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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 Wednesday, 18th **November** 2015

commencing at 10.00 am

(Day 161)

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

1 Wednesday, 18th November 2015

2 (10.00 am)

3 (Proceedings delayed)

4 (11.00 am)

5 Evidence in relation to HIA418 read by COUNSEL TO THE  
6 INQUIRY

7 CHAIRMAN: Good morning, ladies and gentlemen. Can I, as  
8 always, remind everyone to ensure that, if you have  
9 a mobile phone, it is either turned off or placed on  
10 "Silent"/"Vibrate", and also to remind everyone that no  
11 photography is permitted either in the chamber or  
12 anywhere on the Inquiry premises.

13 Yes, Ms Smith?

14 MS SMITH: Good morning, Chairman, Panel Members, ladies and  
15 gentlemen. The first piece of evidence today is that of  
16 HIA418. He was resident in Lisnevin. The Inquiry has  
17 received medical evidence which satisfies it that it  
18 would not be appropriate to call him or compel him to  
19 give evidence, and in those circumstances I am just  
20 going to summarise what evidence we have relating to  
21 him.

22 His statement can be found at LSN025 to 028.

23 There is a Health & Social Care Board response  
24 statement, which is at LSN234 to 245.

25 The DoJ response statement is at 144 to 150.

1           There is material which we've received from the DoJ,  
2       which at 21059 to 21246.

3           We also received police material, which is  
4       essentially a record -- criminal record in respect of  
5       the witness, which is at SL... -- LSN30188 to 30191.

6           We have received a response statement from a member  
7       of staff in Lisnevin. That's a LN25. That's at LSN1224  
8       to 1226.

9           His 418 statement is on the screen. His first name  
10       is HIA418 and I will just refer to him as HIA418. His  
11       personal details are set out there in paragraph 1.

12          In paragraph 2 he outlines that he was in Lisnevin  
13       Remand Centre from           to           . He said he was first  
14       sent to Lisnevin on remand for three months, returned  
15       home for approximately one month before being placed in  
16       Lisnevin on a 31-day residential programme. He goes on  
17       to describe the residential programme. He was then --  
18       said he was sent back to Lisnevin for a further period  
19       of remand of 11 days, when he was 13, and then finally  
20       remanded for six months when he was 15 and left when he  
21       was 16.

22          Now the records would show that he, in fact, went  
23       into Lisnevin on   and was there until  
24   for three months on burglary charges,  
25       and his brother,   , was also there. The 11-day

1 period from to was on  
2 a charge of grievous bodily harm. Then he was there  
3 again from to on another  
4 GBH charge, and obviously most of that time was outside  
5 the terms of reference of the Inquiry. There would have  
6 been 16 days when he was in Lisnevin in our terms of  
7 reference time period.

8 If we look at some documents at LSN21063, there is  
9 reference to the PortCaman project. You see here this  
10 is his admission history. Now the PortCaman project was  
11 a project that was at Runkerry, which was premises that  
12 were available not just to Lisnevin, but we have heard  
13 that children went there also from Rathgael. This was  
14 a project -- I think there's more information on it. We  
15 can see daily records of that project at 21099. These  
16 go through to 21144. I am just going to call them up.

17 You can see there was a daily record sheet being  
18 kept in respect of various activities in the course of  
19 this project.

20 "Night line -- all ready and keen to participate.  
21 Enjoyed it a lot, although got very cold and tired quite  
22 quickly.

23 Leisure time. Played Connect 4 again and again and  
24 again with the staff, mostly because he can't reach the  
25 pool table and the magazines are too mature for him.

1           Commented that he enjoyed gambling money with card games  
2           so we had an opportunity to point out that tricks and  
3           games were okay.

4           General comment. Mentioned that he was worried that  
5           the group might hit him and seemed to stick mainly to  
6           staff."

7           Sorry.

8           "... that the group might hit him ..."

9           I beg your pardon.

10          "The group however appear to accept him for the  
11          pigeon that he is."

12          So there was obviously therapeutic work going on in  
13          the PortCaman project at Runkerry. I am just going to  
14          scroll down through those daily sheets. You will see  
15          there is group work there.

16          "He is showing amazingly insightful contribution to  
17          the group work. Generally appears to agree with what  
18          he's told about offending and openly confesses why he  
19          offends -- money for gambling -- and can feel a real  
20          hero. Hangs round holder boys."

21          So it goes on. He is described as being very  
22          pleasant company, making Rice Krispie buns. Someone  
23          else there seemed to have latched on to him as a sort of  
24          errand boy for her.

25          "That sort of relationship would not be healthy if

1 it were to continue."

2 I am not going to go through all of these, but there  
3 is a daily record sheet kept from the PortCaman project.

4 Then if we look at 21144, there's then a case review  
5 sheet. You will see that it talks about:

6 "Review past 12 days -- attitude/level of  
7 participation/probation -- position in the group.

8 Probation Officer role and confidentiality remains  
9 an issue.

10 His pattern of offending, his motivation to stop,  
11 and how he intends to!

12 Concerns would be the lack of discipline/control at  
13 home and his role within his peer group.

14 The need for constructive use of free time also  
15 discussed."

16 It is then planned to go home for ten days and there  
17 was to be a probation visit and:

18 "PortCaman visit to be confirmed ..."

19 If we can scroll on down, the main focus of the work  
20 that was to be done with him and the link between  
21 PortCaman and where he lived at home.

22 So we can then look at some other documents in  
23 relation to his time in Lisnevin which are at 21069.

24 This is a Lisnevin Management Board record sheet, which  
25 shows the times that he was committed to Lisnevin and by

1           which court. If we can just scroll down, you see he was  
2           going out to court at various times in the morning and  
3           then he was remanded to 19th January, for example.  
4           Again there is an adjournment from court to 16th  
5           February. Again these relate to 1996. So they're  
6           technically outside the terms of reference, but I am  
7           drawing it up as an example of the type of  
8           record-keeping that was kept. As you're aware, a number  
9           of documents have been destroyed in respect of earlier  
10          times.

11                 There are unit records at 21151 onwards, but again  
12           they relate to 1996 and fall outside the terms of  
13           reference.

14                 There is also medical records at 21173 to 21179.

15                 If we can go back to HIA418's statement at  
16           page LSN025, please, at paragraph 3, and you will see  
17           there that at the bottom of that page he says that  
18           during the entire time he spent in Lisnevin he received  
19           sectarian abuse from the other residents and staff due  
20           to his name, which would have easily identified him as  
21           a Catholic. He says that he was often intimidated and  
22           bullied by residents and staff -- bullied -- intimidated  
23           and bullied by staff -- sorry -- by other residents and  
24           staff -- paragraph 4 -- never took any -- staff never  
25           took any action when they witnessed this.

1            "There was a hierarchy among the residents in  
2            Lisnevin. When arguments broke out, this gave staff the  
3            opportunity to restrain us and remove certain residents  
4            to the block."

5            We will hear more about the block and the isolation  
6            cells later from a witness who will give evidence this  
7            morning, Dr Lockhart.

8            HIA418 complains that there was sectarian abuse from  
9            the other residents and from staff due to his name.  
10           Someone else who was in Lisnevin in            has spoken to  
11           the Inquiry and has said that, while there was sectarian  
12           fighting among the boys, he never saw staff being  
13           sectarian. In fact, he saw them trying to break up  
14           fights.

15           He said that staff didn't intervene whenever he was  
16           bullied. If he tried to stand up for himself, the staff  
17           would restrain him. He was restrained by two members of  
18           staff, who would push both his arms up behind his back  
19           and that would have been excruciatingly painful.

20           "I would scream and plead for them to stop, but they  
21           never did. I was then dragged like an animal to the  
22           block in the Scrabo unit. The block was an empty room  
23           with the exception of a blue mattress. This room had  
24           a broken window. Staff would leave me there for up to  
25           two days at a time. I was given very little to eat and



1 drink when I was in the block and I believe the block  
2 was not a fit or safe place for animals, let alone  
3 children.

4 During my time in Lisnevin I was in the block  
5 between ten and fifteen times. When I was there, I was  
6 in total despair and suicidal. I would have taken my  
7 life, but there was nothing in this room that would have  
8 allowed me to do so."

9 Now there is an entry at LSN21159 which shows that  
10 he did report bullying to staff. If we can look at  
11 that, please. It dates from --

12 .. . Sorry. 1195. It dates from .

13 You will see that the highlighted section says:

14 "HIA418 asked to see me this morning. When  
15 I brought him to my office he started crying. He wanted  
16 moved class because another boy was bullying him.  
17 I would ask staff to keep an eye on this situation."

18 So there is certainly some evidence of the fact that  
19 he was being bullied and that staff knew about it. It's  
20 not clear who has -- I think this actual signature at  
21 the bottom would appear to be LN25's signature, and  
22 that's certainly something that when he comes to give  
23 evidence, he can be asked about whether he recalls that  
24 or not.

25 CHAIRMAN: LN25 is not represented here today.

1 MS SMITH: He is not represented here today, no, Chairman,  
2 but he will be coming to give evidence tomorrow and  
3 I will raise the issue with him at that stage.

4 CHAIRMAN: Yes.

5 MS SMITH: There are various entries in the documents that  
6 appear -- from that appear to relate to HIA418's  
7 brother rather than HIA418. I am not going to call them  
8 up, but they are -- can be found at 21189, for example,  
9 where a boy was -- his brother was placed in his room.  
10 He was sent to bed for fighting. He was hit by other  
11 boys in the gym and a doctor requested an X-ray in  
12 respect of an incident on 8th October.

13 There is an incident on , which  
14 I think may actually relate to HIA418, which is 21205.  
15 You will see here that he was placed in his room by  
16 Mr I think it is LN 79 for use of bad language after  
17 running or out of class I think that might be, or  
18 receiving -- receiving 0 at class that might be. Then  
19 he was out at 1.15. That is the only entry that I can  
20 find that relates directly to him. As I say, the other  
21 entries seem to be relevant to his brother rather than  
22 to him.

23 He talks at paragraph 6 of his statement at 026  
24 about the effect that being put in the block had on him,  
25 as I have just read out.

1           At paragraph 7 he says that he doesn't recall the  
2 names of the individual staff members responsible for  
3 this abuse:

4           "... although LN25", who is LN25, "was in charge of  
5 the staff and I believe he would have been fully aware  
6 of what was going on. I would recognise the other staff  
7 involved from photographs. LN25 never assaulted me.  
8 However, I do remember seeing him restraining other  
9 residents."

10           I should say that we have received a statement from  
11 LN25. As I say, he will be coming to give evidence, but  
12 his statement can be found at LSN1224. He addresses the  
13 allegations made by HIA418 at paragraph 3 onwards. He  
14 says that he has:

15           "... read his witness statement and wished to be  
16 given the opportunity to respond to the allegations  
17 received -- raised therein insofar as I'm able to do.  
18 I~have no more than a vague recollection of HIA418.  
19 I am very surprised by his allegations. As stated,  
20 during my time in the centre I occupied a general  
21 supervisory role over different units and can attest  
22 that I never witnessed nor was party to any instance of  
23 culture -- or culture of bullying or intimidation within  
24 the centre created or carried out by either myself or  
25 other staff members. There was no religious segregation

1 amongst the units and boys were simply placed into units  
2 on the basis of availability, irrespective of age or  
3 background. I am also surprised that he cannot recall  
4 the names of the individual staff members against whom  
5 he raises allegations of assault, intimidation and  
6 bullying, as these individuals would have been working  
7 with the young people within the unit on a day-to-day  
8 basis and were well-known to them by name."

9 He goes on to talk about the block and he says:

10 "It was a colloquial term for the separation unit  
11 within the centre, which was used when a young person  
12 became so violently disruptive, disruptive and/or out of  
13 control as to represent a danger or disruption to staff  
14 members, fellow residences -- residents or himself. In  
15 those circumstances the offending resident would be sent  
16 to the separation unit to give him time and space to  
17 come down. There was a very clear set of regulations in  
18 place which staff members were required to follow when a  
19 young person was referred to the separation unit.

20 I cannot recall precisely the nature of these  
21 regulations, given the passage of over twenty years.

22 Usually residents would only remain in the  
23 separation unit for a short period of time. However, in  
24 the event of serious incidents of violence or  
25 aggressive/disruptive behaviour, a resident could remain

1 in the separation unit for a longer period. Separation  
2 time was defined by senior management in each particular  
3 instance. It is impossible to be more specific in this  
4 regard."

5 He goes on then to describe the fact that he didn't  
6 think it was true residents were given very little to  
7 eat or drink during spells in the separation unit and  
8 talks about the food they were given. He could not  
9 recall whether the separate unit had a broken window, as  
10 claimed.

11 "It was an empty room with a blue mattress on the  
12 floor and the purpose was to ensure that an agitated  
13 resident would not be able to harm himself or others  
14 and it was therefore necessary to ensure that it  
15 contained no furniture or other items which may have  
16 allowed the resident to do so. To the best of my  
17 recollection the room was kept clean. Toilet facilities  
18 were available by knocking on the door, upon which an  
19 officer would bring the young person to the end of the  
20 corridor, which was staffed full-time whilst a resident  
21 was in the separation unit",

22 and there were regulations in respect of that. He  
23 said that there were medical -- he said that he  
24 witnessed a certain culture amongst the young people  
25 within the centre of being sent -- taken to the block

1 was seen as a badge of honour. There was medical and  
2 psychological support in the centre.

3 He goes on to talk about staff members being  
4 properly trained to use certain restraining techniques  
5 in the event of violent or disruptive behaviour in order  
6 to minimise the risk of injury to young person, staff or  
7 other residents. He didn't consider the techniques to  
8 have had the effect described in HIA418's statement and  
9 cannot ever recall witnessing such things at any time  
10 during his employment at the centre.

11 He accepts that restraining techniques were used,  
12 and he was occasionally required to restrain residents  
13 himself, but refutes the manner in which such actions  
14 were carried out amounted to intimidation, bullying or  
15 assault of residents."

16 As I say, he will be giving evidence tomorrow, so he  
17 can speak further to what's in his statement.

18 At paragraph 8 of HIA418's statement, which is at  
19 page 026, he describes being assaulted by a member of  
20 staff when he told him a joke. He said:

21 "He kicked me on the lower back with full force as  
22 he believed he was laughing at him rather than at his  
23 joke."

24 He doesn't remember his name, but he was a small,  
25 man, who was approximately years old. He says:

1 "On another occasion a member of staff who played  
2 rugby tackled me for no reason when I was attending  
3 an outdoor activity. I was thrown to the ground and was  
4 winded from the ordeal. I don't remember his name.  
5 However, he was well built."

6 It would appear that many of the staff played rugby  
7 and, in fact, there was a staff rugby team in Lisnevin.

8 He does recall one good member of staff, "LN25", and  
9 that was a LN26 -- sorry -- that was LN25. I beg your  
10 pardon. He describes LN26, "LN26", as wearing  
11  
12 (sic).

13 "LN25, on the other hand, was a good man who treated  
14 all the residents in Lisnevin the same, regardless of  
15 our religion."

16 He goes on to say that he recalls when he was  
17 playing snooker with other residents:

18 "... LN25 would tell us not to play shots known as  
19 'crosses'. I believe he was referring to our Catholic  
20 identity."

21 In his statement LN25 disputes that and said that  
22 crosses were a snooker term. He is both confused and  
23 surprised by the allegation, denies using such  
24 terminology in a disparaging fashion and would state  
25 that the thought never entered his head to connect such

1 a term with any form of religious discrimination.

2 "A cross shot is common sporting parlance for a shot  
3 whereby a snooker player attempts to get out of  
4 a snooker position by hitting the ball off one or more  
5 cushions."

6 He finds it incredible and distressing for it to be  
7 suggested that such terminology was in any way sectarian  
8 and can categorically state there was never any instance  
9 of such terminology having been adopted by members of  
10 staff in such a fashion within the centre.

11 HIA418 goes on to say that during his time in  
12 Lisnevin he observed other residents suffer the same  
13 brutality as he suffered. He recalls the sound of panic  
14 alarms followed by screams of other residents being  
15 restrained and dragged to the block.

16 He then describes his -- just as -- before I move on  
17 from the snooker memories, there is an entry from  
18 , at 21215, which shows that  
19 HIA418, in fact, won a snooker contest in Lisnevin.

20 He describes his life after care, paragraphs -- just  
21 the highlighted line there -- describes his life after  
22 care in paragraphs 14 to 18, and at paragraph 15 he  
23 says -- sorry -- at paragraph 19 he says that he  
24 believes an apology for what he suffered during his time  
25 in Lisnevin would help him:



1 "Additionally, recognition from the staff members  
2 involved that their behaviour was unacceptable."

3 He signed his witness statement on 18th May 2015.

4 Now, Chairman, our next witness is Dr Bill Lockhart,  
5 who I know is present and ready to give evidence, but I  
6 would be grateful for just a few minutes of a break just  
7 to discuss one matter with him before taking him through  
8 his evidence, if I may.

9 CHAIRMAN: Yes. Very well.

10 (11.20 am)

11 (Short break)

12 (11.30 am)

13 DR BILL LOCKHART (called)

14 MS SMITH: Chairman, Panel Members, our next witness is  
15 Dr Bill Lockhart, who wishes to affirm.

16 DR BILL LOCKHART (affirmed)

17 CHAIRMAN: Thank you. Please sit down.

18 **A. Thank you.**

19 **Questions from COUNSEL TO THE INQUIRY**

20 MS SMITH: Now Dr Lockhart has given the Inquiry  
21 a statement, which can be found at LSN1227 through to  
22 1675, which includes a number of exhibits.

23 At paragraph 1 of that statement you set out the  
24 fact that you were employed at Lisnevin from when it  
25 opened at Kiltonga in 1973 until 1983. You were

1 employed as a psychologist to both the assessment unit  
2 and the special unit. There were 20 boys I understand  
3 in each -- that was the capacity for each?

4 **A. That's correct.**

5 Q. You weren't yourself involved in management in any way?

6 **A. No. When I became a senior psychologist, I did attend**  
7 **a weekly management team meeting, and would have given**  
8 **some advice and so on at that, but I wasn't a direct**  
9 **manager.**

10 Q. Okay. You describe in paragraph 2 of your statement,  
11 Dr Lockhart, the path that your career took after you  
12 left the training school system in 1983.

13 Then at paragraphs 3 to 13 you describe the  
14 background to Lisnevin and its layout on the Kiltonga  
15 site, and you say that it catered for a small number --  
16 well, no, you don't say it, but it is clear that it  
17 catered for a small number of boys in comparison to the  
18 other training schools that the Inquiry has been looking  
19 at. I mean, for example, we have heard Rathgael had  
20 a capacity for 190 whereas the maximum that would have  
21 been in the Kiltonga site would have been 40.

22 **A. Correct.**

23 Q. You talk about it being designed to be a secure unit.

24 It was developed essentially to fill a niche in Northern  
25 Ireland for those boys who could not be contained within

1 the normal training school background.

2 **A. That's right, but it was a converted Victorian building.**  
3 **It had been a family home and then it was converted with**  
4 **some extensions.**

5 Q. You give a very good description of the premises and the  
6 unit itself.

7 At paragraph 7 you describe the isolation rooms and  
8 you say they could have been used for a few hours or for  
9 as long as four days. That seems to have been quite  
10 a lengthy period of time to isolate a child from the  
11 group.

12 **A. Uh-huh.**

13 Q. Would you have seen it as excessive?

14 **A. I would have thought that four days was a long time for**  
15 **to isolate any youngster, yes.**

16 Q. At paragraph 26 of your statement, though, you describe  
17 how there was a high level approval required for that  
18 period of time to be engaged.

19 **A. That's correct.**

20 Q. And I wondered was it -- the isolation of children in  
21 this way, was this a regular sanction? Was it something  
22 that was used often or what was the position?

23 **A. It was used on a routine basis. So that doesn't mean**  
24 **that on any given day of the week there would have been**  
25 **youngsters in it, but there would have happened on**

1           **a fairly regular basis.**

2    Q.    I think you were saying to me that the people who were  
3           most often placed into it were absconders.

4    **A.   That's right.**

5    Q.    You were saying also that, in fact, it wasn't that easy  
6           to abscond from the unit itself, but the abscondings  
7           took place whenever you were out on group trips to the  
8           swimming pool or cinema or something.

