shaping  
24 the 1950 Act" and we see a discussion of those events  
25 which helped to read -- sorry -- which helped to shape

1 the Children & Young Persons Act (Northern Ireland) 1950  
2 and it reads:

3 "A number of significant matters arose prior to the  
4 1950 Act which influenced the policy and the 1950 Act.  
5 In January 1923 R. Dawson Bates, Minister of the  
6 Ministry of Home Affairs, appointed a committee 'to  
7 enquire into the number and character of committals to  
8 reformatory and industrial schools, care of boys and  
9 girls after leaving the schools, the financial position,  
10 costs to be born by treasury, local authorities and  
11 parents and the provision of a borstal institution for  
12 youthful offenders'. That committee made a number of  
13 recommendations including:

14 The provision of a juvenile courts system in  
15 separate buildings."

16 If we could scroll down, please:

17 "Children and young persons on remand to reformatory  
18 and industrial schools as places of detention should be  
19 kept separate from those already committed.

20 Suitable buildings (at a reasonable cost) should be  
21 made available for a borstal institution to be  
22 established in Northern Ireland, and

23 The substitution of the term 'reformatory' by  
24 'training school'.

25 In 1935, following developments in England



1 and Wales, which used probation services much more  
2 frequently to support children than was the case in  
3 Northern Ireland, the Committee on the Protection and  
4 Welfare of the Young and Treatment of Young Offenders  
5 (known as the Lynn Committee) was established. In 1936  
6 appointing probation officers became the responsibility  
7 of the Minister of the Ministry of Home Affairs.

8 The Lynn Committee published its report in 1938.  
9 The report examined a number of issues that were  
10 believed to be contributory factors to offending  
11 behaviour in young children, including: unemployment,  
12 inadequate housing, cinemas, dance halls and street  
13 trading. Due to the outbreak of World War II  
14 recommendations emanating from the report were not  
15 advanced at that time."

16 Now the 1923 report referred to in those paragraphs  
17 can be found in the bundle at SPT100078 through to  
18 100142. I don't intend opening this report, but the  
19 letters in response to the questionnaire sent to the  
20 resident magistrates of the day certainly make  
21 interesting reading for anyone interested in social and  
22 legal history.

23 Saying a little bit more about the Lynn Committee  
24 report, it was a major review of government policy  
25 relating to the juvenile justice system in Northern

1 Ireland and it considered how to bring the law in  
2 Northern Ireland into line with the 1933 legislation in  
3 England and Wales. It drew attention to the reliance on  
4 the voluntary sector and the consequent lack of  
5 knowledge about caring for neglected children generally.  
6 The committee recommended that the Ministry of Home  
7 Affairs should have responsibility for all children's  
8 legislation and that an Advisory Child Welfare Council  
9 should be established. Welfare Authorities should  
10 appoint children's sub-committees, run their own homes,  
11 set realistic boarding out rates and arrange for staff  
12 to be trained. It concluded that voluntary homes should  
13 be registered and foster care should be given priority.

14 As well as examining the number of issues that were  
15 believed to contribute to offending behaviour, as  
16 outlined in the statement before you, it made the  
17 recommendations that included, as I have said, the  
18 introduction of a juvenile court, increasing the age of  
19 criminal responsibility and combining reformatory and  
20 industrial schools, and as has been pointed out, the  
21 onset of World War II meant that no action was taken on  
22 Lynn Report at that time. The committee's report can be  
23 found in the bundle at SPT100143 to 10039 (sic).

24 The situation regarding the juvenile justice system  
25 after the war was far from satisfactory, and in 1948

1 a letter was sent from Edmond Warnock, then Minister of  
2 Home Affairs, to the Prime Minister in Northern Ireland  
3 regarding a children's Bill. The letter itself can be  
4 found in the bundle at SPT100394 to 399 and parts of it  
5 are quoted here at paragraph 2.11 of the Departmental  
6 joint statement. It says:

7 "His letter stated:

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

17 Although the State accepts complete responsibility  
18 for all wrongdoers over 16 years of age, it declines to  
19 accept responsibility for those under'" -- if you could  
20 scroll down, please -- "'16 ...

21 The law provides that children under 16 may be sent  
22 to reformatory or industrial schools, but it does not  
23 provide any premises to which they may be sent. These  
24 premises must be provided by local authorities or by  
25 religious bodies or by voluntary charitable

1 organisations. My Ministry has no direct or effective  
2 control. Home Office Inspectors do visit the schools or  
3 homes, and they report on dietary, cooking, cleanliness  
4 and general order of the day (sic). I do not appoint,  
5 nor can I dismiss staff, nor do I have the power to  
6 direct any course of training or treatment or  
7 reformatory education ...'

8 The Minister's letter outlined a number of proposals  
9 to address the lack of effective control:

10 The transfer of responsibility for the provision of  
11 reformatory and industrial schools from local  
12 authorities, religious bodies and charitable  
13 organisations to the State;

14 The making of one central authority responsible for  
15 the care, treatment and reformation of all convicted  
16 children (it was suggested that this should be the  
17 Children's Department of the Ministry of Home Affairs);

18 That the Ministry of Home Affairs should have the  
19 right to appoint staff who are to deal with children;  
20 and

21 The need to legislate to give the central authority  
22 power to care for and protect children who by reasons of  
23 -- reason of circumstances stand in need of such  
24 protection."

25 It goes on:

1           "The Minister noted that there would be additional  
2 cost but emphasised 'This child service is a disgrace  
3 and has been starved for the past 20 years and we have  
4 trailed behind Britain'. Additionally, he noted that  
5 the Catholic Church would still have the right to run  
6 its own institutions, subject to the Ministry's control  
7 of general policy."

8           As the joint statement goes on to say, in 1948  
9 another report entitled "The Protection and Welfare of  
10 the Young and Treatment of Offenders" revisited and  
11 updated the work of the Lynn Committee and its  
12 recommendations and helped to form the basis of the 1950  
13 Children and Young Person's Act. The 1948 report can be  
14 found at SPT100040 to 1 -- sorry -- that should be --  
15 one zero too many -- 100400 to 100410.

16           As will become apparent, children could be placed in  
17 a training school under the 1958 Act either because they  
18 had committed a criminal offence or were remanded there  
19 awaiting trial for an alleged offence. Children were  
20 also placed there, however, because they were considered  
21 to be in need of care, protection or control. A third  
22 route into training school was for non-attendance at  
23 school or truancy.

24           In this module some of those who have spoken to us  
25 complain that they were in need of care and ought not to

1 have been placed in the same establishment as criminal  
2 offenders. They have complained that being in such an  
3 -- that being in such an environment had a detrimental  
4 effect on them.

5 HIA267, who was sent to Rathgael in the s,  
6 said:

7 "I was sent to Rathgael because I was playing  
8 truant. I was in there with boys who had committed  
9 serious offences, for example, theft or killing animals  
10 or paramilitary activities. I turned from being bullied  
11 into being a bully."

12 One man placed in Rathgael for long-term care in the  
13 mid to late , HIA429, said:

14 "I do not understand how Social Services could place  
15 me somewhere where I was not safe and where no-one  
16 followed up on my progress."

17 The fact that children in need of care were housed  
18 in the same establishment as juvenile offenders was as  
19 a direct result of the legislation and the policy which  
20 underlay it. This can be seen in the views expressed in  
21 the report of the Lynn Committee referred to earlier,  
22 and if we look at paragraph 170 of the Lynn Committee  
23 report, please, which is at SPT100257, if that could  
24 please be enlarged, and if we could scroll down to  
25 paragraph 170, it just reads:

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

8            If we could scroll on down:

9            "The presentation differentiation is undoubtedly  
10           illogical. Many 'neglected' children come from even  
11           worse homes than have been living -- than have been  
12           living in more -- and have been living" -- I beg your  
13           pardon -- "in more immoral surroundings than those who  
14           have actually been proved to have committed acts of  
15           delinquency. There can, therefore, be no question of  
16           the training -- tainting of innocent children by  
17           associating them with young 'criminals' in the approved  
18           schools. As we have already mentioned, this view was  
19           endorsed by the heads of the Children's Branch of the  
20           London Home Office, who pointed out that nearly all of  
21           the children who find their way into the approved  
22           schools come from the same class, that if anything the  
23           'neglected' type are often the more vicious-minded and  
24           that high spirits are often the cause of the offences  
25           committed by young 'delinquents'.

1           A considerable proportion of the children in the  
2           industrial schools find their way there because there  
3           has been failure to comply with a school attendance  
4           order and it may be argued that it is wrong to mix those  
5           who are merely truants with boys or girls who have  
6           committed thefts or who come from vicious surroundings.  
7           It must be remembered, however, that under the  
8           provisions of the Education Act the education authority  
9           makes a school attendance order against a parent only in  
10          a serious case of non-attendance and that committal to  
11          an industrial school does not follow until the  
12          educational authority has found it necessary to bring  
13          the case to court and the court has decided that there  
14          has been neglect on the part of the parent or persistent  
15          truancy on the part of the child. Children who are  
16          committed on these grounds do, in fact, come from bad  
17          homes or are of a very recalcitrant nature and there can  
18          be no objection to their mingling with children who have  
19          on other grounds been found to be in need of special  
20          treatment.

21          There is an erroneous belief in some quarters that  
22          the present industrial schools are intended exclusively  
23          for 'neglected' cases. This is incorrect, as will be  
24          seen from the list of grounds for committal to  
25          industrial schools which we have set out above.



1 Industrial schools are the only institutions for  
2 'delinquents' under 12 years of age and they may also  
3 receive offenders between 12 and 14 who have not been  
4 previously convicted. As will be seen from the  
5 tables in Appendix F, a proportion of the 'industrial'  
6 cases each year are, in fact, committed on grounds of  
7 'delinquency', notably at Balmoral and St. Patrick's  
8 Training Schools.

9 Three of the seven schools, namely St. Patrick's,  
10 Shamrock Lodge and St. Joseph's, are already certified  
11 for the reception of both reformatory and industrial  
12 schools (sic) and in these three schools little or no  
13 attempt is made to separate the two categories.

14 The abolition of the present discrimination will be  
15 in accordance with the principle of protection which  
16 underlies the new English Act and which we hope will be  
17 even more fully recognised in Northern Ireland by the  
18 setting up of juvenile courts with 'guardianship'  
19 instead of 'criminal' jurisdiction. We have already  
20 recommended that a decision that a juvenile has not  
21 committed an act of delinquency should not preclude the  
22 court from making an order in relation to him if the  
23 evidence shows that he is in need of care or protection.  
24 The needs of the individual child or young person rather  
25 than the nature of the complaint should be the

1 determining factor in deciding upon the proper treatment  
2 for him, and this is clearly implied in section 44(1) of  
3 the Act of 1933 which we have quoted above in the  
4 section dealing with juvenile courts."

5 Now clearly the recommendations of the Lynn  
6 Committee which ultimately found its way into the 1950  
7 Act in regard to the combining of children on the care  
8 side and on the justice side was a policy decision based  
9 on the approved school model which was in operation in  
10 England and Wales since the passage of the 1933 Children  
11 & Young Persons Act there.

12 I will say more later as to how and when the split  
13 between care and justice arose, but note in passing the  
14 joint view of the Department of Health, Social Services  
15 and Public Safety and the Department of Justice  
16 expressed in their statement to the Inquiry of  
17 21st August 2015. That opinion is that records suggest  
18 that the number of care children in training schools at  
19 any one time outweighed the number of offender children  
20 committed to training school.

21 Now, as the Inquiry has heard, the enactment of the  
22 1950 Act changed the landscape for the children --  
23 sorry -- changed the landscape for the care of children  
24 in institutions in Northern Ireland, and this Act has  
25 been looked at in some detail during the opening of the

1 Inquiry. Part III of the Act you will recall was  
2 designed to protect children and young persons in  
3 relation to criminal and summary court proceedings.  
4 This part covered the juvenile court system, which was  
5 tasked with dealing not only with criminal offending by  
6 children and young people but also their care and  
7 protection. The Act replaced reformatory and industrial  
8 schools with remand homes and training schools. No  
9 establishment in Northern Ireland operated exclusively  
10 as a remand home. Instead up until 1973 those children  
11 committed by the court to remand home who were sent --  
12 were sent to one of the training schools which  
13 administered the remand function, and they included St.  
14 Patrick's and Rathgael.

15 I am now going to look at some of the relevant  
16 sections of the Act as it relates to this module. I do  
17 not intend to look at every section, and indeed we  
18 looked at some of them when I opened the Inquiry  
19 generally, and although the Act is in the general HIA  
20 bundle, I will refer to the pages where it can be found  
21 in this bundle for ease of reference.

22 If we could please put up page SPT100454. I think  
23 I'm going to have to enlarge this somewhat, but if we  
24 can just look at section 35, by virtue of this section a  
25 child or young person accused of crime and not released

1 on bail was to be remanded to a remand home. Now, as  
2 I have said, Northern Ireland did not have any  
3 standalone remand homes. So children were effectively  
4 remanded to the training schools.

5 If we could go, please, to 100456, section 42 here  
6 gives power to a Justice of the Peace to make a Place of  
7 Safety Order in respect of a child or young person where  
8 there is reasonable cause to believe that the child has  
9 been subject to cruelty or likely to be a victim of a  
10 Schedule 1 offence. Schedule 1 offences included  
11 assaults on the child and a place of safety included  
12 a remand home.

13 Then if we could just scroll to page 100457, please,  
14 at section 46, if we could just scroll on down to the  
15 bottom there, if I could just read this section, it  
16 reads:

17 "Every court in dealing with a child or young person  
18 who is brought before it, either as being in need of  
19 care or protection or as an offender or otherwise, shall  
20 have regard to the welfare of the child or young person  
21 and shall in a proper case take steps from -- for  
22 removing him from undesirable surroundings and for  
23 securing that proper provision is made for his education  
24 and training.

25 A court shall not order a child under the age of ten

1 years to be sent to a training school unless for any  
2 reason, including the want of a fit person of his own  
3 religious persuasion who is willing to undertake the  
4 care of him, the court is satisfied that he cannot  
5 suitably be dealt with otherwise."

6 As I have explained, the Act required the court in  
7 respect of each child either being in need of care or  
8 protection or as an offender or otherwise to have regard  
9 to the welfare of the child, but it is clear from this  
10 section that removal effectively the implication is  
11 would have been to a training school.

12 In an appropriate case a juvenile court could take  
13 steps to remove the child or young person from  
14 undesirable surroundings and ensure that proper  
15 provision was made for his or her education and  
16 training, which -- and the -- sorry. I have already  
17 read this. The fact is no child under 10 was to be sent  
18 to a training school unless there was no alternative.

19 Section 52 of the Act set the age for criminal  
20 responsibility at 8, and section 56, which is at  
21 SPT100460, states that a child guilty of an offence for  
22 which an adult would be imprisoned was to be sent to  
23 a remand home instead of to a prison.

24 Section 59, SPT100461, sets out the court's power to  
25 send a child to a training school or to make a Fit

1 Person Order.

2 Sections 62 and 63 are of particular relevance to  
3 the work of the Inquiry in this module. If we could  
4 look, please, at page SPT100462, and if we could just  
5 look there at section 62, which defines a child in need  
6 of care or protection, and it says:

7 "For the purposes of this Act a child or young  
8 person in need of care or protection means a person who  
9 is:

10 (a) a child or young person who, having no parent or  
11 guardian, or a parent or guardian unfit to exercise care  
12 and guardianship, or not exercising proper care and  
13 guardianship, is either falling into bad associations or  
14 is exposed to moral danger or beyond control; or

15 (b) a child or young person who requires care or  
16 protection, being:

17 (i) a person in respect of whom any of the offences  
18 mentioned in first schedule to this Act has been, is  
19 being or is about to be committed; or

20 (ii) a member of the same household as a child or  
21 young person in respect of whom such an offence has  
22 been, is being or is about to be committed; or

23 (iii) a member of the same household as a person who  
24 has been convicted of such an offence in respect of  
25 a child or young person; or

1 (iv) a female member of a household whereof a member  
2 has committed an offence under the Punishment of Incest  
3 Act 1908 in respect of another female member of that  
4 household; or

5 (c) a child or young person in respect of whom an  
6 offence has been committed under section 20 of this  
7 Act."

8 As can be seen, this included children without  
9 parents, or those who had parents who were not capable  
10 of looking after them, or those who had parents who were  
11 simply not looking after them, and as a result the child  
12 or young person was falling into bad associations or  
13 being exposed to moral danger, or a child who was beyond  
14 parental control.

15 Section 63(2) imposed a duty on the Welfare  
16 Authority to bring before a juvenile court any child or  
17 young person in their area who appeared to them to be in  
18 need of care or protection, and if the juvenile court  
19 was satisfied that a child was in need of care and  
20 protection, then it was empowered by section 61 -- 63(1)  
21 to exercise its discretion to order the child or young  
22 person to be sent to a training school, require  
23 recognisance from the parents or make a supervision  
24 order to essentially keep an eye on the child over  
25 a specific period. If we just look at that section, it

1 can be found on the next page there at 100463.

2 Section 65, which is on the same page, and  
3 section 66 provided that where a child was deemed to be  
4 refractory, that is where parents or welfare authorities  
5 could not control a child, the court could inter alia  
6 send such a child to a training school.

7 Section 67 allowed the court to substitute  
8 a Training School Order for a Probation Order.

9 Section 72, which is at 100466, deals with the duty  
10 of the court making a training school (sic) to have  
11 regard to the religious persuasion of the child and to  
12 make an order sending the child to a training school of  
13 that religious persuasion where practicable. A parent,  
14 guardian or relative could apply to have a child moved  
15 to a training school of the same religious persuasion as  
16 the child.

17 Section 74 on this page sets out the format and  
18 contents of a Training School Order, and section 75  
19 indicates that the duration of a Training School Order  
20 was to last up to three years or four months after  
21 compulsory school leaving age.

22 Part VII of the Act is a section that specifically  
23 deals with the provision of and operation of remand  
24 schools and training schools. If we could please put up  
25 100479, and at the bottom of that page section 104



1 imposed a duty on the Ministry of Home Affairs to  
2 provide or arrange for another body or persons to  
3 provide remand homes, to keep a register of the homes  
4 and to make rules for the inspection, regulation and  
5 management of the homes, and for the classification,  
6 treatment, employment, discipline and control of persons  
7 detained in the homes as well as for visitors.

8 Section 104(5), which is on the next page, empowered  
9 the Ministry to deregister a home where it was not being  
10 conducted in accordance with the rules.

11 Section 104(9) effectively says that there was no  
12 need to provide new homes if the existing places of  
13 detention provided under the 1908 Act were available for  
14 use as remand home and remained suitable and were  
15 sufficient for the needs of Northern Ireland, and no new  
16 remand homes were, in fact, provided.

17 Section 106 at the bottom of that page deals with  
18 training schools and essentially allows the managers of  
19 any existing reform school or industrial school to seek  
20 Ministerial approval to be certified as a training  
21 school. This section also provided for decertification.

22 By virtue of section 108 local authorities could  
23 either singly or in combination make provision for  
24 training schools with Ministry approval. If training  
25 school accommodation was deficient, then it was the duty

1 of the local authorities to remedy such deficiency.

2 Section 109 empowered the Ministry to classify  
3 training schools in such a way as to ensure that  
4 a person sent to training school was sent to one  
5 appropriate to his needs.

6 Section 109(2) obliged managers of training schools  
7 to accept any child sent there, save in limited  
8 circumstances.

9 The issue of absconding from training school, which  
10 is something that the Inquiry will hear about when it  
11 hears the accounts of those who have come to speak to it  
12 about their time there, was addressed in section 110.  
13 An absconder could be brought back without a warrant and  
14 the costs of bringing a person back were to be borne by  
15 the managers of the training school.

16 Part VIII of the 1950 Act deals with the financial  
17 provisions and section 116 at 100484 made provision for  
18 the Ministry to make capital grants and loans to  
19 training schools, provided they were approved by the  
20 Ministry of Finance.

21 Section 117 made provision for the Ministry to  
22 defray or contribute towards the expenditure of anyone,  
23 including someone from a voluntary organisation, who was  
24 undergoing training linked to the Act, and that would  
25 have included staff in training schools.

1           Section 121 of the Act required the parents of  
2           a child taken or committed into care or committed to  
3           a training school to pay maintenance in respect of the  
4           child, and section 122 gave the juvenile court power to  
5           make Contribution Orders to ensure that this obligation  
6           was enforced.

7           By section 126 the local authority named in  
8           a Training School Order as being the authority in which  
9           a parent -- a person committed to a training school  
10          resided was obliged to contribute to his keep.

