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HISTORICAL INSTITUTIONAL ABUSE INQUIRY  
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being heard before:

SIR ANTHONY HART (Chairman)

MR DAVID LANE

MS GERALDINE DOHERTY

held at

Banbridge Court House

Banbridge

on Tuesday, 24th November 2015

commencing at 10.00 am

(Day 164)

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

1 Tuesday, 24th November 2015

2 (10.00 am)

3 (Proceedings delayed)

4 (11.55 am)

5 MR CAMPBELL WHYTE (called)

6 CHAIRMAN: Well, just about good morning, ladies and  
7 gentlemen. May I always -- as always, remind you to  
8 ensure that if you have a mobile phone, to either turn  
9 it off or place it on "Silent"/"Vibrate", and to remind  
10 you also that no photography is permitted either here in  
11 the chamber or on the premises.

12 Yes, Ms Smith?

13 MS SMITH: Yes. Good morning, Chairman, Panel Members,  
14 ladies and gentlemen. Our witness today is Mr Campbell  
15 Whyte. He wishes to take a religious oath, and although  
16 he has been given a designation, he wishes to waive his  
17 anonymity.

18 MR CAMPBELL WHYTE (sworn)

19 CHAIRMAN: Thank you. Please sit down.

20 Questions from COUNSEL TO THE INQUIRY

21 MS SMITH: Mr Whyte's statements are in the bundle of papers  
22 at RGL1714 to 1776 and there's a supplemental statement  
23 at 5393 to 5396. Now if we could just pull up the  
24 statement at 1714, please. Now, Mr Whyte, you will see  
25 this is the initial statement you gave to the Inquiry.

1 Can I just ask you to confirm that that is the statement  
2 that you signed?

3 **A. It is.**

4 Q. Thank you, and your career history is set out there in  
5 paragraphs 1 to 3. You were in Rathgael from 1973 to  
6 1996, although, as you were telling me, you had a career  
7 prior to going to Rathgael as a teacher and you actually  
8 went to teacher training as a mature student, having  
9 worked as a manager, as a trainee manager first, in  
10 a business some time before that.

11 **A. That's true.**

12 Q. You then go on in paragraphs 4 to 17 of the statement to  
13 set out the background, history and description of  
14 Rathgael. We were -- I was discussing to you that the  
15 Inquiry has recently received a statement from the  
16 Department of Justice, which is at R... -- we don't need  
17 to call it up, but it is at RGL4... -- sorry -- 5388 to  
18 5392. That suggests that the minimum numbers who passed  
19 through the doors of Rathgael during the period of its  
20 operation were 4211 in total. Now of that number 17  
21 people have complained to the Inquiry and a further 45  
22 people have complained to police, which is 62 complaints  
23 in total, which someone who can do these sums has worked  
24 out for me that that represents 1.47% of the minimum  
25 number of people who passed through the doors of the

1 institution.

2 We know from police material and from what we have  
3 heard that allegations have been made against  
4 approximately 78 members of staff. 52 of those face  
5 just one allegation and that allegation in some cases  
6 was failure to report. 14 face two complaints and there  
7 are ten people who faced more than two complaints. Now  
8 it may be some of those -- indeed maybe, in fact, all of  
9 them -- but certainly some of them could not necessarily  
10 be substantiated. So although the complaints have been  
11 made, they are not necessarily valid complaints in that,  
12 for example, we -- the Inquiry knows of at least one  
13 case where a person accused of assault was, in fact,  
14 assaulted by his accuser and that accuser was, in fact,  
15 convicted of assaulting that staff member. So that's  
16 just to give a flavour, if you like, of the complaints  
17 about Rathgael that the Inquiry has learned of.

18 Going back to your statement, from paragraph 18  
19 onwards you describe the services and layouts, but just  
20 before we get to that, at paragraph 9 you describe the  
21 layout and the facilities that were on offer that were  
22 there in Rathgael. We were talking about the assembly  
23 hall being referred to as the chapel. You have no idea  
24 why that might be, but it may have been a hangover from  
25 either Malone or Balmoral Training School and the term

1 used from there.

2 You talk about the distinction between the junior  
3 and senior school. At paragraph 10 you do confirm that  
4 there would have been a transfer over when a child  
5 reached the age of 15. He would have transferred from  
6 the junior school to the senior school.

7 **A. Uh-huh.**

8 Q. When we were talking, you also confirmed that, in fact,  
9 if a child had been left -- let out on licence or had  
10 come to the end, had been discharged and maybe came back  
11 in at an older age into the school, then he would have  
12 gone to the senior school, even if they had been in the  
13 junior school prior to that.