9    **A.   That's right.  It would have been -- after maybe four**  
10           **weeks in the special unit it would have been fairly**  
11           **usual for youngsters to go out on trips, and they may**  
12           **have absconded, say, going to the cinema or going to the**  
13           **swimming pool.**

14   Q.    In paragraph 8 you talked about staff sleeping in at  
15           night.  When we were discussing this earlier, you say  
16           that you yourself would have slept in.  You would have  
17           done one night a month.

18   **A.   That's right.**

19   Q.    And there would have been two staff sleeping in.

20   **A.   Correct.**

21   Q.    It's clear from the information that you have given us  
22           that there was a very high level of staff in Lisnevin  
23           and we have certainly heard that -- I mean, you talk  
24           about it at page 1525, which I think is the management  
25           diagram, as it were, where -- sorry.  No.  Sorry.  This

1 is -- actually it's from one of the inspection reports  
2 and it says that the unit had very high staff/pupil  
3 ratio. That was the case in Lisnevin at Kiltonga. Is  
4 that right?

5 **A. That's right. It was well resourced.**

6 Q. You said, in fact, you thought it was generously staffed  
7 at that time, and you were explaining to me that  
8 whenever you wanted something from Northern Ireland  
9 Office Training Service Branch -- Training School  
10 Branch -- I beg your pardon -- you generally got what  
11 you wanted.

12 **A. Absolutely, yes.**

13 Q. And we have heard that that was in contrast to other  
14 training schools, which seemed to have been  
15 understaffed.

16 **A. I would have thought in comparison, yes, they were  
17 understaffed.**

18 Q. You also then go on to talk about whenever Lisnevin was  
19 set up, there were new staff came in, but there were  
20 also staff who came from St. Pat's and from Rathgael.  
21 I wondered did that present any difficulties or were  
22 those staff willing to embrace the innovations that  
23 Lisnevin were engaged with.

24 **A. Yes. The impression I got was that they came wanting to  
25 do things differently and therefore they engaged and**

1 **indeed promoted some of the innovations.**

2 Q. I am not going to call it up, but the Inquiry will be  
3 aware that we have received a statement from Dennis  
4 O'Brien,

5 , who subsequently ended up as a Social  
6 Service Inspector, and that can be found at RGL1711,  
7 that statement. I will come back to something that he  
8 did in respect of the assessment unit shortly, but they  
9 were all boys in Lisnevin. There were no girls at any  
10 stage.

11 **A. No girls at that stage, no.**

12 Q. But there were female staff.

13 **A. Yes. There was a good ratio of female staff.**

14 Q. We were discussing earlier when we made mention of one  
15 boy, HIA94, HIA94 -- I will just use his first name --

16 **A. Uh-huh.**

17 Q. -- it was clear that he related well to his key worker,  
18 who was female, and I wondered did you find that the  
19 females made a difference to the atmosphere?

20 **A. I think they made a very big difference to the  
21 atmosphere and they were much more nurturing, less macho  
22 and so on, and it provided just a better environment  
23 than had it been all male.**

24 Q. Your appendix to your statement at LSN1243 actually is  
25 where you set out the management chart at Lisnevin when

1 it was established.

2 **A. Uh-huh.**

3 Q. It is clear from that that there was a principal at the  
4 head, who was a teacher. He had come from Rathgael.

5 **A. Uh-huh.**

6 Q. Then there was the board secretary and administrative  
7 officer and a deputy. Those were new appointments.  
8 There was admin staff working to them. Then you had  
9 three headmasters, as it were, one who'd come from  
10 St. Patrick's, who was the headmaster of the Special  
11 Unit. He had a deputy who had come from Rathgael. Then  
12 there was the headmaster of the Assessment Unit, who had  
13 also come from Rathgael. Then there was a Senior Social  
14 Worker and yourself, the senior psychologist, three  
15 nurses, plus a visiting dentist, GP and psychiatrist,  
16 a matron, ancillary staff, including cooks, gardeners  
17 and night staff.

18 **A. Uh-huh.**

19 Q. Then below the teaching staff there were seniors  
20 assistants. They were all new appointments. Each had  
21 a team of four teachers and four care workers. The  
22 Assessment Unit had senior assistants and a team of four  
23 teachers and care workers also. So there was quite  
24 a high staff complement, as you've described.

25 **A. Yes. There would actually have been two teams in each**

1           **unit. So in total there would have been eight teachers**  
2           **and eight care workers.**

3    Q.    So those were their shifts essentially.

4    **A. They worked a sort of 24-hour shift.**

5    Q.    You describe in paragraph 24 of your statement that  
6           there was minimal training for staff. Certainly in the  
7           papers somewhere there was an induction process that new  
8           staff underwent, but it was not particularly detailed.  
9           It was essentially --

10   **A. Essentially I think most of the staff were recruited in**  
11       **the spring of 1973 and then Lisnevin itself didn't open**  
12       **until about the end of October '73. So there was**  
13       **a period of about five/six months during which time they**  
14       **went on various secondments to the other training**  
15       **schools, to children' homes and so on. I myself**  
16       **actually went and had a placement with Barnardo's during**  
17       **that time.**

18   Q.    Paragraph 11 of your statement you say that there were  
19           very small classes and highly individualised teaching.

20   **A. That's right.**

21   Q.    Again that was because of the high student --  
22           pupil/staff ratio.

23   **A. Yes, and the need. Many of the youngsters had not been**  
24       **at school and so on and wouldn't have fitted well in**  
25       **a large classroom.**



1 Q. At paragraph -- at LSN1245 to 1246 there is an example  
2 of a daily timetable. Now I don't think we need to look  
3 at that at the moment. One of the things that is  
4 recorded on that is the fact that there were common room  
5 smokes supervised, for example.

6 **A. That's right.**

7 Q. I wondered what the position was about smoking in  
8 Lisnevin. Did the boys smoke, first of all?

9 **A. Yes. First of all, almost all of the boys smoked before**  
10 **they came and they were allowed to smoke, but I would**  
11 **say there were about six times per day when they were**  
12 **actually given cigarettes. Now they had to buy their**  
13 **cigarettes, but then they would have been kept and**  
14 **handed out at various break times, such as just after**  
15 **breakfast, mid-morning, lunch time and so on.**

16 Q. I wondered was there ever any help with trying to get  
17 them to stop smoking. Did that happen?

18 **A. Yes. I was actually asked by the principal to try and**  
19 **devise really a way of trying to reduce the smoking. We**  
20 **gave various incentives. We also moved the smoking from**  
21 **being in the common rooms to a more isolated part of the**  
22 **building. So if you wanted to smoke, you had to go down**  
23 **to a smoking room and so on. I have to be honest.**  
24 **I don't think it made a huge difference to the actual**  
25 **smoking. It was a big issue for the youngsters. They**

1           **wanted to smoke and they kept at it.**

2    Q.    You were saying that losing smokes was seen as one of  
3           the worst forms of punishment by the boys.

4    **A.    It would be one of the worst forms of punishment, yes.**

5    Q.    Paragraph 14 you set out the reasons for boys being  
6           admitted to Lisnevin. It is clear from what you say  
7           there that the majority were persistent absconders.

8    **A.    That's correct.**

9    Q.    You explain in paragraph 16 why Northern Ireland needed  
10           a secure unit such as offered by Lisnevin.

11           In paragraph 17 you talk about the Assessment Unit  
12           and what it was used for. We were discussing earlier  
13           that a boy would have gone into the Assessment Unit  
14           initially when it was a residential unit for a period of  
15           about five weeks. The courts were aware that that was  
16           the time period --

17   **A.    That's right.**

18   Q.    -- and timetabled their adjournments accordingly.

19   **A.    Yes. They would normally be adjourned for five weeks in  
20           order for reports to be prepared.**

21   Q.    Then we -- Dennis O'Brien talks about having gone to  
22           become a qualified residential social worker in England  
23           and also then becoming aware of a Day Assessment Unit in  
24           London --

25   **A.    Uh-huh.**

1 Q. -- coming back to Lisnevin and saying, "This is  
2 something maybe we should look at here", and as a result  
3 of that he went over with people from the Northern  
4 Ireland Office to London and eventually introduced the  
5 system whereby the Assessment Unit that had been set up  
6 at Lisnevin was moved out to Whitefield in the Finaghy  
7 direction in Belfast.

8 **A. Correct.**

9 Q. Those were day assessment procedures.

10 **A. Yes. At first young people would have gone on a day  
11 basis, which would have included school, to Whitefield  
12 House and then eventually it moved on even from that,  
13 where they may have been kept at their own school but  
14 come in for particular sessions. Dennis was also  
15 responsible -- and this would have happened before we  
16 left -- before Whitefield was opened, but happened at  
17 Lisnevin -- to do things like family therapy and so on.  
18 He had learnt about family therapy doing his social work  
19 course and we introduced that.**

20 Q. You felt yourself that the move to Whitefield, the  
21 Assessment Unit move, was a good idea.

22 **A. It was a good idea and it was borne out by the facts  
23 that Lisnevin, our Assessment Unit, about 80% of the  
24 youngsters who went back to court we were recommending  
25 a community disposal, and that was in contrast to the**

1           **other two training schools, who had a more traditional**  
2           **way of thinking.**

3    Q.    Yes.  You mention that in paragraph 19.

4    A.    **Uh-huh.**

5    Q.    You think that -- certainly you were inclined to  
6           recommend community option to courts rather than the  
7           Training School Order.

8    A.    **Yes.**

9    Q.    You talk about the rewards and discipline system at  
10           paragraphs 25 to 26 and you also talk about the fact  
11           that there was the option of corporal punishment, but,  
12           as you say, that was very rarely used.

13   A.    **It was very -- I don't remember it being used often at**  
14           **all.  It would have been usually used when there's been**  
15           **fighting or something, and it was more likely to have**  
16           **been used in the Assessment Unit, and that was because**  
17           **they wouldn't have had the same level of sanctions as**  
18           **the Special Unit boys, where leave and so on could be**  
19           **stopped.**

20   Q.    You talk about complaints about boys in paragraphs 28  
21           and 29 of your statement.  You say that you took up  
22           several complaints on their behalf.  I was wondering  
23           what type of complaints you received from boys.

24   A.    **Well, there was one I remember which was a young lad.**  
25           **He was always getting into trouble after breakfast and**

1 at various times because he wanted to use cold water to  
2 wash himself. Now in the actual ablutions area there  
3 was taps which just had thermostatically controlled warm  
4 water. So he was waiting till all the others left and  
5 then going round and washing his face in the drinking  
6 fountain, which was cold water. This was getting him  
7 into trouble, because he was always dragging behind  
8 others. So I took that up with him and suggested that  
9 he could use a staff bathroom across the corridor, which  
10 had cold water in it, and that worked. There was  
11 a little bit of controversy between myself and the nurse  
12 at that time, but in the end he was allowed to use the  
13 cold water.

14 Q. That was the kind of complaint. I think you also  
15 mentioned that there were -- smoking rights was  
16 something they continued to complain about.

17 A. There would have been things like that, and people would  
18 have complained about either not getting enough  
19 cigarettes or having their cigarette smoke stopped  
20 and things of that nature.

21 Q. I mean, you didn't receive yourself any complaints about  
22 any assaults by staff on children or anything of that  
23 nature?

24 A. No.

25 Q. You do recall one incident, though, where you felt you

1 had to speak to a senior member of staff.

2 **A. Yes. I remember one where there was a young fella who**  
3 **-- he seemed to be getting quite a lot of tellings off**  
4 **and yelled at and so on, and I remember going and**  
5 **speaking to a senior assistant and saying, "Look, you're**  
6 **giving him a pretty hard time" and he seemed to accept**  
7 **what I'd said.**

8 Q. You felt that it had the desired effect just speaking to  
9 him.

10 **A. I think so, yes.**

11 Q. I wondered did the situation about that -- that was the  
12 type of complaint you were getting from boys, which was  
13 certainly not of any major complaint, as it were. It  
14 was more about the operation of things and how it was  
15 affecting the boys.

16 **A. Yes.**

17 Q. But did that differ at Millisle when the ...?

18 **A. I saw a big difference in Millisle and a lot of**  
19 **decision-making seemed to have been devolved down to the**  
20 **staff on the ground, and things like isolating**  
21 **youngsters and so on seemed to happen a lot more**  
22 **frequently.**

23 Q. Yes. I think we'll talk a bit more about that in detail  
24 --

25 **A. Okay.**

1 Q. -- but I am just wondering did you yourself -- did the  
2 complaints that you were receiving or that you were  
3 hearing when you were in Millisle from the boys, did  
4 that differ from what had taken place at Kiltonga?

5 **A. Not markedly, no.**

6 Q. You describe in paragraphs 30 to 32 how Kiltonga was  
7 only temporary and there had been a public inquiry and  
8 then the move to Millisle came about. Now it wasn't the  
9 original intention to go to Millisle. The intention was  
10 to build on the Rathgael site a new secure unit. That  
11 never happened. You aren't aware of why that was the  
12 case, but certainly papers that the Inquiry have seen  
13 would suggest it probably was a financial reason.

14 **A. Uh-huh.**

15 Q. That there was this building that had been vacated at  
16 Millisle and that's why Lisnevin moved there.

17 **A. Uh-huh.**

18 Q. But you personally feel that was a mistake.

19 **A. I'm absolutely sure it was a mistake. We were moving**  
20 **into a category C prison and it totally changed the**  
21 **environment for everyone. It was a much more isolated**  
22 **place. It was an extra ten miles from Belfast, but it**  
23 **might have been, you know, much further, because there**  
24 **was a poor bus service and so on, and even for staff**  
25 **going to visit homes and so on it became an extra -- it**

1           **was just more difficult to do. Families found it harder**  
2           **to visit, but I think the actual environment of**  
3           **a category C prison was -- was not the right place for**  
4           **children.**

5    Q.   We'll come back to look at that in a little bit more  
6       detail shortly.

7    A.   **Uh-huh.**

8    Q.   You also describe in paragraphs 40 to 44 issues about  
9       the governance and the relationship between the Training  
10       School Branch and the Northern Ireland Office. You say  
11       that you had little confidence in the Board of  
12       Management of Lisnevin. Now we know that Lisnevin was  
13       made up of representatives of the Boards of Management  
14       of the other training schools. I wondered how you felt  
15       that it was inadequate or how did that manifest itself?

16   A.   **Well, it included managers, staff from the other**  
17       **training schools. It wasn't just members of the Board**  
18       **of Management, but you are right. It did have, and it**  
19       **seemed to be -- I think it probably was over things like**  
20       **resources and conflicts of interest, and it never -- you**  
21       **never had the sense that the Board were out there to bat**  
22       **for Lisnevin. It was much more a battleground between**  
23       **the training schools. I wasn't at any Board meetings,**  
24       **but that was the sort of feedback you -- I got at the**  
25       **time.**



1 Q. Uh-huh. You make the point in paragraph 42 that the  
2 Social Work Advisory Group inspections were informal.  
3 Now the Inquiry has heard that at this point in time  
4 inspections were more a way of giving advice and  
5 guidance than formally checking operations, and that was  
6 your experience?

7 **A. Very much so. I think the term Social Work Advisory**  
8 **Group explains what it was like. It then moved on to**  
9 **the Social Service & Inspectorate and I think that --**  
10 **the change of name also changed the function**  
11 **considerably, where it was very clearly they were coming**  
12 **to inspect, but before that it was much more, "Well, how**  
13 **are things going?" and it was much more laid back.**

14 Q. You talk -- we talked a little bit about the approach  
15 that was taken by the people who did come to -- you have  
16 no recollection of Ministry inspectors a Miss Forrest or  
17 a Miss Hill.

18 **A. No. I remember the names okay, but I never remember**  
19 **them visiting.**

20 Q. But there is a statement of Wesley Donnell and that's at  
21 SPT3004, and in 1975/'76 he was seconded to the Northern  
22 Ireland Office from the Social Work Advisory Group to  
23 provide advice about training schools. At  
24 paragraphs 5 -- paragraph 5 of that statement he talks  
25 about his involvement with the training schools. You do

1 remember him coming.

2 **A. I do.**

3 Q. And -- but you don't remember -- I think you just -- it  
4 was described by somebody yesterday that the approach  
5 was one of an old boys' network. You would agree with  
6 that.

7 **A. Very much so.**

8 Q. That it was, as you described it to me, a very cosy  
9 relationship.

10 **A. Cosy relationship and there was no sense that we were  
11 being inspected or anything like that. It was much  
12 more, "Well, how can we help you?", that sort of  
13 approach; maybe, you know, advice, "I wouldn't do it  
14 that way" or whatever, yes.**

15 Q. And that compared with what happened later when you were  
16 describing there was -- Mr Ronnie Orr and  
17 Mr Victor McElfattrick are two names that you  
18 particularly remember as coming to inspect.

19 **A. I remember them coming and they would have been much  
20 more direct about what they were doing, why they were  
21 doing it, and there were reports and so on written. So  
22 you had the sense that they were inspecting.**

23 Q. And that's the basis for you describing the  
24 relationships as not generally professional in your  
25 statement?

1     **A. Compared to today and sort of regulatory framework, but**  
2         **even there it was, as I say, more like an old boys'**  
3         **network rather than somebody coming to do a professional**  
4         **job.**

5     Q. When we were discussing this earlier, I was saying to  
6         you this is you looking back with the benefit of  
7         hindsight.

8     **A. Of course. Of course.**

9     Q. At the time you didn't see anything wrong with the  
10        approach.

11    **A. It was all we knew about at the time, but obviously with**  
12       **the benefit of hindsight and looking at modern**  
13       **regulations and inspections and so on it's totally -- it**  
14       **was totally different than would be happening today.**

15    Q. In your statement -- sorry -- at LSN1560 we can see that  
16        there's a whole -- extracts from the Board of Management  
17        meetings. I don't think we need to call them up, but we  
18        see that staff were obtaining qualifications from the  
19        mid-1970s onwards. That certainly -- you will see here  
20        staff establishment and development --

21    **A. Yes.**

22    Q. -- and various people doing various courses.

23    **A. Yes.**

24    Q. That continues right through the life of Lisnevin from  
25        what we see, but certainly at the beginning, when it was

1 set up, very few people were actually qualified. Is  
2 that correct?

3 **A. Very few. The teachers were qualified teachers, but the**  
4 **social care staff, I'm not sure that any were qualified.**

5 Q. And I am not going to go through these, but it is clear  
6 there were extracts virtually every month and every year  
7 certainly about people doing various courses and getting  
8 qualifications.

9 Just going back to the inspections, there's the  
10 formal inspections that took place. There's the SSI  
11 report of 1988, which is in the bundle at RGL --

12 **A. Uh-huh.**

13 Q. -- 25969.

14 **A. Uh-huh.**

15 Q. Now I appreciate that was after you had left Lisnevin.

16 **A. That's right.**

17 Q. There was also a themed inspection of Lisnevin in 1992  
18 following the Pindown report in Staffordshire.

19 **A. Uh-huh. Uh-huh.**

20 Q. That's at LSN13809 to 13813. I am going to look just at  
21 LSN13840. This is to highlight something that was  
22 clearly -- this is an extract from the LS -- sorry --  
23 the Social Services Inspectorate report. If we can just  
24 scroll down, please, to -- it says there  
25 at paragraph 13.5 "Individual Complaint":

1           "During the course of the inspection one boy, the  
2           youngest in the school, asked to see the inspectors.  
3           The boy was seen jointly by both inspectors and his  
4           complaints were of a very general nature regarding  
5           bullying by other boys and that the staff did not listen  
6           to him. The inspectors were aware that the boy receives  
7           a high level of individual supervision and in the words  
8           of staff asks to speak to every visitor of the school.  
9           Nevertheless the complaints were noted and he was  
10          assured that they would be conveyed personally to the  
11          Director. This was done on the same day as the  
12          interview and the Director undertook to investigate the  
13          substance of the complaints.

14          The boy was interviewed by the Director on the day  
15          the inspectors spoke with him, but at that stage he said  
16          he had no complaint to make. He was told by the  
17          Director that he could approach any member of staff at  
18          any time and that he always had access to one of the  
19          independent representatives.