11          Schedule 4 to the Act, which can be seen, please, at  
12          100498, contained provisions as to the administration of  
13          training schools and the treatment of persons sent  
14          thereto. I think it is appropriate to read this  
15          schedule. It says:

16                 "The Ministry may make rules for the management and  
17                 discipline of training schools and different rules may  
18                 be made as respects different schools or classes of  
19                 schools.

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

24                 A minister of the religious persuasion to which  
25                 a person in a training school belongs may visit him at

1 the school on such days, at such times and on such  
2 conditions as may be fixed by rules made by the Ministry  
3 for the purpose of affording him religious assistance  
4 and instruction.

5 If it appears to the managers of a training school  
6 that a person who has been ordered to be sent to their  
7 school requires medical attention before he can properly  
8 be received into the school, or that a person detained  
9 in the school requires such attention, they may make  
10 arrangements for him to be received into and detained in  
11 any hospital, home or other institution where he can  
12 receive the necessary attention; and that person, while  
13 so detained, shall for the purposes of this Act be  
14 deemed to be under the care of the managers of the  
15 school and shall for the purposes of section 37 of the  
16 Mental Health (Northern Ireland) Act 1948 be deemed to  
17 be detained in the school.

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

1           At any time during the period of a person's  
2           detention in a training school the managers of the  
3           school may, and, if the Ministry so directs, shall, by  
4           licence in writing permit him to live with his parent or  
5           with any trustworthy and respectable person to be named  
6           in the licence who is willing to receive and take charge  
7           of him, provided that without the consent of the  
8           Ministry a licence shall not be granted within the first  
9           12 months of the period of a person's detention.

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

14           The managers of the school may at any time by order  
15           in writing revoke any licence and require the person to  
16           whom it relates to return to the school. For the  
17           purposes of this Act a person who is out on licence from  
18           a training school shall be deemed to be under the care  
19           of the managers of the school.

20           If a person under the care of the managers of  
21           a training school conducts himself well, the managers of  
22           the school may with his written consent apprentice or  
23           place him in any trade, calling or service, including  
24           service in the Navy, Army or Air Force, or may with his  
25           written consent and with the written consent of the

1 Ministry arrange for his emigration.

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

5 Paragraph 8 of the schedule deals with the  
6 misconduct of pupils:

7 "If a person detained in a training school is guilty  
8 of serious misconduct, the managers, if authorised by  
9 the Ministry so to do, may bring him before a court of  
10 summary jurisdiction and that court, notwithstanding any  
11 limitations contained in this Act upon the period during  
12 which he may be detained in a training school, order  
13 him:

14 (a) if he is under the age of 16, to have the period  
15 of his detention in school increased by such period not  
16 exceeding six months as the court may direct; or

17 (b) if he has attained the age of 16 but is under  
18 the age of 17, to have the period of his detention so  
19 increased, or to be sent to borstal institution for  
20 a period of two years; or

21 (c) if he has attained the age of 17, to have the  
22 period of his detention so increased, or to be sent to  
23 a borstal institution for two years, or to be imprisoned  
24 for three months.

25 The Minister may at any time order a person under

1 the care of the managers of a training school to be  
2 discharged or to be transferred to the care of the  
3 managers of another school.

4 Upon a person being so discharged or transferred,  
5 the Ministry shall cease -- shall cause notice to be  
6 sent to the local authority liable to make contributions  
7 in respect of them.

8 The provisions of section 72 of this Act shall apply  
9 in relation to the transfer of persons to training  
10 school and orders made for that purpose as they apply in  
11 relation to the sending of persons to such schools and  
12 orders made for that purpose.

13 Where a person detained in a training school is  
14 transferred to the care of the managers of another  
15 school, he shall be conveyed to his new school by and at  
16 the expense of the managers of the first mentioned  
17 school."

18 It goes on to set out powers and duties of managers  
19 and other persons in charge of pupils at paragraph 12:

20 "Subject to hereinafter provided, all rights and  
21 powers exercisable by law by a parent shall as respects  
22 any person under the care of the managers of a training  
23 school be vested in him, provided that where a person  
24 out on licence or under supervision from a training  
25 school is lawfully living with his parents or either of

1           them, the said rights and powers shall be exercisable by  
2           the parents or, as the case may be, by the parent with  
3           whom he is living, but it shall be the duty of any such  
4           parent to exercise those rights and powers as to assist  
5           the managers to exercise control over him.

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

15          Every person who (a) is authorised by the managers  
16          of a training school to take charge of a person under  
17          their care or to apprehend such a person and bring him  
18          back to the school or (b) is authorised by a local or  
19          welfare authority as being -- or, being a probation  
20          officer, is authorised by a court to take to a training  
21          school a person ordered to be detained therein, shall  
22          for the purposes of his duty as aforesaid have all the  
23          powers, protection and privileges of a constable."

24          The final paragraph of the schedule deals with  
25          superannuation of officers in the training school.



1 Now the joint departmental statement says that in  
2 1950 the Ministry of Home Affairs issued a circular,  
3 Number 7 of 1950, which highlighted the key changes made  
4 by this important piece of legislation, and to date the  
5 Inquiry has not seen that circular, but we have sought  
6 its production, and no doubt when we have receive it, we  
7 will in due course open it to the Inquiry.

8 Now the 1952 Training School Rules were made  
9 pursuant to Schedule 4 of the 1950 Act, and they can be  
10 found at SPT100505 to 100515. If those could be put up,  
11 please, at 100505. They came into force on 1st  
12 October 1952. If we could enhance those. I am going to  
13 go through these and read them, and I am just wondering  
14 if this is maybe an appropriate point at which to take  
15 a short break, Chairman.

16 CHAIRMAN: Yes. We will rise for a few minutes and we will  
17 resume again in due course.

18 (11.15 am)

19 (Short break)

20 (11.30 am)

21 MS SMITH: Chairman, Panel Members, I am going on now to  
22 look at the 1952 Training School Rules, which were made  
23 pursuant to Schedule 4 of the 1950 Act. If we could put  
24 up, please, 100505. Now the rules were dated 24th July  
25 and came into force on 1st October 1952. If we can

1 scroll down past the definitions there, rules 4 to 11  
2 deal with the composition and duties of the board of  
3 management of a home. It says:

4 "Two at least of the board of management of a boys'  
5 school shall be women. Two at least of the board of  
6 management of a girls' school shall be men.

7 The board of management shall appoint a finance  
8 committee and such other committees as they think  
9 necessary for the efficient management of the school.  
10 Any committee so appointed shall have such powers or  
11 duties as the board of management may determine.

12 The board of management may (sic) appoint one of  
13 their number to be Chairman.

14 The board of management shall notify the Ministry of  
15 the names and addresses of their members and shall  
16 similarly notify any change due to death, retirement or  
17 other cause.

18 The board of management shall meet so far as  
19 practicable once a month at the school.

20 The board of management and any committee appointed  
21 by them shall keep minutes of their proceedings and  
22 these minutes shall be open to inspection by the  
23 Inspector of the Ministry.

24 The board of management shall maintain an efficient  
25 standard throughout the school and for this purpose they

1 shall take into consideration any report which may be  
2 communicated to them by or on behalf of the Ministry.

3 It shall be the duty of the board of management to  
4 ensure that the condition of the school and the  
5 training, welfare and education of the boys and girls  
6 under their care are satisfactory, and for this purpose  
7 they shall pay frequent visits to the school.

8 The school shall be visited at least once a month by  
9 at least one member of the board of management, who  
10 shall satisfy himself regarding the care of the boys or  
11 girls and the state of the school, and shall enter his  
12 conclusions in the log book or other convenient record  
13 kept at the school.

14 The board of management shall exercise an effective  
15 control over all expenditure."

16 The board of management could choose the name of the  
17 school, subject to Ministry approval.

18 Rule 12 ensures that the classes and numbers of  
19 children approved for the school by the Ministry are not  
20 exceeded.

21 Rules 13 and 14 deal with ensuring that all  
22 purchases are properly accounted for and that proper  
23 fire precautions are taken, and rules 15 to 18 address  
24 the matter of staffing.

25 The responsibilities and duties of the manager are

1 set out in rules 19 to 23, and at rule 19(2) the records  
2 required to be kept are set out. As well as a register  
3 of admissions and discharges the manager had to keep  
4 a log book of important events, a daily register and  
5 a punishment book.

6 Rules 24 and 25 address what might be describe as  
7 the basic needs of the children: bed, clothing and food,  
8 and there was to be a school routine, as laid down in  
9 rule 26.

10 Rules 27 to 29 cover education and training. Rule  
11 27 stated that the education was to be based on the  
12 Education Act (Northern Ireland) 1927. If we can just  
13 continue with that:

14 "... so as to ensure sufficient full-time primary or  
15 secondary education suitable to the age, ability and  
16 aptitude of each individual boy or girl while of  
17 compulsory school age and his or her further education  
18 thereafter as long as he remains in the school."

19 Now one of the matters that those who have spoken to  
20 the Inquiry have complained about is that they felt they  
21 didn't receive the appropriate standard of education  
22 while they were in the training school, and that  
23 clearly -- the rules clearly say that the children were  
24 to be educated to the requisite standard according to  
25 their age, whether primary or secondary education.

1 Rule 30 deals with the matter of chores within the  
2 school.

3 Rule 31 provides for religious instruction, and  
4 rules 32 to 37 cover aspects of recreation, including  
5 holidays, visits and letters to and from home, pocket  
6 money and the potential removal of visits, letters and  
7 pocket money by the manager.

8 Discipline and punishment is covered by rules 38 to  
9 34 (sic) and they read:

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

16 Where correction is needed for minor acts of  
17 misbehaviour, one of the following methods shall be  
18 adopted:

19 (a) forfeiture of rewards or privileges (including  
20 pocket money);

21 (b) temporary loss of recreation, in which case the  
22 offender shall be required to perform a useful task;

23 (c) alteration of meals for a period not exceeding  
24 three days, provided that any such alteration shall be  
25 within the limits of a special dietary scale drawn up by

1 the board of management after consultation with the  
2 manager and the school medical officer and approved by  
3 the Ministry;

4 (d) separation from other pupils, provided that this  
5 punishment shall only be used in exceptional cases and  
6 subject to the following conditions:

7 (i) no boy or girl under the age of 12 shall be kept  
8 in separation;

9 (ii) the room used for the purpose shall be light  
10 and airy and kept lighted after dark;

11 (iii) some form of occupation shall be given;

12 (iv) means of communication with a member of the  
13 staff shall be provided;

14 (v) if the separation is to be continued for more  
15 than 24 hours, the written consent of a member of the  
16 board of management shall be obtained and the  
17 circumstances shall be reported immediately to the  
18 Ministry."

19 CHAIRMAN: Just before we turn to corporal punishment,  
20 Ms Smith, can we just scroll back a bit to the previous  
21 page?

22 MS SMITH: Yes.

23 CHAIRMAN: Just one moment. I see children were encouraged  
24 to write to their parents and had to be provided with  
25 postage stamps under rule 34 and were entitled under

1 rule 35 to receive letters from parents and others and  
2 visits.

3 MS SMITH: That's right, Chairman, yes.

4 CHAIRMAN: Is there anything about censorship of the letters  
5 in the rules?

6 MS SMITH: No, there is not in the rules, Chairman. I am  
7 not sure that it is a complaint that I have heard in --  
8 I have been looking -- concentrating on the Rathgael  
9 aspect of this module of the Inquiry. Mr Aiken will be  
10 able to advise you whether he has heard anything about  
11 censorship of letters in respect of St. Patrick's, but  
12 certainly with regard to Rathgael that was not  
13 a complaint that came up when those who spoke to the  
14 Inquiry made their statements.

15 CHAIRMAN: Well, provision is expressly made for a means by  
16 which children could convey complaints.

17 MS SMITH: Take part, yes.

18 CHAIRMAN: They are able to write, and similarly if  
19 a parent, relative or friend were visiting.

20 MS SMITH: It is true to say that while there is no actual  
21 rule about censorship or reading letters, certainly that  
22 was a privilege that could be withdrawn.

23 CHAIRMAN: Yes. Well, it reminds one of boarding schools,  
24 being made to write home on Sundays.

25 MS SMITH: I think certainly some of the aspects -- it is no

1 accident that they are called "training schools". It  
2 has certainly aspects of a boarding school about it  
3 certainly, Chairman.

4 CHAIRMAN: Yes. I am sorry. I interrupted you. You were  
5 going on.

6 MS SMITH: That's fine. I think we were at 39. If we could  
7 just go to 40, please, and it reads:

8 "Where corporal punishment is found necessary, its  
9 application shall be in accordance with the following  
10 conditions:

11 (a) it shall be inflicted only on the hands or  
12 posterior with a light cane and shall not exceed six  
13 strokes in the case of a boy or girl over 10 years of  
14 age and two strokes in the case of a boy or girl over 8  
15 and under 10 years of age.

16 It shall not be administered by any person other  
17 than the person in charge of the school or in his  
18 absence his duly authorised deputy.

19 A second member of staff shall invariably be present  
20 to witness the proceedings.

21 No caning shall be administered in the presence of  
22 another boy or girl.

23 Any boy or girl known to have a physical or mental  
24 disability shall not be subjected to corporal punishment  
25 without the sanction of the medical officer.



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

4           Notwithstanding the provisions of the preceding  
5 rules 39 and 40(b), (c) and (d) for minor offences  
6 committed in the school room by boys or girls, the  
7 principal teacher may be authorised by the board of  
8 management to administer with the cane not more than two  
9 strokes on each hand.

10          Where the principal teacher is authorised as in rule  
11 41 to administer corporal punishment, he shall keep  
12 a book to be known as the school room punishment book  
13 and he shall at once enter therein any corporal  
14 punishment inflicted by him under rule 41.

15          The manager shall be responsible for the immediate  
16 recording of all corporal and other serious punishment  
17 in the punishment book, which he is required to keep  
18 under rule 19, except corporal punishment inflicted by  
19 the principal teacher under rule 41.

20          The manager shall examine the school room punishment  
21 book, if any, at least once a week and shall sign it.

22          The punishment book and the school room punishment  
23 book, if any, shall be examined at each meeting of the  
24 board of management and shall be signed by the Chairman.  
25 They shall also be allowed -- be shown to the school

1 medical officer at least once a quarter.

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

6 Except as provided by these rules, no member of the  
7 staff shall inflict any kind of corporal punishment.  
8 The term 'corporal punishment' includes striking,  
9 cuffing, shaking or any other form of physical violence.  
10 Any person who commits a breach of this rule shall  
11 render him or -- himself or herself liable to dismissal.

12 No pupil shall be allowed to administer any form of  
13 punishment to any other pupil."

14 Now it will be important to bear these particular  
15 rules in mind when we come to hear the accounts of those  
16 who complain about their time in the training schools  
17 and what they say about the manner in which they were  
18 punished.

19 Rules 46 to 49 concern placing out and aftercare.

20 I will just read through those:

21 "It shall be the duty of the board of management to  
22 place out on licence each boy or girl as soon as he or  
23 she has made sufficient progress in his or her training,  
24 and with this object in mind they shall review the  
25 progress made by each boy or girl and all the

1 circumstances of the case, including home surroundings,  
2 towards the end of his or her first year in the school  
3 and thereafter as often as may be necessary and at least  
4 quarterly.

5 At each review the board of management shall  
6 consider the date at which the boy or girl is likely to  
7 be fit to be placed out on licence and for this purpose  
8 they shall receive and consider a report from the  
9 manager made after consultation with the staff.

10 Where there is reason to believe that a boy or girl  
11 can be placed out on licence during the first 12 months  
12 of detention, the case shall be reported by the board of  
13 management to the Ministry with a view to its content --  
14 consent being obtained.

15 The board of management shall maintain a licensing  
16 register showing the date and result of their review of  
17 each case and the reason for their decision.

18 The board of management shall see that every effort  
19 is made to obtain suitable employment for each boy or  
20 girl who is fit to release -- for release on licence and  
21 for this purpose they shall avail themselves where  
22 necessary of any help that can be obtained, whether from  
23 public organisations or private individuals. Where the  
24 home is unsatisfactory, they shall place the boy or girl  
25 in a hostel or other suitable lodging.

1           The board of management shall provide every pupil on  
2           leaving with a sufficient outfit and, if necessary, with  
3           a reasonable sum for travelling and subsistence, and  
4           they shall communicate with the parent or guardian and  
5           the local authority, if any, responsible for his or her  
6           maintenance.

7           It shall be the duty of the board of management to  
8           ensure that adequate arrangements are made for the  
9           after-care of every pupil released from the school until  
10          the statutory period of supervision expires and, subject  
11          to the approval of the Ministry, they shall appoint for  
12          each pupil a suitable person to carry out his or her  
13          after-care."

14          Now the appointment and duties of the medical  
15          officer are set out there in rule 50, while rule 51  
16          covers the arrangement for dental treatment, and rule 52  
17          obliged the school to notify the Ministry of death,  
18          illness or accidents and prescribed how that was to be  
19          done.

20          Records were to be kept and the rules were to be  
21          promulgated, as it says in rule 54.

22          The school was to be open for inspection, rule 55.

23          Rule 56 permitted derogation from the rules with the  
24          prior consent of the Ministry, and these rules, the 1952  
25          Rules, remained in existence right up until 1999.

1           The Child Welfare Council in an interim report on  
2           juvenile delinquency in 1954, which can be found at  
3           SPT100516 to 100541, looked at the causes of juvenile  
4           delinquency and recommended a change in the law so that  
5           children be allowed to stay in training schools for  
6           an additional year over the school leaving age. That  
7           can be seen at paragraphs 99 and 100 at page SPT100536.  
8           I don't know that we actually need to look at it, but I  
9           am just highlighting where it is in that interim report  
10          of the Child Welfare Council.

11          From 1950 the effective position with regard to  
12          training schools was that boards of management had  
13          responsibility for day-to-day running of training  
14          schools and operated those in accordance with the rules.  
15          The Ministry of Home Affairs had responsibility for  
16          oversight, policy and legislation. Oversight included  
17          control of the finances through finance committees,  
18          meetings with the boards of management to deal with  
19          issues of staffing, education, finance and arranging for  
20          the schools to be inspected. More will be said about  
21          these matters when we look at the individual homes.

22          In 1968 the Children and Young Persons (Northern  
23          Ireland) Act effectively reenacted the provisions of the  
24          1950 Act with a few changes. That Act increased the age  
25          of criminal responsibility to 10 and provided for the

1 provision of attendance centres. It also provided for  
2 closer cooperation between the police and welfare  
3 authorities in deciding whether to prosecute and for the  
4 promotion of a child's welfare through the introduction  
5 of more preventative powers. The provisions relating to  
6 remand homes and training schools remained the same.  
7 Part X and Schedule 5 of the 1968 Act sets out the  
8 reenacted provisions.

9 Section 150 of the Act also changed how training  
10 schools were to be funded. Previously training schools  
11 were financed through a government grant, welfare or  
12 local authority contribution and in certain  
13 circumstances contributions from parents. After 1968  
14 all funding came from central government, provided  
15 appropriate accounting conditions for payment were met.  
16 This obviously gave the Ministry of Home Affairs and  
17 subsequently the Northern Ireland Office a greater  
18 degree of control than was the case with the voluntary  
19 children's homes. I don't propose to open the  
20 provisions now, but the Act -- the 1968 Act can be found  
21 at SPT100542 to 100688.

22 Now even though the legislation governing training  
23 schools did not change significantly over the years, the  
24 departmental joint statement states that the Ministry of  
25 Home Affairs in its oversight role nevertheless

1 initiated change.

2 An example is given in that statement of how  
3 a Ministry Inspector wrote in September 1955 to the  
4 Ministry's Chief Medical Officer and that led to the  
5 annual inspection of the schools by the medical officer.  
6 That example can be found at SPT1314.

7 When the Northern Ireland Office took over in 1972,  
8 it established a Training Schools Branch to provide  
9 policy, direction and funding for the schools, and  
10 Northern Ireland Office officials held regular meetings  
11 with the boards of management.

12 Between 1976 and 1979 Sir Harold Black reviewed the  
13 legislation and services in Northern Ireland relating to  
14 the care and treatment of children and young persons.  
15 The report of the Children and Young Persons Review  
16 Group, or Black Report, as it became known, was issued  
17 in 1979 and can be found in the bundle at 100717 to  
18 100785.

19 The proposals in the Black Report were far-reaching,  
20 laying emphasis on prevention by early identification of  
21 problems within families. The report proposed that  
22 children's needs should be assessed individually, which  
23 entailed the removal of the bias in favour of fostering,  
24 recognised the need for a range of small residential  
25 homes for children, advocated the establishment of

1 a specialist facility for young people with severe  
2 behavioural problems, and recommended that children's  
3 needs and wishes should be considered and advocated --  
4 sorry -- should be considered, and advocated the  
5 establishment of independent visitors for all children  
6 in care.