14 We were having a discussion about an entry where you  
15 discuss -- paragraph 13 here -- that each house unit was  
16 encouraged to develop its own character under a team of  
17 housemasters, housemothers and extraneous staff. Really  
18 on reflection you, if I have understood you right,  
19 believe that the ethos was really pretty similar in all  
20 of the units.

21 **A. Yes.**

22 Q. One might have been slightly more oriented towards  
23 sporting activities or something along those lines, but  
24 generally the units operated on a very similar basis.

25 **A. That's right.**

1 Q. I am wondering did -- were you maybe -- we have heard,  
2 for example, from some people -- I think it might have  
3 been one of the inspection reports -- that one house was  
4 decorated in a more homely fashion than another. Is  
5 that maybe where you've got that idea that certainly  
6 there was a different ethos, depending on who was  
7 running it, that the --

8 **A. Possibly. I didn't really remember them being that much**  
9 **different. I think maybe one of them was a bit more**  
10 **homely, which was a reflection maybe on the housemother**  
11 **that was working in that house.**

12 Q. And you were telling me that certainly you felt the  
13 female staff, when you arrived there, were only  
14 housemothers and kitchen, domestic staff.

15 **A. That's right.**

16 Q. But you certainly felt -- your experience was that the  
17 housemothers were very good at dealing with difficult  
18 boys and defusing difficult situations.

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

20 Q. You, in fact, would have encouraged more female staff to  
21 be employ... -- the employment of more female staff.

22 **A. That's correct.**

23 Q. You say that when you left, which was in 1996, the  
24 female staff outnumbered the males.

25 **A. That is correct.**

1 Q. Paragraph 14 here you talk about the intensive care  
2 unit, again a semi-secure unit with a high ratio of  
3 staff to young people. That was seen as a short-term  
4 provision aimed at reintegrating young people back into  
5 the open school. Now at this stage this is before the  
6 separation of care and youth treatment, and I wondered  
7 did the intensive care unit -- is that what became  
8 Shamrock?

9 **A. It did. It became Shamrock.**

10 Q. And then we've heard that Fox Lodge was the intensive  
11 care unit effectively for the youth treatment side of  
12 the centre.

13 **A. That's right.**

14 Q. Just talking about that split between care and youth  
15 treatment, you informed me that the actual term "youth  
16 treatment" was yours, that you felt that the term  
17 "justice" was an inappropriate term, and you didn't want  
18 that used, because you wanted an emphasis on the  
19 individual and assessment of the individual. You talk  
20 about that certainly when you talk about the APRU and  
21 the individual profiles -- assessment profiles that were  
22 created in respect of each child. Your view was that it  
23 was about treating the child --

24 **A. Uh-huh.**

25 Q. -- whether they had come in on a justice side Training

1 School Order or on a care Training School Order.

2 **A. Yes. That's true.**

3 Q. That would have been your philosophy.

4 **A. Absolutely.**

5 Q. And you made the point to me -- and again I know I'm  
6 doing a lot of talking here, and I know you are  
7 conscious of focusing on certain things, Campbell -- but  
8 the backgrounds of the kids who came into Rathgael you  
9 are saying were very much the same whether they had been  
10 an offender or whether they had been come in --

11 **A. That's true.**

12 Q. -- on a care order.

13 **A. Yes.**

14 Q. They -- they had -- in terms of behaviour you say that  
15 the care children, in fact, were more problematic.

16 **A. Uh-huh.**

17 Q. And you made also the point, and I think you make it in  
18 your statement, that during its operation Rathgael dealt  
19 with the most difficult and disturbed children in  
20 Northern Ireland, because other institutions simply  
21 couldn't cope with them.

22 **A. Correct.**

23 Q. I think you use a phrase, and perhaps you wanted to  
24 repeat it to me, that -- the Inquiry to hear that you  
25 say that you consumed the smoke that choked others.

1     **A. That's right. We were also called a receptacle for the**  
2     **rejected. So, I mean, I am just emphasising that we**  
3     **were dealing with the most difficult, disturbed, damaged**  
4     **and in some cases most delinquent kids in Northern**  
5     **Ireland through the '60s, '70s, '80s, '90s, through the**  
6     **Troubles. Very challenging.**

7     Q. You talk about then -- going back to your statement, you  
8     talk about education at paragraphs 19 to 26. It was  
9     clear there were very low staff/pupil ratios, which  
10    allowed you perhaps to give more attention to some of  
11    these very difficult children than might have received  
12    in mainstream education.

13            You were telling me about I think, if I read you  
14    rightly, there were a lot of committees and levels of  
15    bureaucracy that you had to operate within, which was  
16    maybe not quite to your taste, if that would be a fair  
17    way of putting it.