20          The lead inspector subsequently interviewed the boy  
21          again. On this occasion he said he had no complaint to  
22          make against any member of staff and described his  
23          relationship with the staff as excellent. He agreed  
24          that he often called other boys names, but he still did  
25          not like being the subject of verbal abuse. His

1 behaviour has improved slightly in recent times and he  
2 is now receiving regular weekend leave. He was advised  
3 again of his right to discuss any matters that were  
4 causing him concern with one of the IRs at any time and  
5 he seemed to have become more content with the  
6 situation."

7 **A. Uh-huh.**

8 Q. Now I am just highlighting that. I know this is nothing  
9 to do with your time in Lisnevin, Dr Lockhart --

10 **A. Uh-huh.**

11 Q. -- but it clearly shows whenever the SSI inspectors were  
12 there, boys were able to come and approach them and make  
13 complaints if they wanted to do that.

14 **A. Yes. I don't think it would have been as widely**  
15 **advertised as it would be today, whenever it's made**  
16 **clear, you know, how to make a complaint and there's**  
17 **an independent complaints like commissioner, who comes**  
18 **over from London and inspects things. It was nothing**  
19 **like that.**

20 CHAIRMAN: Can we just scroll back up to the beginning of  
21 that page before, please, or even --

22 MS SMITH: Scroll up, please.

23 CHAIRMAN: Yes. Thank you.

24 MS SMITH: It is referring to the independent representation  
25 scheme that was operated in Lisnevin by NIACRO from

1 January I think 1990, which allowed boys to complain  
2 also.

3 CHAIRMAN: Yes.

4 MS SMITH: There was also a 1993 inspection. The  
5 conclusions of that are at LSN13872. Indeed, there was  
6 an unannounced visit in 1993, which is at LSN13877. If  
7 we look, please, at 13878, and you'll see this is  
8 a letter from the Department of Health & Social Services  
9 to LN 40, who is the  
10, in March 1993. It is a report  
11 of an unannounced visit by SSI to Lisnevin on  
12 2nd March '93.

13 "You will recall that under inspection arrangements  
14 agreed with NIO each training school is to receive two  
15 unannounced visits by an Inspector each year. I enclose  
16 a brief report prepared after the first such visit to  
17 Lisnevin.

18 I would draw your attention particularly to the  
19 concerns expressed in the report in relation to:

20 The introduction of a system of standard sanctions  
21 applied to separating a young person from the group.  
22 This seems to undermine the principle of the separation  
23 of a young person from the group being dealt with on the  
24 basis of 'each case on its merits. The use of standard  
25 sanction also has the effect of distancing senior

1 managers from decision-making in this important area of  
2 practice.

3 The dependency on relatively inexperienced casual  
4 staff and the limitations this brings to managing the  
5 unit.

6 SSI recognise the difficult circumstances created by  
7 the prolonged absence of the Director and would wish to  
8 be of assistance in making -- in seeking solutions to  
9 present -- to present problems."

10 It is signed by Victor McElfrick --

11 **A. Uh-huh.**

12 Q. -- who was the Assistant Chief Inspector. So there were  
13 unannounced inspections also and that's highlighting  
14 issues that were of concern in one of those.

15 **A. Uh-huh. Yes.**

16 Q. I know that you said later in your statement that you  
17 felt that the SSI inspections were critical of Lisnevin.  
18 Now certainly the reports that I have seen, and they are  
19 in the bundle --

20 **A. Uh-huh.**

21 Q. -- and I have given page references to them there, while  
22 they highlight concerns such as this, they wouldn't  
23 appear to be overly critical of the situation at  
24 Lisnevin. They talk about the fabric of the building in  
25 Millisle and things like that --



1 **A. Uh-huh.**

2 Q. -- and recognise attempts at improvements to that fabric  
3 that were made and so forth. I know you were saying  
4 that the -- that comment that you made actually came  
5 from other reports that you were reading and their  
6 assessment of the situation.

7 **A. That's right. There were -- NIACRO in particular, but**  
8 **also there was a report from the Human Rights**  
9 **Commission, or whatever its name was at that stage,**  
10 **which referred to critical reports by the Social**  
11 **Services Inspectorate. I couldn't find -- I did**  
12 **a search. I couldn't find those reports. So I'm just**  
13 **referring to them. I would have thought it was fairly**  
14 **common knowledge that there were some concerns from the**  
15 **independent representatives or from NIACRO about some**  
16 **aspects. It would be the sort of thing that's referred**  
17 **to here. Uh-huh.**

18 Q. You also -- you talked yourself about being supervised  
19 by a Department of Education psychologist. I explored  
20 that with you. That was a professional supervision --

21 **A. It was, yes.**

22 Q. -- rather than -- you weren't an employee of the  
23 Department of Education or anything like that?

24 **A. No. I was employed directly by Lisnevin Management**  
25 **Board.**

1 Q. We talked a bit about the Assessment Unit moving in 1978  
2 to Whitefield.

3 Paragraphs 45 to 52 of your statement you deal with  
4 the move to Millisle. You thought it happened in  
5 September 1980 --

6 **A. Exactly. June.**

7 Q. -- but it seems it might have been June.

8 **A. Uh-huh.**

9 Q. There is documents in the bundle, which I am not going  
10 to call up. They are at RGL22419 to 22497. They are  
11 Northern Ireland Office documents dealing with the move  
12 to Lisnevin -- sorry -- to Millisle site.

13 **A. Uh-huh.**

14 Q. As I have indicated, financial considerations was  
15 obviously a major factor in that.

16 **A. Uh-huh.**

17 Q. You describe how staff were unhappy with the move. The  
18 premises were unsuitable and, as you have said, it was  
19 a bad location in terms of public transport for both  
20 families and indeed for staff.

21 **A. Uh-huh.**

22 Q. You said there was poor planning for the move. When you  
23 actually arrived, there was no school took place. No  
24 lessons took place for a whole year, a whole school  
25 year, effectively.

1     **A. It seems incredible, but that's the case. The teachers**  
2     **decided they needed a new curriculum and started working**  
3     **on that and it actually took a whole year. I remember**  
4     **being very dissatisfied at that stage, because the**  
5     **television became the main thing that youngsters did**  
6     **during the day.**

7     Q. That's really how they spent their day, just watching  
8     television.

9     **A. Yes.**

10    Q. There is the 1988 SSI inspection report. At  
11    paragraph 4.2 of that -- and there is an extract from it  
12    attached to your statement at 1277 -- it talks about the  
13    attempts to make the premises more suitable for  
14    Lisnevin, but I am going to look at floor plans that you  
15    attach to your statement. They are at 1281, please.

16            This is the ground floor plan. Now you talked about  
17    setting up your office at the -- where the isolation --

18    **A. Yes.**

19    Q. -- cells were. Sorry. If you just stop scrolling for  
20    a moment. If we look just up at the top a little bit,  
21    please, you can see there that there is some annotation  
22    put on this. The punishment block, I take it that is  
23    the section where you talked about setting up your  
24    office.

25    **A. That's right.**

1 Q. I will come back to that in a moment. Then we can see  
2 there is catering, classroom, various classrooms there.  
3 There is a medical block. There's bedrooms on two other  
4 sections of the plan.

5 If we can just scroll down then and scroll on to the  
6 next page, there's the first floor plan, which seems to  
7 be much smaller. Obviously it was -- didn't -- the  
8 first floor did not cover the same footprint as the  
9 ground floor.

10 **A. Yes. If you see the blocks out to the left there, they**  
11 **I think were ones or single storey and the rest of it**  
12 **was two storey.**

13 Q. Two storey. Were those blocks that were single storey,  
14 were they add-ons to the original house?

15 **A. No, I don't think so. No, I think they were there**  
16 **originally.**

17 Q. You talk in paragraph 46 of your statement about when  
18 the move to Millisle took place, there was more Northern  
19 Ireland Office involvement in running Millisle. You say  
20 that was after Wesley Pugh took over. I wondered what  
21 you meant by that and can you give us examples?

22 **A. Well, I got the impression that the move to Millisle was**  
23 **very much pushed upon the senior staff in Lisnevin and**  
24 **that there was a degree of loss of morale and leadership**  
25 **at that time and I think it was evidenced then by**

1 various members and directors -- different directors  
2 going off on long-term sick leave and so on, and I think  
3 that the NIO did become much more involved in the direct  
4 running, decision-making of the school. I wouldn't have  
5 seen the Board making much significant decisions at all.  
6 It seemed to be coming more from the Training School  
7 Branch of the Northern Ireland Office.

8 Q. The building you describe in paragraphs 53 to 55 and, as  
9 I say, we have got these plans here, and you say that  
10 the punishment block initially was not used but then  
11 within a year it was.

12 A. Uh-huh.

13 Q. I wondered why you thought that happened.

14 A. I think it became the -- there was just that sense of  
15 less management, less leadership. People on the ground  
16 were able to take more decisions. At first the  
17 punishment block was used for storing bicycles and  
18 things like that and then one by one the cells in it  
19 started to be used for isolating boys and it became the  
20 norm as the main way of punishing.

21 Q. Those decisions you were saying were taken by staff on  
22 the ground rather than senior management.

23 A. That -- that was definitely -- I remember at the time  
24 complaining when it started to be used and I was  
25 complaining about there were times whenever youngsters

1        were ringing the bells and I could hear the bells being  
2        running to try and get someone down to let them out to  
3        the toilet and there was no-one down there. I should  
4        point out that on the ground floor at that time there  
5        was nobody else using the ground floor other than  
6        medical staff and myself and the kitchen staff. It  
7        wasn't used other than that and so it was a very  
8        isolated part of the building, and I was often having to  
9        go and check with the youngsters, "What's wrong?" and  
10       they'd say they'd want to go to the toilet or whatever.  
11       I would have to go upstairs and find a member of the  
12       care staff to come down and let them out.

13                In the old days when it had been run as a prison,  
14       there was a -- we called it the tardis, but it was  
15       a sort of a control area, where at least two prison  
16       officers would have been sitting watching various alarms  
17       and so on, and so if somebody rang and needed attention,  
18       that would have been looked after, but the care staff  
19       tended to just wander off and do different things and so  
20       on. So there was a sort of a sense that you could be  
21       forgotten about when you were down in the punishment  
22       block and that worried me a great deal.

23    Q.    You say there was no proper monitoring of the punishment  
24       block really in that regard?

25    A.    In that sense it seemed -- no doubt at the end of the

1           **day the senior assistant or the -- would have known,**  
2           **"Oh, yes. So-and-so has been in the punishment block",**  
3           **but it seemed to be done much more on the direction or**  
4           **the decision of ordinary care or teaching staff.**

5    Q.    You also said that you questioned yourself whether it  
6           needed to be used in some circumstances at all.

7    **A.    Yes.**

8    Q.    You certainly felt that it was dangerous putting  
9           vulnerable children in there --

10   **A.    Yes.**

11   Q.    -- for the length of time that they were placed there.

12   **A.    Absolutely.**

13   Q.    We have certainly heard -- I mean, you were sitting here  
14           when I was summarising the evidence of the boy HIA 418

15   **A.    Yes.**

16   Q.    -- where he felt -- he describes feeling suicidal when  
17           he was placed in the block.

18   **A.    I wouldn't be at all surprised.**

19   Q.    Paragraph 56, moving on to another issue -- I mean, it's  
20           linked to some extent -- but you talk about staff taking  
21           the entire summer off, for example, and Lisnevin relying  
22           on casual and part-time staff.

23   **A.    Well, that had become the norm. First of all, the**  
24           **teachers tended to get July and August off as the normal**  
25           **school holidays. Care staff often with their own**

1 families wanted time off for their children and so on.  
2 So it became the norm that there would have been  
3 a skeleton perhaps of two of the care staff and then  
4 casual staff like students being brought in in the  
5 summer.

6 Q. And that -- but that wasn't just applicable to Lisnevin.  
7 That happened in Kiltonga and you believe it happened in  
8 other training schools.

9 A. I think that was the norm across the training school  
10 system.

11 Q. There was an incident that the Inquiry has seen papers  
12 in relation to, a part-time nurse in 1985 -- and  
13 I appreciate that's after your time --

14 A. Uh-huh.

15 Q. -- but we received papers from the police and they are  
16 at LSN30307. I don't think we need to call them up, but  
17 essentially what they show is that a resident was --  
18 admitted and was convicted of attempting to rape this  
19 holiday relief nurse --

20 A. Uh-huh.

21 Q. -- and that occurred in 19... -- July 1985.

22 A. Yes. I wasn't aware of that, but again the medical  
23 block would have been down beside the punishment block  
24 in a very isolated part of the building. As I say, it  
25 doesn't look that far, but it would have taken a minute



1 or two to get down the stairs and round the corridor.

2 So it was quite isolated.

3 Q. You also talk about a particular incident at  
4 paragraph 57 of your statement which attracted media  
5 attention, and you made the point that the location  
6 where it was, there were people who lived nearby who  
7 drew the media attention to what was happening.

8 A. I think that was the prison -- there were a number of  
9 prison officers' families lived on the site at Millisle  
10 and you could see what was happening, and I think it  
11 also marked a sense of resentment that Lisnevin was  
12 there. It was on a prison site, which was still being  
13 used for various things, and at first we had to go  
14 through like a prison security and so on. So I think  
15 whenever families saw things happening -- like in this  
16 case there were boys out on the roof -- they had rung  
17 Downtown Radio, and so the whole spectacle became sort  
18 of a public event, where Downtown sent down reporters  
19 and so on, yes.

20 Q. There's another incident that -- there are other media  
21 reports that can be found in the bundle at LSN13992.  
22 There was an incident in 1986 -- again after your time,  
23 Dr Lockhart -- at LSN1664. At LSN13977 to 13987 we see  
24 there was an incident where boys set fire to mattresses  
25 --

1 **A. Uh-huh.**

2 Q. -- and that caused -- I think that was actually in  
3 December, over the Christmas period as well. So clearly  
4 there was dissatisfaction among the residents in  
5 Lisnevin at that period in time certainly.

6 **A. Uh-huh.**

7 Q. I am not going to call those up, but the Panel Members  
8 can look at those.

9 **A. Sure.**

10 Q. Paragraph 59 of your statement you talk about setting up  
11 a life skills programme. That was effective and  
12 popular.

13 **A. Well, that was to try and get some of the care staff as**  
14 **well involved in day-to-day work with the youngsters,**  
15 **and the at that time,**  
16 **, LN 6 , very much encouraged about how**  
17 **we might help and prepare young people who were leaving**  
18 **to have basic life skills. So it could have been things**  
19 **like changing a plug, doing basic cooking, laundry,**  
20 **things of that nature. I myself did some work on job**  
21 **search and also on parenting skills, and the youngsters**  
22 **actually enjoyed coming to that. So it was quite**  
23 **effective that way.**

24 Q. Paragraph 60 you essentially describe, as you already  
25 have done, the totally different character of Lisnevin

1 when it was on the Millisle site compared to Kiltonga  
2 and the difficulties that you have already expressed.

3 **A. Uh-huh.**

4 Q. Paragraph 68 you talk about the set-up of the APRU,  
5 which was the, if I can get this right, Adolescent  
6 Psychological & Research Unit.

7 **A. Yes.**

8 Q. You felt that never really worked or delivered the  
9 services expected of it. What was the position with  
10 training schools? I mean, you were assigned initially  
11 to Lisnevin at Kiltonga. Is that right?

12 **A. That's right.**

13 Q. Perhaps you could just explain a little bit more why the  
14 felt that the APRU was not a good idea.

15 **A. Well, I would have been based in Lisnevin and there was**  
16 **a second psychologist based in Lisnevin. We would have**  
17 **worked day by day, got to know all the youngsters well**  
18 **individually and the staff and participated at meal**  
19 **times and so on. So whenever we moved or the Assessment**  
20 **Unit moved to Whitefield House, one of the psychologists**  
21 **moved over to Whitefield. I stayed in Lisnevin, but we**  
22 **actually did sort of about a day each per week in the**  
23 **other place. So I would have done some work up at**  
24 **Lis... -- up at Whitefield, and that appeared to work**  
25 **quite well, because you had an identified psychologist**

1 working with the staff and they built a degree of trust  
2 in that.

3 Whenever we were pulled together, we were actually  
4 all based in Whitefield House, and we had to go out then  
5 to the other training schools, and you were -- it was  
6 like a visiting dentist or whatever. You didn't really  
7 get to know what was going on or why it was happening.  
8 It was just -- it was much more you did sessions with  
9 particular young people rather than getting the big  
10 picture.

11 Q. Before the APRU was set up you thought every training  
12 school had its own psychologist, not just --

13 A. Every training school with the exception I think --  
14 well, the two girls' training schools didn't have, but  
15 St. Patrick's and Rathgael would have had people  
16 based -- had their office actually in the training  
17 schools.

18 Q. Okay, because I was explaining to you that certainly  
19 St. Patrick's seemed to have someone who came in, but  
20 you say his office was actually based there.

21 A. Absolutely, yes.

22 Q. He might have gone out to, say, St. Joseph's in  
23 Middletown but come back to St. Patrick's.

24 A. That's right.

25 Q. You talk just in the statement, and we had some

1 discussion about this, about the Juvenile Remand Unit at  
2 Lisnevin. Certainly there was a Juvenile Remand Unit at  
3 Crumlin Road that moved to Hydebank, but it would appear  
4 that there was -- I mean, certainly the last witness was  
5 talking about being on remand in Lisnevin. So there  
6 appears to have been --

7 **A. Yes.**

8 Q. -- a Juvenile Remand Unit there as well.

9 **A. Yes. Whenever I was leaving in 1983, there was already**  
10 **talk about setting up a Juvenile Remand Unit and that**  
11 **would have occupied the vacant ground floor. Now my**  
12 **recollection is that that unit did open. It may have**  
13 **taken a couple of years before it opened, and it did**  
14 **start taking young people on remand from the courts.**

15 Q. Well, you talk about the complaints in the second part  
16 of your witness statement -- that's at LSN1247 -- the  
17 complaints that the Inquiry has heard, and you deal with  
18 some of those. I am going to summarise some of them,  
19 but there's -- at LSN1670 there is certainly a formal  
20 complaints procedure was set up in around 1993, but  
21 prior to that there had been no formal complaints  
22 procedure that you were aware of.

23 **A. No, there wasn't. There were various informal**  
24 **mechanisms, which worked to some degree, but there was**  
25 **no formal complaints.**

1 Q. And certainly the IR system from -- that NIACRO set up  
2 was one of those. The independent representative would  
3 have been an informal complaints procedure.

4 **A. And I think it was seen to be weak.**

5 Q. Well, just dealing with various people who have spoken  
6 to the Inquiry, the first of those is HIA138. I am just  
7 going to use his first name. The Inquiry Panel will be  
8 aware of whom I am speaking. He is HIA138. Now he was  
9 in Lisnevin after you were there. He was there from  
10 to . The transcript of his evidence  
11 can be found on Day 156.

12 Now he spoke about the distinction between the care  
13 side and the justice side. Now we know there was no  
14 such distinction as such, but this would appear to have  
15 been the juvenile remand situation --

16 **A. Yes.**

17 Q. -- as opposed to those who were in the Special Unit on  
18 long-term.

19 **A. That's right, because effectively at that stage there  
20 could have still been youngsters who would have been  
21 seen as from the care background, not going to school or  
22 in need of care, protection and control, but the Remand  
23 Unit would only have taken people from the criminal  
24 courts.**

25 Q. And he also described the isolation cells known as the

1 block --

2 **A. That's right.**

3 Q. -- which you accept. He also described a method of  
4 restraint being used. He talked about applying pressure  
5 points. I wondered what you recall about restraining  
6 children and the training, therefore, during your time.

7 **A. During my time there were restraints, but there was  
8 absolutely no training in how to do restraints, and it's  
9 still a controversial issue today about what is a safe  
10 restraint. There is no such thing as a safe restraint,  
11 but certain ways of restraining are safer than others.**

12 Q. And that has developed --

13 **A. Very much so.**

14 Q. -- very much over the years.

15 **A. Absolutely.**

16 Q. It is clear from the extracts from the Board of  
17 Management meetings from LSN1592 and onwards that there  
18 are minutes about restraint training for staff. For  
19 example, at 1598 there is a proposal for training on  
20 certain dates in 1993.