7 Now, contrary to the approach taken in England and  
8 Wales, it argued for the separation of justice and care  
9 provision for children and young people. While I do not  
10 propose to go through the report, I would direct the  
11 Inquiry to paragraphs 5 and 6, paragraph 5 which  
12 considered the question of whether children who  
13 committed crime should be dealt with as children in need  
14 of care and within a system designed to promote their  
15 welfare rather than as offenders subject to a modified  
16 criminal justice system.

17 The committee's conclusions can be found at  
18 paragraph 5.6 of the report, which is at SPT100761, and  
19 paragraph 6.33 looked at training schools -- that is at  
20 SPT100770 -- and its conclusions were summarised at  
21 6.44, SPT100773. The committee stressed the importance  
22 of non-custodial disposals for offenders and said that  
23 there should be one custodial establishment for young  
24 offenders in Northern Ireland.

25 If we look at the summary and list of



1 recommendations of the report, they are found in  
2 paragraph 9 at STP -- PT -- sorry -- 100778. If we  
3 could just enlarge that, please, and go to  
4 paragraph 9.5, it states:

5 "While we recognise the importance of both fostering  
6 and residential care in helping individual children, we  
7 are concerned that the decision on care in each case  
8 should be related to the needs of the individual child.  
9 For this reason we recommend -- we are recommending that  
10 the statutory preference for fostering should be  
11 dropped. We place much emphasis on care in the  
12 community, however, and suggest that residential care  
13 should be seen as one of a range of options rather than  
14 an inevitable first choice. Children in need of care,  
15 including truants, requiring removal from home will no  
16 longer be held in the same institutions as offenders.  
17 We suggest that the needs of individual children might  
18 best be met in smaller domestic-scale residential  
19 establishments and that where there is a need for  
20 additional facilities, this is more likely to be for  
21 a range of small, specialised units to accommodate those  
22 children with particular needs. There will be a change  
23 in the needs which training schools were developed to  
24 meet, requiring a change of approach in these  
25 establishments. We were highly impressed, however, by

1 the skill, devotion and dedication of staff involved in  
2 the residential care field, including the training  
3 schools, and we are confident that they will welcome the  
4 opportunity to continue to help children in new and  
5 imaginative ways in a more open system."

6 Now the Black Report failed to have any real impact  
7 on childcare in Northern Ireland. There was no real  
8 enthusiasm among our local churches or politicians for  
9 the radical approach proposed, and events were in any  
10 case overtaken by the Kincora scandal and the ensuing  
11 inquiry into the events into that and other homes and  
12 hostels.

13 In 1982, however, a compromise was reached between  
14 the Northern Ireland Office and the Department of Health  
15 and Social Services which split care and justice cases  
16 administratively, so that while there was a physical  
17 separation of those children in need of care from young  
18 offenders, albeit within the same training school  
19 location, and control of both remaining with the  
20 Northern Ireland Office. This was the initiative of the  
21 Secretary of State for Northern Ireland at the time,  
22 James Prior, and has been referred to in some papers as  
23 "The Prior Compromise".

24 In 1989 the Social Services Inspector produced an  
25 overview report into training schools, which can be seen

1 in the bundle at SPT100786 to 100874. The report was  
2 based on inspections that took place between May 1987  
3 and April 1988. In the very first paragraph at  
4 SPT100790 it is stated that:

5 "The recommendations of the Black Report brought  
6 about far-reaching structural changes in the schools."

7 The report speaks of the spirit of the Black Report  
8 permeating the criminal justice system, which suggests  
9 that the professionals working with young people wrought  
10 change in the absence of a legislative framework.  
11 Clearly although its proposals were not enacted in any  
12 way, the Black Report informed and influenced change on  
13 the ground. The Hughes recommendations were also having  
14 an effect in terms of the qualifications of staff and  
15 their training.

16 The 1987/88 inspection by the Social Work Advisory  
17 Group appears to have been thorough and included  
18 inspectors interacting with the children by attending  
19 their classes, taking part in games and attending  
20 discos. Its conclusions are set out in paragraph 13 at  
21 SPT100867.

22 I now want to turn to say something briefly about  
23 the legislation relevant to Hydebank, the young  
24 offenders centre. As I explained earlier, the young  
25 offenders centre was and is subject to prison rules. It

1 had and has, therefore, very different procedures to  
2 training schools.

3 Section 2 of the Treatment of Offenders Act  
4 (Northern Ireland) 1986 extended the powers exercisable  
5 by the Ministry of Home Affairs under the Prison Act to  
6 young offenders centres and to remand centres. The same  
7 Act set out provisions for detention in young offenders  
8 centre and remand in custody awaiting trial.

9 Section 3 provided for the appointment of a board of  
10 visitors by the Minister of Home Affairs and  
11 subsequently the Secretary of State, which was required  
12 to visit and regularly -- visit regularly and report on  
13 conditions.

14 Article 3 of the Treatment of Offenders (Northern  
15 Ireland) Order 1980 abolished borstal training as  
16 a sentence in Northern Ireland, and by Schedule 1 of the  
17 order any borstal still existing became a young  
18 offenders centre. In practical terms what this meant  
19 was that the borstal at Millisle moved to Hydebank and  
20 Lisnevin took over its vacated premises.

21 I do not propose to say anything further today about  
22 Hydebank, but we will revisit it when we come to hear  
23 from those who complain about it.

24 In 1995 the Children (Northern Ireland) Order was  
25 passed based in part on the Children Act 1989 in England

1 and Wales. It also reflected the recommendations of the  
2 Black Report published in 1979. As its implementation  
3 marks the end date of the Inquiry's terms of reference,  
4 I do not need to examine this legislation, but I would  
5 say that by emphasising placements according to  
6 children's assessed needs, the entire concept of  
7 committal to training school to longer exists for  
8 children in need of care.

9 Chairman, Panel Members, ladies and gentlemen, that  
10 brings me to the end of my opening remarks. I should  
11 just like to say in concluding that, as Mr Aiken and  
12 I have done so on previous occasions delivering opening  
13 remarks, I wish to express our continuing thanks and  
14 appreciation for all the work done both here in  
15 Banbridge and back in Belfast by the entire Inquiry team  
16 in helping us to prepare for this module.

17 I will now hand over to Mr Aiken to make his opening  
18 remarks in relation to St. Patrick's Training School,  
19 but I am sure he would appreciate a few minutes before  
20 he is ready to commence.

21 CHAIRMAN: I thought we were going to carry on.

22 MS SMITH: Very well. If Mr Aiken is ready, then I can  
23 leave the chamber, and I am sure he will be ready to  
24 carry on.

25 CHAIRMAN: Yes.

1 Opening remarks by MR AIKEN (COUNSEL TO THE INQUIRY)

2 CHAIRMAN: Yes.

3 MR AIKEN: Chairman, Members of the Panel, good afternoon.

4 As Ms Smith has already said, I am going to begin  
5 outlining in some detail the material that the Inquiry  
6 has gathered in respect of St. Patrick's Training  
7 School. Inevitably there will be some degree, although  
8 not a great deal I trust, of overlap with some of the  
9 matters that Ms Smith has touched on this morning.

10 As you know, this is the first day of the public  
11 hearings in respect of juvenile justice on Day 134 of  
12 the Inquiry, and Ms Smith has already outlined the four  
13 institutions in broad overview that we are looking at.

14 The first of those, which will form the longest  
15 period of our work in Module 7, is St. Patrick's. It  
16 was situated at various locations in West Belfast during  
17 its history.

18 St. Patrick's was set up by the Roman Catholic  
19 Diocese of Down & Connor. Therefore it wasn't  
20 a State-run institution, although in a similar fashion  
21 to voluntary children's homes it was ultimately  
22 regulated by the State.

23 St. Patrick's prior to approximately 1923 was  
24 an industrial school. That meant it was providing  
25 residential accommodation for children broadly in need

1 of care and protection. Between 1923 and 1950 it was  
2 an industrial and reformatory school. That meant it was  
3 now an institution taking in two types of children:  
4 children in need of care and protection, but also  
5 children who committed offences of some kind or  
6 otherwise appeared before a juvenile court.

7 It was during this period, in fact, in 1942 during  
8 World War II that what may be the earliest instance of  
9 sexual abuse of children by a member of staff of  
10 a residential institution has come to the Inquiry's  
11 attention. This came to light during or was signposted  
12 during a 1948 investigation carried out by the Diocese  
13 of Down & Connor into later allegations of abuse that  
14 arose from 1946 and '48. That investigation was carried  
15 out with the knowledge of the Ministry of Home Affairs,  
16 who received a report of its findings. What was or was  
17 not reported will be of interest to the Inquiry and we  
18 will look at that in some detail in due course.

19 We will also see that peer homosexual activity and  
20 peer abuse was an identified problem in St. Patrick's as  
21 early as 1948 with BR 39 identifying one  
22 boy as what he called a "sex maniac".

23 Between 1950 and 1995 St. Patrick's was a training  
24 school, having been redesignated following the coming  
25 into force of the Children and Young Persons Act

1 (Northern Ireland) 1950. As a training school  
2 St. Patrick's continued to receive both children who  
3 were in need of care and protection and those being sent  
4 there through the juvenile justice system.

5 Between the later part of the 19th century -- that's  
6 taking us back to 1869 approximately -- and 1957  
7 St. Patrick's was based on land at Milltown, but in 1957  
8 the training school relocated to a substantial site of  
9 approximately 100 acres on the Glen Road in West  
10 Belfast. It is in respect of this period while  
11 St. Patrick's was a training school based on the Glen  
12 Road that the Inquiry will be primarily concerned  
13 through the oral evidence. Over the coming weeks the  
14 Inquiry will come to learn that from the location in  
15 1957 St. Patrick's was seen as a model training school  
16 institution with excellent facilities and was regularly  
17 visited by dignitaries from home and abroad.

18 However, St. Patrick's was providing accommodation  
19 for children generally between the ages of 11 and 16,  
20 many of whom came from very difficult backgrounds and  
21 many of those children were committed to St. Patrick's  
22 because of their own offending behaviour. You may  
23 consider that the efficient running of a training school  
24 may have generally involved the management on a routine  
25 basis dealing with a greater percentage number of more



1 acute and difficult problems than may have been found in  
2 a children's home.

3 It will become apparent as we consider material  
4 during this module that it was not necessarily an easy  
5 environment for staff. Records show assaults on staff  
6 at various times, including an extremely serious assault  
7 on a long-serving female member of staff in the 1990s,  
8 who was left with a fractured skull and other serious  
9 injuries, having been assaulted by a resident.

10 In keeping with the training school concept, while  
11 children were committed to reside at St. Patrick's, it  
12 was nonetheless an open institution in substantial  
13 grounds. There was, therefore, no difficulty absconding  
14 if that was the path chosen by a resident.

15 In addition, St. Patrick's was an open residential  
16 institution in West Belfast. So when the Troubles began  
17 in Northern Ireland in 1969 and raged through the 1970s  
18 and 1980s, involving West Belfast in particular,  
19 St. Patrick's was not exempt both in terms of the  
20 background of the boys being committed there and, given  
21 its location in West Belfast, interference from  
22 terrorist groups such as the IRA.

23 We will look later this week at some serious  
24 incidents that arose during that period, but it is  
25 a reminder in the context of the Inquiry of perhaps just

1           how difficult life would have been in Northern Ireland  
2           at least during the Troubles for those providing care  
3           for children in need in the context of training schools  
4           and juvenile justice.

5           Equally, we will see that during the latter part of  
6           the 1970s St. Patrick's was home to a staff member who  
7           it is accepted sexually abused children. The De La  
8           Salle Order, who ran St. Patrick's on behalf of the  
9           Diocese of Down & Connor, acknowledged that the Order  
10          did not deal appropriately with complaints they  
11          contemporaneously received about that member of staff.  
12          He is DL137 and he is now deceased. That individual,  
13          DL137, again was eventually convicted in 1994 of the  
14          sexual abuse of boys in St. Patrick's between 1975 and  
15          1979. By the time of his 1994 conviction he had already  
16          been convicted of sexual offences in the community that  
17          postdated his time in St. Patrick's. We will look at  
18          that in greater detail in due course.

19          By the late 1980s St. Patrick's was no longer seen  
20          as a model institution and was subject to extremely  
21          critical analysis by the Social Services Inspectorate,  
22          who at that time carried out inspections on behalf of  
23          the Northern Ireland Office, the NIO having  
24          responsibility for regulating training schools  
25          post-1973.

1           While it is not entirely clear as to the precise  
2           date, the Brothers withdrew from St. Patrick's in and  
3           around 1995/1996, and the training school either ceased  
4           to exist at that time or by 2001, when its replacement,  
5           Glenmona Resource Centre, which still operates today  
6           providing care for children, took over.

7           However, prior to the point where the Brothers  
8           withdraw from working in St. Patrick's it was the  
9           subject of a major police investigation in 1994. The  
10          investigation began following the complaint of a single  
11          individual, whose allegations the RUC ultimately  
12          concluded were without foundation. However, on foot of  
13          his initial complaint the police proactively sought to  
14          speak to over 300 former residents of St. Patrick's and  
15          managed to speak to over 150 in order to enquire as to  
16          whether any of them claimed to have been abused while  
17          resident.

18          Of that 150 plus individuals only eight actually  
19          made allegations of abuse in St. Patrick's, and four of  
20          them were individuals who revealed the abuse by DL137,  
21          of which I have just spoken and of which he was  
22          ultimately convicted.

23          Allegations were made at that time against some  
24          Brothers and we will look at those in due course.

25          However, no-one was prosecuted arising out of those

1 allegations, and it is fair to say that the RUC formed  
2 the clear view that what was being said to them by the  
3 few who did make allegations against others beyond DL137  
4 included allegations which were false.

5 Prior to that extensive 1994 police investigation  
6 there was police involvement at St. Patrick's at various  
7 times. However, as we will come to see, that tended to  
8 involve sexual activity between various boys that had  
9 been discovered being reported to the police by the  
10 Brothers or the Brothers reporting to the police  
11 allegations of peer sexual abuse that some boys were  
12 making to them.

13 As the Panel will know, investigations covering the  
14 breadth of time the Inquiry is looking at, and taking  
15 account of the historical nature of the work, are not  
16 straightforward. The investigations for Module 7 and in  
17 particular St. Patrick's have perhaps been of greater  
18 complexity than for some of the children's homes we have  
19 already looked at, especially in view of the speed of  
20 work required to meet the Inquiry's time limit.

21 However, what I can say to the Inquiry is that  
22 between 1926 and the close of St. Patrick's in and  
23 around 1996 it is believed that a minimum of 4537  
24 individuals resided there for varying lengths of time.  
25 The basis for the figure has been confirmed to the

1 Inquiry by the Department of Justice by a letter of 28th  
2 August 2015. I am just going show you that letter at  
3 54528, please. 54528.

4 EPE OPERATOR: I don't have that number.

5 MR AIKEN: That's an unfortunate start. We will have to  
6 remedy that. In any event there is a letter of 28th  
7 August 2015 and in that the Department of Justice  
8 confirms the figure of 4537 individuals. It is caveated  
9 that it has not been verified. It is not clear what the  
10 basis of the caveat is for, but it appears that is  
11 a minimum number between 1926 and the closure of  
12 St. Patrick's.

13 So of that number -- and obviously the significance  
14 of that number will be apparent to the Panel -- 27  
15 individuals or what is in percentage terms just under  
16 0.6% of the children who resided there from 1926 on have  
17 come forward to share the abuse they say they suffered  
18 while resident in St. Patrick's.

19 As the Panel is aware, and as I will be outlining in  
20 greater detail during this opening, the Inquiry's  
21 investigations are, however, not limited to those who  
22 come forward to speak to the Inquiry, though those  
23 individuals are an extremely important part of our work.  
24 The Inquiry also endeavours to obtain all relevant  
25 documentation relating to the institution under

1 investigation that may touch on the Inquiry's terms of  
2 reference. This includes relevant police material where  
3 other allegations of abuse may be found, or in civil  
4 claims material arising from claims of abuse brought  
5 against those with legal responsibility for the  
6 institution.

7 In addition to this, the Inquiry also endeavours to  
8 obtain as much regulatory and inspection material that  
9 it can obtain from its own work in the Public Records  
10 Office in Belfast and from those organisations and  
11 departments who were involved with St. Patrick's. On  
12 occasions that material will also disclose further  
13 allegations of abuse.

14 From all the material amassed by the Inquiry it  
15 would appear that a further 39 individuals, in addition  
16 to the 27 who have come forward to the Inquiry, made  
17 allegations of abuse of some type in one of the variety  
18 of ways I have just mentioned. That's through the  
19 police, or through civil claims, or otherwise appears  
20 from the material. That amounts, therefore, to 66  
21 individuals in total, which is in percentage terms 1.45%  
22 of the 4537 minimum number of residents, and that 1.45%  
23 then have made allegations of some form of abuse at  
24 St. Patrick's in some way at some time.

25 This is, of course, a minimum number, but you may

1 consider its size in percentage terms striking in  
2 comparison, for instance, to Rubane that we looked at  
3 during Module 3, where approximately 20% of the  
4 approximately 1050 children who passed through that  
5 institution had made allegations of abuse in one form or  
6 another. The basis for the number of 1050 in respect of  
7 Rubane, I'll just give you a Rubane reference. That's  
8 RUB5248, paragraph 2.

9 Now this statistical analysis is not intended to in  
10 any way take away from the hurt of those individuals who  
11 were abused in St. Patrick's or the systems failures  
12 that may potentially have caused, facilitated or failed  
13 to prevent that abuse occurring. However, what you may  
14 consider to be the more limited extent of the abuse in  
15 St. Patrick's will be a matter the Panel may wish to  
16 reflect on as you hear the evidence during this opening  
17 and of the oral witnesses who will give evidence to the  
18 Inquiry over the coming weeks.

19 In considering the figures that I have outlined, the  
20 Panel will also have to bear in mind that they include  
21 individuals who made allegations to the police that were  
22 considered to be false and in some instances  
23 demonstrably so.

24 I should also indicate that while some allegations  
25 of abuse in St. Patrick's are accepted, in particular

1 the sexual abuse perpetrated by a staff member that  
2 I have outlined, DL137, DL137, the De La Salle Order  
3 does not accept that a number of Brothers who face  
4 serious allegations are, in fact, responsible for the  
5 abuse alleged against them. You will be able to bear  
6 that in mind as you hear the evidence of those who make  
7 the allegations and the evidence of those individuals  
8 still alive and in a position to give oral evidence to  
9 the Inquiry who wish to deny what is alleged against  
10 them.

11 I want to say something now about the form of the  
12 evidence available to the Inquiry relating to  
13 St. Patrick's. As I have already mentioned, 27  
14 individuals have come forward to the Inquiry to set out  
15 what they say happened to them while they were resident  
16 there.

17 The profile of the applicants is that there is one  
18 from the 1950s. During his time there were normally  
19 between 150 and 200 residents per annum on the roll at  
20 St. Patrick's, though that number included a small  
21 number, sometimes between 20 or 30 individuals, who were  
22 boarded out from the institution, but it gives some idea  
23 of the context in respect of that evidence.

24 There are then six individuals from the 1960s,  
25 during which period numbers went as high as 250 in 1960,



1 but were generally around the 200 residents per annum,  
2 going down to approximately 170 residents by 1970.

3 There are then twelve individuals from the 1970s,  
4 when numbers were generally in the 160 individuals per  
5 annum, but occasionally as high as 190, for instance, in  
6 1972 and as low as 135 in 1977.

7 There are then six individuals who have come forward  
8 to the Inquiry from the 1980s period. During the 1980s  
9 the numbers reduced from 190 residents in 1981 to in  
10 around -- in and around 95 residents by 1988, though as  
11 an example in the year when there were 95 boys on the  
12 roll, only 61 were actually resident at the date the  
13 census was taken in 1988.

14 There are then two individuals who have come forward  
15 to the Inquiry from the 1990s period. In 1993, for  
16 instance, there were 98 boys on the St. Patrick's roll,  
17 though only 43 were present at the time of the  
18 inspection where the numbers were recorded. So you can  
19 see the pattern of reducing number certainly by the  
20 1990s.

21 The allegations from these 27 individuals include  
22 allegations of physical abuse, sexual abuse by other  
23 boys and sexual abuse by staff, including allegations of  
24 rape. It is the case -- and I will explain this in  
25 a little more detail later -- that not all the

1 individuals say they were sexually abused or physically  
2 abused. Doing the best that we can at present, it would  
3 appear that of the 27 individuals who have come forward  
4 eleven say they were both sexually and physically  
5 abused, a further eleven say they were sexually abused  
6 only and the remaining five say they were physically  
7 abused only.