18    **A. Well, you know, that was the job, but obviously my**  
19    **enjoyment was actually working with the children -- with**  
20    **the children, but as one moves on, you have to adapt**  
21    **I think is the word.**

22    Q. Okay. Well, certainly you recall, for example, on  
23    a Friday afternoon you would have a meeting that  
24    involved a team leader, a teacher, a psychologist and  
25    yourself, and you were -- you made the point that this

1 assessment profile that you devised with the help of

2 I think it was Damien Curran -- is that correct --

3 **A. Yes.**

4 Q. -- in respect of each child ought to have given any

5 member of staff who picked it up the requisite

6 information that they needed on how to deal with a child

7 in that the file would set out what the main problems

8 were in respect of that child, what the priorities for

9 addressing those problems were, and who was doing what

10 about that, and what stage those interventions, if I can

11 use that term --

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

13 Q. -- had reached, so that anybody picking up that file

14 would be able to look and say, "Well, here we are. This

15 child has had these three problems when they came into

16 Rathgael and we have addressed this one. So it is no

17 longer a problem". All that kind of information would

18 have been there.

19 **A. That's an extremely accurate recall of what I told you**

20 **earlier on.**

21 Q. Thank you. I'm glad that I've got that right, but you

22 were also saying that, you know, the whole purpose of

23 Rathgael was to move away from these large institutions

24 and to move into --

25 **A. Uh-huh.**

1 Q. -- a more child-centred, if I can put it that way,  
2 environment, where you had smaller, purpose-built units  
3 and subgroups, and then moving on down, that became  
4 focusing in on the individual child --

5 **A. Sure.**

6 Q. -- even rather than on the unit group. You say that all  
7 happened through the '70s and '80s really.

8 **A. Yes.**

9 Q. Paragraph 27 of your statement you say that children  
10 could speak to a number of people and any complaints  
11 were to be reported to line management. You set out  
12 here the kind of people that they could complain to:  
13 their key workers, team leaders, teachers, matrons,  
14 medical staff, chaplains, Board members and staff at all  
15 levels. You say that staff were instructed to report  
16 complaints to the line management.

17 I wondered was that always done? I mean, were  
18 complaints always reported up, because you go on in  
19 paragraphs 72 and 74 to describe how less serious issues  
20 were handled in-house. We were discussing what you  
21 meant by "less serious issues", and I think you gave the  
22 example of what I would describe as gripes, you know,  
23 kids complaining about other children, or about a member  
24 of staff not being fair to them, maybe not getting  
25 enough cigarettes. That kind of thing --

1 **A. Yes.**

2 Q. -- would all have been dealt with within the unit --

3 **A. Yes.**

4 Q. -- or you would expect it to be dealt with there.

5 **A. Yes.**

6 Q. But you made the point to me that any abuse was to be  
7 reported up the line, and we will go on to talk a little  
8 bit more about how you yourself dealt with and handled  
9 some allegations that came to your attention.

10 **A. Right.**

11 Q. But the Inquiry has seen papers where children have made  
12 complaints, for example, about a staff member of  
13 a serious nature and then the child would have made  
14 a withdrawal -- and again we can look at some of this  
15 material in due course -- while still maintaining the  
16 allegations, and I just wondered -- that seemed to be  
17 the end of the case. If a child made an allegation, it  
18 was investigated in-house, as it were, and that child  
19 then withdrew that allegation, then it didn't seem to go  
20 any further from the documents that we have seen. Is  
21 that your recollection or --

22 **A. I have to say it's not really my recollection, not my  
23 experience. I personally never experienced that. Any  
24 allegation of serious abuse that came to me I dealt with  
25 it appropriately and consistently. I honestly don't --**

1           **I can't remember ever hearing about an allegation which**  
2           **was then withdrawn. That's my -- that's my experience.**

3    Q.    You certainly -- if an allegation did come to you, your  
4           course was to bring it to the attention of the  
5           Management Board. If it was something serious, you  
6           suspended the member of staff.

7    **A.    Yes.**

8    Q.    You brought it to the attention of the Management Board  
9           and in certain circumstances the NIO.

10   **A.    Yes.**

11   Q.    And it would then have been reported to police also.

12   **A.    That's correct.**

13   Q.    As I say, we will come back and we will look at some  
14           aspects of that, but paragraph -- the one -- the one --  
15           sorry -- we will look at that in due course, but  
16           paragraph 28 you talk about the APRU. I was asking: did  
17           you ever have a resident psychologist before the APRU  
18           was introduced? You certainly don't remember a resident  
19           psychologist in Rathgael.