21 **A. Uh-huh.**

22 Q. Another complaint that that person made was about  
23 sectarian comments. I wondered were you aware of any  
24 sectarian comments, first of all, from staff to boys or  
25 among boys themselves?

1     **A. I wasn't aware -- I wouldn't by any means rule them out,**  
2     **but I wasn't aware that that was an issue in Lisnevin.**

3     **Q. The -- I am just going to call up another document here,**  
4     **which is LSN1538. I think you said to me that it**  
5     **wouldn't have been tolerated if senior staff were aware**  
6     **of staff engaging in sectarian comments or indeed boys**  
7     **--**

8     **A. Yes.**

9     **Q. -- engaging in it.**

10    **A. I think that in my time there it would not have been**  
11    **tolerated. It would have been seen as a big issue, and**  
12    **the integration of boys from different backgrounds,**  
13    **particularly when the Troubles were at their height and**  
14    **so on, it was actually quite successful, more successful**  
15    **than people expected.**

16    **Q. You say that you, in fact, did a report with another**  
17    **psychologist that was able to show that that integration**  
18    **worked well.**

19    **A. I did a published research study, in which we looked**  
20    **again at young people and their attitudes on a range of**  
21    **thing, particularly how they saw "the other side" in**  
22    **terms of Catholic and Protestant and so on. We showed**  
23    **that in the five-week assessment period there was**  
24    **significant change, and we followed up for five weeks**  
25    **afterwards and that change continued. So it actually**



1        **seemed to have a -- it was like whether children's**  
2        **community holidays in Northern Ireland work. We were**  
3        **saying actually bringing young offenders together for**  
4        **five weeks did make a difference. They began to see**  
5        **each other as more alike than different.**

6        Q. Uh-huh. Well, this -- the document that's on the  
7        screen, now again it is long after your time and  
8        involvement with Lisnevin, Dr Lockhart, but it  
9        highlights an incident where a boy -- a remand unit boy  
10       was singing and whistling loyalist songs in a common  
11       room and ignored staff requests to stop. So it is clear  
12       that the staff were not tolerating any sort of --

13       **A. Uh-huh.**

14       Q. -- sectarian behaviour in Lisnevin in '94. When asked  
15       to go to his room, it is recorded that he refused and  
16       became aggressive. This report recognised that -- it  
17       has got reports from various members of staff who were  
18       interviewed, who were either directly involved in or  
19       witnessed some part of the incident.

20       "The child himself declined to make a statement, but  
21       subsequently his solicitor indicated that he would be  
22       pursuing a claim for injury. When it became evident  
23       that he was not going to comply with staff efforts to  
24       quieten him down, other boys in the room were led to  
25       another area. Two members of staff remained with him

1 attempting to quieten him down and subsequently inviting  
2 him to go to his room. In the event they were  
3 unsuccessful and had to restrain him when he became  
4 aggressive. At this same time they had been joined by  
5 another member of staff, who was attracted by his  
6 aggressive shouting. In the process of restraining him  
7 one member of staff received a blow to the chest from  
8 a flailing elbow. The boy fell or was brought to the  
9 ground, where he was held for a time until he agreed to  
10 walk to his room. Whilst moving to his room he was  
11 difficult but fairly controlled until reaching the  
12 vicinity of his room, where he again became physically  
13 aggressive and had to be restrained. When calmed down  
14 again, he was placed in his room, where he complained of  
15 a pain in his shoulder."

16 This highlights not only the issue about  
17 sectarianism and whether that was tolerated or not, but  
18 also the issues about restraining boys and how both  
19 staff and a boy could be injured in the course of that.

20 **A. That's right.**

21 Q. They both then went to X-ray on the recommendation of  
22 the nurse who examined them and various observations are  
23 made. It's not possible to pinpoint when the injuries  
24 occurred, but the boy was injured most likely when he  
25 was restrained for the second time outside his room. It

1 says that:

2 "The current means of restraint is to use the body  
3 weight of the largest members of staff."

4 If we can just scroll on down, please:

5 "None of the staff involved have received any formal  
6 training in restraint techniques.

7 I found no evidence that any member of staff had  
8 acted improperly."

9 Then:

10 "Both injuries can be attributed to staff attempting  
11 to legitimately restrain a physically awkward young  
12 person who was being aggressive. Also that the staff  
13 lacked the appropriate skills to achieve the task  
14 competently.

15 Sufficient staff should be trained in child  
16 management techniques to ensure safe handling at all  
17 times. Ultimately all staff who supervise children  
18 should receive such training and be provided with  
19 regular opportunities to practise and maintain their  
20 skills."

21 Then:

22 "Plans are being finalised to provide relevant  
23 training for fifteen staff during September '94. By  
24 March '95 all relevant staff will receive similar  
25 training. Two selected staff will progress to become

1 trainers. The trainers will provide initial training  
2 for all subsequent new appointments and ongoing skill  
3 practice for all staff."

4 So again that's not directly relevant to your time,  
5 but it shows some of the issues that the Inquiry has  
6 been asked to look at.

7 **A. Uh-huh.**

8 Q. He also alleged that he -- this is the same person,  
9 HIA138 -- alleged that he was assaulted by staff when  
10 being taken to the isolation cells and claimed that he  
11 was singled out for punishment because of his  
12 background.

13 He made an allegation that he was made to wear  
14 pyjamas and told that he had to earn the right to wear  
15 normal clothes. I wondered what the position was about  
16 wearing clothes. You were saying that there may have  
17 been pyjamas in the isolation cell, but once removed,  
18 they would have been dressed.

19 **A. Well, that -- I would never have seen youngsters that**  
20 **would have been going round made to wear pyjamas in any**  
21 **humiliating way, but if they were staying overnight in**  
22 **the isolation, they would have been wearing pyjamas, but**  
23 **that would have been -- if they were coming out, they**  
24 **would have been in day clothes, yes.**

25 Q. Another person who spoke to the Inquiry was HIA434 and

1 that's HIA434. He gave evidence on Day 153. Again he  
2 was in Lisnevin in , which was after your time  
3 there. He complained about getting a burn from the  
4 heating pipe and not getting treatment until the burn  
5 started to weep. He said that he had to shower every  
6 other day and had to walk past female staff wearing  
7 a towel, which he found humiliating.

8 Now I asked you about the design of the building and  
9 you confirmed that there were large pipe heating type  
10 system in it.

11 **A. Yes. My memory was that each of the rooms or cells**  
12 **would have had a big sort of 4 to 6 inch pipe running**  
13 **through it rather than radiators. It wasn't -- you**  
14 **know, I wouldn't have thought the heating was the best.**

15 Q. So it's possible that a child might have huddled up to  
16 that to try to keep warm at night-time.

17 **A. Absolutely, yes.**

18 Q. About the showering, I think you talk about that in  
19 another part of your statement, but certainly there were  
20 staff -- or maybe it is someone else who talks about the  
21 showering set-up -- but staff would have been in  
22 attendance during shower time and that. Isn't that  
23 correct?

24 **A. Yes. Again big difference between Lisnevin in**  
25 **Newtownards and Millisle. There would have been --**

1 I think there were showers in the block where the  
2 bedrooms were, but one would have expected that if they  
3 got changed in their bedroom, they would have been  
4 wearing a towel to go down to the showers, yes.

5 Q. That was different in Newtownards?

6 A. Well, it would have been -- first of all, it would have  
7 been all male in the changing area. It would have been  
8 communal showers and there would have been staff there,  
9 but they would have been all male staff. There would  
10 have been no need to leave. It was like a changing  
11 room.

12 Q. Another person, HIA374, HIA374, gave evidence on Day 140  
13 and he talked about an incident with a staff member in  
14 the shower and talked about inappropriate behaviour, but  
15 he didn't feel that it was sexual behaviour.

16 A. Uh-huh.

17 Q. You comment on that in your statement.

18 Another person is HIA94, who gave evidence on Day  
19 139. You discuss him in your statement also. One of  
20 the things that appeared to happen to him was that he  
21 was sent to Muckamore for assessment, and that happened  
22 not just in respect of him but in respect of some other  
23 boys in Lisnevin.

24 A. Uh-huh.

25 Q. You had some comments to make on that.

1 A. The psychiatrist -- the consultant psychiatrist worked  
2 in Muckamore Abbey. He worked in the area of learning  
3 disability, and there would have been times when he  
4 would have admitted boys, usually again for a period of  
5 weeks or months. It became a stigmatising thing. So  
6 anyone that went to Muckamore it would have been --  
7 other boys would have taunted them about that and so on.  
8 So it wasn't -- it began to be seen as a -- as a form of  
9 punishment. I'm quite sure there would even have been  
10 threats from staff, "Look, we'll get you sent to  
11 Muckamore" or whatever.

12 I could see very little benefit other than I think  
13 the psychiatrist probably did put people on some form of  
14 medication, calming medication or whatever, and it may  
15 have been during that time they could observe whether  
16 there were any side effects or the right dosage and so  
17 on, but it would be wrong to think that the person came  
18 back with a management plan or anything like that how to  
19 work with aggressive, difficult behaviour. That didn't  
20 happen.

21 Q. The other thing that he complained about was that he  
22 said he was locked up in his cell every night for  
23 twenty months. He said he felt it was okay to lock him  
24 up for misbehaving during the day but not then at night.  
25 He said he was kept in a single room often. You say he

1 was kept in a single room often.

2 A. I couldn't verify twenty months, but I know that he --  
3 it was the norm for at least part of his time in  
4 Lisnevin to sleep in a single room in the isolation  
5 block. That was primarily because of his behaviour with  
6 the other boys in the dormitory situation, where he been  
7 known to assault others and so on. So it was primarily  
8 for the safety of the other youngsters. He -- sorry.  
9 Go ahead.

10 Q. You also mentioned to me that in a compensation for the  
11 fact that he was isolated in this way he was allowed up  
12 later at night.

13 A. Yes. There would have been things like that. Where the  
14 others might have gone to bed at 9 o'clock, he would  
15 have been allowed to stay up to 10 o'clock. So it was  
16 very much a sleeping situation. He was also given  
17 various paints and so on so he could paint his own  
18 murals, because let's face it. It was a cell and a very  
19 small cell at that. with poor windows and so on. So as  
20 a compensation again so he could paint his own -- so it  
21 became his room effectively, not as a room -- he wasn't  
22 put in a different room every night or anything like  
23 that. It was a degree of personalisation allowed in  
24 that.

25 Q. There's another document at LSN1328, which I think is



1 from a report that you were preparing that might have  
2 been part of your doctoral thesis. I am not sure, but  
3 this is showing just at the top of it about removals  
4 from the group: thirteen pupils removed three to six  
5 times; one pupil removed eight times; one pupil removed  
6 nine times; and one removed twenty times. I am not  
7 quite clear on what document this is, but perhaps you  
8 actually recognise it, doctor.

9 **A. I don't actually recognise it well, but clearly we can**  
10 **see that it was used fairly frequently, but there were**  
11 **certain youngsters who got a lot more isolation than**  
12 **others.**

13 Q. Than others. I just -- you were here when I went  
14 through the evidence --

15 **A. Yes.**

16 Q. -- of <sup>HIA 418</sup> this morning. Obviously we didn't speak about  
17 that earlier and I just wondered was there any comment  
18 that you wanted to make on what you heard me say about  
19 what his complaints were.

20 **A. I don't think so, no. I don't think there was anything**  
21 **that I could add to.**

22 Q. The other person who spoke to us was HIA400 and that was  
23 a boy HIA400, who complained -- it wasn't really  
24 a complaint. He actually had a good word to say about  
25 Lisnevin, although he said he was hit around the head

1 a few times, which you found surprising -- somewhat  
2 surprising that he doesn't see that as a complaint also  
3 perhaps.

4 **A. Yes, absolutely, yes.**

5 Q. Just in terms of numbers who passed through Lisnevin  
6 during the time period of the Inquiry, the Inquiry has  
7 received a statement at LSN1984 from the Department of  
8 Justice, which shows that the minimum number who would  
9 have passed through the doors was 1633 boys.

10 **A. Uh-huh.**

11 Q. The Inquiry has had complaints, as you have heard, of  
12 varying degrees from six of those --

13 **A. Uh-huh.**

14 Q. -- which I understand from someone who is much better at  
15 maths than I am to be 0.37% --

16 **A. Yes.**

17 Q. -- of that figure of the minimum number to pass through  
18 the doors.

19 **A. Yes.**

20 Q. Just a couple of other documents. It is clear that  
21 there was an allegation of assault in against  
22 a member of staff that resulted in no prosecution.  
23 That's at 14004. We don't have police papers in respect  
24 of that, but we are trying to get it. If we can maybe  
25 just look at that briefly and you will see here that

1 it's -- there is a letter to Superintendent Donaldson at  
2 Police Station, Newtownards about a former Lisnevin  
3 remand boy and the allegation that he was assaulted by a  
4 member of staff in Lisnevin. That's from .  
5 He seems to have complained to the police in  
6 August 1992.

7 As I say, we are trying to ascertain what police  
8 papers there are in relation to this, but it seems to  
9 have resulted in no prosecution, as:

10 "... police in Donaghadee stated that the common  
11 assault allegation was statute barred because of the  
12 time factor and therefore could not come before  
13 a court."

14 There was also at 14379 -- I think this might be --  
15 yes, this is Assessment of Complaints at Lisnevin  
16 referred by NIACRO Independent Representation Scheme.  
17 It is from 1994 to 2000.

18 **A. Uh-huh.**

19 Q. So obviously a lot of this falls outside the terms of  
20 reference of the Inquiry, but certainly the first -- the  
21 first fourteen of those are complaints that would fall  
22 within our terms of reference, and the nature of the  
23 complaints -- the boys complaining and the nature of the  
24 complaints are recorded there and whether any action was  
25 taken or not, but you will see it is physical assault,

1 verbal assault --

2 **A. Uh-huh.**

3 Q. -- bullying, physical assault, a concern from a group of  
4 boys about being sent to early beds which led to a riot  
5 in 1994.

6 There is also in addition, just to complete the  
7 picture, in the police papers at LSN30206, which I don't  
8 think we need to look at, but it's an allegation that  
9 was made to police in 2000 against a member of staff by  
10 a boy who had been resident in Lisnevin. He was  
11 actually there -- his complaint relates to the period  
12 1981 to 1984, which was a time you would have been  
13 working in Lisnevin.

14 **A. Uh-huh. Uh-huh. Uh-huh.**

15 Q. He alleges that this member of staff sexually abused  
16 him. He goes into detail and describe the allegations  
17 that he makes, but from talking to you you were never  
18 aware of any allegation of sexual abuse during your time  
19 working there.

20 **A. Not -- not during my time at all, no.**

21 Q. Now, doctor, you will be glad to know that those are all  
22 the questions that I have for you, but if there is  
23 anything that you feel -- I can ensure you that the  
24 Panel have your statement in its entirety and I haven't  
25 --

1     **A. Uh-huh.**

2     **Q.** -- chosen to open up that in any -- or to read it  
3     rather, rather to highlight some of the issues you raise  
4     in it, but is there anything you feel that we have not  
5     covered that you want to say about Lisnevin? Now is the  
6     opportunity to do that.

7     **A.** I don't think so. Some of the issues -- looking back,  
8     we were very unprofessional and very naive at times to  
9     even things like sexual abuse. I think things have  
10    moved on considerably since that time and we would be  
11    much more aware, but even -- even today -- when I work  
12    for the Youth Justice Agency, we had an issue like if  
13    there was an allegation of assault by a member of staff  
14    against a boy, the police tended to send in a uniformed  
15    officer as opposed to we would have seen it as a child  
16    protection concern and expected it to be dealt with more  
17    appropriately and very frequently it ended up, "Well,  
18    there's no evidence here" and I would imagine that was  
19    the same thing at that time, you know, where -- nowadays  
20    we would want to see those things dealt with in a very  
21    different way, if that makes sense.

22    **Q.** Well, thank you, doctor. As I say, I have no further  
23    questions for you, but the Panel may have some questions  
24    for you.

25

1 Questions from THE PANEL

2 CHAIRMAN: Well, Dr Lockhart, thank you, first of all, for  
3 providing such an extremely detailed description of the  
4 layout of both --

5 **A. Uh-huh.**

6 Q. -- what I call the Kiltonga site of Lisnevin and the  
7 Millisle site of Lisnevin. I know we found it extremely  
8 helpful, because it gives a very clear description of  
9 the physical layout of both sites and the material  
10 provision and so on.

11 **A. Uh-huh.**

12 Q. So you may take it we have seen that --

13 **A. Good. Thank you.**

14 Q. -- and we don't need to go through it with you, but if  
15 I could, therefore, just look at one matter of  
16 particular interest to us at the moment and before I do  
17 that just recap. You spend a total of ten years across  
18 both sites, starting I think the first seven years --

19 **A. That's right.**

20 Q. -- at the Kiltonga site and then the last three years of  
21 your time were spent on the Millisle site.

22 **A. That's right.**

23 Q. Dealing with Lisnevin, first of all, at page 1229,  
24 LSN1229 -- it's paragraph 7 -- you were referring to the  
25 use in Lisnevin of the rooms for isolation purposes.

1 **A. Uh-huh. Uh-huh.**

2 Q. You gave the opinion that four days was a long time to  
3 isolate a young boy.

4 **A. That's right.**

5 Q. Can I just ask you so far as Lisnevin is concerned,  
6 first of all, in Kiltonga how frequently would it have  
7 happened that a boy was put in an isolation room for as  
8 long as four days?

9 **A. It would not have been the usual, but wouldn't have been**  
10 **that unusual. It would have happened perhaps where**  
11 **someone had absconded on several occasions and it was**  
12 **definitely used in those situations as a punishment.**  
13 **I couldn't give you an exact figure. I don't know**  
14 **whether there is any record. I'm sure --**

15 Q. Well, I appreciate it is a very long time ago and to  
16 some extent one is asking for your impression.

17 **A. Impression. My impression was it was not the norm, but**  
18 **wasn't that unusual.**

19 Q. The shorter periods, would they have been  
20 characteristically as short as ten minutes or would that  
21 be the other extreme and the mean would be somewhere --

22 **A. An hour.**

23 Q. -- for example, an hour, two hours, something like that?

24 **A. An hour or two, that would have been the norm, and that**  
25 **would have happened much more often where there had been**

1       some sort of altercation usually between the boys or  
2       whatever, and the classrooms and common room were on the  
3       ground floor, and it was much easier actually and safer  
4       to take the young person and put them in the isolation  
5       room for an hour or two hours to allow them to cool down  
6       a bit and calm down.

7    Q.   Yes.  The expression is often used in or around that  
8       time in documents in another institution children being  
9       put in a room as time out --

10   A.   **Time out.**

11   Q.   -- as it were, to separate them.

12   A.   **Uh-huh.**

13   Q.   Not so much a punishment as such, but simply a means of  
14       defusing a situation by separating the child from --

15   A.   **Yes.**

16   Q.   -- whatever is going on.  Is that the way the shorter  
17       periods were used --

18   A.   **That's right.**

19   Q.   -- or were they used as a punishment?

20   A.   **They were used more as a defusing situation and that**  
21       **would still be used today, where you isolate a young**  
22       **person, if possible, from a -- if there's a crowd where**  
23       **there's an audience and so on.  You can do it either**  
24       **way.  Sometimes you can get the rest of the people to**  
25       **move out or move the young person out.**



1 Q. No, I understand that. I was looking at it more from  
2 the point of view of how the boy in question would have  
3 perceived it at the time. If the room was used or  
4 constructed as a punishment room, so to speak --

5 **A. Yes. I think they would have --**

6 Q. -- might it be they may have seen it --

7 **A. -- they would have seen it as punishment more than as a**  
8 **-- as a control mechanism.**

9 Q. Was that because there weren't any other rooms that  
10 could be used for that purpose?

11 **A. Yes, yes.**

12 Q. And were those decisions taken by the staff on the spot  
13 or did they have to be approved by a member of senior  
14 staff at Kiltonga?