8 It is also the case that not all of the sexual  
9 allegations are against Brothers of the De La Salle  
10 Order. Some are made against staff members. Some are  
11 made against other boys, and it is the same pattern with  
12 the physical allegations.

13 It is also the case that the majority of the  
14 allegations are disputed.

15 It is anticipated that you will hear over the coming  
16 weeks oral evidence from 17 of the 27 individuals who  
17 came forward to the Inquiry. Of the remaining ten  
18 individuals two are since deceased and their evidence  
19 will be summarised later this week, as Ms Smith  
20 mentioned. The same applies in terms of summary to  
21 a further four individuals who have medical difficulty  
22 and the Inquiry has accepted they are not in a position  
23 to attend in person.

24 Of the remaining four individuals, one has already  
25 given evidence about St. Patrick's so as to avoid the

1 inconvenience for him of having to be recalled, which is  
2 something the Inquiry is keen to do, where possible, and  
3 one will give his evidence about St. Pat's during  
4 a later module so as to avoid him having to give  
5 evidence twice more for the same reasons.

6 There are then two further witnesses that the  
7 Inquiry anticipated hearing from and their position  
8 remains outstanding. When that is clarified, I will  
9 make the Panel aware of it.

10 It is the case that some of the individuals who have  
11 come forward to the Inquiry themselves entered  
12 St. Patrick's from very difficult and troubled  
13 backgrounds, including backgrounds of physical and  
14 sexual abuse.

15 By necessity, given that being committed to  
16 a training school tended to be after there had already  
17 been involvement with Social Services or Educational  
18 Welfare Officers or Probation Services and potentially  
19 the courts to try to deal with whatever ultimately led  
20 to the making of a Training School Order, there  
21 therefore you may not be surprised to know can be  
22 significant documentation amassed on any given  
23 individual. This is certainly the case for the  
24 individuals who entered St. Patrick's in the later  
25 period in the 1980s and especially the 1990s.

1           For some of the individuals they have continued to  
2           have significant difficulty through adulthood in terms  
3           of coping with their experiences and/or engaging in  
4           offending behaviour, and as a result material relating  
5           to them can be extremely voluminous and complex.  
6           However, they have come forward to the Inquiry and wish  
7           to relate their experiences, what they say happened to  
8           them whilst in the care of St. Patrick's. That's the  
9           first group of witnesses.

10           In addition, the Inquiry has endeavoured to trace  
11           those individuals who are the subject of allegations of  
12           abuse by those who have come forward to the Inquiry.  
13           That is a task of considerable complexity and  
14           difficulty, which is looked after by the Solicitor to  
15           the Inquiry, Mr Butler, because individuals making  
16           allegations are not always in a position to provide the  
17           name or the full name of the person they say perpetrated  
18           abuse; nor are they in a position to indicate where they  
19           necessarily would reside.

20           In addition, often the historical nature of the  
21           allegation and the inevitable passage of time makes the  
22           tracing exercise all the more difficult. The Inquiry is  
23           grateful for the considerable assistance given to it by  
24           the PSNI in the tracing of those who face allegations of  
25           abuse. Where that tracing has been possible -- and that

1 is not always the case -- and the individual is alive  
2 and fit to give evidence, it is anticipated that you  
3 will therefore hear from them during the course of this  
4 module when they will have an opportunity to respond to  
5 the allegations that are made against them by those who  
6 have come forward to the Inquiry. I am not in  
7 a position at this point in time to give you  
8 a definitive number of such individuals who fall into  
9 that category.

10 The third aspect of the evidence are the five core  
11 participants involved with the Inquiry's work relating  
12 to St. Patrick's. They are:

13 The Diocese of Down & Connor, who set up the  
14 institution and who populated the Management Board that  
15 was in charge of it.

16 Secondly, the De La Salle Order, who ran the  
17 institution on behalf of the Diocesan Management Board,  
18 at least primarily for the period we are going to  
19 concentrate on.

20 (c) or thirdly the Department of Justice as the  
21 successor body to the Ministry of Home Affairs and the  
22 Northern Ireland Office that had overall statutory  
23 responsibility for the administration of training  
24 schools during the period we are investigating. So we  
25 have the Ministry of Home Affairs prior to 1973 and

1 essentially the Northern Ireland Office post the end of  
2 1973, and the Department of Justice today as the  
3 successor body to that regulatory Ministry or Office.

4 The fourth core participant then is the Department  
5 of Health, Social Services and Public Safety as the  
6 departmental body today as successor to that part of the  
7 Ministry of Home Affairs and the then Department of  
8 Health & Social Services that provided the inspection  
9 function of training schools on behalf of the Northern  
10 Ireland Office through an arrangement that existed  
11 between the departments.

12 The fifth core participant then is the Health &  
13 Social Care Board as successor body to the various  
14 Health Boards and Trusts who would have been involved in  
15 the lives of some, but certainly not all, of the  
16 children who were committed to St. Patrick's. Ms Smith  
17 touched on the various methods by which children could  
18 come to be committed to a training school and that did  
19 not necessarily always channel through Social Services.

20 To bring some definition to their participation, the  
21 three core participants who would have had more specific  
22 involvement with residents of St. Patrick's, that's the  
23 De La Salle Order, the Health & Social Care Board in  
24 respect of those who were involved with Social Services  
25 before coming into St. Patrick's and the Department of

1 Justice as the overall body with responsibility, have  
2 provided statements to the Inquiry dealing with the  
3 specific allegations of the individuals who have come  
4 forward. We will deal with those statements in the  
5 coming weeks during the oral evidence of the witnesses.

6 It is the case, however, given the nature of some of  
7 the allegations, that multiple statements have had to be  
8 provided from representatives of a core participant,  
9 mostly from social workers who were involved with the  
10 Health & Social Care Board in respect of an individual's  
11 allegations. That fact brings its own complexity to the  
12 Inquiry's work.

13 If I can put some feet on that for the Panel, one  
14 can have an individual who comes forward to the Inquiry  
15 who makes his allegation, that one witness, but that can  
16 produce seven, eight, nine, ten individuals who have to  
17 address those allegations from within the Health &  
18 Social Care Board or other organisations before the  
19 Inquiry. That, as you can imagine, brings some  
20 difficulty in terms of managing the evidence.

21 In addition to the responses to the individual  
22 witnesses who come forward to the Inquiry each of the  
23 core participants have provided what I am going to call  
24 generic statements for the assistance of the Panel,  
25 which endeavour to explain their involvement in

1 St. Patrick's in a more general. I am going to deal  
2 with each of those in turn at this point.

3 Firstly, in respect of the Diocese of Down & Connor  
4 a detailed statement on behalf of the diocese has been  
5 provided by Father Timothy Bartlett. It can be found in  
6 the bundle at SPT841 through to 856. Father Bartlett  
7 through the use of the minutes of the board of  
8 management, which he found among diocesan records, sets  
9 out in considerable detail the development of  
10 St. Patrick's and discusses the major issues that he  
11 identifies from those minutes as having arisen during  
12 its existence.

13 He recognises that finance does not appear to have  
14 been a major issue at St. Patrick's, and that is also  
15 a position echoed by the De La Salle Order, and Father  
16 Bartlett expresses the view on behalf of the diocese  
17 that it regards the position of the then Ministry of  
18 Home Affairs to have been much more satisfactory towards  
19 St. Patrick's Training School compared with their view  
20 of its approach to Rubane. In fairness the statement  
21 from the De La Salle Order recognises -- points out the  
22 various voluntary children issues that we looked at in  
23 Module 3, which perhaps created issues over finance.  
24 Father Bartlett says that at paragraph 20 of his  
25 statement, which is at SPT847.



1           He also draws attention in the statement to what he  
2           says appears to have been a professional and  
3           constructive relationship between the management of  
4           St. Patrick's and the relevant statutory agencies, and  
5           certainly as we look at various documents in due course,  
6           we will see there appears to have been significant  
7           interaction between the Departments involved in  
8           regulation and the bodies running the training school.

9           He also sets out in paragraph 29 of the statement  
10          the contemporaneous response of the then Bishop of Down  
11          & Connor, Bishop William Philbin, to the 1979 Black  
12          Report. He is doing that from a minute of April 1980 of  
13          a meeting with the Northern Ireland Office. I am going  
14          to show you that minute, because it characterises the  
15          ethos as far as the diocese saw the role of  
16          St. Patrick's. Now the minute, just so it is not  
17          completely out of context, the -- those who ran training  
18          schools were not necessarily positive towards elements  
19          of the Black Report that would have seen potentially the  
20          ending of training schools and that created across  
21          a broad spectrum of organisations major issues with  
22          potential government policy that was going to come into  
23          being, but this memo gives an indication of how the  
24          diocese saw its role.

25          If we can look, please, at STP50895. I am really

1 not having a good day. Just move through to the next  
2 page, please, just to make sure that -- no. Just take  
3 that down off the screen. You will have to allow me to  
4 come back to you on the minute.

5 If I can summarise its content, given I am not able  
6 to show you its form, Bishop Philbin insisted that the  
7 policy of St. Patrick's was not one of branding  
8 offenders but of looking to their needs and reeducation  
9 with a view to integration; that they welcomed the  
10 challenge of dealing with problem youth, as he described  
11 them; and that the board and the Brothers would never  
12 accept in principle that a youth be labelled as beyond  
13 redemption.

14 Then if we can look at the conclusion of Father  
15 Bartlett's statement on behalf of the diocese, please.  
16 If we bring up 855, and I am really hoping this works.  
17 It does. He says this:

18 "In concluding this preliminary statement on Module  
19 7 of the Inquiry, I offer the observation that  
20 throughout the history of Milltown and St. Patrick's the  
21 level of funding provided by the State, the level of  
22 regulation and inspection provided by the various  
23 statutory authorities and the frequency of supervision  
24 and inspection carried out by the management board  
25 itself appear to have been consistently more substantial

1 and qualitative than was the case in Rubane.  
2 Particularly following the establishment of the new site  
3 on the Glen Road, this included a closer collaboration  
4 between St. Patrick's and the management of other  
5 training schools, such as Rathgael, as well as more  
6 comprehensive and better funded provision for in-service  
7 training of staff.

8 The diocese also wishes to acknowledge the  
9 outstanding contribution made by so many Brothers of the  
10 De La Salle Order, Sisters of the Bon Secours and  
11 Franciscan Missionary Orders as well as so many lay  
12 staff, who from the foundation of St. Patrick's acted  
13 with the noblest of motives, the highest of ideals and  
14 the utmost levels of dedication to the welfare of the  
15 children in their care, often in the most difficult  
16 social, financial and political circumstances, including  
17 partition, the Second World War and the period we now  
18 know as the Troubles. That some of those charged with  
19 the care of children in such institutions betrayed the  
20 sacred trust placed in them by parents, the State, the  
21 church and the young residents of St. Patrick's  
22 themselves does not in the view of the diocese detract  
23 from the outstanding concern for the welfare of children  
24 most in need in our society shown by so many of those  
25 who founded, developed, managed and ran St. Patrick's

1 throughout its almost 100 years of existence."

2 I pause there to draw attention to the point that's  
3 being made, that the allegations that you will deal with  
4 over the next number of weeks are confined to a minority  
5 of the staff who worked in St. Patrick's across the  
6 many, many years of the 4057 residents who were placed  
7 there.

8 "Mindful", then says Father Bartlett, "that this is  
9 the last module of the Inquiry in which the diocese is  
10 called to give evidence" -- that appears to be a belief;  
11 whether it is founded we will see -- "the diocese wishes  
12 to repeat, however, that the abuse of even one child by  
13 an adult charged with their care, all the more so one  
14 professed to witness to the highest Christian motivation  
15 and ideals, is utterly abhorrent and intolerable. On  
16 behalf of the diocese I repeat our sincere and profound  
17 apology to anyone who was abused while in care in  
18 St. Patrick's or in any other institution owned or  
19 managed by the diocese. It is our sincere hope that the  
20 Inquiry will help to establish the truth about abuse in  
21 all such institutions in Northern Ireland and to make  
22 recommendations as to how such failures can be most  
23 assuredly prevented in the future. The diocese remains  
24 committed to cooperating with the Inquiry and its  
25 findings in the effort to bring whatever healing and

1 support that can be provided to those who were abused  
2 while under our care. We are mindful that while the De  
3 La Salle Order, our predecessors, motivated by the  
4 highest ideals, undertook the responsibility of acting  
5 in loco parentis to the children and young people who  
6 came into our care at St. Patrick's and Rubane, asking  
7 forgiveness for the many ways in which the diocese and  
8 others failed to provide the safe, nurturing and loving  
9 environment that children should rightfully expect from  
10 a church that actively took on this responsibility, we  
11 express our commitment to work with the Inquiry to  
12 implement any findings and recommendations which it may  
13 make."

14 I want to then turn to the De La Salle Order, who  
15 ran St. Patrick's on behalf of the board of management  
16 from 1917, so not from the outset, but from 1917 until  
17 they withdrew in and around 1995/1996.

18 Brother Francis Manning, the present Irish  
19 Provincial of the De La Salle Order, has provided  
20 a detailed statement of 27 pages in length for the  
21 assistance of the Inquiry dated 5th August 2015. The  
22 statement runs from SPT648 to 674 with exhibits from 675  
23 through to 728.

24 In fact, Brother Manning explains to the Inquiry  
25 that he himself spent a year living with the Brothers in

1 St. Patrick's while undergoing his teacher training. So  
2 he may be able to assist for at least a particular  
3 period that's under scrutiny.

4 The statements that Brother Francis and the now  
5 deceased Brother Pius McCarthy provided to the Inquiry  
6 during Module 3 will also be helpful for background to  
7 the Order as well as general context. I am not going to  
8 open them, but this statement from Brother Francis  
9 that's provided in this module covers a brief history of  
10 the Order, details its involvement in St. Patrick's,  
11 describes the management structure and staffing  
12 arrangements, financing, the age range and type of boys  
13 who resided in the training school. He explains in  
14 paragraph 54, for instance, on SPT656 that they were  
15 generally between the ages of 11 and 16, though not  
16 necessarily exclusively so. He details the extent of  
17 the Order's contemporaneous knowledge of allegations of  
18 abuse. He sets out the civil claims that the Order has  
19 or is dealing with in respect of its time in  
20 St. Patrick's, and then deals with some of the main  
21 themes that are likely to arise in this module in  
22 respect of St. Patrick's before setting out the  
23 reflections of the Order on various issues and pledging  
24 to continue to reflect on the evidence and assist the  
25 Inquiry.

1           The Order acknowledges in paragraph 109 of the  
2           statement, which is at 667, that their former employee,  
3           DL137, sexually abused children in the training school,  
4           and that when allegations came to the attention of the  
5           then principal, BR95 -- that's BR95 -- and for the  
6           avoidance of doubt names should not be used beyond the  
7           chamber -- they were not dealt with appropriately.  
8           That's a matter to which we will return in some detail.

9           There are some other instances of sexual abuse which  
10          are on balance accepted by the Order. They are of  
11          specific and limited extent, and I will return to those  
12          matters shortly.

13          However, the Order also draws to the Inquiry's  
14          attention -- if we can just look, please, at  
15          paragraph 137 on 672 -- and again no names should be  
16          used beyond the chamber -- but the Order draws to the  
17          Inquiry's attention by reference to some specific  
18          examples found in the police material obtained by the  
19          Inquiry and makes the point that former residents were  
20          obviously -- from the material could be clearly seen to  
21          be influenced by media reports and some were prepared to  
22          and did make fabricated claims of sexual abuse against  
23          Brothers, and they make that point that for whatever  
24          reason individuals were and are capable of doing so.

25          The Order draws attention to the timing of some of

1 the present allegations, pointing out that it is  
2 difficult to understand why some allegations now made  
3 were not brought forward by former residents as adults  
4 during the 1990s when extensive proactive police  
5 investigations were taking place into Rubane,  
6 St. Patrick's and the conduct of various Brothers of the  
7 De La Salle Order.

8 In paragraph 137 Brother Francis says on behalf of  
9 the Order that he does not believe that all the  
10 allegations being made against De La Salle Brothers have  
11 been fabricated. He is not saying they are all untrue.  
12 He says that the Order has made admissions to the  
13 Inquiry which took place in Rubane and again in the  
14 context of St. Pat's that we will come to look at.  
15 However, he says that it is clear that some former  
16 residents for whatever reason were and are capable of  
17 making false allegations.

18 As an appendix to the statement the Order has  
19 carried out an analysis of the sexual and physical  
20 allegations made by those who have come forward to the  
21 Inquiry. I am not going to bring that up, but I will  
22 give the Panel the reference. It will be something that  
23 you can take some time to look at. It is at 728 and 729  
24 in the bundle. The analysis, if correct, would suggest  
25 that of the 27 individuals who came forward to the



1 Inquiry, 18 at most -- because the actual number may be  
2 less when some of the allegations are clarified -- 18  
3 individuals at most make allegations against 11 named  
4 Brothers in total and, as I have already indicated, the  
5 Order does not accept the sexual allegations that are  
6 made against the Brothers save in one respect that I am  
7 going to deal with in due course.

8 The analysis also shows that 11 individuals who have  
9 come forward make physical allegations against Brothers  
10 of the Order, which shows that the majority of those who  
11 have come forward to the Inquiry don't allege physical  
12 abuse against the Brothers, and the limited extent in  
13 the context of the numbers that passed through  
14 St. Patrick's Brother Francis on behalf of the Order is  
15 drawing out that there does not appear to be a common  
16 thread of allegations of violence on a widespread scale  
17 during the operation of St. Patrick's.

18 Brother Francis' statement also covers issues such  
19 as corporal punishment, indicating that while up to  
20 perhaps the mid to late '70s the strap was used for  
21 corporal punishment, it was used infrequently, and the  
22 Order and its surviving Brothers who worked in  
23 St. Patrick's do not recognise or accept the accounts of  
24 systemic or unprovoked violence by Brothers as alleged  
25 by some individuals, and the Order points to the lack of

1 similar complaint through the general sweep of the  
2 evidence when set against the numbers resident in  
3 St. Patrick's. The reference for that is in  
4 paragraph 116 of the statement at 668.

5 The Order does, however -- and if we just look at  
6 paragraph 106, please -- 126 -- sorry -- on SPT670 --  
7 the Order does acknowledge and indeed has drawn to the  
8 Inquiry's specific attention instances when staff are  
9 contemporaneously recorded as having struck a boy, and  
10 the very fact that when such an event happened, it was  
11 recorded the Order points to as an indication that it  
12 was not necessarily a common thing and that it was  
13 something that was noted and dealt with.

14 We can just look at the example that's being  
15 referred to here, please. If we can look at 12244, it's  
16 something -- if we just look at the bottom of the page.  
17 So this is recorded in an incidents book. You can see  
18 that reference is being made here -- a boy has told  
19 a resident social worker that a particular teacher had  
20 kicked him. That allegation was repeated to another  
21 social worker and then to the director in different  
22 statements, and it appears subsequent statements were  
23 recorded that a run-in had been had by the teacher with  
24 more than one boy on that particular day, which is  
25 recorded as being not an unusual occurrence it appears

1 for that particular individual. So that's being  
2 recorded in a file of 5th June 1992. We will have to  
3 try to look into that a bit further, because neither the  
4 individual who is recorded as having been kicked nor, in  
5 fact, the person who is recorded as doing the kicking  
6 have either come forward to the Inquiry or been someone  
7 who others have claimed were involved in any  
8 mistreatment of them.

9 However, using that as an illustrative example, the  
10 Order does accept, as is set out in paragraph 126, the  
11 possibility that in the heat of the moment and  
12 particularly among staff working with disturbed and  
13 difficult children members of staff may occasionally  
14 have lost their cool and struck out. While the Order  
15 does not seek to justify those types of incidents, the  
16 point being made to the Inquiry in the context of the  
17 number of allegations actually being made about  
18 St. Patrick's is that such behaviour was very much the  
19 exception rather than the rule.

20 At paragraphs 122 to 126 of the statement, if we  
21 just go back, please, to 669, Brother Francis addresses  
22 the use of something that's likely to come up in the  
23 oral evidence to the Panel, which is reference to two  
24 isolation units or cells, which were located near the  
25 boiler rooms in the Glen Road premises. The Order does

1 not accept the use of isolation units per se were  
2 abusive and points out that they were only utilised in  
3 exceptional circumstances, and that the training school  
4 rules did provide for separating boys away, and it will  
5 be -- there are various references that we will see  
6 through material suggesting that the cells, as they were  
7 known, were used for boys who absconded in order to try  
8 and prevent them absconding until they had settled down.

9 Equally, you will see in the major police  
10 investigation that took place in 1993/1994 one of the  
11 questions asked of the 155 boys was whether they were  
12 ever put in the cells or were aware of being put in the  
13 cells, and it appears to a man while they knew of their  
14 existence, they were not aware of them being utilised or  
15 themselves having been put there.

16 The Order then addresses from paragraphs 127 on, if  
17 we just scroll down, please, the reality of both peer  
18 sexual activity and peer sexual abuse in St. Patrick's.  
19 The Order draws attention to the particular difficulty  
20 associated with boys who were coming into the school who  
21 themselves had been the subject of sexual abuse at home  
22 or in the community, or who may themselves by the time  
23 they were coming to St. Patrick's have already engaged  
24 in offending of that type. The Order draws attention to  
25 some examples of peer sexual activity from as early as

1 1948 being recorded, and we will come to see that on  
2 occasions when boys were caught engaged in sexual  
3 activity, the head Brother reported the matter to the  
4 police for investigation. The police investigation had  
5 taken place, the file being submitted to the DPP. Those  
6 that are available to the Inquiry indicate that the DPP  
7 elected it wasn't in the public interest to prosecute  
8 the individuals who were identified to them.

9 The Order also draws attention in paragraph 135 to  
10 the fact that there is evidence in the papers to show  
11 that in later years there is evidence of boys undergoing  
12 sex education programmes and counselling. They are  
13 making the point in summary that you were dealing in  
14 St. Patrick's perhaps on a more general basis with boys  
15 with more difficult and complex problems than might have  
16 been the case in a children's home.

17 Equally, the Order accepts in paragraph 136 of the  
18 statement that sexual activity among the boys was in all  
19 probability a bigger problem than was realised  
20 contemporaneously, but also suggest to the Inquiry that  
21 in reality it would have been a difficult problem to  
22 deal with.

23 In addition to the statement of Brother Francis the  
24 Order helpfully obtained for the assistance of the  
25 Inquiry a witness statement from SPT26,

1

SPT26 actually worked in St. Patrick's  
4 from and he is an example of the many, many members  
5 of staff who worked in St. Pat's over the years against  
6 whom no allegations have been made to the Inquiry. His  
7 statement can be found at 1679 to 1683 in the bundle.

8 In particular just in the context of something that  
9 I was saying if we look at paragraph 16 of his  
10 statement, please, at 1682, he gives here in  
11 paragraph 16 a particular example of a false allegation  
12 where an individual alleged that they had been sexually  
13 abused and alleged that they had shared that with SPT26.  
14 We will see from police papers in due course when he was  
15 spoken to at the time, he explained that that individual  
16 had not told him that at any stage, and then you can see  
17 -- and I am not going to go into the detail of it  
18 anymore -- you can see in the paragraph he sets out,  
19 which, when we checked, turns out to be the case, that,  
20 in fact, the person concerned was not new to making  
21 allegations that were false, but he is able to give some  
22 insight into both the general running of St. Patrick's  
23 from and also his own experience of what was  
24 known about sexual activity taking place.

25 I have covered two of the core participants,

1 Chairman, but I notice the time. Perhaps the Panel want  
2 to take a break for lunch.

3 CHAIRMAN: Yes. We will rise now and sit again at  
4 2 o'clock.

5 (1.00 pm)

6 (Lunch break)

7 (2.00 pm)

8 MR AIKEN: Chairman, Members of the Panel, just before lunch  
9 I had covered the first two core participants. I am now  
10 going to move on to mention the Department of Justice  
11 and the Department of Health, Social Services and Public  
12 Safety together. As the Panel has heard from Ms Smith,  
13 the Inquiry received a general overview statement from  
14 Nick Perry, the Permanent Secretary at the Department of  
15 Justice in May of 2013 prior to the commencement of the  
16 Inquiry's public hearings in January of 2014. The  
17 reference for that is at 1592 to 1600 and the exhibits  
18 run from 1601 to 1678.

19 Then on 30th July of this year the Inquiry received  
20 a general overview of training schools and the  
21 governance and inspection arrangements in respect of  
22 them from Dr Harrison, who has been assisting the  
23 Inquiry, as the Panel knows, on behalf of the Department  
24 of Health, Social Services and Public Safety. That  
25 statement is at 1684 through to 1691 in the bundle.

1           Then in response to a request from the Inquiry the  
2           Department of Justice and the Department of Health,  
3           Social Services and Public Safety have provided  
4           a detailed joint statement from Ms Pearson of the DOJ  
5           and Dr Harrison on behalf of the DHSS&PS. There is  
6           a revised version of that statement with further  
7           references included in it which has recently been  
8           received. That runs from SPT1723 to 1754 and then there  
9           are substantial exhibits, which run from 1756 to 1998.  
10          As Ms Smith alluded to, there is a particular missing  
11          exhibit that we are keen to see, which I understand is  
12          being pursued by the two departments.

13          That statement -- and you have seen various parts of  
14          it this morning -- covers in broad overview the  
15          statutory scheme, the policy development, the regulatory  
16          mechanisms, the certification process to operate as  
17          a training school, staffing ratios with reference to  
18          Castle Priory, the inspection regime, funding, groups of  
19          children potentially being placed in the training  
20          schools, and it does refer, as Ms Smith alluded to, to  
21          a particular Ministry of Home Affairs circular from  
22          1950. That's referred to at paragraph 7.1 of the  
23          statement at 1745 relating to training schools and that  
24          document is awaited.

25          In addition, the concluding paragraph of the joint



1 statement, paragraph 15 on 1754, refers to a further  
2 joint statement to be filed dealing with a number of  
3 allegations of abuse. While it referred to a joint  
4 statement, it seems the Departments are filing separate  
5 statements. The Department of Justice filed  
6 its statement in that regard on 26th August and the  
7 reference for that can now be found at SP2 -- SPT2039 to  
8 2044 with the exhibits from 2045 to 2108. It is of  
9 limited interest to St. Patrick's. There is one  
10 section dealing with St. Patrick's and then other  
11 sections dealing with the other training schools.

12 The Inquiry has also been provided with further  
13 statements from officials involved with the Social  
14 Services Inspectorate within the Department of Health  
15 and Social Services and Public Safety. It carried out  
16 inspections of training schools on behalf of the  
17 Northern Ireland Office. The first is from Dr Kevin  
18 McCoy of 26th August this year. That's at STP1999 to  
19 2004. He was the Chief Inspector of the Social Services  
20 Inspectorate for a long period, and he sets out in his  
21 statement the development of the inspection process for  
22 training schools and flags up that the Northern Ireland  
23 Office in his view did not implement the monitoring  
24 arrangements in training schools which were introduced  
25 to children's homes in 1983 post the Sheridan review as

1 part of the Kincora responses -- didn't introduce those  
2 monitoring arrangement as early as he thinks they should  
3 have. He was then also involved in the aftermath of the  
4 critical inspections relating to St. Patrick's that  
5 occurred in the late 1980s and early 1990s. As you  
6 know, you heard from Dr McCoy earlier in the Inquiry's  
7 work.

8 The second statement is from Victor McElfattrick of  
9 25th August 2015. That can be found at SPT2005 to 2009.  
10 He was also an official in the Social Services  
11 Inspectorate and worked under Dr McCoy, and he explains  
12 the different types of inspections that were conducted  
13 by the Social Services Inspectorate. He identifies in  
14 particular a tension there appears to have been in  
15 respect of in his view the Northern Ireland Office  
16 trying to influence Social Services Inspectorate boards  
17 as he saw it, and no doubt that's a subject to which we  
18 will return.

19 Then I am going to move on to the fifth core  
20 participant, the Health & Social Care Board. In  
21 addition to the responding statements from the HSCB in  
22 relation to individuals who come forward to the Inquiry,  
23 the Health & Social Care Board has also filed  
24 a statement from Thomas Boyle, who is presently the  
25 Children's Services Manager with the Belfast Health &

1 Social Care Trust. The statement can be found at  
2 SPT1549 to 1553 in the bundle with exhibits at 1554 to  
3 1555. The statement deals with various ways someone  
4 could be admitted to training schools through Social  
5 Services, how, when admitted, Social Services'  
6 involvement with the individual came to an end, and the  
7 various ways an individual could end up in a training  
8 school without Social Services being involved.

9 He also explains his later specific role on what  
10 became the Admissions Panel to a secure unit at  
11 St. Patrick's which was eventually established known as  
12 Slemish House.

13 We will in due course hear oral evidence from  
14 various representatives on behalf of the core  
15 participants in respect of particular matters of  
16 interest that arise in respect of St. Patrick's.

17 What I want to do now is say something about the  
18 form and nature and extent of the Inquiry evidence  
19 bundle relating to St. Patrick's before I begin to deal  
20 with more substantive matters.

21 Due to the volume of material involved across the  
22 four training schools being investigated by the Inquiry  
23 in Module 7, it has been necessary to prepare evidence  
24 bundles specific to each separate institution. As the  
25 Panel will be aware, the investigation of potential

1 systemic failings at an institution being looked at by  
2 the Inquiry and the volume of relevant material that the  
3 investigation consequently produces does not bear  
4 a direct correlation to the number of individuals who  
5 come forward to share their experiences as to what they  
6 say happened to them.

7 To date the Inquiry has received over 50,000 pages  
8 of material relating to the youth justice institutions  
9 under investigation.

10 The Inquiry's research team based in the Public  
11 Records Office, Northern Ireland has examined over 1000  
12 files relating to youth justice, which covers the four  
13 training schools that will be looked at, and that has  
14 involved the transfer of over 8000 pages of material  
15 into the Inquiry's system. The St. Patrick's evidence  
16 bundle alone as of the end of last week -- and I can  
17 tell the Panel it is now already much more -- contains  
18 over 36,000 pages. Much of that material by its nature  
19 is extremely dense and time-consuming to analyse and  
20 that process is ongoing.

21 To try to illustrate what I mean by way of  
22 an example, in respect of St. Patrick's the relevant  
23 police material provided to the Inquiry amounts to over  
24 7000 pages. That in visual terms is about 20 lever arch  
25 files. That is in contrast, for instance, to Module 4,

1 which looked at the Sisters of Nazareth homes in  
2 Belfast, and despite that module having approximately  
3 four times the number of witnesses to St. Patrick's, the  
4 module had only 2000 pages of police material. So it  
5 gives some idea of the scope with which the Inquiry is  
6 dealing.

7 The St. Patrick's evidence bundle, which, as I said,  
8 contains over 36,000 pages, is divided into eleven  
9 sections.

10 The first section, amounting to over 2000 pages, are  
11 the witness statements provided to the Inquiry that the  
12 Panel will consider during the module.

13 Section 2 contains the relevant documentation about  
14 the institution that the Inquiry has gathered, such as  
15 governance, inspection and finance material and amounts  
16 to approximately 8000pages.

17 The third section is the police material, which  
18 amounts to some 7000 pages.

19 Section 4 contains relevant civil claims  
20 documentation, which equates to over 1000 pages.

21 Section 5 contains over 350 pages of transcripts of  
22 earlier evidence before the Inquiry that are relevant to  
23 this institution as well.

24 Section 6 contains material received from the  
25 Department of Justice, including that relating to the

1 individuals who have come forward to the Inquiry, and  
2 that amounts to over 8700 pages to date.

3 Section 7 will contain the witness statements and  
4 other material received from those who face allegations  
5 of abuse, who are being presently engaged with by the  
6 Inquiry in advance of the oral evidence commencing.

7 Section 8 contains over 6000 pages of social work  
8 material relating to the individuals who have come  
9 forward who went to St. Patrick's. You can begin to  
10 understand, if you take that figure of 6000 and divide  
11 it by 27, even on an average basis the extent of what is  
12 involved.

13 Section 9 contains governance and regulatory  
14 material mostly received from the Diocese of Down &  
15 Connor, including the board of management minutes, and  
16 at present that stands at over 800 pages.

17 Section 10 contains material relevant to the  
18 witnesses who will give evidence to the Inquiry about  
19 their experiences and that section has over 1250 pages  
20 to date.

21 Section 11 is the material that charts the  
22 legislative and policy development of training schools,  
23 which Ms Smith has been signposting this morning, and  
24 that part at present has some 1200 pages.

25 Different from previous modules, in addition it is

1 also the case that the Department of Justice has  
2 provided the Inquiry with 74 boxes of what might be  
3 called generic material relating to St. Patrick's. The  
4 boxes contain material such as admission registers,  
5 school and chalet diaries, log books, punishment books,  
6 material of that type.

7 I do not want to speculate on just how many pages  
8 the contents of those boxes would cover, but obviously  
9 it is a significant figure. It would simply not be  
10 possible or indeed proportionate for the Inquiry to  
11 engage in a time-consuming process of copying and  
12 assimilating that vast quantity of material into the  
13 Inquiry evidence bundle.

14 However, the Inquiry has possession of the material.  
15 Inspection of it has been available to the core  
16 participants. The index to it is available to the  
17 Panel, and where the Inquiry or core participants have  
18 wished to investigate or will wish to investigate  
19 a specific matter, then recourse is had to that material  
20 as part of the investigation.

21 It is likely that as matters arise during the course  
22 of the evidence, as matters come into sharper focus,  
23 further recourse may be had to matters such as diaries  
24 and log books, so particular dates and what may or may  
25 not have been happening at a particular time can be

1 checked.

2 In addition, the Department of Justice has confirmed  
3 to the Inquiry that it holds 4537 files on ex-residents  
4 of St. Patrick's that are contained in some 985 further  
5 boxes of material. The Inquiry has sought and obtained  
6 from that extensive archive the files relating to the  
7 individuals who have come forward to speak to it as well  
8 as some files of other individuals who have come to be  
9 of particular interest during the Inquiry's  
10 investigation. It may well be that further files will  
11 have to be sought as the evidence unfolds, but again it  
12 has simply not been possible for the Inquiry to obtain  
13 and consider all of the files in the 985 boxes, given  
14 the time limit by which the Inquiry must finish its  
15 work.

16 No doubt what I have said to date, while not  
17 necessarily new to the Panel, will hopefully demonstrate  
18 the sheer scale of what the Inquiry has to deal with in  
19 the context of its time limit. In addition, it will not  
20 come as a surprise to the Panel if I commend the  
21 incredible work of the entire Inquiry staff, who have  
22 worked diligently through the summer to put me in  
23 a position to stand before you today to open the complex  
24 and complicated St. Patrick's element in some detail.

25 I do not limit my thanks to the Inquiry legal team,



1 but I want to specifically thank the members of the  
2 legal team for their diligence, working under  
3 considerable pressure and strain to ensure that a swift  
4 and thorough investigation is carried out into the  
5 institutions in this module in the context of the time  
6 constraints the Inquiry is working with.

7 I also want to acknowledge the collaboration from  
8 those with whom the Inquiry has to engage. It is fair  
9 to say that not everything is done by everyone with the  
10 alacrity that the Inquiry would desire, given its own  
11 time pressures, but it is certainly the case there is  
12 a clear desire being demonstrated from the core  
13 participants to cooperate and assist the Inquiry and to  
14 proactively address the issues that are likely to face  
15 them from involvement before the Inquiry during this  
16 module. I anticipate that the intensity of that  
17 proactive collaboration will increase as issues come  
18 into sharper focus over the coming weeks.

19 I want to turn now to look at the chronological  
20 history of St. Patrick's, and in the time that's  
21 available it simply won't be possible to cover all  
22 aspects of what was a substantial institution that  
23 operated for many years and housed over 4500 boys. So  
24 what I am going to do is give a brief chronological  
25 history of St. Patrick's, but stopping at various points

1 along the route to look at some key events which are  
2 likely to be of particular interest to the Panel in the  
3 context of the Inquiry's terms of reference.

4 What for our purposes ultimately became  
5 St. Patrick's Training School upon a substantial site in  
6 the Glen Road actually began life in 1869 in Donegall  
7 Street in Belfast. An industrial school was established  
8 there by the Roman Catholic Bishop of Down & Connor  
9 following the enactment of the Industrial Schools Act  
10 (Ireland) 1868. The Chief Secretary for Ireland  
11 certified the Donegall Street premises as an industrial  
12 school on 27th August 1869 for the accommodation of 65  
13 boys aged 6 and upwards.

14 In order to be able to provide training for some  
15 boys in farming and gardening, the committee of the  
16 school, as the management organisation was then known,  
17 decided they should try to obtain premises in the  
18 country. Milltown House, which was said to have had  
19 a 5-acre farm attached which generated income, near what  
20 was then the village of Milltown and is now essentially  
21 the Falls Road, then some three miles from Belfast, was  
22 secured and for a period both premises were utilised in  
23 both Milltown and Donegall Street.

24 Following necessary refurbishment, the certificate  
25 for the Milltown premises as an industrial school was

1 obtained on 11th January 1873 for 65 boys, and by 18th  
2 November 1879 accommodation had expanded and the  
3 certification had therefore increased to allow  
4 accommodation for 150 boys.

5         There is a picture of Milltown, if we just look,  
6 please, at 10026, because some of the events that  
7 feature in terms of allegation of abuse do relate to the  
8 Milltown premises. You can see that on the top is the  
9 view of the newly built St. Patrick's Training School in  
10 1957, but if we just scroll down, please, this is what  
11 was described in various bits of literature as Milltown  
12 House and was the home of St. Patrick's Industrial  
13 School, St. Patrick's Industrial and Reformatory School  
14 and then eventually St. Patrick's Training School up to  
15 1957, and as part of it then it had a 5-acre farm at  
16 least attached.

17         It was while the industrial school was based at  
18 Milltown that the then Bishop of Down & Connor, later  
19 Cardinal McCrory, asked the De La Salle Order to take  
20 over responsibility for its operation. The Order agreed  
21 and five Brothers moved in on 15th May 1917.

22         The Government of Ireland Act 1920 created Northern  
23 Ireland. The Parliament of Northern Ireland was formed  
24 in June of 1921, and on 9th June 1922 under the Children  
25 Act 1908 the Northern Ireland Minister of Home Affairs

1 certified St. Patrick's as the only Catholic industrial  
2 school in Northern Ireland post-partition to also be  
3 a reformatory school as well as an industrial school.  
4 The certification at that time for 150 boys did not  
5 alter. It appears to have been the case that for  
6 a significant period of time after that the number of  
7 reformatory school boys was quite small in comparison to  
8 the number of industrial school boys.

9 It would appear that as early as 1923 the Ministry  
10 of Home Affairs Department Committee on Reformatory and  
11 Industrial Schools was recommending the end of the use  
12 of the name "reformatory school", and indeed according  
13 to the extensive 1938 Ministry of Home Affairs  
14 Department Committee, known as the Lynn Committee,  
15 report entitled "The Protection and Welfare of the Young  
16 and the Treatment of Young Offenders", which led  
17 eventually to the Children and Young Persons Act  
18 (Northern Ireland) 1950, Malone Reformatory was already  
19 using the name "Malone Training School" before the 1950  
20 Act came into being.

21 Minutes of the governing committee of the industrial  
22 and reformatory school between 1923 and the start of the  
23 Second World War do still exist. Father Bartlett  
24 summarises. If we just look, please, at paragraph 9 of  
25 his statement at 843, if you just scroll down, please,

1 where he says:

2 "Notably each minute from June 29 to April 1955 when  
3 meetings became quarterly mentions that the reports of  
4 the diocesan examiner and of the school inspectors (in  
5 some minutes specified as the Board of Education  
6 Inspector and the Home Office Inspector) were read at  
7 the meeting. Without exception these annual reports are  
8 recorded as being 'very' or 'highly satisfactory'.  
9 The minutes indicate that the committee itself undertook  
10 occasional inspections of the school. In 1930, for  
11 example, it is recorded that such an inspection had  
12 found the 'tailoring shop' to be 'very unsatisfactory'  
13 and that a 'change in the working of the shop' was  
14 considered necessary."

15 He then points out that the reference to the  
16 diocesan examiner is more likely to be towards  
17 theological matters than the matters that the Home  
18 Office Inspector might be looking at, but the records  
19 show that while the inspections that are recorded as  
20 having taken place, those reports are not necessarily  
21 available, there is some evidence to suggest what at  
22 least those who were running the school understood was  
23 being said of their institution.

24 It does appear to have been the case that there was  
25 a pattern of inspection that included someone from

1 education in respect of the teaching in the school and  
2 then someone from Home Affairs in respect of the running  
3 of the school in terms of a home where children were  
4 living. In addition, there seems to have been  
5 involvement with a medical examiner from the Department  
6 of Health -- from the Ministry of Health.

7 During the Second World War while St. Patrick's  
8 Industrial and Reformatory School was still based at  
9 Milltown -- so this is prior to the move to the Glen  
10 Road site in 1957 -- so while still based at Milltown  
11 the De La Salle Brothers also leased premises at  
12 Forkhill in County Armagh, to where 62 younger boys were  
13 evacuated in 1941. The Forkhill premises remained in  
14 use until 1944.