15 **A. I would have -- yes. I would have thought the immediate**  
16 **-- and this is going from memory -- would have been**  
17 **taken by staff on the spot, but they very quickly would**  
18 **have got the sanction and they would have let the senior**  
19 **staff know very quickly, and that would have been better**  
20 **managed than it was whenever it moved down to Millisle.**

21 Q. So if one may contrast the two for the moment before we  
22 turn to Millisle, is it a fair summary to say that  
23 although you may have felt that up to four days was very  
24 long, the way in which the process was managed and dealt  
25 with in your view was a more acceptable way of dealing

1 with it --

2 **A. Yes.**

3 Q. -- in that the initial decision had to be approved  
4 quickly by somebody at a more senior level?

5 **A. That's right.**

6 Q. Then when we turn to Millisle, the impression I have is  
7 from what you have said that that was very clearly not  
8 the case, that there was not that degree of validation  
9 or approval by senior staff --

10 **A. That --**

11 Q. -- to a degree.

12 **A. -- that was my memory. I know there were occasions when  
13 I complained to the senior staff about the over-use and  
14 would not have found -- how would I put this -- they  
15 weren't -- they weren't taking a lead and not taking --  
16 you know, they would have said, "Oh, yes, we agree with  
17 you", but then there was no significant action taken to  
18 stop that happening, and I do think that there was some  
19 failure of leadership at that time.**

20 Q. That would suggest a rather laissez faire attitude on  
21 the part of the more senior staff.

22 **A. I think a loss of morale and that they just -- health  
23 and other things seemed to be affecting them and they --  
24 I don't in any way see them as bad people or --**

25 Q. No, no, I am not suggesting that, but it does indicate

1 that there was a lack of grip or a lack of exercised  
2 authority and therefore this practice became more common  
3 and perhaps unchecked.

4 **A. I think that's right.**

5 Q. Were the periods of time that the boys were in isolation  
6 in Millisle, were they cumulatively greater? Were they  
7 more frequently resorted to as a punishment in your  
8 opinion?

9 **A. I got the impression that they happened more often but**  
10 **perhaps for shorter periods. So the other -- in**  
11 **Lisnevin in Newtownards it was more organised and**  
12 **systemised, so that youngsters would have known if they**  
13 **were being isolated for absconding, how long they were**  
14 **likely to be there and so on, whereas it was much --**  
15 **I think it was actually probably more of a control**  
16 **mechanism than a punishment mechanism in Millisle --**

17 Q. I see.

18 **A. -- if you understand what I mean. So it was a way of**  
19 **managing a difficult situation, but could result in**  
20 **somebody being isolated for quite a while.**

21 Q. Well, you anticipated the question I was going to ask  
22 you.

23 **A. Uh-huh.**

24 Q. Then if we look at a particular example which you have  
25 been asked about, and that's the person who we refer to

1 as HIA94 --

2 **A. Uh-huh.**

3 Q. -- in his case it appears to be the position that you  
4 recall that -- and I think this was in Lisnevin. Is  
5 that correct? In Kiltonga rather.

6 **A. Kiltonga.**

7 Q. Yes -- that although he was in the isolation room for  
8 what cumulatively may appear to be a very substantial  
9 quantity of time, it was often simply because that was  
10 the only means of removing him from the situation that  
11 was proving difficult.

12 **A. My memory was he was -- would have spent mainly nights**  
13 **because of his difficult behaviour in the dormitories.**  
14 **The dormitories -- the smallest dormitory would have had**  
15 **four young people and he was quite a dangerous person in**  
16 **those situations. That was my memory of him and I would**  
17 **have known him quite well. So it was a planned strategy**  
18 **as opposed to a reaction.**

19 Q. Yes, and would it be fair to characterise that as being  
20 simply putting him in the only space which was a single  
21 space --

22 **A. That's right.**

23 Q. -- rather than punishing him as putting him in a cell?

24 **A. That would have been the view of senior management, that**  
25 **they were simply managing the situation in as humane**

1        **a way as possible, but it wasn't -- looking back,**  
2        **putting somebody in a single room which was pretty**  
3        **spartan wasn't particularly humane, but it was the only**  
4        **thing that was available at the time.**

5        Q. Yes, and you have described how there were compensating  
6        mechanism adopted --

7        **A. That's correct.**

8        Q. -- to mitigate the effect of that, such as allowing him  
9        to stay up later and decorated more as his own room.

10       **A. That's right.**

11       Q. Does it follow from that -- it may seem a rather obvious  
12       point to make -- that in an ideal situation if there had  
13       been a single bedroom, that would have been where he  
14       would have been put?

15       **A. Absolutely. Absolutely, yes.**

16       Q. But just because the nature of the building was such  
17       that it wasn't designed with that in mind?

18       **A. That's exactly right. I think the fears were that if he**  
19       **was in a dormitory, then there was a danger of**  
20       **significant violence usually against somebody else**  
21       **rather than to him.**

22       Q. Yes. Well, that's all I want to ask you, Dr Lockhart,  
23       but I'm sure my colleagues have some questions for you.

24       MS DOHERTY: Thanks very much. That has been very helpful  
25       and your statement. Can I just ask, doctor, was there

1 an emphasis on distilling discipline with the boys? Was  
2 that part of the regime?

3 **A. No, not in either place.**

4 Q. Okay, and I am just interested about the changes in the  
5 education curriculum that took a year. I am just  
6 wondering can you remember what those changes were when  
7 they actually came into ...?

8 **A. My memory was it didn't make very much difference at**  
9 **all. Perhaps certain things were updated, modernised**  
10 **a bit, maybe new, you know, packages and so on**  
11 **introduced and some training and that, but it wasn't --**  
12 **the classes were fairly similar. The subjects were**  
13 **similar and the classes' size would have been, you know,**  
14 **three or four boys maximum. So it didn't make a huge**  
15 **difference.**

16 Q. And during that time would there have been contact from  
17 NOI (sic) in relation to that? Would there have been  
18 people visiting that would have known that the children  
19 weren't going to school?

20 **A. I can't answer that.**

21 Q. Okay. Thank you. You talk in your statement about  
22 an increasing number of riot style incidents with more  
23 vulnerable boys being kind of held hostage. Could you  
24 say a wee bit more about ...?

25 **A. That happened post the -- me leaving. I know about it**



1 that was the way we would have thought.

2 So I can remember one situation with a teacher and  
3 he came and said that he was having terrible trouble  
4 with this particular youngster. He was just attention  
5 seeking all of the time, and I asked him could I --  
6 I had a psychology student. I asked the psychology  
7 student to sit in for some time on the class. After  
8 a couple of weeks this student came back to me and said,  
9 "It is because the teacher isn't giving him any  
10 attention. You know, he is giving others attention".  
11 I went to the teacher and fed this back and said, "You  
12 know, can you just start the class by giving him some  
13 work to do and then going over every so often to check  
14 how he is doing it?" He came back saying, "Well, that's  
15 working like a miracle".

16 So that sort of thing, yes, that would have happened  
17 reasonably often. That's just one that came to mind.

18 Q. And in relation to the assessment would there have been  
19 a formal meeting like a case conference to --

20 A. There was.

21 Q. Yes, and you would have been involved?

22 A. Yes. Whichever psychologist who had done that  
23 particular psychological report. So we would have had  
24 a proper case conference, properly chaired, with  
25 different people, including outside social workers and



1           so on were invited to come to that if that was  
2           appropriate.

3    Q.   If there were boys where there were concerns about  
4           mental health as displayed in their behaviour, apart  
5           from the Muckamore, which -- I understand what you're  
6           saying about that, but was there a sense of trying to  
7           get specialist assistance to boys, psychiatric care?

8    A.   Yes.  If we could, we did.  There was a Dr McAdam, who  
9           was actually based in the Department of Health, but he  
10           would have been very readily available, and I remember  
11           on occasions ringing him and asking him to come, and he  
12           usually would have been there within a day, and he would  
13           have had access to a number of resources as well.  So,  
14           in fact, he didn't just have the access to Muckamore,  
15           but at that time he would have been able to make  
16           suggestions.  That actually worked better, because he  
17           was much less likely to be coming along with  
18           a prescription, but looking, "What are the needs of this  
19           child?"

20   Q.   You mentioned social workers from outside.  Was that  
21           common, that there would be a link with the social  
22           worker in the community?

23   A.   There was a senior psychologist -- a Senior Social  
24           Worker on secondment from the local Trust to Lisnevin,  
25           who -- that person was based there all of the time, and

1 that did provide a link, and it was always -- no, it  
2 wasn't always -- it was -- the first person was actually  
3 a man, but it was usually a woman, and they were  
4 actually very good about linking with Social Services.  
5 It still was difficult to get social workers to come to  
6 case conferences and so on, and that's still not great  
7 today, but it certainly did happen and they did come  
8 from outside. We could have got teachers to come along  
9 as well from the school if we felt, "There's  
10 a particular educational element here that we need to be  
11 looking at".

12 Q. Uh-huh. The last -- my last question is just the  
13 allegation that a member of staff would have been  
14 wearing . Would that be  
15 your -- I mean, do you have a memory of that, of whether  
16 staff were so casually dressed they might have worn that  
17 type of ...?

18 A. That could have happened, and indeed during my time as  
19 Chief Executive of the Youth Justice Agency we actually  
20 did have to ban staff in the Juvenile Justice Centre  
21 from wearing any sports regalia at all, because it did  
22 -- there were certain people would have been quite  
23 insensitive.

24 Q. Okay. Uh-huh.

25 A. So actually that would have been in maybe about

1           **2006/2007.**

2    Q.   But you don't have any direct memory of that being  
3       an issue here?

4    **A.   No, but there would not have been the level of control.**  
5       **If someone had turned up wearing a particular**  
6       **football jersey, I don't think they would have been**  
7       **disciplined for it.**

8    Q.   Okay.   Thank you.

9    **A.   Thank you.**

10   MR LANE:   Just two or three queries.   One is I think you  
11       said that the system for -- the IR system was weak  
12       I think was the term you used.   Could you just say  
13       a little bit more about that?

14   **A.   This again goes outside my period, but there are some**  
15       **documents about it, because I know that one of the**  
16       **NIACRO IR people actually resigned over -- he felt that**  
17       **he was bringing issues -- this would have been in the**  
18       **mid 1990s.**

19   Q.   Yes.

20   **A.   He resigned because he felt that there was no action**  
21       **being taken from things that he brought up.   Now that**  
22       **was -- I think NIACRO itself said, "Well, you can**  
23       **resign.   We are going to continue the IR system", but**  
24       **there was a sense that it was -- it was a weak system.**

25   Q.   No teeth?

1 **A. No teeth.**

2 Q. Uh-huh. The second question is -- it relates to your  
3 paragraph 16, which is on 1231.

4 **A. Uh-huh.**

5 Q. You say in the middle of that paragraph that boys used  
6 to be transferred to places like Kingswood or Red Bank  
7 --

8 **A. That's right.**

9 Q. -- but that stopped. Can you just explain that to me  
10 a bit more, please?

11 **A. Change in legislation in England.**

12 Q. Yes.

13 **A. So the former approved schools were changed to communion  
14 homes with education and they came under the authority  
15 of the local authority --**

16 Q. Yes.

17 **A. -- rather than the Home Office. Before that it had been  
18 possible through the Ministry of Home Affairs/Northern  
19 Ireland Office to do an exchange of boys to Home Office  
20 facilities. That was no longer legal, could not happen.  
21 So that stopped that very small number of very difficult  
22 young people going to England.**

23 Q. That's the bit that I don't understand, because under  
24 the care orders within England the same sort of children  
25 who were going into secure units carried on going into

1 secure units under the care orders.

2 **A. But they weren't run by the Home Office. I think that**  
3 **was the difference.**

4 Q. That was the difference?

5 **A. Uh-huh.**

6 Q. Okay. Thank you. My last question is just to clarify  
7 the difference between your role once the APRU had been  
8 set up as against what you were doing before that.

9 **A. Uh-huh.**

10 Q. I took it that you were doing more testing and things  
11 like that afterwards --

12 **A. Yes.**

13 Q. -- and more of the advice was --

14 **A. I would have been going round -- I would have been going**  
15 **round all of the training schools perhaps a day a week**  
16 **and the girls' schools and so on as well, and it was**  
17 **much more, "Can you do an IQ test? Can you do such and**  
18 **such a piece of work?" as opposed to having a more**  
19 **holistic input to the whole -- the whole set-up.**

20 Q. And the staff before that saw you more as part of a team  
21 and so forth?

22 **A. That's right. So they would have been much more likely**  
23 **-- because I would have been there having meals and so**  
24 **on with them and would have taken -- just be part of the**  
25 **fabric of the place, and therefore if there were issues,**

1           they would have come and spoken to me, whereas it became  
2           much more like a visiting psychologist who --

3    Q.   And you got to know the boys and they got to know you.

4    A.   They knew me as well, so they did, and that I think  
5           worked better in terms of them being -- because they  
6           hear the name psychologist and they think "head  
7           shrinker" and so on, whereas if they actually got to  
8           know me as a person, they realised ...

9    Q.   Were there actually also advantages in the following --  
10           in the APRU system?

11   A.   The advantages were probably about a range of expertise  
12           within the team and people having particular skills. It  
13           meant that even at holiday times and things like that  
14           there was cover.

15   Q.   Yes.

16   A.   Yes.

17   Q.   Thank you very much.

18   A.   Okay. Thank you.

19   CHAIRMAN: Well, Dr Lockhart, those are the last questions  
20           we have for you --

21   A.   Thank you.

22   Q.   -- but again can I just reiterate our thanks to you for  
23           providing so much helpful detail, which we haven't felt  
24           it necessary to raise with you in this session, but it  
25           is very useful to us, and thank you for --

1 **A. Thank you very much.**

2 Q. -- going to what I have little doubt was a great deal of  
3 trouble to draw together all that material.

4 **A. Thank you very much indeed. Thank you.**

5 **(Witness withdrew)**

6 MS SMITH: Chairman, I see it is lunch time. There is  
7 a witness this afternoon --

8 CHAIRMAN: Yes.

9 MS SMITH: -- to be taken by Mr Aiken.

10 CHAIRMAN: Not before 2 o'clock.

11 (12.55 pm)

12 (Lunch break)

13 (2.40 pm)

14 WITNESS HIA429 (called)

15 CHAIRMAN: Yes, Mr Aiken?

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

17 The next witness today is HIA429, who is "HIA429". He  
18 is legally represented. I am going to let Mr Fahy make  
19 an appearance.

20 CHAIRMAN: Yes, Mr Fahy?

21 MR FAHY: Chairman, Members of the Panel, I appear to  
22 represent the interests of HIA429, HIA429, instructed by  
23 Omuirigh Solicitors, Belfast, and I am attended by  
24 Mr Woods of that office.

25 CHAIRMAN: Thank you, Mr Fahy.

1 MR AIKEN: Chairman, HIA 429 is aware that you are going to ask  
2 him to take the oath and he has confirmed to me that he  
3 wishes to preserve his anonymity.

4 WITNESS HIA429 (sworn)

5 CHAIRMAN: Thank you. Please sit down, HIA 429. If at any  
6 time you find it hard to hear what Mr Aiken is saying to  
7 you or we want to ask you any questions, don't be shy  
8 about telling us that you can't.

9 **A. Okay.**

10 Q. We'll do our best to speak up.

11 Questions from COUNSEL TO THE INQUIRY

12 MR AIKEN: HIA429, I was about to say the same thing to you.

13 So can you hear me?

14 **A. Yes.**

15 Q. If at any stage you have any difficulty, you let me  
16 know.

17 **A. Okay.**

18 Q. Coming up on the screen, HIA429, is the first page of  
19 your first witness statement. Can you just take a look  
20 at it and have a look at the hard copy that you have in  
21 front of you and just make sure they are the same  
22 document apart from the black marks?

23 **A. Yes.**

24 Q. If we go through then to the last page at 110 and if you  
25 turn to the last page in your hard copy, HIA429, and



1 just check that they match.

2 **A. Yes.**

3 Q. And can you confirm you've signed your witness  
4 statement?

5 **A. Yes.**

6 Q. And you want to adopt it as your evidence before the  
7 Inquiry?

8 **A. Yes.**

9 Q. And then in addition, HIA429, because of an issue that  
10 has arisen from another applicant, you filed two  
11 statements in respect of that allegation. I am going to  
12 call those two responding statements. So that's your  
13 second and third statements. I am going to bring up the  
14 first responding statement or your second statement. If  
15 we bring up, please, 4786, and when it is published,  
16 HIA429, the same black marks will apply so that you  
17 can't see your identity, but can you just check that  
18 that looks like the first page of your second statement?

19 **A. Yes.**

20 Q. And then if we move through on to 4787, please, that's  
21 the second page?

22 **A. Yes.**

23 Q. And you've signed it and you want to adopt it as your  
24 evidence before the Inquiry?

25 **A. Yes.**

1 Q. And then the third statement or the second responding  
2 statement can be found at 5386, and while that's coming  
3 up I should say, HIA429, that the reason there are two  
4 is through no fault of yours. You have been dealing  
5 with more documents that are relevant to this issue that  
6 we have been giving you or giving your legal  
7 representatives on an ongoing basis --

8 **A. Uh-huh.**

9 Q. -- including one late last night described between  
10 counsel. So this second statement relates to a document  
11 we gave you earlier yesterday and can you confirm that  
12 that's your third statement to the Inquiry?

13 **A. Yes.**

14 Q. And if we just scroll down on to the next page, you've  
15 signed that statement and you want to adopt it as your  
16 evidence?

17 **A. Yes.**

18 Q. And there isn't another statement about the document  
19 that you saw today that I was talking about overnight  
20 and I am not sure it is necessary for us to have another  
21 statement in relation to it, but we will deal with that  
22 in the evidence as we go. So those are the three  
23 statements you have given to the Inquiry.

24 Then if you bear with me for a moment, I am going to  
25 just make the Panel publicly aware of where material

1 relating to you can be found in the Inquiry's electronic  
2 evidence bundle.

3 There is an admission history record that can be  
4 found at 991, Members of the Panel. That's of  
5 assistance in understanding HIA429's passage through  
6 Rathgael. One of the issues I was discussing with you  
7 about that document, HIA429, was that during your third  
8 spell -- your fourth spell in Rathgael, which lasted for  
9 three years, you had a lot of weekend leave and extended  
10 home leave and summer leave --

11 **A. Uh-huh.**

12 Q. -- out living with your dad.

13 **A. Yes.**

14 Q. Then there's a medical record summary, which is relevant  
15 to some of the issues that HIA429 raises. That can be  
16 found at 45477.

17 Then HIA429's criminal record can be found at 35767  
18 to 35768. I am not going to open that beyond, HIA429,  
19 you are aware from our conversation there's a relevant  
20 entry in relation to your conviction in respect of the  
21 matter that you talk to the Inquiry about involving  
22 RG49.

23 **A. Uh-huh.**

24 Q. We'll come back to that at the end. In addit... --

25 CHAIRMAN: HIA429, can I just interrupt to ask you would you

1 draw the microphone towards you a little bit? You are  
2 a little softly spoken, and just as you may have  
3 difficulty hearing us if we don't speak up, we'll have  
4 difficulty hearing you. Thank you very much.

5 MR AIKEN: HIA429, you made a statement to the police about  
6 the matters you have talked to the Inquiry about.

7 **A. Yes.**

8 Q. You spoke to the police on 25th January 2013.

9 **A. Yes.**

10 Q. That police statement the Panel have. It's at 31117 to  
11 31122, and it covers the same issues that we will be  
12 talking about through your Inquiry statement.

13 Then, HIA429, you make allegations against a number  
14 of now former members of staff at Rathgael, and where  
15 it's been possible to, we've tracked those individuals  
16 down or otherwise have access to material relevant to  
17 them that we can discuss with you and draw to the  
18 Panel's attention.

19 The first is RG20, who is "RG20". He has provided  
20 a statement to the Inquiry, which can be found at 4793  
21 to 4794. He was also interviewed by the police when you  
22 made -- after you made your statement to the police in  
23 2013. We'll come back to that.

24 Then the second individual is RG49, who is "RG49",  
25 and he has provided a statement to the Inquiry, which

1 can be found at 4837 to 4838. He was also the subject  
2 of a police interview on foot of your police statement  
3 in 2013 and I'll come back to that in due course.

4 There's then another individual that you name and  
5 we're going to leave matters relating to him until later  
6 in your evidence.