15 There is an undated memo from the 1950s -- it  
16 probably emanates from in and around 1953 -- in  
17 a Ministry of Home Affairs file found in PRONI which  
18 suggests that certification of accommodation increased  
19 to as high as 225 boys during World War II, which  
20 presumably included the 65 additional places for younger  
21 boys at Forkhill on top of the number that were  
22 certified to be able to live at Milltown, but by  
23 March 1949 the certification of the Milltown premises  
24 was for 160 boys.

25 If we just look at the undated minute for a moment,

1 please, because it gives some background. If we look at  
2 10005, it sets out the history. It is not clear what  
3 the purpose necessarily was for this document, but it  
4 gives the background to the setting up of the premises  
5 and in considerable detail the number of boys who were  
6 involved. If we just scroll down, please, it describes  
7 the move towards including reformatory children and you  
8 can see:

9 "The school premises at Milltown have by careful  
10 management and attention been kept in a reasonable state  
11 of repair, but for many years the managers have felt the  
12 need and have been planning for a new school on modern  
13 lines."

14 That planning, in fact, began in 1943 during the  
15 Second World War. You can see it is being said:

16 "The Ministry has ... every sympathy with the  
17 project and shortly after the 1950 Act came into force  
18 the scheme got underway."

19 You can see reference is made to the considerable  
20 foresight. A farm of 103 acres on the Glen Road had  
21 already been obtained. Then there is a transaction  
22 taking place so that the Ministry is, in effect, funding  
23 the acquisition of the land which the bishop had already  
24 secured. It looks then at some of the construction work  
25 relating to it.

1           If we just scroll down, please, to the next page,  
2           you can see reference to the expense involved in the  
3           Brothers' house and then the funding arrangement that  
4           was going to take place of 50 -- 90% of half of the  
5           value of work and the grant was in effect for 50% of the  
6           approved expenditure, though it would appear from other  
7           material that it may have been almost entirely funded  
8           and we will see that shortly.

9           You can see that:

10           "The plans for the new training school provide for  
11           accommodation of 200 boys and a resident staff of 30."

12           So at that stage you can perhaps get some feel of  
13           the size of what we are dealing with, that the ratio  
14           seems to have been slightly more than 1:6, between 1:6  
15           and 1:7, but you have got substantial premises with  
16           a large number of boys and large number of staff and  
17           that was not something that would change effectively.  
18           This is how St. Patrick's would run right through the  
19           period that we are looking at, where you have  
20           substantial numbers of children, substantial numbers of  
21           staff, and it is because of that that I draw attention  
22           to the -- ultimately the extent of the allegations  
23           compared to the number of children who were there and  
24           the number of staff who were working.

25           You can see what was going to be provided: assembly



1 hall, chapel, play halls, dining hall, kitchen, store,  
2 library, hobby rooms, classrooms, sick bay, and then as  
3 part of the training school concept these vocational,  
4 giving people the talent to get particular types of  
5 work: woodwork, French polishing, metalwork, shoe  
6 making, tailoring, band, etc. Then administrative  
7 offices. Playing fields with facilities for farming and  
8 gardening instruction.

9 One of the things that will no doubt strike you as  
10 you hear evidence, again very similar to Rubane, the  
11 quality of facilities that were being made available at  
12 this point in time. So it had a swimming pool. There  
13 is reference to a gymnasium, that type of facility,  
14 which wouldn't have necessarily been available to  
15 children who were not resident in St. Patrick's at that  
16 point in time in the '50s, '60s and '70s.

17 I want to pause at this point, doing the best you  
18 can, transporting back to the Second World War and  
19 premises having been taken at Forkhill, where the  
20 younger section of the St. Patrick's boys had been  
21 evacuated, approximately 65 of them, between 1941 and  
22 1944. This may be the earliest complaint of sexual  
23 abuse by a member of staff on children in their care  
24 that has come to the Inquiry's attention.

25 The first evidence of it is recorded in a 1948

1 ecclesiastical inquiry that was carried out by the then  
2 Bishop of Down & Connor, Bishop Mageean. Now we are  
3 going to look at that inquiry later in the opening  
4 because of the matters it dealt with between '46 and  
5 '48, but at that stage I just want to look at it in the  
6 context of this issue in Forkhill.

7 The documents from the ecclesiastical inquiry and  
8 the correspondence that preceded it and came after it  
9 can be found at SPT10550 through to 10601.

10 Now just so the context is known at this stage, the  
11 inquiry arose following the complaint of a mother of  
12 a boy that was made to the Ministry of Home Affairs --  
13 two complaints, one made by her through her solicitors  
14 in 1946 and another then in 1948. The complaint was  
15 about physical abuse in 1946 and then also included  
16 emotional and sexual matters in 1948, which is something  
17 that we will come back to, but for now the matter was  
18 brought to the attention -- this complaint having come  
19 into the Ministry from the mother, the matter was  
20 brought to the attention of the then Minister of Home  
21 Affairs, Edmond Warnock, KC, as he then was, and he is  
22 seen from the correspondence to discuss the matter with  
23 James McSparran, KC, as he then was, and the matter was  
24 eventually referred to Bishop Mageean for an inquiry to  
25 be conducted by him. It was part of that inquiry into

1 matters that had nothing to do with Forkhill that  
2 revealed this issue which we are going to look at.

3 Evidence was taken on 9th April of 1948. If we just  
4 look, please, at 10550, this shows you the index, as it  
5 were, to the evidence that was taken and who the  
6 evidence was taken from. So you can see there are seven  
7 Brothers here who give evidence that's recorded and then  
8 the bottom two are residents in St. Patrick's.

9 It is the evidence of BR39, and that's BR39, who  
10 I will say much more about as I go, but if I can say at  
11 this point for context that BR39 had come to  
12 St. Patrick's in around ,

13

14

15

16

17

18 It is the first two pages of his evidence  
19 to the bishop that are relevant for the present purposes  
in relation to Forkhill.

20 So if we can scroll on to the next page, please, now  
21 this document takes an unusual form in that the first  
22 series of questions you don't get the questions but you  
23 have the answers, and then we move into having the  
24 question and the answers, but you can see that it is  
25 happening on Friday, 9th April 1948. It is called

1 a diocesan tribunal that is meeting in the Industrial  
2 School at Milltown and is being presided over by  
3 Dr Mageean and then other colleagues in the Diocese of  
4 Down & Connor. It is described:

5 "The witnesses replied to the court as follows."

6 So it is BR39 saying he arrived in .  
7 he is , and as Inferior for two years before  
8 that. Then he describes he had been the  
9 for five years . So the education  
10 of others coming into the Order. If we just scroll  
11 down, please,

12 He says:

13  
14 welfare of the community" -- that's the De La Salle  
15 community -- "presiding at the exercises and observance  
16 of the rule.

17

18

19

20 He is then asked -- I presume the question may have  
21 been, "How are things at the school?" or "What is the  
22 school like?"

23 "Generally I would say it is good",

24 or the atmosphere in the school perhaps, but he

25 then says this:

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

6           So this is perhaps the seeds, as you can reflect  
7           back on the debate that took place in Rubane, Module 3,  
8           the Diocese and the Ministry and BR39 involved in the  
9           middle of it about the size of dormitories and whether  
10          it should be chalets, and you are going to see shortly  
11          him express the view that best to have reformatory and  
12          industrial separated as against the policy thinking that  
13          you will see from the Lynn Committee report of 1938,  
14          which was making the point that, "Well, as children  
15          coming in through the industrial path are coming from  
16          very difficult backgrounds, it is not really necessarily  
17          different from those who are coming from a reformatory  
18          background, because they themselves have engaged in  
19          offending"; that really you were dealing with two sides  
20          of the same coin. Whether that analysis worked as well  
21          where you had an industrial school type arrangement with  
22          the Roman Catholic voluntary children where you will  
23          recall the various policy clashes over the fact that too  
24          many children were being taken into care on the Roman  
25          Catholic side and therefore perhaps the analogy of

1 children being two sides of the same coin may not  
2 necessarily have sat as well for those who were in  
3 St. Patrick's. That's trying to do the best we can to  
4 understand why BR39 is drawing a distinction, but he is  
5 making that point that they have been getting in  
6 a difficult type of boy more on the reformatory side.  
7 Then he says:

8 "There was misbehaviour among these boys before they  
9 had entered the school during the period when the  
10 Americans ..."

11 We seem to then miss -- we are not missing a page,  
12 but we seem to be missing the bottom part of that record  
13 that we can see. Then we have the start on the next  
14 page of:

15 "... to time."

16 Then you can see he says:

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

21 So you can see that he is saying to the bishop in  
22 the context of the inquiry, "We do have this difficulty  
23 of children coming in who have -- are effectively  
24 sexualised". That appears to be what he's  
25 communicating. Then he is asked:

1 "Do these boys associate with the other boys?",  
2 as in the industrial school boys.

3 "Answer: They do. There is no division. They  
4 should be in a separate building."

5 You can start to see what became the decision to  
6 create Rubane, where there would be a place of  
7 separation, as it were, with the industrial school  
8 children in theory or those who then were part of  
9 the voluntary children's home section were moving from  
10 the Sisters of Nazareth down to Rubane rather than going  
11 necessarily to St. Patrick's.

12 Then Dr Mageean says:

13 "Were there suggestions with regard to the  
14 Brothers?",

15 to which he says:

16 "There were. They concerned an exemplary Brother,  
17 BR69."

18 I will ask you to note that, because this is going  
19 to get rather confusing. So at this point in 1948 BR39  
20 is being asked by the bishop, "Is there anything to do  
21 with any of the Brothers?" and he says, "There was". It  
22 was to do with someone he describes as an exemplary  
23 Brother, BR69:

24

25 So, as you know from learning about the De La Salle

1 Order, someone who was now at the point that he is  
2 talking in 1948 head of a community of Brothers  
3 somewhere.

4 "One day I got a phone message to say boys were  
5 talking of BR69. Three of them said he had had immoral  
6 relations with them.

7 I knew him to be a good religious. I was much his  
8 junior."

9 So if I can pause there, this person is someone who  
10 is at least older in the community than BR39, if not  
11 older in age also.

12 "So I referred the matter to the Provincial."

13 So this comes to his attention in St. Patrick's. He  
14 informs the Provincial.

15 "Three or four days later the Provincial wired me to  
16 meet him in Forkhill. I went there. We held  
17 an inquiry. The three boys who made the accusations  
18 (about 12 years old) were questioned. They said another  
19 boy (about 17) had told them to make these allegations.

20 This boy was called in. He admitted he told the  
21 boys to say these things. He said he had no grounds for  
22 making the allegations. His reason was he thought BR69  
23 was too strict and he wanted him changed."

24 So if I can pause there, because what flows  
25 thereafter is to do with '46 and '48, what BR39 is



1 saying to the bishop is, "We have had boys who have been  
2 prepared to make false allegations against a Brother of  
3 sexual abuse, and when they identified who had put them  
4 up to it, it was another boy, who then accepted having  
5 put them up to making these allegations about BR69", who  
6 was older than him, who was an exemplary Brother, and by  
7 now a superior.

8 The other thing I will ask you to note is this is  
9 happening in Forkhill. Forkhill is between 1941 and '44  
10 a place for the younger boys in St. Patrick's.

11 This appears to be the first time Bishop Mageean  
12 knows about this matter, because one would have thought  
13 if there had been something previously reported to the  
14 management board, then it would have comments like, "as  
15 I told you in 1942" or "as you know from our discussion  
16 at the management meeting". This doesn't appear to have  
17 been something that was known of before and therefore it  
18 is being discussed.

19 There essentially the matter rested as regards  
20 Forkhill in 1941 to '44. He explains the motivation  
21 that was identified for the false allegations, but --  
22 and this is where it gets complicated, why I'm asking  
23 you to hold that information that I have just given you  
24 -- in 2004, some 60 years after the boys had returned  
25 from Forkhill to St. Patrick's towards the end of the

1 war, a civil claim is initiated by a man who is SPT101,  
2 and the papers relating to his civil claim can be found  
3 at 30101 through to 30128. This man was born -- and the  
4 Panel are aware as to who that is -- and  
5 was admitted to St. Patrick's in . He was  
6 one of the boys who ,  
7 when he would have been .

8 I am going to show you a letter that the individual  
9 wrote as his civil claim was progressing, because the  
10 content of the letter assists in understanding exactly  
11 what took place. If we can look, please, at 30124, he's  
12 writing -- if we just scroll up, please. Just scroll  
13 up. No, the other way, please, so we can only see "Dear  
14 Oliver". That is fine. Just stop there, please.

15 "In regards to our conversation last week I started  
16 to think that the De La Salle Order and their solicitors  
17 are treating my sex abuse claim as trivial."

18 Now when you look at the correspondence, that's not  
19 necessarily a fair reflection of what was actually  
20 happening, but that's how he had perceived it.

21 "I think the De La Salle Order tend to forget that  
22 I wasn't when I was put in their care  
23 for only, . I was never  
24 told when I would be getting out. I spent most of the  
25 time in Milltown, Belfast and from I was

1 transferred along with 60 other boys to Forkhill, County  
2 Armagh. Both homes were entirely run by Brothers of the  
3 De La Salle Order, their head office based in Dublin.  
4 It was whilst I was in Forkhill I was sexually abused  
5 and bugged by BR97."

6 I am going to ask you to note the difference.

7 "I hated the word 'buggered' and I always thought  
8 the term 'sexual abuse' covered that word. He, BR97,  
9 called me to his room as I was going to the toilet that  
10 night. I never gave him a chance to do that to me  
11 again. I stopped going to the toilet during the night.  
12 I used to spread my coat on my bedsheet just in case  
13 I should wet the bed. Some time afterwards he  
14 approached me while I was cleaning the brothers' dining  
15 room. I told him to leave me alone or I would tell.  
16 For months after that I lived in psychological fear of  
17 that man."

18 So just the context of this is this man is saying  
19 that a BR97 anally raped him on one occasion and he is  
20 now describing the second occasion whenever he is  
21 approached by the same Brother. Can we just scroll  
22 down, please? Keep going down, please.

23 "... and it took the tragedy of my father's death to  
24 get me away from Forkhill and him. I was sent back to  
25 Milltown and let out to go to my father's funeral. In

1 Milltown we were allowed to go home to our family for  
2 a few hours on Sunday. I tried to forget the bad thing  
3 that happened to me and I felt ashamed every time  
4 I thought about it. In all the boys came  
5 back from Forkhill. It was then that BR39,

6 -- so we are talking about BR39 -- "called me  
7 to his office and asked me about BR97 and I told him  
8 what he had done to me."

9 Now if we can just pause there, if you remember,  
10 BR39 explained to Bishop Mageean that the BR69 matter  
11 that he was talking about, he was summoned by the  
12 Provincial down to Forkhill, and it was there that the  
13 investigation took place. This man's recollection, he  
14 is recollecting a conversation about BR97 taking place  
15 in Milltown after he has come back from Forkhill.

16 "... asked me about BR97 and I told him what he had  
17 done to me."

18 So he is saying that he tells him, as in he, this  
19 man, tells BR39, what had happened.

20 "Two or three other boys had made statements against  
21 the same BR97 and he was sent away from Milltown" --  
22 scroll down, please -- "the same month of March.  
23 I didn't know then, but I know now from the De La Salle  
24 records he was transferred

25

1           Now that is right. The records show that BR97  
2           was -- or left. It doesn't -- the records don't explain  
3           why. It is the typical CVs that you have seen. You can  
4           see the movement. Does go to a place in           and  
5           that was a location that was more a farming location  
6                            It was the same location  
7           that a later Brother was sent to by BR39, who we will be  
8           looking at as part of the 1948 Inquiry. So while the  
9           reason is not clear, it seems that there was something  
10          that may have caused BR97 to be transferred.

11          "For what he had done I think he should have been  
12          handed over to the police. I know for sure that me and  
13          the other boys were the reason he was sent away from  
14          Milltown."

15          He addresses the question:

16          "De La Salle are asking why it has taken 60 years to  
17          speak out about all this. As I have already stated,  
18          I told BR39 about it in           and also it is only in the  
19          last few years that newspaper articles and pamphlets  
20          have come out stating that anyone who has been sexually  
21          abused or brutalised in industrial schools or orphanages  
22          between 1920-1980 can claim counselling and  
23          compensation. I thought then I related to that claim  
24          and with the advice of some good friends I decided to do  
25          something about it. That was when I came to see you."

1 He says:

2 "I am not saying that all the Brothers were bad, but  
3 I was only a child when I was put in your care and  
4 I should have been looked after a lot better and I will  
5 never forget what happened to me in Forkhill."

6 Then he talks about an apology and ...

7 Now when this claim in began, the Letter of  
8 Claim referred to a Brother So  
9 it is quite close to BR97. It is not as close to BR69.  
10 The Letter of Claim -- I am not going to bring it up  
11 now, but you will have the opportunity to look at it --  
12 is at 30101 to 30103.

13 In immediate response the Order corrected that  
14 letter, saying, "There is no record of there being  
15 a Brother but there was a BR97, BR97, who had been  
16 in Forkhill". However, the records show that he was not  
17 junior to BR39 -- sorry -- he was junior to BR39 and he  
18 never became , and by 1948, when BR39 is  
19 giving evidence to Bishop Mageean, BR97 had, in fact,  
20 left the Order and was not, therefore, in the  
21 way that was attributed to BR69.

22 I have drawn your attention already to the fact that  
23 BR39 in speaking -- giving evidence to Bishop Mageean is  
24 referring to going to Forkhill whereas you will recall  
25 that this man, SPT101's, recollection as per his letter

1 was that he was back in Milltown when he told BR39 about  
2 what had happened to him.

3 I am going to show you a single passage from  
4 a medical report that arises from his civil claim. If  
5 we look, please, at 30119, this is from January 2007.  
6 Can we just scroll up, please? Scroll up. Thank you.  
7 If I can just ask you to read the last paragraph.

8 Now the following month he saw a different doctor.  
9 If we can look, please, at 30121. While he has brought  
10 a claim about and is describing to that first doctor  
11 the specific incident -- if we just scroll down, please,  
12 so we can see the second paragraph -- so while he is  
13 coming forward about a particular incident that occurred  
14 for him, he is describing matters in that second  
15 paragraph that had obviously wider import, but it is the  
16 case -- and I will stand corrected on this -- that those  
17 matters of wider import are not something that has come  
18 up elsewhere in the papers. They certainly are things  
19 that would have featured in the particular report that  
20 is referenced in the paragraph.

21 Now Brother Pius McCarthy, since deceased, who dealt  
22 with the civil claim on behalf of the Order was prepared  
23 to accept the allegation of abuse as being genuine and  
24 the matter was resolved by payment of compensation.

25 I will just give you the reference for that at 30117,

1 and the Order addressed this aspect in paragraph 102 of  
2 its statement, if we can look, please, at 665. Just  
3 scroll down, please, to 102. Brother Manning says to  
4 the Inquiry:

5 "Brother Pius McCarthy appears to have been prepared  
6 to accept the possibility that that particular  
7 individual's allegation was genuine. He came to that  
8 conclusion without any corroborative evidence. BR97 was  
9 transferred from Forkhill in

10

11 What actually happens is BR97 comes back to Milltown  
12 and is transferred from Milltown in to the  
13 farming congregation that I described

14

15 It is then  
16 said the Order has no record of complaints about BR97  
17 but in accordance with the policy that pertained at the  
18 time engagement was had, and Brother Manning says it is  
19 of interest to note that the 1948 papers, which only  
20 became available to the Order as a result of the  
21 Inquiry, detail this account about BR39 having to deal  
22 with an allegation made by Forkhill residents about  
23 a BR69. He goes on to talk about how:

24

25 "We know from the way in which BR39 handled the BR70  
complaint", which is something we are going to come to



1 look at, "that it was his policy to suspend Brothers.  
2 The timing of BR97's transfer supports the particular  
3 individual's recollection of 2005 that the interview  
4 with BR39 took place in Milltown, yet it is contrary to  
5 BR39's recollection of 1948 that it took place in  
6 Forkhill."

7 So pausing there, it may not be possible to know if  
8 BR39 was referring to BR69 but meant BR97, given that  
9 BR39 was speaking in 1948, which was much more  
10 contemporaneously, and the fact that none of the  
11 features ascribed to BR69 fit with BR97. That you may  
12 consider seems unlikely.

13 Secondly, whether BR39 did receive the allegation  
14 from SPT101 at Milltown in , may have dealt with it  
15 by moving BR97 and elected for whatever reason not to  
16 tell the bishop about it in 1948 when telling him about  
17 what he regarded as false complaints about BR69 --  
18 that's another -- BR69 being a different Brother to  
19 BR97.

20 The third possibility you may consider is whether  
21 the individual SPT101 speaking after over 60 years was  
22 mistaken as to what he may have told BR39. It simply  
23 may not now be possible to know at this remove who the  
24 actual perpetrator was of what happened to this  
25 particular individual that you may consider was abused

1 in the same way that Brother Pius McCarthy was satisfied  
2 that he was reading matters such as what's recorded in  
3 the medical report.

4 There was another civil claim from another man,  
5 SPT102, who did allege physical abuse against BR97. His  
6 limited papers that are available can be found at 30130  
7 to 30134.

8 I wonder, Chairman, if that's an appropriate point.

9 CHAIRMAN: Yes, I think it would be appropriate to take  
10 a short break for the benefit of our stenographer. We  
11 will sit again at 3.15.

12 (3.05 pm)

13 (Short break)

14 (3.15 pm)

15 MR AIKEN: Chairman, Members of the Panel, if I can just  
16 complete the last part of this jigsaw for the moment to  
17 do with what happened in Forkhill and who might have  
18 been involved in it. The De La Salle Order has provided  
19 a further statement trying to look at all of this and  
20 make as much sense of it as possible. I can't bring it  
21 up on the screen, but the reference for that additional  
22 statement is at SPT2163 to 2165. If I can summarise  
23 that by saying it has not been possible for the Order to  
24 date to identify a BR69 listed as working at Milltown  
25 and consequently by extension at Forkhill. What has

1        been possible is to identify a BR69 who would  
2        potentially meet the description as attributed by BR39,  
3        ie somebody older than him who was                    by the  
4        time of 1948, who was working elsewhere in the South of  
5        Ireland, and speculation potentially that covering for  
6        someone else's summer retreat perhaps at Forkhill, was  
7        there for a period of time that resulted in him being  
8        seen as too harsh and false allegations being made  
9        against him, and therefore that would bear no relation  
10       to the incident that SPT101 is describing, which in  
11       fairness to BR97 may or may not involve BR97, but  
12       certainly you may take the view involved a Brother doing  
13       this to him.

14                So as unsatisfactory as it is to leave loose ends  
15       that can't really be answered, it may be that the matter  
16       can't be taken that much further certainly at this point  
17       in time.

18                I want to then go back to the chronology, because we  
19       were looking at a period in Forkhill during the war,  
20       1941 to '43, and I want to show you then a minute from  
21       the Management Committee of 1943, if we look, please, at  
22       80237, and this shows you an example of the type of  
23       minutes that were kept at that time. There we are.

24       24th February 1943. You can see if we --

25                "A meeting of the committee was held."

1 His Lordship Dr Mageean presided. Then identities  
2 of others who are present. The minutes of the last  
3 meeting are read. Then you can see:

4 "The reports of religious and other and Home Office  
5 inspectors were read and considered satisfactory."

6 Then you can see:

7 "A letter was read from the Ministry of Home Affairs  
8 stating that it was the intention of the Ministry to  
9 increase their grants for the maintenance of boys in the  
10 school as from 1st April 1943, the new grant to be  
11 a pound for each boy per week."

12 Now, as I said to give you the context of that,  
13 there would only have been a small number of boys who  
14 were there as part of the reformatory side, as it were,  
15 at this point in time.

16 If we just scroll down further, please:

17 "The future of the school in view of the increase in  
18 numbers and lack of accommodation was then discussed.  
19 It was decided that steps should be taken to build a new  
20 school at -- at the earliest possible date."

21 I am grateful to Ms Kirkwood.

22 "The manager was instructed to find out if  
23 a suitable site could be found convenient to the city  
24 and if the Ministry would be willing to give financial  
25 assistance for the erection of the buildings."

1           It appears then that in this same year the Bishop of  
2           Down & Connor, Bishop Mageean, acquired the 100 acres of  
3           land on the Glen Road on what was then the edge of West  
4           Belfast with an intention that a new St. Patrick's  
5           School would eventually be built on that site, albeit  
6           that it was not to come finally to fruition until 1957.

7           We can see, if we look, please, at 10377, an example  
8           of the type of inspections that might have been taking  
9           place involving the Ministry of Education. So you can  
10          see this is -- if we just scroll up a little for  
11          a moment, please. So the year is recorded. It is --  
12          you can see the stamp. It is being received in the  
13          Ministry of Home Affairs. It is described as the annual  
14          report on St. Patrick's, and the date of the last  
15          inspection, you can see it took place on  
16          30th October 1942. This one is from 1944. If we scroll  
17          down, please, you can see the list of Brothers who are  
18          listed as working in the premises. You can see a  
19          reference -- the last three are connected with Forkhill  
20          House, County Armagh. So you can see the names that are  
21          there and obviously the names that are not there and the  
22          number of children who are recorded as being present.

23          If we scroll down, please, so it is recording the  
24          roll. This may only be listing the Brothers who were  
25          actually performing teaching roles rather than those

1 who -- the total who were looking after all of the  
2 children.

3 If we scroll down a little further, please, so you  
4 can see reference:

5 "A section of the junior division was evacuated to  
6 Forkhill.

7 Three new classrooms have just been completed. Two  
8 of these are in use. They are well lighted and  
9 suitable.

10 The evacuated boys and teachers are expected to  
11 return about May 1944."

12 We can see a reference to the type of coverage used  
13 on the floor. If we scroll down, please, you can see:

14 "In all standards the teachers ought to devote most  
15 care to the subjects of prominent importance, to avoid  
16 over-instruction and to develop application and  
17 concentration.

18 Spelling and recitation of good poetry call for  
19 special teaching.

20 Physical training is praiseworthy.

21 Now that three modern classrooms are available the  
22 manager and superintendent would like to have the normal  
23 school day introduced, ie from 9.30 to 3.00 on five days  
24 weekly for boys up to 14 years of age and future  
25 vacancies on the staff filled by trained teachers. With

1           this I agree. Boys were sent home because they did not  
2           go to school."

3   CHAIRMAN: "... sent here ..."

4   MR AIKEN: "... sent here because they did not go to school.

5           Yet, when here, they have to attend only three hours  
6           daily. On alternate weeks the school period is from  
7           2.45 to 6.00, including an interval of a quarter of  
8           an hour. This period is an unsuitable time."

9           So that's the type of inspection that was being  
10          conducted by an Inspector from the Ministry of  
11          Education, who was then providing this type of report.  
12          Unfortunately again, like the inspections from the  
13          Ministry of Home Affairs that were inspecting the home,  
14          as it were, the home aspect of the training school,  
15          unfortunately very few of these reports are available.  
16          This is one that is.

17          Just to contextualise, the De La Salle Order has  
18          said to the Inquiry that in 1945 the Bon Secours Sisters  
19          provided nuns to act as nurses in St. Patrick's and that  
20          continued until 1975. I am not going to open it. You  
21          can see in the minutes of 1975 when the Mother Superior  
22          of the Bon Secours writes to say she is going to have  
23          withdraw the staff at St. Patrick's. It was nothing to  
24          do with St. Patrick's. It was to do with the reducing  
25          numbers of nuns within the Order and their being

1 required for alternative service within the Bon Secours  
2 Congregation. That was -- an attempt to discourage was  
3 attempted by the then bishop. That didn't work and  
4 therefore in 1975, when the Bon Secours Sisters left,  
5 three Sisters from the Franciscan Missionaries of Mary  
6 replaced them. It was one of the things that was  
7 identified as being important to have the female  
8 influence of these nuns in amongst the school filled  
9 with male teachers and boys residing there.

10 In 1946, so post the war, back at Milltown the  
11 school band was formed.

12  
13 The band was made up  
14 of some fifty musicians from the school and the band  
15 thereafter travelled and performed north and south and  
16 further afield.

17 Similar Education Inspector reports exist for 1946  
18 and 1947 and the general content of those reports were  
19 positive in nature.

20 We do have the rules for St. Patrick's reformatory  
21 and industrial schools dated 12th February 1948, if we  
22 can look, please, at 10007. So you can see they are  
23 entitled "Rules for management and discipline of  
24 St. Patrick's Reformatory and Industrial School,  
25 Milltown". Then you have:



1           "The school shall be under the patronage of the  
2 Roman Catholic Bishop of the Diocese of the Down &  
3 Connor and the constitution of the school board of  
4 management shall be the bishop and his colleagues.

5           The management -- the managers shall appoint  
6 a finance committee ...

7           The managers shall meet so far as practicable once  
8 a quarter ..."

9           So rules -- and I am just going to summarise this  
10 very briefly as the document scrolls through -- rules 1  
11 to 6 set out the management structure under the  
12 patronage of the bishop, the board of management and  
13 they covered accommodation -- scroll on down, please --  
14 the appointment of staff, the role of the manager in the  
15 school, the care of the boys, the school routine,  
16 education, religious instruction, recreation, visits and  
17 letters and discipline and punishment. If we can look,  
18 please, at 10010. Just keep scrolling. If we just stop  
19 there. Sorry. Scroll up a bit. You can see the  
20 "Discipline and Punishment" section:

21           "The discipline of the school shall be maintained by  
22 the personal influence of the manager and staff and  
23 shall be prompted by a system ..."

24 CHAIRMAN: These seem to bear a remarkable similarity to the  
25 rules that were promulgated after the 1950 Act came into

1 force.

2 MR AIKEN: Yes. It may well --

3 CHAIRMAN: Were they copied from English rules or were there  
4 other rules beforehand?

5 MR AIKEN: It may be -- approved schools in England came in  
6 in 1933. It may have been that a set of rules that were  
7 operating in England were taken for copying, as it were,  
8 because you can see that words that might have applied  
9 in the English context such as "headmaster" were  
10 replaced by "manager" here, and then these rules largely  
11 are replicated in the wider training school rules that  
12 apply from 1952.

13 So you can see that the point being made here in  
14 "Discipline and Punishment" was a system of rewards and  
15 privileges and forfeiture of rewards. You can see at  
16 the bottom:

17 "Corporal punishment.

18 Every effort shall be made to enforce discipline  
19 without resort to corporal punishment. Where it is  
20 found necessary, its application shall be in accordance  
21 with the rules."

22 Very explicit rules are set out. The Order has  
23 accepted in its statement that the rules refer to  
24 a cane, but the Brothers tended to use a strap rather  
25 than a cane.

1 CHAIRMAN: (Inaudible) would be a type of strap.

2 MR AIKEN: And the -- then as we scroll through, there is  
3 provisions of aftercare, medical officer, dentist and  
4 inspection of the school. They are broadly equivalent  
5 to how approved schools in England appear to have  
6 operated on foot of the 1933 Act.

7 The Inquiry also has as part of its material  
8 received the extensive fifth report on the work of the  
9 Children's Branch of the Home Office which was published  
10 in 1938. That's in the bundle at 10031 to 10184. It  
11 sets out some very detailed thinking behind training  
12 schools -- what became in Northern Ireland training  
13 schools, the approved schools, and, as does the Lynn  
14 Committee, it addresses issues such as things that may  
15 be of particular interest to the Panel as the evidence  
16 is heard about the mixing of the two types of children,  
17 but the policy certainly across the United Kingdom  
18 appears to have been there was not a need for two  
19 separate systems, that it was quite acceptable to have  
20 one system where industrial and reformatory, where care  
21 and protection and offending or delinquency, juvenile  
22 offending children came together.

23 I want to pause now and go back to the 1948  
24 ecclesiastical inquiry. It is a complicated story.  
25 There are a number of elements to it. So I want to

1 explain it in this way before we look briefly at some of  
2 the documents. It involves allegations against a BR70,  
3 but it was BR70, not BR1, although he features in  
4 St. Patrick's and we met him or allegations about him in  
5 Rubane. This is BR70.

6 The context of this is that he hits a boy called  
7 SPT30, who is SPT30, . His mother  
8 reports the matter to the Ministry of Home Affairs.  
9 BR70 admits the assault and is suspended. It is said  
10 that the Ministry of Home Affairs reinstate him.  
11 Nonetheless the Order then move him on anyway in  
12 January 1947 to the same place where BR97 went  
13  
14 and BR70 then left the Order .

15 You then have another allegation of a sexual nature  
16 by a different boy called SPT32. The Panel know who  
17 that is. He makes that allegation against BR70, who has  
18 since departed, because he makes the allegation in  
19 with BR70 having left and  
20 having actually left the Order in

21 So that issue comes out during the 1948 Inquiry, and  
22 then the third aspect is you have the same boy SPT30,  
23 SPT30, who was the victim in the 1946 incident, making  
24 allegations of emotional abuse and sexual misconduct  
25 against the staff in January 1948, and it is that that

1 brings the Inquiry about in the first place, because the  
2 matter is reported to the Ministry. It goes up to the  
3 Minister. The Minister gets involved. It comes back to  
4 the bishop and the bishop sets up the inquiry.

5 During the inquiry a small number of boys spoken to  
6 do reveal peer sexual activity and peer sexual abuse.  
7 So this is 1948. It is very early on in terms of the  
8 work of the Inquiry in terms of knowing -- knowledge  
9 coming to staff.

10 I am going to deal, first of all, with the 1946  
11 assault. If you can look, please, at 10588, this is the  
12 statement that was made. If we just scroll down to  
13 the -- he describes being accused of having taken  
14 something. He is then asked by the Brother if he has  
15 taken the money. He said "No". Then you can see:

16 "He then struck me three slaps on the jaw with his  
17 hand and told me to get back to my company."

18 If you move on to the next page -- sorry -- the  
19 page before, 10587, you can see that on the same day  
20 BR70 is asked about what happened and you can see that  
21 he is carrying out an investigation into this missing  
22 money, and he says in the second paragraph that he  
23 called out SPT30 and he admitted having stolen the  
24 money, but refused to hand it over or refused to hand  
25 over the part that was still missing.

1           "When he persisted in telling lies, I gave him three  
2 strokes on the jaw with my hand and sent him back to his  
3 company."

4           There are medical reports from September 1946, which  
5 I am not going to open. They are at 10601 and 10586,  
6 and they record the doctors saying they couldn't really  
7 find anything of any substance. There was a mark on the  
8 face, but it was above the eye and nothing of any  
9 seriousness.

10           It seems that that matter did get up to the bishop,  
11 because if we look at 10595, please, you can see the  
12 date of this letter is 1st October 1946. So this  
13 incident has come to light. The statement has been  
14 taken from the boys, and now BR39 is writing back to the  
15 bishop about the matter. You can see he is  
16 describing -- if we scroll down a little further, please  
17 -- the suggestion of how this matter was being used, and  
18 you can see that it was being suggested that more was  
19 being made of it than was reasonable. BR39 says:

20           "I placed the facts before the Ministry of Home  
21 Affairs. The boy was examined", which is right, "and  
22 his opinion was the matter was trivial."

23           Well, his opinion was there were no marks to be  
24 found.

25           "We agreed that a doctor could see the boy. That

1 also happened. He was examined and showed me his  
2 report, which proved that the mother's charges were  
3 unfounded."

4 Presumably the mother was suggesting there was more  
5 to it than the doctor was finding.

6 If you scroll back -- sorry -- scroll on down to the  
7 next page, please, you can see the suggestion being  
8 made:

9 "There can be no question of the boy's discharge  
10 from the school at this stage, as he will likely be  
11 recommitted at the next court."

12 So the suggestion being made that more was being  
13 made of the incident and that the Ministry of Home  
14 Affairs, according to BR39, was not making a big deal of  
15 the fact that this had happened. BR39 explains that to  
16 Bishop Mageean when he gives evidence in 1948, which we  
17 will shortly see.

18 This letter seems to bring the matter to an end  
19 other than we know that BR70 was moved and the Order has  
20 explained in its statement to the Inquiry that that was  
21 BR39's -- if an allegation was made, the Brother got  
22 suspended and then was moved to an alternative place.  
23 So even though BR39 says the Ministry didn't make much  
24 of this, the position that the Brothers took was to move  
25 BR70 to elsewhere and then he subsequently left the

1 Order.

2 There then is another complaint by the same lady,  
3 SPT31, to the Ministry in January 1948, which is what  
4 brings the Inquiry involving the bishop about. It  
5 begins with her solicitor writing to the Ministry on  
6 16th January 1948. If we just can look, please, at  
7 10589, you can see here that the allegation being made  
8 is that language is being repeatedly attributed to this  
9 boy and that he is being ostracised.

10 Equally, when one looks at the history that's  
11 recorded with the inquiry that takes place, it is clear  
12 that this young man has considerable difficulty and is  
13 appearing before the court quite a lot, but he is making  
14 the case that this is being done to him while he is in  
15 St. Patrick's and that that is causing him difficulty.

16 If we just scroll on to the next page, please, and  
17 the desire is for him to be removed to any other  
18 institution.

19 That is brought forward and that letter is dated  
20 16th January 1948. Ironically that's just three days  
21 before the then Minister of Home Affairs, Edmond Warnock  
22 KC, as he then was, wrote the extremely strong and  
23 detailed letter to the then Prime Minister, Sir Basil  
24 Brooke, as he then was, later Lord Brookeborough, about  
25 the state of the Ministry's control or lack of it over



1 the juvenile justice system. Ms Smith showed you  
2 aspects of that letter this morning.

3 I want to just show you one particular portion that  
4 he described, as you can see on 17151 -- and I bring  
5 this to your attention in passing, and that the  
6 letter -- and I know the Panel have access to the  
7 letter. I am only going to show you this part. He is  
8 writing in very strong terms about government policy and  
9 about things to be done. You can see what he says:

10 "St. Patrick's.

11 This school houses ..."

12 It is not entirely clear whether that's 200 or 195  
13 or 185.

14 "It is provided by the Roman Catholic church.  
15 Staffed in the main by the Christian Brothers. Premises  
16 are an old mill about 100 years old adapted for its  
17 present use. I would withdraw its certificate on the  
18 ground of unsuitability of premises if I ..."

19 CHAIRMAN: "... if I dared ..."

20 MR AIKEN: "... if I dared ..."

21 CHAIRMAN: "... but where would the 225 boys go?"

22 MR AIKEN: "The staff here are very good, but the premises  
23 are simply awful."

24 So that's what the Minister is saying in 1948.

25 We will see shortly that the Inspector does not

1 perhaps describe the place in those sorts of terms, but  
2 it perhaps does explain why government policy was then  
3 to fund what became state of the art premises at the  
4 Glen Road.

5 In any event the second set of complaints from SPT30  
6 make their way to the attention of the Minister himself  
7 and, in fact, the complaints that made their way to the  
8 Minister were of a much more serious nature than those  
9 that were recorded in the initial complaint letter that  
10 we looked at.

11 Now I am going to show you -- it is very difficult  
12 to read. So I am going to just show you the document so  
13 that it is cited at 10593. It is a handwritten document  
14 in the hand of the then Minister. 10593. You can see  
15 it is headed "About SPT30", and then it records the  
16 personal involvement of the Minister in this, and it  
17 records the previous incident in 1946, and then if we  
18 scroll down, because what I want to highlight, if we can  
19 see towards the bottom of the page, that:

20 "Now I come to the very serious allegations.  
21 Mr Brown BL", that's James Brown, counsel, "saw this boy  
22 ..."

23 Some of that then becomes difficult to read, but it  
24 is clear that what Mr Brown was told --

25 CHAIRMAN: I think it says:

1            "... saw this boy alone and was impressed. He is --  
2            it is", something, "as he -- or he is ..."

3    MR AIKEN: It is rather difficult to --

4    CHAIRMAN: Difficult to make out.

5    MR AIKEN: -- tell. If we scroll on to the next page, some  
6            aspects of it become clearer, because in essence we  
7            discover that what is being alleged you can see at the  
8            top:

9            "He states that there is a great deal of sexual  
10            misconduct between the Brothers and the boys."

11            So that's the allegation that is being made, and  
12            then the Brothers alleged to have been engaged in this  
13            are identified. There is reference to BR83, BR86 and on  
14            the left-hand side halfway down BR70. If we scroll down  
15            a little further, please --

16    CHAIRMAN: May I just ask I take it we can get the original  
17            of this letter?

18    MR AIKEN: We will try and --

19    CHAIRMAN: It has not copied very well.

20    MR AIKEN: These are documents that were found by the  
21            diocese in their papers. So no doubt they will see if  
22            that can be looked out for us and see can we get  
23            a better --

24    CHAIRMAN: Well, the Minister seems to have written to the  
25            bishop in his own hand. So presumably the original of

1           that letter is in the diocesan files.

2   MR AIKEN:   We will endeavour --

3   CHAIRMAN:   I think if we see it, we can probably decipher it  
4           quite easily, but it is very difficult to see from the  
5           photocopy.