7 The police then tracked down a further individual  
8 that they thought might be the man throwing the mallet  
9 that you've spoken to the Inquiry about and spoke to the  
10 police about, and the police interview relating to him  
11 is available to the Panel, but it would appear that that  
12 was a case of the police -- mistaken identity. The  
13 person they brought in wouldn't appear to be likely to  
14 be the person who may have thrown a mallet at you.

15 So those are the individuals that you name in your  
16 Inquiry statement and/or your police statement and those  
17 documents are available to the Panel.

18 That all being said, HIA429, if you can confirm for  
19 me you were born on

20 **A. Yes.**

21 Q. You are now ?

22 **A. Yes.**

23 Q. You were one of siblings?

24 **A. Yes.**

25 Q. And one of your siblings passed away while you were in

1 between Rathgael and one of the children's homes and  
2 that's a difficult memory that you have?

3 **A. (Nods.)**

4 Q. You have children of your own.

5 **A. Yes.**

6 Q. As I said to you, HIA429, I'm not going to go through  
7 the detail of your time prior to Rathgael. I'm going to  
8 summarise it in this way. You came from a very  
9 difficult background with difficulty at home involving

10

11

12

13 **A. Yes.**

14 Q. And the Panel are aware of some of the detail of that  
15 and I'm not going to go into it any more today --

16 **A. Okay.**

17 Q. -- but that sequence led to you being taken into care in  
18 , when you were years of age, which began  
19 a pattern of foster placements and children's homes that  
20 ultimately would lead to four spells in Rathgael, which  
21 is what we're going to talk about today.

22 The four spells in Rathgael -- and I am not sure --  
23 when we were speaking earlier, I know I was assisting  
24 your memory with a lot of events that don't necessarily  
25 stick in your own recollection. The first spell in

1 Rathgael was as a result of having -- Sharonmore moving  
2 you to Rathgael on for one week  
3 through to . You were and  
4 at the time. There doesn't appear to  
5 have been any issues in Rathgael at that time. Rathgael  
6 talk about the behaviour that led to you being there not  
7 manifesting itself in Rathgael.

8 Then the second occasion -- you being released after  
9 that first spell to Palmerston Assessment Centre -- the  
10 second spell then was on , so some  
11 three weeks later, Palmerston Assessment Centre sent you  
12 back to Rathgael -- sorry -- six weeks later -- between  
13 and then staying in Rathgael for four  
14 months until during which time you are  
15 years of age. Again the reasons put forward and the  
16 behaviour that was described in the documents that  
17 resulted in you going into Rathgael for the second time  
18 don't appear to have manifested in Rathgael. They  
19 recognised communication issues and temper aggression  
20 issues, but that they weren't causing a major problem in  
21 Rathgael, and therefore Social Services in Rathgael were  
22 of the view that you didn't need to remain there and  
23 a children's home should be found so that you could be  
24 moved out of Rathgael. Ultimately that happened in  
25 , when you transferred from Rathgael to the

1 children's home.

2 **A. Uh-huh.**

3 Q. You were there from until a time-out spell, as  
4 it was described, because of a particularly serious set  
5 of incidents that occurred, which involved you going  
6 into Rathgael for the third time on for  
7 a two-week period until . Again you're  
8 still , and at the end of that two-week period, when  
9 there hadn't been the same level of difficulty that's  
10 described in the documents that resulted in you being  
11 placed in Rathgael, you were again phased back out to  
12 children's home, and you remained there  
13 between until , and then  
14 there was another deterioration described in the  
15 documents, which resulted in you being sent back to  
16 Rathgael for your fourth spell, and it's that fourth  
17 spell that your evidence is primarily going to relate to  
18 it appears, doing the best I can from the documents, and  
19 that fourth spell runs from through  
20 to , so a three-year period or just  
21 over a three-year period between the ages of and ,  
22 and at the end of that period you were licensed back to  
23 live with your father and that ended your fourth spell  
24 in Rathgael/

25 **A. Uh-huh.**



1 Q. So slightly complicated because of the number of times,  
2 but it's primarily this fourth stay of the three years  
3 that your evidence appears to relate to.

4 I'm not, HIA429, going to go into the reasons why  
5 you moved to Rathgael. I know this morning you wanted  
6 me to explain to you, because you couldn't remember what  
7 the reasons were. I've gone through that. The Panel  
8 are aware of the reasons and I don't intend to open  
9 those up again today here, but what I can see from the  
10 records is that there's -- that first spell of a week  
11 there is a daily log, as there is for each of your  
12 stays, but there's nothing untoward in it, and similarly  
13 for the second spell of four months between  
14 and there's again various case conferences and  
15 reports being done on you by those assessing you as to  
16 what's best -- what's in your interests, and ultimately  
17 the conclusion again is that while there's temper issues  
18 and aggression issues, they are being managed in  
19 Rathgael, and that the conclusion that's arrived at by  
20 Social Services and Rathgael is that you should move  
21 back out.

22 The third spell there's one record where a fight is  
23 recorded over boxing gloves and you being dragged off  
24 someone over the boxing gloves. You couldn't remember  
25 that precise incident in a dorm.

1     **A. I remember we used to mess around a lot. Things used to**  
2     **get out of hand, because I was the wee one. They were**  
3     **the big ones.**

4     Q. Well, that particular episode seems to involve you  
5     putting someone on the ground and giving them a bit of  
6     a punching, as it is described in the document, and then  
7     the staff taking you --

8     **A. Give as good as you take.**

9     Q. -- the staff taking you off them and I think you got  
10    sent to your room.

11   **A. Uh-huh.**

12   Q. To try and summarise what is a lengthy spell in Rathgael  
13   and a lot of material, HIA429, I was explaining to you  
14   earlier that most of the documents that you and I were  
15   looking at disclose sometimes serious incidents that the  
16   staff have to deal with and only on very rare occasions  
17   is there ever physical intervention that takes place by  
18   the staff. Most of the behaviours that they are going  
19   to punish or deal with involve sending you to your room  
20   early. I think one was holding back your cigarettes,  
21   speaking to you quite a lot, both the staff in the unit  
22   and then senior staff getting involved, and warning you  
23   about the consequences of the behaviour, but only on  
24   I think two occasions is there a need to, as it is seen,  
25   physically intervene according to the documents. That's

1 not to say there aren't other matters that you recall,  
2 but in the documents that's what's apparent as I move  
3 through them.

4 The conclusion of the assessment period in Rathgael  
5 -- on your fourth spell you spend a few weeks in the  
6 reception unit on the care side before you move to House  
7 , which is where RG49, RG41 and other female members of  
8 staff that I think you have a lot of time for -- RG52,  
9 for instance. The concern that comes out of that suite  
10 of assessments is what's described as control  
11 mechanisms, ie for the temper and aggression, being  
12 poorly developed and requiring a physical environment to  
13 contain that, and then work to be done therapeutically  
14 on developing boundaries and managing that particular  
15 issue. One can see through the documents various  
16 courses being prepared and engaged in to help you deal  
17 with those types of issues. Do you remember the staff  
18 getting alongside you to help you come to terms and  
19 manage better the temper and aggression?

20 **A. Not particularly, apart from the guitar lessons, the**  
21 **cycling and getting involved in some of the sports and**  
22 **stuff, the swimming; not actually one-on-one apart from**  
23 **RG52 and RG41 when they brought me into the office and**  
24 **had a good chat with me and just had a good run down**  
25 **what was going on in the background in my head. That's**

1           **when I explained to them ones what happened to me when**  
2           **I was a child.**

3    Q.    So one of the -- if I break that down a little for you,  
4           one of the ways that you remember the staff was  
5           encouraging you to participate in the recreational  
6           things --

7    **A.    Uh-huh.**

8    Q.    -- that they had available?

9    **A.    Yes.**

10   Q.    That was the likes of swimming -- we will come back to  
11          that at the end -- and other forms of sporting activity.  
12          You got into cycling with RG49, but you mentioned guitar  
13          lessons, and that was something that RG20 got you  
14          involved in.

15   **A.    He done the guitar in the chapel, as they called it. He**  
16          **always played the guitar. It was something I wanted to**  
17          **try.**

18   Q.    I think the chapel is where the assemblies were held.

19   **A.    Yes, in the mornings.**

20   Q.    And then he played the guitar there. He introduced  
21          lessons that you participated in.

22   **A.    I just wanted to learn to do the guitar.**

23   Q.    And as a result of that period in reception the  
24          conclusion is reached that a training school is  
25          appropriate and the court then makes a Training School

1 Order on , which is a few weeks into  
2 your fourth spell. For the record, Members of the  
3 Panel, that's at 45203.

4 Once the Training School Order is made then you are  
5 placed in the long-term care unit, which began with that  
6 period in House , which was overseen by RG20, and is  
7 where RG41 and RG52 also worked. You spend two years  
8 and four months in House . So that's where you spend  
9 most of your time --

10 **A. Uh-huh.**

11 Q. -- while you are in Rathgael, and there are daily logs  
12 available in respect of that period, which run from  
13 45360 to 45383. Those daily logs record normal life.  
14 They record girlfriends and hurting your back on the  
15 high jump and your home leave in terms of going out to  
16 your dad. I was asking you about that, because one of  
17 the issues you have mentioned, your dad had alcohol  
18 difficulties. So the pattern for you would have been  
19 you went to stay with him and sometimes staying with him  
20 was better than other times.

21 **A. Uh-huh.**

22 Q. I was drawing to your attention a record, and I am not  
23 going to bring it up, but I am going to give the Panel  
24 the reference for it, which is at 45371, because it  
25 appears to show RG20 -- you telling him after a period

1 of leave that you were not happy about the level of your  
2 dad's drinking, and he then taking you to your dad's  
3 house and engaging with your dad and helping you -- one  
4 of the issues for you in the records was a suggestion  
5 you struggled to communicate.

6 **A. Yes.**

7 Q. He helped you communicate to your dad the things you  
8 were unhappy about about his behaviour. I was asking  
9 you did you remember him taking you out and having that  
10 meeting and you could remember that.

11 **A. Yes. I actually have a photograph of that day in the**  
12 **house, so I do, me sitting beside RG20 in my dad's flat,**  
13 **because my dad took a picture.**

14 Q. I was drawing your -- what that record discloses is him  
15 challenging your dad's behaviour and your dad promising  
16 to do better and you -- a debrief with you about you  
17 being happy about how that had gone and how you'd tell  
18 him, as in RG20, if there were other issues that arose  
19 for you.

20 You explain this in your statement, that apart from  
21 one particular incident that we'll come to, you put him  
22 in the same bracket as RG52 and RG41 as someone who  
23 appeared to care about you.

24 **A. Yes.**

25 Q. And that was the case for most of your dealing with him.

1 Is that fair?

2 **A. I think he was my key worker for a long period of time.**

3 Q. Yes, yes.

4 **A. So he was somebody I always turned round to.**

5 Q. And during that period where he's your key worker that  
6 have a positive relationship that you had with him?

7 **A. Yes.**

8 Q. In fairness to him -- and I am not going to open the  
9 records -- I was explaining to you earlier that there  
10 are a series of reports from him where he downplays what  
11 others might have up-played in terms of negative  
12 behaviour and talked about the progress you were making  
13 in dealing with the aggression and making improvements  
14 and being more comfortable living there. So he seems to  
15 have taken a positive approach to engaging with you. Is  
16 that how you remember that period as the -- when he is  
17 the key worker?

18 **A. He was always involved. He was hands on, like I say,**  
19 **with the guitar, or going up to the swimming, the**  
20 **sports, the gym, but after a while it just deteriorated.**  
21 **Maybe it was part of his job not to get too close.**  
22 **I don't know.**

23 Q. Well, he seems to be -- have been involved by  
24 -- so you've been there for about a year -- working  
25 on developing you to the position where you could be

1           regarded as what was known as a Rathgael day boy. You  
2           would stay out more with your dad and then come to  
3           school in Rathgael --

4   **A. Yes.**

5   Q. -- and -- but then spend some nights in Rathgael. You  
6           were saying to me you can recall cycling, which you got  
7           into.

8   **A. Cycling to Belfast and then cycling back to Bangor, yes.**  
9           **I was really into doing the cycling, so I was.**

10   Q. Again I was saying to you from the records I can see the  
11           flow of attempts to move towards day boy status and then  
12           those problems arising and then you stay in Rathgael  
13           more, and then they work -- build more towards the day  
14           boy status again, towards preparing you for independent  
15           living.

16           There was one particular incident during that phase  
17           in           . You were able to remember the incident,  
18           which is recorded in a report that's available to the  
19           Panel, which is at 45438, when you went to sit down --  
20           RG41 is the person who authors the report. You go to  
21           sit down and you lose your balance and you fell against  
22           an ornament.

23   **A. I wasn't going to sit down. One of the other fellas was**  
24           **hoovering the floor and he kept hitting my feet and**  
25           **messing around. I fell over the seat, the corner of the**



1           **seat, and landed on top of the TV. The ornament was on**  
2           **top of the TV.**

3    Q.    You -- if we look at 45438, we can see that record.  
4           That resulted in you getting a cut to your right  
5           shoulder --

6    **A.    Yes.**

7    Q.    -- which needed four stitches ultimately. I was saying  
8           to you that I could see in the papers that that was then  
9           the subject of a Letter of Claim from your solicitor,  
10          Norman Shannon, in December           , which was around the  
11          time of the RG49 assault. You can't remember anything  
12          ever coming of that, but you remember Norman Shannon  
13          being your solicitor.

14   **A.    I think -- I am pretty sure it was my father was**  
15          **actually trying to help me deal with it. I can recall**  
16          **a wee bit of it.**

17   Q.    That's the complaint as far as at the time,           .

18   **A.    Right.**

19   Q.    You had left Rathgael by that stage, but that was the  
20          matter you were complaining about at that stage. You  
21          were complaining about this incident over falling over  
22          the ornament.

23                There are then various reports over the course of  
24          the next year through           of temper resulting in  
25          slamming a door closed and breaking the glass. Do you

1 remember that happening?

2 **A. I vaguely remember it.**

3 Q. And that's at 45442. If we just show that record,  
4 because the way that was dealt with by the staff, RG41  
5 drew up what was called a punishment docket, which was  
6 giving you a bill, if you like, for the cost of the  
7 glass, and you then had to agree to repay the cost of  
8 having broken the glass. Can you remember that, or you  
9 accept obviously what's in the record?

10 **A. I don't recall having to pay for it, but the thing was**  
11 **actually deducted out of the pocket money we were given**  
12 **in Rathgael. So there may have been deductions from**  
13 **that.**

14 Q. Deducted until such times --

15 **A. Uh-huh.**

16 Q. -- as the cost of it was paid off.

17 I could see in the various medical records, of which  
18 they are legion in the files I was looking at, various  
19 falls off bikes. There was reference to falling off  
20 a go-cart and hurting your back. I was asking you do  
21 you remember --

22 **A. I don't remember building one, but more than likely they**  
23 **would have built one in Rathgael and I probably took**  
24 **a wee go on it and hit the corner too hard or something**  
25 **like that.**

1 Q. Then there was a -- on , if we look at  
2 45378, please, I was discussing with you earlier on the  
3 particular physical incident involving **RG 252**  
4 -- it is right at the bottom of the page -- where  
5 according to the record you went into his room and  
6 thumped him and headbutted him. The way the staff dealt  
7 with that wasn't to -- it says:

8 "He refused to go to his room when requested by both  
9 day staff and night staff. Eventually settled down."

10 So there were various incidents like this where  
11 physically intervening with you doesn't seem to have  
12 been the way they were dealt with. Would I be right in  
13 saying very rarely were you physically handled by staff  
14 --

15 **A. Yes.**

16 Q. -- during incidents?

17 **A. They had their ways, like you say, with the cigarettes  
18 or grounding you, no weekend outings and stuff like  
19 that. They had their way. So you either sit there for  
20 the whole weekend on your own while the rest are out on  
21 leave or away out to the shops or something.**

22 Q. So if I can put it like this --

23 **A. Privileges. You lost privileges.**

24 Q. -- it was a very extreme event where they would  
25 physically interact with you over an incident?

1 **A. Yes.**

2 Q. You mentioned not getting the outing. One of the things  
3 you can remember fondly is the view from Runkerry.

4 **A. I loved it.**

5 Q. You loved it, the outdoor pursuits centre that was  
6 available.

7 I was drawing your attention, HIA429, that by  
8 the staff in Rathgael are working towards  
9 -- within about six months or nine months it would be  
10 time for you to leave Rathgael, because your Training  
11 School Order would come to an end, and they were working  
12 with your dad about that process of you leaving,, and  
13 the concern in the documents that your dad was  
14 expressing was that you were too dependent on Rathgael,  
15 and there were excuses there was nothing to do in his  
16 flat and things like that whereas there were reasons to  
17 stay in Rathgael. Do you remember seeing it that way?

18 **A. It was the fear of going back to the way he was, being**  
19 **an alcoholic. It was the fear of being there on my own**  
20 **because the majority of times he was out with his**  
21 **girlfriend drinking and stuff like that.**

22 Q. Then I was saying to you, HIA429, what then seems to  
23 happen is that discussion is taking place to lead to  
24 your moving out of Rathgael. There then is a major  
25 deterioration in the behaviour compared to the two years

1 before that where there's the occasional difficult  
2 incident, but there then is a sequence of events.

3 In there is an incident of pulling at  
4 a locked door and splintering the door and breaking the  
5 lock. You couldn't remember that happening.

6 **A. I find it really hard to believe, that one, because them**  
7 **doors were really fire doors, secure, solid doors, like.**  
8 **I find it hard --**

9 Q. Yes. If we bring up --

10 **A. -- because it was a double door and one's got the latch**  
11 **to secure that door and then the other one opens and**  
12 **closes.**

13 Q. Yes. So it would have been a difficult thing to --  
14 I will just show you the entry. It is at 45443. This  
15 is still in House , HIA429. So we are still in the  
16 period with RG20 and RG52 that you remember and RG41,  
17 but there's clearly another lady called **RG 258**

18 **A. Yes.**

19 Q. You remembered her as we were talking about it. She is  
20 outlining this particular incident. Again if we scroll  
21 down:

22 "The consequences were explained to him, that he  
23 would have to pay for repairs."

24 One of the points that RG20 makes in his police  
25 interview, whenever he is denying assaulting you, the

1 point that he is making is that he had a soft spot for  
2 you and made more effort for you than he might have done  
3 for others because of your . Most of  
4 these incidents seem to have been dealt with. They are  
5 not reported to the police. They are managed in-house  
6 by sending you to your room and things of that nature as  
7 opposed to them escalating beyond Rathgael.

8 There's a number of broken window incidents. You  
9 remembered one where you ended up with a cut hand where  
10 you put the window in. There was another in January of  
11 , but the one incident where I can find RG20  
12 physically intervening, which you're not sure is the one  
13 that you remember, is on and it was  
14 the incident that led ultimately to you -- if we look at  
15 45444 -- it led to another broken window. This is  
16 written by RG20 and it seems to be at  
17 6.15:

18 "HIA429 was in the smoking room with quite a number  
19 of kids from the unit. HIA429 grabbed **RG 252**  
20 ..."

21 Now he was a guy -- we saw him before. There was  
22 occasional blow-ups between you and he, but otherwise  
23 you were friends you were saying.

24 **A. Uh-huh.**

25 Q. He's had a hand twist, according to this record anyway:

1            "... twisted back his fingers. RG 252 was in quite  
2            some pain. Attempted to push HIA429 away by means of  
3            pushing on his fate. HIA429 retaliated by elbowing RG 252  
4            on the privates, resulting in        **RG 252**        feeling  
5            extremely sore and in great pain. Several of the other  
6            children witnessed this incident.        **RG 259**        and  
7            two of the girls came into the office and related this  
8            incident to me. They informed me that HIA429 had gone  
9            upstairs.