6   MR AIKEN:   In essence what happens is these allegations are  
7           regarded by the Minister as so serious in terms of they  
8           are allegations of sexual abuse involving staff at  
9           St. Patrick's that he, piecing the story together from  
10           the papers that are available, goes to James McSparran,  
11           and there is a letter -- he has a conversation with  
12           James McSparran and then there is a letter that follows  
13           that up. The letter I will just show you again. It is  
14           difficult to read it. 10591. It is a follow-up to the  
15           conversation that was had. You can see it begins:

16                "Dear James."

17                At the end of it they agreed -- that's reflected in  
18                the letter -- that the bishop should be asked to conduct  
19                an inquiry. If you just scroll down, there is reference  
20                again to Mr James Brown and what he had to say.

21                "I think you will agree that in my position ...

22                However, you can see ..."

23                The Minister is recognising:

24                "Such things can and do happen. An official inquiry  
25                ..."

1           If we just scroll down a bit further, please. So he  
2           is -- if we scroll down a little further --

3   CHAIRMAN: "An official Inquiry might ..."

4   MR LANE: "... receive publicity ..."

5   CHAIRMAN: Something "publicity".

6   MR AIKEN: "... might receive", possibly, "publicity".

7   CHAIRMAN: "... might well receive publicity" or "cause  
8           publicity and whether the charge was proved or disproved  
9           the ..." something.

10   MR AIKEN: "... further ..."

11           So you can see in the next passage, which is more  
12           easily read, it seems James McSparran has suggested,  
13           "You could ask the bishop" and the Minister agrees with  
14           that course of action, that the bishop should be asked  
15           to investigate this to see what substance there is to  
16           it. It is then that the Inquiry is convened to look  
17           into the allegation that Brothers have been sexually  
18           interfering with boys.

19           At that point you will be pleased to know there is  
20           no more difficult handwriting to read. If we can go  
21           back to the testimony of BR39, please, at 10552, we can  
22           start to see him explain about the Brothers who were  
23           facing the allegations. So if we scroll down, please,  
24           you can see about the accusations.

25           "BR86, BR83, BR70.

1 May I give you my views of them?

2 Question: Yes.

3 Answer: BR70 was changed on January 1947."

4 That's BR70.

5 "BR83

6 Exemplary as a religious. No suggestion  
7 could be made against him. I don't believe for one  
8 moment he ever made a suggestion. He was professed ...  
9 about . He is a saint -- works hard at everything."

10 He then describes BR86.

11 "Convinced there is nothing in the charges. I know  
12 he has pets among the boys, but they're not private  
13 friends. He  
14 favoured some boys, but I would be shocked if there is  
15 anything wrong.

16 BR70 was here for

17 He'd been doing before. He  
18 was sent here as prefect. He didn't do well at all. He  
19 used to beat the boys.

20 he beat the boy SPT30. SPT30 made  
21 a complaint to the Home Office through a solicitor that  
22 he had been beaten and kicked by BR70.

23 Question: Was there any other fault?

24 Answer: The Home Office held an inquiry and I gave  
25 permission to have the boy examined by Dr Scarlett at

1 the request of a solicitor. During the inquiry BR70 was  
2 suspended. Usual thing is to suspend the person  
3 concerned until the inquiry is over. You can see the  
4 allegations were found by the Ministry to be grossly  
5 exaggerated and the Ministry ordered that BR70 be  
6 reinstated."

7 Now the Inquiry has not found in PRONI a file that  
8 covers this issue. So that may well be what occurred,  
9 but I don't have any documents to deal with it, but you  
10 can see:

11 "Because of the inquiry Brother Provincial changed  
12 BR70 in

13 He is asked:

14 "Were there any charges apart from severity?

15 Answer: Not then."

16 Then you can see:

17 "I sent a note that he was unfit for work of  
18 supervision in schools. As a result of what I had to  
19 say he failed the chapter and was sent away

20 This is BR70.

21 "At that stage there was no suspicion regarding  
22 morality.

23 In October last a boy came to the office. He told  
24 me that BR70 had immoral relations with him. He  
25 mentioned about three times. I didn't do anything about

1 it. I told the Provincial.

2 He was about . He was in the category of  
3 with outside.

4 . He was a sex maniac."

5 He is asked then:

6 "Was BR70 severe with him or had he any spite  
7 against him?"

8 Answer: Not that I know, but he was capable of  
9 saying anything."

10 He describes him as being:

11 "... a terrible problem to us."

12 He gives his name.

13 "I punished them every other day for something,  
14 wilfully breaking things, fighting with other boys.

15 Question: Were any other Brothers ever mentioned  
16 apart from these three?

17 Answer: No.

18 and he gives the name of this particular  
19 against whom allegations were made:

20 "These were serious, immorality and so on. I didn't  
21 want to go into it with this man, so I gave him a week's  
22 notice.

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

25 I called that man in, , and said I was



1 reorganising the staff and gave him a week's notice.

2 At least two boys concurred that the had  
3 done this piece of activity but the boy SPT30 was not  
4 one of them."

5 You can see then he says:

6 "The is always the most unpopular man in the  
7 school."

8 As a result of that you can see the bishop asks:

9 "How many were involved in this story of the  
10 ?

11 Answer: Five. Three denied it. Two said that he  
12 interfered with them. All were big boys -- all  
13 reformatory boys."

14

15

16 So, just to pause, at the time BR39 is saying the  
17 complaint was made to him about BR70 interfering  
18 sexually with a second boy, that was , the  
19 Brother had already left, been moved and had left the  
20 Order, and what he did about that was tell the  
21 Provincial.

22 The Order draws attention in their statement, if  
23 I can just give you the reference, paragraph 60 at 657,  
24 that the nature of what was said here, the way it is  
25 said by BR39 it is evident that he didn't believe the

1 complaint that had been made to him, but it doesn't  
2 appear that that matter was brought to the attention of  
3 the committee running the industrial and reformatory  
4 school contemporaneously in the sense that it is now  
5 being talked about as part of the Inquiry.

6 You have seen the issue about the , and then  
7 I am going to just show you very quickly the points that  
8 are made by the other witnesses. If we look, please, at  
9 10558, BR83 is interviewed. He was one of the Brothers  
10 accused by SPT30, and he explains here the problem as he  
11 sees it, if we scroll down, with industrial and  
12 reformatory boys. He said:

13 "I can't separate -- we get a few not very good boys  
14 lately but on the whole it is good.

15 I can't separate the industrial from the  
16 reformatory. This is my biggest trouble.

17 Question: What is the practice in England? Are the  
18 industrial and the reformatory boys separated?

19 Answer: There are three grades: industrial,  
20 reformatory and an intermediate grade.

21 Question: Are the boys sent by the commission  
22 difficult boys?

23 Answer: Most of the boys sent by the commission are  
24 and about one in every 30 in the whole house is.

25 Question: Is their attitude to morality abnormal,

1 that is the reformatory boys?

2 Answer: Not every lad. I came across some bad  
3 ones. I've known evil practices to exist among the  
4 boys."

5 I will leave you to read the rest on another  
6 occasion, but another -- two boys were then interviewed.  
7 It is not clear why only two boys, given the number who  
8 were in the school, or why these particular boys were  
9 chosen, but if we look at 10573, a boy who was  
10 interviewed -- and it may have been they were simply  
11 selected at random -- if we scroll down to the bottom,  
12 please, he is asked:

13 "Question: Is there anything you would like to  
14 complain of?

15 Answer: No.

16 Question: Are there any bad practices going on?

17 Answer: There is impurity between the bigger and  
18 the smaller boys.

19 Question: Where?

20 Answer: In the lavatories.

21 Question: Have you seen this?

22 Answer: No. I have been told about it.

23 Question: Who is responsible for this?

24 Answer: Mostly the big boys aged from 17 down or  
25 18."

1 Scroll on to the next page:

2 "Question: Did they lead many ... boys astray?

3 Answer: I don't know.

4 Question: Are these practices common?

5 Answer: I couldn't say for sure.

6 Question: Any carry on in the dormitories?

7 Answer: There was talk of the boys going into other  
8 boys' beds.

9 Question: You never heard of any boys being taken  
10 out of their beds?

11 Answer: No."

12 He is asked then about the particular that  
13 the issue arose over. Scroll down, please.

14 Then if we move to 10577, please, the second boy  
15 explains whenever he is asked -- he is asked:

16 "Question: Are there any dirty practices?

17 Answer: Before Christmas there were, big boys  
18 abusing small boys in the lavatories, not in the  
19 dormitories. The watchman was put on for this, but this  
20 has happened",

21 ie the night-time activity.

22 "BR39 said once he would have to leave the school if  
23 these bad practices went on.

24 Question: Any bad papers?"

25 You can see:

1 "Answer: Yes, I saw a News of the World."

2 Maybe not everything changes through time.

3 "Question: Any other papers.

4 Answer: Yes, there were magazines.

5 Question: Is there anything else?

6 Answer: Yes, there is bad talk in the yard.

7 Question: What was going on in the dormitories  
8 before the watchman was put on?

9 Answer: There were big boys going into other boys'  
10 beds.

11 Question: Did you see this?

12 Answer: Yes, I saw it twice."

13 There ends his statement. Now there were about 120  
14 boys resident at this point in time in St. Patrick's in  
15 1948. The reference for that just to ground it is at  
16 10384. So it is unclear how these two boys in  
17 particular were selected for interview. It doesn't seem  
18 that SPT30 featured in the interviewing, and there are  
19 interviews with all of the Brothers who faced  
20 allegations and then some others.

21 Then twelve days after the hearing Bishop Mageean  
22 wrote to the Minister on 21st April. If we can look,  
23 please, at that letter, 10578. So he explains in the  
24 first paragraph how the Inquiry had come about. Then he  
25 explains in the second paragraph the conducting of the

1 Inquiry. He had been asked for, and it is available in  
2 the papers that I have given you the reference for,  
3 the list of boys who were present and all of the  
4 Brothers.

5 He sets out in the fourth paragraph how the  
6 commission conducted its business and explains in the  
7 last paragraph on the page about the steps that were  
8 taken to give solemnity to the proceedings.

9 If we scroll down, please, now he says this:

10 "The commission arrived at the following  
11 conclusions:

12 (1) The standards of morality obtaining in  
13 St. Patrick's Industrial School are most satisfactory  
14 and would even compare very favourably with those of  
15 institutions where the residents have not been brought  
16 together by reason of delinquency.

17 (2) The charges of immoral conduct alleged by SPT30  
18 against BR83, BR70 and BR86 are devoid of all  
19 foundation. The commission failed entirely to discover  
20 any incident the exaggeration or misrepresentation of  
21 which could have provided a basis for the charges and is  
22 therefore satisfied that they are a complete fabrication  
23 on the part of SPT30.

24 In the course of the investigation several witnesses  
25 referred to one instance of what might be described as

1 horseplay of an indecent character which for the sake of  
2 completeness we think it well to record. It would  
3 appear that the ringleader in this incident, which  
4 involved some boys being forcibly held down on the floor  
5 while their genital organs were painted,

6 who at that time

7 It is perhaps  
8 indicative of the moral tone of the school that the  
9 matter was immediately reported to BR39 by some of the  
10 boys, who did not attempt to conceal that they were  
11 greatly shocked by it. BR39 forthwith dispensed with  
12 the services of that man without disclosing his reasons  
13 for so doing.

14 Before concluding this account of our investigations  
15 I would wish to thank you for the manner in which you  
16 elected to deal with the charges when they were brought  
17 to your notice and to assure you that I greatly  
18 appreciate your extreme courtesy and consideration."

19 So you can see that the Minister of Home Affairs was  
20 told about the horseplay involving who was  
21 removed. He was told about the conclusion that SPT30's  
22 allegations were false and was assured about the  
23 morality of the institution. He wasn't told of the  
24 various incidents of peer sexual activity and peer abuse  
25 that appear to have been disclosed or had come to light

1 during the investigation, and what you may consider to  
2 be apparent from this is that those now both running the  
3 school and managing or being ultimately responsible for  
4 provision of the school are on notice and, in fact, have  
5 taken some steps to mitigate these practices going on,  
6 because you can see one of the boys explains that the  
7 visiting between beds was being dealt with by a watchman  
8 being put on, and if the quote attributed to BR39 is  
9 correct, he had obviously given a warning to the boys  
10 that if they continue with this type of activity, he is  
11 going to end up having to leave.

12 So you may recall hearing evidence that really this  
13 type of activity was not known about until the '80s or  
14 '90s. You may consider that surprising as it  
15 potentially goes back to the start of time, but this  
16 certainly is evidence of it taking place and some steps  
17 being taken to try and manage it with boys, some of whom  
18 are being recorded as coming from difficult sexualised  
19 backgrounds when they come in. What, if anything, might  
20 have been done in the Ministry if more of that had been  
21 communicated at the time, that's a matter of  
22 speculation.

23 It appears, though, that as well as the -- I wanted  
24 to show you that in November 1950 the Ministry of Home  
25 Affairs was inspecting St. Patrick's. If we look,



1 please, at 10384, now by November 1950 -- in fact, in  
2 February of that year St. Patrick's had become  
3 a training school under the Children and Young Person's  
4 Act (Northern Ireland) 1950, but you can see from this  
5 document, which is a -- if we just scroll down, first of  
6 all, so the Panel can see the format of it. It will be  
7 recognisable as similar to those that have gone before.  
8 Just keep going down, please. You can see the type of  
9 layout and you will see that at the end two familiar  
10 faces are involved in signing it, Miss Forrest and  
11 Dr Simpson.

12 Go back up to the top, please. You can see from the  
13 first paragraph that an inspection was carried out.  
14 Just scroll up to the top of it, please. Just pause  
15 there.

16 CHAIRMAN: Yes.

17 MR AIKEN: The inspection is carried out in -- there was one  
18 it appears from 1949 when figures were being recorded.  
19 This school was inspected on 29th November 1950 on which  
20 day there were in residence 134 boys. The figures for  
21 1949 were 117. So maybe that suggests a previous  
22 inspection. It may be -- in fact, when we look at  
23 paragraph 4, if we scroll down, please -- just stop  
24 there, please. Scroll back up, please. Yes.

25 "As recorded in last year's report ..."

1           So you can see that inspections seem to have been  
2           taking place before the advent of the 1950 Act when they  
3           are now a training school. So while there is  
4           an industrial and reformatory school there is some  
5           evidence to suggest inspections were taking place. We  
6           can't find those inspections. Equally we have not been  
7           able to find inspections from shortly after this one  
8           I am afraid, but you can see as well as the numbers  
9           being recorded the general health of the boys are  
10          recorded as being good through the year. You can see  
11          that there is a regular quarterly medical inspection of  
12          the pupils made by the school medical officer, and you  
13          can see that at that time he was visiting the school  
14          daily and was on call for any emergencies.

15          The school dentist is recorded as visiting once per  
16          week.

17          We can see then BR39 is advocating greater  
18          coordination and collaboration across the training  
19          schools, because in the next paragraph he is talking  
20          about -- you can see:

21          "BR39 also expressed a desire for the organisation  
22          of a closer association between officers of all training  
23          schools, pointing out that the exchange of ideas and the  
24          knowledge of methods used in other schools would  
25          inevitably lead to a general improvement."

1           You can then -- you can see just in the sentences  
2           that precede that part that he is suggesting that  
3           a medical card that applied across all training schools  
4           would be a good idea rather than each training school  
5           having its own version of medical cards being created.  
6           You can see he suggested it would be an opportune time  
7           to introduce a uniform medical card for all training  
8           schools and he delayed ordering until he could have this  
9           conversation. We see in the next year that that comes  
10          to pass.

11          You will then see that the first or earliest  
12          indication of this device to try and deal with  
13          bedwetting appears in this record, because you can see:

14                 "The problem of enuresis was discussed with BR39.  
15                 He says that there are always a certain number of pupils  
16                 who suffer from this complaint. At Dr Elder's", who was  
17                 a doctor in the Ministry of Health, "suggestion  
18                 I provided him with details of an electrical apparatus  
19                 designed for the treatment of this complaint.  
20                 I understand that the Ministry's sanction has already  
21                 been given to the purchase of one such apparatus for  
22                 trial purposes. Should this prove successful, BR39 says  
23                 he can arrange to have the apparatus made in the school  
24                 workshop."

25          So this is as early as 1950 steps being taken to try

1 and deal with bedwetting, this time in the context of  
2 the training school.

3 Reference is made to the accommodation. You can see  
4 that the inspectors do not describe the premises in the  
5 same way as the Minister had two years before. They  
6 record as:

7 "A new site had been obtained on the Glen Road.  
8 Approval was obtained for the provision of new premises.  
9 It is not proposed to recommend any further changes.  
10 The entire premises were adequately equipped and clean  
11 and tidy at the time of the inspection and the bathroom  
12 and lavatory accommodation is adequate and well kept."

13 You can see then reference to the training  
14 facilities that are provided:

15 "A public elementary school education is provided  
16 ..."

17 You can see if we scroll down:

18 "In our opinion boys should be ..."

19 They then have a discussion. I am not going to read  
20 out all of that. The discussion is about what might  
21 today be known as special needs and ascertaining  
22 children so that proper information is known and the  
23 right decisions are made about particular individuals.

24 If we just scroll down a little to the  
25 paragraph that begins, please:

1 "We saw boys being trained ..."

2 So you can see what life was like:

3 "We saw boys being trained in tailoring, shoe  
4 making, shoe repairing, carpentering and leather work.  
5 We saw products of the workshop and were much impressed  
6 by the high standard of workmanship. The training in  
7 joinery is particularly good, each boy's drawings being  
8 carefully filed so that he may take them with him as  
9 proof of his competence when he proceeds to his  
10 apprenticeship. A sew stitching machine for the  
11 shoemaker shop has also been obtained on hiring terms  
12 since our last visit."

13 So these are the type of things that if you were  
14 reading the various policy reports that lead to the  
15 introduction of training schools, this is how it was  
16 supposed to work. These type of vocational occupations  
17 were being provided so that once the person left, they  
18 were in a position to try and get a job.

19 You are then told about the aftercare system:

20 "An excellent aftercare system has been organised by

21 ",

22 who is a name that will be familiar to you from  
23 Rubane. That is detailed. You can see:

24 "Since the last inspection the hobbies room has been  
25 developed considerably."

1 Then the recreation facilities are described.

2 Just if I can pause -- it will be of particular  
3 interest perhaps to the Chairman -- the last sentence of  
4 paragraph 1 it appears:

5 "He again referred to the scheme for emigration to  
6 mentioned in our last report, saying that it  
7 was excellently organised and that he had heard from  
8 in , were doing well  
9 and earning good wages."

10 CHAIRMAN: Yes. We heard in the that  
11 there were who were given  
12 Ministerial consent to go to in May 1950. So  
13 that may well be a reference to that.

14 MR AIKEN: This is in November. So that would appear to be  
15 -- to match.

16 You can then see the recreational facilities, which  
17 were:

18 "... described last year ... little change.  
19 Provision of a new school ... should enable better  
20 playing fields to be provided. The school band is  
21 rehearsing and informed that the band had recently taken  
22 part in a broadcast performance.

23 The statutory books were inspected",  
24 and you can see:

25 "Were found to be written up-to-date with the

1 exception of the medical register, which BR39 informed  
2 us that the doctor considered to be unnecessary in view  
3 of the detailed records maintained in the card index  
4 system."

5 So you can see some latitude was given here,  
6 because:

7 "While the register is undoubtedly convenient from  
8 the point of view of inspectors, it seems to us that  
9 provided detailed medical records are kept in the card  
10 index system, the maintenance of duplicate records in  
11 the medical register is not essential."

12 Then they conclude by saying this:

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

18 Now what I would like to do is pause there and just  
19 remind the Panel of the document that we will have  
20 looked at a number of times in earlier modules written  
21 by Ms Forrest in 1953 and how she was describing various  
22 homes that we have already looked at, including those  
23 being provided by the Sisters of Nazareth, and just  
24 compare and contrast the language with what's being said  
25 of this training school in comparison. So the same

1 author, as it were, is giving what you might regard as  
2 a signal that this is a -- appears to the inspectors to  
3 be an excellent training school that is very well run  
4 and that is working well at a time whenever the same  
5 author was prepared to and was setting out in respect of  
6 some children's homes where she thought that was most  
7 definitely not the case.

8 Perhaps if we pause there for the evening.

9 CHAIRMAN: Yes. I think that's an appropriate spot to stop  
10 today. We will resume and continue tomorrow at  
11 10 o'clock or as soon thereafter as possible, ladies and  
12 gentlemen.

13 (4.20 pm)

14 (Inquiry adjourned until 10 o'clock tomorrow morning)

15 --ooOoo--

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