10            I went up to the top corridor and met    **RG 260**    ..."

11            Now that's    **RG 260**    . You remember him, HIA429 --

12    **A. Yes.**

13    **Q.** -- from House :

14            "... who had heard the commotion. We found HIA429  
15            in the four-bed dorm. I asked HIA429 to explain his  
16            reason or version of the incident involving RG 252

                 . He said that        **RG 252**        had hit him on  
18            the nose. I asked HIA429 to go on his own room on  
19            several occasions. Finally, I told him that we would  
20            have to assist him into his room. HIA429 was quite  
21            uncooperative and made it quite clear that he would not  
22            go without assistance.    **RG 260**    then assisted me to  
23            remove HIA429 to his own dorm. I then contacted RG171  
24            and informed him of the situation.

25            Within several minutes several children from the

1 unit related to me that they had seen HIA429 running  
2 away from the unit and down the back field. On  
3 inspection of dorm 5 we found the window broken and the  
4 room empty. RG 252 in some pain after the  
5 incident."

6 Then:

7 "HIA429 seen around the grounds and eventually  
8 turned up in House . Spoken to by RG171 and agreement  
9 reached that HIA429 sleeps in House tonight."

10 That's the incident where as far as the records are  
11 concerned there is an occasion of physical intervention  
12 by RG20 with you. There's no suggestion that there was  
13 any injury to you as a result of that incident.

14 **A. It was a total different one, so it was.**

15 Q. Right. So you're talking about a different incident --

16 **A. Yes.**

17 Q. -- when -- right. Well, then if we leave that for now,  
18 we'll deal with that when we come to the allegation  
19 about RG20, but from the records I can say I can't find  
20 an entry that relates to a physical restraint involving  
21 RG20 that resulted in you being injured as far as the  
22 records are concerned.

23 Now the -- you spend that night in House , but then  
24 there's another incident on involving

25 RG 261 . The result of that -- that's at 45445,



1 please. That's an incident where RG 261 gets  
2 a -- it is 45445, please -- RG 261 gets a bloody  
3 nose and the matron sent him to hospital and -- but the  
4 consequence -- staff dealt with you by sending you to  
5 your room as opposed to physical intervention. Can we  
6 bring up 45445, please?

7 EPE OPERATOR: That's it.

8 MR AIKEN: That is it. Wonderful. If we scroll down,  
9 please, we can see:

10 "Boys separated. HIA429 sent to his room. RG 261  
11 given first aid treatment until matron arrived."

12 Thereafter it records the matron sending RG261 out  
13 to the hospital for an X-ray.

14 Now what that resulted in, HIA429, was a discussion  
15 between -- according to the records between you, RG20,  
16 RG20 and RG49, who was the person in charge of House ,  
17 and with the decision being made that at the weekend you  
18 would transfer out of House to House .

19 **A. Yes.**

20 Q. House was more designed for preparing people for  
21 independent living, moving out of Rathgael. So the  
22 decision made to move you across to there, and that  
23 occurred on . The daily logs for  
24 House are available and the Panel have access to them.  
25 They are at 45384 to 45385. That involved two months in

1 House in the unit itself. That was RG49, and you  
2 remember your key worker I think was **RG 262** or  
3 **RG 262**.

4 **A. RG 262, yes.**

5 Q. It was during that spell in House , the two months,  
6 that the incident involving HIA172 takes place. We will  
7 leave that for now and come back to it. It was on  
8 , and it formed an incident report that  
9 ultimately led to you, according to the records, being  
10 taken to the police many months later and a caution  
11 being administered, but by the end of you  
12 move from House to the House maisonette.

13 **A. (Nods.)**

14 Q. That was a sort of self-contained flat to allow you to  
15 live while there are others there to help you.

16 **A. That's right. It was like a stepping stone.**

17 Q. Sort of independent living to prepare you for living on  
18 your own. You spent six months essentially living in  
19 that unit between the end of  
20 through to . It was during that period,  
21 HIA429, that -- obviously the particular incident about  
22 -- involving RG49 that we will come to, but an incident  
23 involving **RG 263** . Do you remember **RG 263** in  
24 House ?

25 **A. Yes.**

1 Q. If we look at 45448, please, this record relates to  
2 an incident where an altercation has taken place with  
3 another boy, **RG 264** . You were saying to me you  
4 remember who he was. According to this record he  
5 received a headbutt. She asked you to leave. We can  
6 see under the "Immediate action taken":

7 "I sent HIA429 out of the unit."

8 If we scroll down, please, a little bit, because  
9 this is the other occasion where I can see physical  
10 intervention taking place:

11 "I sent HIA429 out of the unit, locked the front  
12 door to keep him out, as I was going to collect two  
13 absconders. Reported to RG16",

14 who was the at that time.

15 "HIA429 asked if he could come in the unit for  
16 a visit and I said 'No'. **RG 264** pulled faces at HIA429  
17 through the window. The next I knew HIA429 came flying  
18 in through the locked doors and I had to restrain him  
19 and send him out.

20 The matter was reported to RG49. Both incidents  
21 witnessed by **RG 263** and **RG 265** . HIA429 spoken  
22 to and warned of the possible consequences should the  
23 behaviour continue. Impossible to convince him that he  
24 was in the wrong."

25 Can you remember -- you have no complaint about

1           RG 263     . Did you remember about this incident?

2     **A. No.**

3     Q. No.

4     **A. Coming through the door especially. Them doors were**  
5       **really strong doors, like. You weren't getting out if**  
6       **the doors were locked.**

7     Q. Yes.

8     **A. They were made for that purpose.**

9     Q. You can't remember her restraining you?

10    **A. She was a big girl, like. I remember that, but I don't**  
11     **remember her restraining me, no.**

12    Q. Ultimately then on                   there is the incident  
13     involving RG49, which is what leads to your move from  
14     the House    maisonette to House    , which was on the  
15     justice side, and we will come back to that at the end.

16            You then, HIA429, continued living in House    on the  
17     justice side of Rathgael until your licence, which was  
18     on                   , and at that point you moved back  
19     to live with your father. I know there's an issue about  
20     that in your statement that I'll deal with at the end.

21            I'm going to deal, HIA429, with the allegations that  
22     are in your witness statement. I am going to leave the  
23     first individual and we will come back to him shortly,  
24     but you talk in paragraph 13 at 108, if we can bring  
25     that up, please, and we've mentioned the -- you talk

1 about the staff who cared for you. You have mentioned  
2 those already, RG52 and RG41. You say they did try to  
3 find out why you behaved they way you did and helped you  
4 take a different approach. In fairness to you you also  
5 explain in paragraph 14 that for a while you also had  
6 good relationships both with RG20 and with RG49. You  
7 say that that stopped with each of them. You don't  
8 remember why.

9 But in respect of RG20, if we move through to  
10 paragraph 15, please, you describe a particular incident  
11 where he restrained or was involved with others in  
12 dealing with you when you wouldn't go to your room. So  
13 what you're saying is this is in House where you spent  
14 the two years and four months. RG20 is in charge.  
15 I have said to you I can't find a record about this  
16 other than the one we looked at, but this incident you  
17 don't believe is the same one that's in the record that  
18 we looked at.

19 **A. No.**

20 Q. Can you remember -- do you want to just explain to the  
21 Panel what you remember about this incident?

22 **A. Well, I remember going out into the hall to try to ask**  
23 **me to go up to my room. I refused, because going up to**  
24 **your room, you're getting locked in your room. You're**  
25 **-- just want to do that, and --**

1 Q. Can I pause you there for a moment, HIA429? Can you  
2 remember what it was that led to this?

3 A. No, no. I can't remember what led to it. It was either  
4 I've been egged on or something, something said to me  
5 and they were probably trying to defuse it, asked me to  
6 leave, but I can't 100% remember why I was asked to go  
7 out to the hall or go up to my room.

8 Q. I am sorry for interrupting you. So you explain you are  
9 in the hall. They are sending you to your room and you  
10 don't want to go.

11 A. Uh-huh.

12 Q. Do you want to just explain to the Panel then what  
13 happens after that?

14 A. I more or less dropped myself down like a protest kind  
15 of thing and they tried to lift me and move me. After  
16 a struggle another figure came in. I think the staff  
17 must have called for somebody or RG20 was coming through  
18 from another unit. I felt a weight straight down my  
19 back. That's where his knee came down. I struggled to  
20 try and get off and a big punch was laid straight into  
21 my back and it really, really hit the nerve, like, and  
22 it crippled me, and they dragged me up the stairs.  
23 I was in real pain, crying, like.

24 Q. Did you get any medical treatment after this incident?

25 A. No. I was just left upstairs.

1 Q. I was saying to you there is medical treatment for lots  
2 and lot of things, including lots of back issues, but  
3 they tend to not -- there's nothing --

4 **A. When I was in Rathgael, no.**

5 Q. -- arising out of this. You spoke to the police about  
6 this in November of '13. If we can look, please, at  
7 31119, and about a third of the way down the page we get  
8 into this incident where you explain he -- you weren't  
9 one for physically fighting, never really had a fight.

10 "When I was being held down by staff, I was  
11 struggling like a wee worm. RG20 came in and got his  
12 full weight on me with his knees. His knee was put in  
13 my upper back to keep me down. A clenched fist with a  
14 raised knuckle and I could see it coming down into the  
15 lower part of my spine and couldn't move after that  
16 impact. I just basically stopped and cried."

17 There was other staff there who saw this being done  
18 --

19 **A. Yes.**

20 Q. -- but you don't remember who they were.

21 **A. No.**

22 Q. It doesn't appear they filled out any incident report  
23 form relating to it, but am I right in saying this was  
24 the only time that RG20 ever laid a hand on you?

25 **A. Yes. That's why I more or less can remember. I was**





1 something you weren't happy about, and you were saying  
2 to me there was a system that let you go beyond the  
3 person in charge of the unit. Do you want to just  
4 explain that to the Panel, how that worked?

5 **A. There was times you would have asked to do things and**  
6 **the staff would say "No". They'll probably turn round**  
7 **and say, "Well, you need to see the senior about that"**  
8 **or something, but now and again you just went ahead and**  
9 **got a -- like a second opinion. "Can I do this or can**  
10 **I do that?" or weekend leave or something like that.**

11 Q. So his recollection about that might be right, that you  
12 can remember going beyond the unit to the more senior  
13 member of staff if you had an issue to take up?

14 **A. Yes.**

15 Q. And he said you were someone with a great degree of  
16 frustration, potentially connected to your hearing, but  
17 frustrated and angry and complained, but he said that --  
18 it was put to him your statement, that you were someone  
19 who didn't get into fights. He disagreed with that. He  
20 said well, that wasn't right. There was a lot of fights  
21 you were engaged in, but what he then said was that he  
22 had never used his knee to hold any child down and had  
23 never used his knuckle to punch somebody, and he made  
24 the point that there wasn't enough room in the way the  
25 stairs were --

1 **A. This happened in the corridor.**

2 Q. -- to --

3 **A. Sorry.**

4 Q. You make the point that he then took you up the stairs  
5 into your room with others. What he was saying was that  
6 there wasn't enough room for a number of people to try  
7 and take someone up the stairs together.

8 **A. The stairs -- the stairs were wide enough for two**  
9 **members of staff and me. There was one in front of me,**  
10 **I'm in -- me in the middle and the one behind me.**

11 Q. He ended by simply saying he did not do that. He did  
12 not assault you.

13 You explain, if we go back up, please, to the page  
14 -- if we just stop there -- sorry -- just at the top of  
15 31120, you say:

16 "I explained to RG41 and RG171 what had happened and  
17 nothing happened about it."

18 So that's you -- RG171 was the ,  
19 so that was someone above RG20, and to RG41, who was --  
20 she would have been beneath RG20 essentially. From the  
21 record the police spoke to RG171, who was being spoken  
22 to by police for other reasons in 2013, and he had no  
23 recollection of an allegation being made by you to him  
24 about RG20, and what he said to the police was if it had  
25 been, he would have reported it, because that was the --

1     **A. I might have got the name mixed up of the senior,**  
2           **because there was that many seniors. RG41 was a senior**  
3           **at one stage too, so she was.**

4     Q. So it may not have been RG171. It might have been ...

5     **A. I can't remember.**

6     Q. You can't remember. Listen, that's fine. If you can't  
7       remember, you can't remember. That's fine. You to the  
8       police when you were speaking to them attributed ongoing  
9       back problems to this incident --

10    **A. Uh-huh.**

11    Q. -- and I was explaining to you that they requisitioned  
12       a medical report to look at that. They were finding the  
13       same type of things I was saying to you that's causing  
14       the end of my sporting career and Mr Fahy's sporting  
15       career, this underlying problem in your back that's  
16       coming your way as opposed to anything to do with  
17       an assault involving RG20. I was drawing to your  
18       attention, HIA429, there are a series of previous back  
19       issues that happened in Rathgael to do with the bikes  
20       and the go-carts and so on and so forth.

21    **A. There was nothing major that I can recall. I remember**  
22       **coming off the bikes and stuff like that, but nothing**  
23       **major, apart from the high jump. I remember doing the**  
24       **high jump and whatever way I came down on the bar it**  
25       **bruised me. I had to sit on the grass for a good while**

1           **to -- what do you call it -- to ease it off. That's the**  
2           **only one I can recall.**

3    Q.   Yes, but what I was -- it doesn't appear that there was  
4           treatment ever for what you recall RG20 doing. That's  
5           what I am --

6    **A.   There was nothing.**

7    Q.   But there was treatment for other back problems --

8    **A.   Uh-huh.**

9    Q.   -- different from that. Ultimately the PPS directed no  
10           prosecution in April of this year. As you know, they  
11           wrote to you at the time and explained --

12   **A.   Yes.**

13   Q.   -- their position. Is there anything else you want to  
14           say about RG20 or have I covered the main points?

15   **A.   It just really shocked me how things came away with him**  
16           **and why he used the force that he used. I remember at**  
17           **times being restrained, yes, being restrained, but**  
18           **physically being hit was a different matter.**

19   Q.   Chairman, I wonder is this a moment to give the  
20           stenographer a short break?

21   CHAIRMAN:   Yes. We'll rise for perhaps five minutes.

22           (3.35 pm)

23                                   (Short break)

24           (3.45 pm)

25   MR AIKEN:   HIA429, just before the break we were moving on

1 to deal with RG49 --

2 **A. Okay.**

3 Q. -- who is "RG49". You talk about him in paragraph 21 of  
4 your statement at 109, please. The incident that you  
5 talk about was when you were in the maisonette, which  
6 was that semi-independent -- can you hear me okay?

7 **A. Very low.**

8 Q. Sorry. I will keep the voice up. The event involving  
9 RG49 was in the maisonette. You were in the  
10 semi-independent maisonette at that stage. You explain  
11 in your statement you were having an argument and he  
12 lunged at you and pushed you over a sofa --

13 **A. Yes.**

14 Q. -- and landed on top of you and kept punching at you.  
15 You explain you picked up a poker to defend yourself and  
16 swung it at him and he tried to grab it and it hit him  
17 and broke his little finger. You explain at the top of  
18 the next page, if we just scroll down, please, that you  
19 were put in the D room and you broke the window to get  
20 out.

21 You talk about this in your police statement of 25th  
22 November '13, if we look, please, at 31118, and halfway  
23 down the page where you begin to talk about this  
24 incident involving RG49, and you say he said to you  
25 "You're out of here today or tomorrow, out of the

1           dormitory back into House  ".

2           "I said, 'I haven't been told anything'.  It was  
3           better to be in the dormitory to get ready for the  
4           outside world, learn to manage money, cook and  
5           independence.  He says, 'You are going bloody out of  
6           here'.  He was very aggressive.  I said, 'No, I'm not'  
7           and he said, 'You fucking are' and he came -- called me  
8           some name and I said, 'Take yourself off, motherfucker'  
9           and he came launching at me, and whatever way the settee  
10          was he pushed me over it and it tipped backwards.  This  
11          was in the living room quarters of the dormitory or the  
12          maisonette.  He landed on top of me and tried to lay  
13          punches on me.  I struggled out of the way and grabbed  
14          a poker and warned him to back off, and he started  
15          coming at me again.  So I started to swing the poker and  
16          he put his hand out, and it came into contact with the  
17          poker and it broke his poor wee finger."

18                You then say:

19                "I got out and was transferred to House  ."

20                Now RG49 has provided a replying statement to the  
21                Inquiry, which is at 4837 to 4838.  In paragraph 5 of  
22                that statement he makes the point that you were actually  
23                convicted of a criminal offence arising out of this,  
24                that you were convicted of assault on him.

25                If we just look, if we scroll a little further down

1 on to your police statement, you said:

2 "He took me to Bangor" -- if we just scroll up  
3 a little -- "Bangor Magistrates, but the whole case was  
4 thrown out of court I think. He got told off for being  
5 aggressive and coming at me."

6 I was explaining to you earlier today, HIA429, that  
7 doesn't appear to be what actually happened. Now in  
8 respect of the incident itself I read to you the  
9 four-page report from RG171. I am just going to show  
10 the first page on the screen and the Panel have access  
11 to it. I am not going to read through it now, because  
12 it will take a long time, but if we look at 45449 so  
13 that we identify the document, and this is RG171 talking  
14 about the incident, but it runs until 45452.

15 In it he recalls meeting you and you saying that you  
16 were assaulted by RG49, and he asked you why RG49 would  
17 do that. He says that you told him it was because you  
18 had called RG49 "a fucking bastard". He said -- you  
19 said to me you definitely didn't say that. It was --  
20 there was language, but it wasn't that particular  
21 phrase.

22 "Said RG49 had been in snooping about the maisonette  
23 and had been interfering with his property."

24 When told by you to stop, words were exchanged and  
25 eventually you called RG49 the name and RG49 assaulted

1           you. At this point you said that you wanted him, as in  
2           wanted RG171, to contact Bangor police and have RG49  
3           charged with assault. RG171 said to you according to  
4           his note that:

5                   "Before I can do this I would wish to hear RG49's  
6           side of the story and it would be better if we talked  
7           again when you", as in you, HIA429, "were in a less  
8           agitated state."

9           He says then he returned to the office. A short  
10          time later RG49 came to see him.

11          "He said that HIA429 had had his lunch in the unit  
12          with the other young people, had been verbally abusive  
13          to female staff and had stormed out without helping with  
14          the chores."

15          Shortly after this he, as in RG171, records that he  
16          phoned RG49 and asked him to go into the maisonette and  
17          check the cutlery and cups, as he, RG171, was planning  
18          to place another boy there.

19          "When RG49 went into the maisonette to do this,  
20          HIA429 asked him what the fuck he was doing in his flat  
21          and that he'd no business being there. RG49 said he  
22          explained to HIA429 that he, RG49, was responsible for  
23          the smooth running of the maisonette as well as the main  
24          unit. More words were exchanged and eventually HIA429  
25          picked up an ashtray and threw it at RG49. As RG49



1 approached HIA429, he, HIA429, picked up a poker and  
2 threatened RG49 with it. A struggle then ensued as RG49  
3 tried to get the poker from HIA429's possession. It was  
4 during this struggle that RG49 sustained his injuries,  
5 which were later diagnosed by the Casualty Department of  
6 Ards Hospital as a broken bone in his hand."

7 He was advised to get medical treatment, which he  
8 did, and then he was off work for a number of weeks.

9 He then, as in RG171, explains:

10 "I reported the matter to RG16, the " --  
11 if we scroll down, please -- "as per the centre's  
12 guidelines and the matter was discussed with the other  
13 senior staff. It was felt in view of HIA429's explosive  
14 temper, his history of physical violence and the extent  
15 of RG49's injuries it was most likely that RG49 ..."

16 They say:

17 "HIA429 had no marks on him. It was most likely  
18 that RG49's story was the most likely. However, as with  
19 all serious assault cases, it was agreed that the matter  
20 be reported to Bangor police. Bangor police visited the  
21 centre in the evening, but unfortunately RG49 was off  
22 duty and was unavailable. It was agreed he contact  
23 police",

24 and the police officer said they preferred to  
25 interview you, HIA429, after they'd spoken to RG49.

1           Ultimately then the report goes on, that sequence of  
2           events leading to the interviews taking place, and into  
3           the next paragraph that we can see the decision is taken  
4           and explained to you that you are going to be moved from  
5           the House into Unit , which was on the justice side,  
6           and also RG171 was explaining that the Rathgael centre  
7           were going to use the provisions in Schedule 5 to the  
8           Children and Young Person's Act 1968 to charge you with  
9           unruly behaviour.

10           Now ultimately that didn't happen. As I was  
11           explaining to you, later on in the note,, having got the  
12           Northern Ireland Office's permission to charge you with  
13           unruly behaviour, they decided that it would be double  
14           jeopardy to do that, because the police were then  
15           dealing with it, and they didn't think it was fair if  
16           you were charged with assault, that then you were also  
17           dealt with for unruly behaviour. Then that matter was  
18           allowed to rest.

19           Now, having raised this issue with the police in  
20           2013, RG49 is then brought in for interview on 19th  
21           September '13. He in his police interview says that you  
22           threw an ashtray at him, that after you had thrown the  
23           ashtray you reached for a poker and it was at that point  
24           that he put his arms round you to control you.

25           **A. That's good.**

1 Q. And he says that as you both fell over, that's when he  
2 believes he ended up with a broken finger. So, unlike  
3 you, he doesn't say and doesn't believe you actually hit  
4 him with a poker --

5 **A. I didn't hit him.**

6 Q. -- which is the reference in the statement.

7 **A. What he has put in there.**

8 Q. What he's saying is --

9 **A. I didn't throw an ashtray. There was no ashtray  
10 involved. Where the ashtray came into it I don't know.**

11 Q. It seems he was saying that in            and he said it again  
12 in 2013. You don't have a memory of throwing  
13 an ashtray?

14 **A. No ashtray, no.**

15 Q. As far as the poker is concerned --

16 **A. That was self-defence.**

17 Q. -- your recollection was that you'd engaged in  
18 self-defence with it.

19 **A. Yes.**

20 Q. What I was saying to you was he doesn't claim that you  
21 hit him with the poker. What he says happened, he got  
22 his broken hand from --

23 **A. The struggle.**

24 Q. -- the struggle trying to control you --

25 **A. No.**

1 Q. -- when you had the poker.

2 **A. I know the poker hit his hand, because he was still**  
3 **coming at me. When he was laying the punches into me,**  
4 **my hands were up trying to guard.**

5 Q. The point he then makes is you managed to get away from  
6 him and ran out the door. I know the Inquiry statement  
7 talks about you breaking a window. I think that's  
8 an earlier incident that you're talking about, because  
9 this one you just leave.

10 **A. Out the door.**

11 Q. There is no breaking of windows to do with it. He  
12 points out to the police at interview that you were  
13 charged with assault arising out of this incident and  
14 you were represented by a solicitor and you pleaded  
15 guilty to assaulting him. The other point I was drawing  
16 to the Panel's attention was the same solicitor wrote  
17 a Letter of Claim about the falling over, landing on the  
18 ornament. So he's saying, "Why am I being interviewed  
19 about this? I didn't assault HIA429. He assaulted me".

20 **A. He turned the table around when he could. I wasn't**  
21 **allowed to go to the police when I asked. The**  
22 **tables were turned around, so they were, in his court.**

23 Q. The DPP then directed in respect of this matter on 30th  
24 April that there would be no prosecution of RG49. As  
25 you know, it is recorded on your criminal record. I am

1 not going to bring it up. The Panel are aware of it.  
2 The conviction is there from I think it is  
3 or , which is about nine  
4 months after you'd left Rathgael was ultimately when the  
5 matter was dealt with at court and you got a conditional  
6 discharge. You were saying to me you thought it was  
7 thrown out. That was your recollection of --

8 **A. Yes. That was the way the -- the way the solicitor was**  
9 **saying, "Keep your nose clean" kind of thing, I sort of**  
10 **-- has it been thrown out or something? But to my**  
11 **knowledge I think between the solicitor and my father**  
12 **I must have picked that up wrong.**

13 **Q.** Okay. Then in your police statement, HIA429 -- is there  
14 anything else you want to say about RG49? Other than  
15 this incident I am right in saying you had a good  
16 relationship with him?

17 **A. I did have a relationship that was involved with a lot**  
18 **of cycling, going back and forward to Belfast. It was**  
19 **him got me to racers, to a cycling racer, because I was**  
20 **always a BMX person. He got me to racers and he got me**  
21 **motivated and stuff. I cycled from Rathgael back to**  
22 **-- and it's a quare distance -- every**  
23 **morning. It was him got me motivated on to the cycling.**

24 **Q.** HIA429, just bear with me. I said was  
25 the conviction. It was and the

1 reference for that, Members of the Panel, is 35767.

2 HIA429, I am going to deal with -- in your police  
3 statement, if we look, please, at 31120, you refer  
4 halfway down to a teacher throwing a mallet at you. You  
5 explain at this point of the statement, if we just  
6 scroll down, please:

7 "... the teacher. He'd a class next to  
8 RG 266 class. I can't remember his name. He was  
9 with hair. He threw a mallet. It just  
10 passed my head. I was afraid. I requested to be moved  
11 from the class."

12 Can you remember who you spoke to about this  
13 incident? If you can't, there is no problem. You just  
14 say that you can't remember.

15 **A. I remember pointing out down at the unit where I was**  
16 **staying, but I can't remember who.**

17 Q. Because there is not -- I can't find a record of that in  
18 the -- in the entries and that's why I was asking if you  
19 remember the person, that would be helpful.

20 **A. When you are placed in a class when you're in Rathgael,**  
21 **you have to say in that class. You can't just transfer**  
22 **when you want.**

23 Q. The -- he didn't hit you, but the very fact of him doing  
24 it, obviously if it had hit you, it would have been very  
25 serious.

1    **A. We were playing with bits of sawdust, you know, throwing**  
2    **it at each other. When he came in from RG 266 room,**  
3    **that's when it happened, 'cos he seen the sawdust flying**  
4    **everywhere. We were having a bit of fun with sawdust.**

5    Q. So this would have been done in front of other people in  
6    the class as well?

7    **A. Yes.**

8    Q. Then right at the end of your statement, if we scroll  
9    down, please -- scroll down just to the next page,  
10   please, and on to the very last page -- just the last  
11   sentence, you then -- it is coming back to you. You  
12   thought his name was    **RG 145**

13           Now we haven't been able to trace a    **RG 145** . The  
14   police did bring another man in. I am not going to use  
15   his name, HIA429, now. I discussed it with you earlier,  
16   but when the police interviewed that man, it became  
17   apparent from his record and various pieces of evidence  
18   he was able to produce to the Panel -- to the police  
19   that it was not him. He didn't teach            and he  
20   had never been the subject of an allegation in his  
21           -year career in Rathgael. They believe ultimately  
22   that it was a case of mistaken identity and he was the  
23   subject of a no prosecution direction.

24           HIA429, I want to ask you about -- you had  
25   a girlfriend in Rathgael.

1 **A. Yes.**

2 Q. And I wanted to ask you whether -- you were explaining  
3 to me earlier you remember being told something by her  
4 during your time in Rathgael, but you have had  
5 subsequent conversations with her where you discussed  
6 the matter in a lot more detail. Do you want to tell  
7 the Panel what you can remember being told at the time?

8 **A. At the time in Rathgael she kept running away and**  
9 **running away and I'm trying to find out why she kept**  
10 **running away. Something had happened to her at**  
11 **night-time, but she didn't go into detail who and what**  
12 **and where, but something really badly happened.**

13 **HIA 438 , you're lucky if she stayed a week and she**  
14 **absconded again. As soon as she was getting a door or**  
15 **window she was away.**

16 Q. Am I right in saying, HIA429, from what you are saying  
17 that she did not identify to you at the time what  
18 exactly she was unhappy about?

19 **A. Something had happened to her, but I don't recall her**  
20 **telling me exactly what it was, but she says, "I don't**  
21 **like staying here".**

22 Q. She didn't tell you who she was unhappy with?

23 **A. No.**

24 Q. But you've since had conversations about that?

25 **A. Yes.**



1 Q. HIA429, you mention a couple of more general matters.  
2 In paragraph 16 of your statement at 109 you talk about  
3 medical treatment and going to hospital. I was saying  
4 to you there's a -- as it is with everyone, there's  
5 a large suite of medical records from your time in  
6 Rathgael. You were saying -- I was saying, "What was it  
7 about the matron that everybody seemed to want to get to  
8 the medical unit?" and you were saying the Strepsils  
9 were something everyone was keen to have.

10 **A. That was her painkiller.**

11 Q. But it appears that there was medical treatment  
12 available all the time in Rathgael?

13 **A. Yes. They had their own dentist as well, so they did,**  
14 **next to the matron's.**

15 Q. Yes. Then in paragraph 12 you talk about lots of  
16 pursuits being available. We talked a bit about  
17 Runkerry and there was other sporting activity that you  
18 had available to you, and you got into the cycling and  
19 another matter that I will come to slightly later, but  
20 the facilities were -- and that recreation was utilised  
21 by the staff to try and distract you away from  
22 difficulties that otherwise presented themselves.

23 **A. Give me hands-on things to do, keep me motivated.**

24 Q. Yes. Then in paragraph 23, HIA429 -- I am not going to  
25 dwell on it -- you make the point that -- in a similar

1 fashion you were saying to me earlier you didn't  
2 understand why you were placed in Rathgael, and I said  
3 to you while it was not something we were going to go  
4 into, I would explain to you from what I gathered from  
5 the material. Similarly you make the point in  
6 paragraph 23 you don't understand why you were sent to  
7 live with your father. I was drawing attention in  
8 fairness to Rathgael that there had been an up and down  
9 sequence with your dad. At one stage he wasn't going  
10 take you and you didn't want to go and then the decision  
11 was made then to find you a place in the community.  
12 There is a report that's available to the Panel from  
13 , a case discussion report, that records  
14 you refusing to accept the place that they had found in  
15 the Settle Hostel, which is where a number of boys went  
16 then when they left Rathgael -- that was moving out into  
17 the community -- and instead you wanted to go and live  
18 with your dad. That may be why that happened as opposed  
19 to them insisting on placing you back with your dad.  
20 Now you don't have a memory of that, as I understand it,  
21 but that's what's in the report at the time.

22 There's one other issue, HIA429, and it's what led  
23 you to have representation as part of the Inquiry  
24 process. That's an allegation that was made by HIA172.

25 **A. Uh-huh.**

1 Q. In his Inquiry statement he talked about this episode  
2 and he also talked about it in his police statements in  
3 October '93 and January of '14. You have had the  
4 opportunity to look at that material with your legal  
5 representatives. There's a couple of documents that  
6 have since come to light and we've worked through that  
7 together.

8 I'm going to show you the incident report form,  
9 which is at 45446, because in fairness to you this  
10 incident -- Mr Fahy was making this point to me -- this  
11 incident happens in two parts. In your statement you're  
12 probably talk... -- your two statements you're probably  
13 talking about this first part and then HIA172 is talking  
14 about the second part. So the first part seems to be  
15 during the day:

16 "HIA172 and HIA429 had had a fight in the kitchen at  
17 teatime yesterday" -- so they are two different days we  
18 are on as well -- "resulting in HIA429 opening a wound  
19 in his thumb, which required three stitches."

20 Everybody is clear we are not involved in a trial,  
21 but the point being made: well, that didn't get reported  
22 to police whenever you'd reopened a cut, however that  
23 had happened, whether as a result of what HIA172 did or  
24 otherwise, but then the --

25 "On his return from hospital I warned the

1 nightwatchman that there was a distinct possibility of  
2 a further fight between the two boys. It appears then  
3 when HIA172 came downstairs this morning, the right side  
4 of his face was very swollen and grazed, and I asked him  
5 what had happened. He said" -- he names a boy --  
6 "called another boy out, because there was a guy called  
7 **RG 267** who was outside. Then at that point HIA429 came  
8 into the dorm and said, 'There's only one thing I have  
9 to say to you' and promptly kicked HIA172 in the face as  
10 he was lying on his bed."

11 Now what it then says is:

12 "I phoned for senior staff. RG14 arrived, and on  
13 speaking to HIA172 he said due to the nature of the  
14 attack he would be informing the RUC. He advised me to  
15 take him over to Ards Hospital to be checked. RG14 then  
16 went upstairs to HIA429 and spoke to him. He informed  
17 him that the RUC would be involved, as this was  
18 a serious assault."

19 So it is not clear if that was HIA172 was saying he  
20 was going to speak to the RUC or RG14, but in any event  
21 it appears that's what ultimately happened, and the --  
22 it led on -- I know this is a record  
23 you only saw today, because I found it only last  
24 evening. It is at 45401, and that's it seems, if we  
25 just look at the top of the page:

1           "Taken to Bangor RUC Station by       **RG 268**       .  
2           Officially cautioned by Superintendent Orr in relation  
3           to assault on HIA172."

4           So it looks like that second part of the episode  
5           resulted in a caution from the police. It doesn't  
6           appear on your record. There's no police papers  
7           relating to it. You don't remember it yourself, as  
8           I understand it.

9       **A. I don't recall the police station.**

10       Q. HIA172 was keen to point out to the Inquiry, and I think  
11       it is your position as well, that whatever happened  
12       between the two of you then, you remain good friends  
13       now.

14       **A. Yes.**

15       Q. And, as I said to you, there's other incidents of  
16       a similar type in the papers that we've worked through  
17       today in summary form and this one just happens to be  
18       because this individual is also someone who has come  
19       forward to the Inquiry. So he gave his evidence about  
20       the matter and explained he wasn't concerned. It was  
21       between you and him and it was in the past. He, in  
22       fact, blamed the staff for what you did, because he said  
23       there was no-one showing any of you the right way to  
24       behave, and the reference for that is at page 37 of the  
25       transcript on Day 158.

1           That's all I am going to cover in respect of that  
2           incident unless there's anything else you want to say  
3           about it.

4   **A. Apart from a lot of the kids in Rathgael were doing**  
5   **a lot of egging on, pushing me to, as you would say,**  
6   **boiling point. I was just an easy target to pick on.**  
7   **That's why the majority of times I blew off with HIA172,**  
8   **who was just open mouthed.**

9   Q. So there had been a winding up exercise.

10 **A. Pushed me. A lot of that was going on in Rathgael while**  
11 **the staff weren't looking, so it was.**

12 Q. Did the staff try as best they could -- obviously you  
13 are young fellas and --

14 **A. I was just an easy target.**

15 Q. Yes, but stopping people goading each other and so on --

16 **A. That's why I got into sports and activities and doing**  
17 **things to get away from that. Then when I have put in**  
18 **the maisonette, I was away from it all. I had my own**  
19 **wee world. Then when RG49 came in and said, "Right.**  
20 **You're out", everything just collapsed.**

21 Q. Well, HIA429, there's two questions that we ask everyone  
22 at the end of their evidence. The first is about  
23 recommendations. At the end of the Panel's work they  
24 have to consider what recommendations they might make to  
25 the Northern Ireland Government, the Executive, about

1 three areas. The first is an apology; secondly, some  
2 form of memorial; or, thirdly, some means of redress.  
3 You were asking me, "What does that mean, redress?"

4 **A. Uh-huh.**

5 Q. I was saying some people talk about compensation,  
6 whether pensions, counselling or some other service. We  
7 ask each witness whether there's anything they want to  
8 say to the Panel to help the Panel's thinking about  
9 those issues. Is there anything you want to say about  
10 that?

11 **A. Well, I'd like some form of apology from them ones, but**  
12 **obviously I'm not going to get it if they're going to**  
13 **deny it, because they have already denied it in their**  
14 **statements, and maybe a bit of redress, whatever it**  
15 **means.**

16 Q. Okay. The last question, HIA429, that I'm going to ask  
17 you at this point -- because you know we are going to do  
18 something else shortly in a different way -- but the  
19 last question I ask each witness is whether there's  
20 anything else about their time in Rathgael -- there is  
21 one issue I don't want you to talk about, which we will  
22 deal with shortly -- but anything else that maybe  
23 I haven't covered, or haven't covered properly, or that  
24 you want to draw to the Panel's attention about your  
25 time in Rathgael. Now is the time to do that.

1     **A. I feel like Rathgael done me a favour, turned me around**  
2            **a wee bit, and was there for me the majority of times,**  
3            **but it just wasn't the right place for me. I made a lot**  
4            **of friends, a lot of staff and all, but my troubles**  
5            **growing up in the background just found a deep hole, as**  
6            **you would say.**

7     **Q. HIA429, if you bear with us for a short time, the Panel**  
8            **Members may want to ask you a few questions about what**  
9            **you've said up to now and then we'll just take a short**  
10           **break to make arrangements to do something else in brief**  
11           **terms.**

12                            **Questions from THE PANEL**

13     **MS DOHERTY:** Thanks very much, HIA429. Can you hear me?

14     **A. Yes.**

15     **Q. Okay. Can I just ask: did you have a key worker that**  
16            **specifically worked with you when you were in the**  
17            **maisonette?**

18     **A. That was RG 262                            I think it was.**

19     **Q. Did you have discussions about how you felt about going**  
20            **back to live with your father? Was that ...?**

21     **A. It was -- my father was a wee bit on the violent side**  
22            **without the alcohol and the drink and he was always out**  
23            **and I was left in the flat on my own, no electric, no**  
24            **food, just left, and I addressed this to the Rathgael**  
25            **ones, but it was like, "You're out. You're staying out"**



1       **kind of thing.**

2       Q.   So after you left Rathgael did you try and get back in  
3       contact with them about ...?

4       A.   **I asked them -- I was with social worker LN51. He**  
5       **helped me after Rathgael. I was in a Ford showroom**  
6       **washing cars. I left that. They put me on the ramps**  
7       **and all to do brakes and stuff like that. I asked him**  
8       **-- that person, "Why am I took off that?" and he says,**  
9       **"If you're not happy, leave". So I went into the YTP,**  
10      **explained to them ones, got home. My dad got violent**  
11      **and smashed a glass over my head. That's where I tried**  
12      **to contact Rathgael and say, "Listen, this is what's**  
13      **happening here. I need to try and get back here. It's**  
14      **not the place for me".**

15      Q.   And what did they say? What ...?

16      A.   **Well, they couldn't take me back, because it was past**  
17      **the leaving stage.**

18      Q.   The time. Okay. There is the example of RG20 going out  
19      and talking to your dad with you about how you felt  
20      about his drinking. Was that the only time that  
21      happened or were there other times that the staff --

22      A.   **That was the only one time, but I don't think it even**  
23      **flinched on him. My father even went to AA, you know,**  
24      **to Alcoholics Anonymous. I think that lasted four or**  
25      **five weeks. Bang, straight back on to the drink again.**

1 Q. Drink again. Okay. Just the last thing is you know  
2 when you were doing work in Rathgael, obviously the  
3 sport helped and whatever, but did anybody talk to you  
4 about managing your behaviour? Was there any sessions  
5 with you about your anger and ...?

6 **A. No. It was mostly -- other people that were in --**  
7 **living in Rathgael with me, you know, says I was just**  
8 **an easy teddy bear to poke, if you know what I mean, or**  
9 **somebody to --**

10 Q. They wound you up and you responded?

11 **A. Uh-huh.**

12 Q. I am sure you maybe did a bit of winding up yourself at  
13 times. Okay.

14 **A. I'm just glad to come today, that I get on with my life.**

15 Q. Okay. Thanks very much.

16 MR LANE: You said just now that Rathgael wasn't the right  
17 place for you. Did you know of a place that was better  
18 that would have been more suited to your needs?

19 **A. Honestly, truthfully, no.**

20 Q. What sort of place would you have liked to have had if  
21 we could have created one?

22 **A. Somewhere that would listen to me, be there for me, like**  
23 **them two members of staff, RG41 and RG52. They took me**  
24 **into the office and I explained to them what happened to**  
25 **me when I was a baby -- or not a baby, a younger person.**

1           **They sort of, "Oh, right", and then we've got the light**  
2           **shining kind of thing, but they were there, and things**  
3           **-- I felt things rotated round. Instead of being who**  
4           **I was they were telling me, "Ignore them ones. Stop**  
5           **letting them push you. Stop, you know, responding to**  
6           **them".**

7           Q. Okay. Thank you very much.

8           CHAIRMAN: Well, HIA429, we are just going to rise for  
9           a few minutes to prepare for the final stage of your  
10          evidence. So if you just stay where you are just for  
11          the moment, we should be ready. I think we will rise  
12          just to allow this to be done.

13          (4.15 pm)

14          (The Inquiry continued in closed session for the rest of the  
15          afternoon - see separate transcript)

16    --ooOoo--

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