20   **A.    No. We had        RG 253        who was a psychiatrist. He**  
21           **came on I think it was a weekly basis, but that was the**  
22           **only psychological or psychiatric input that we had**  
23           **until the APRU came along.**

24   Q.    Certainly you felt that the APRU was a significant  
25           benefit to Rathgael.

1 **A. Absolutely. It was excellent. Excellent service.**

2 Q. Paragraph 31 of your statement, just scrolling down to  
3 that, you talk about them there. You say in '82 you  
4 helped to introduce these independent assessment  
5 treatment profiles and that was in conjunction with the  
6 APRU for each resident, the kind of file that we were  
7 talking about there.

8 Paragraphs 32 to 35 you describe the community  
9 service programmes that there were, and you also then  
10 talk in I think it's the next paragraph about the  
11 Community Care Department. Now we heard yesterday, and  
12 I know you were present when RG241 gave evidence to the  
13 Inquiry yesterday, and the Community Care Department was  
14 pretty much where he worked. That looked after things  
15 like preparation for leaving Rathgael as well as leave  
16 and that kind of thing.

17 You go on to describe leisure and recreation in  
18 paragraphs 30 to 31.

19 Paragraph 32 you talk about the medical and dental  
20 support and you talk about the daily sick parades. We  
21 have heard -- the Inquiry has heard that matron was only  
22 there during the day, but your recollection is  
23 different.

24 **A. Yes. The medical -- there was a medical -- a member of**  
25 **medical staff, who was a nurse or the matron, slept --**

1 **slept in in the premises. So there was always somebody**  
2 **on duty.**

3 Q. And you recall that both the matron and the nurses, with  
4 one caveat as to when you first arrived, but certainly  
5 the medical staff were excellent is how you described  
6 them.

7 **A. Well, once the old battleaxe left, it was excellent.**

8 Q. You go on then to describe food and clothing in  
9 paragraphs 33 and 34 here. There was a uniform up until  
10 the early '80s, but the Inquiry has heard of this issue  
11 about absconders and being made to wear shorts. Do you  
12 have any recollection of that at all?

13 **A. I don't actually, although when I arrived, I was working**  
14 **in the senior school, but in the junior school the kids**  
15 **in 1973, which is quite a long time ago, they wore**  
16 **shorts, and then we got rid of these uniforms and the**  
17 **kid wore their own clothes. I can't remember exactly**  
18 **what year that was, but I certainly don't remember**  
19 **absconders or whatever wearing short trousers.**

20 Q. Staffing, you talk about this in paragraphs 35 to 38,  
21 and we have heard that there were casual staff employed  
22 --

23 **A. Uh-huh.**

24 Q. -- in Rathgael, and you felt that they were a good body  
25 of people.

1     **A. Yes.**

2     Q. You say that even though they may have been unqualified,  
3       they had, as you describe them, the ability to get  
4       alongside kids --

5     **A. Yes.**

6     Q. -- and to relate to them.

7     **A. Yes.**

8     Q. And you gave an example of a caretaker, who was entitled  
9       to an allowance because he had boys help him out with  
10      jobs around Rathgael --

11    **A. Yes.**

12    Q. -- and instead of keeping that allowance himself he  
13      actually gave it to the boys.

14    **A. Yes.**

15    Q. You describe -- say most of those casual staff who were  
16      employed were excellent.

17            You talk about training in paragraph 60. Again you  
18      will appreciate, as I have explained to you, Campbell,  
19      I am not going through every single paragraph of your  
20      witness statement, as you can see. The Inquiry Panel  
21      has read it in detail and are aware of what you say in  
22      it.

23    **A. Sure.**

24    Q. So I am just highlighting a few aspects. One of the  
25      things you go on to talk about is the transfer of girls

1 from Whiteabbey. I am going to ask you a little bit  
2 more about that, because you say in your statement that:

3 "A fire had been started in 1985 by some of the  
4 residents. It was fortunate no-one was seriously  
5 injured or killed, and that triggered the closure of the  
6 training school, with Rathgael and Whiteabbey being  
7 amalgamated."

8 You say:

9 "I pressed for a phasing out of Whiteabbey with  
10 girls being allowed to leave from there, when  
11 appropriate, and new residents being sent to Rathgael so  
12 that they had no previous experience of Whiteabbey.  
13 However, the decision was made by Rathgael/Whiteabbey  
14 Joint Management Board and sanctioned by the NIO to  
15 immediately close Whiteabbey and transfer the girls to  
16 Rathgael. This resulted in a culture change for the  
17 girl, boys and staff alike that was initially difficult  
18 to manage. There was limited time to prepare for the  
19 arrival of the girls and they didn't want to be there.  
20 The girls were initially put together in one unit, but  
21 this proved to be a mistake and resulted in some very  
22 disruptive and challenging behaviour."

23 **A. Uh-huh.**

24 Q. "They probably felt they had been forced to go there and  
25 may well have been scared. Everyone had to adjust,

1           which took a long time, and it is my opinion it should  
2           have been planned better."

3           Now I know from talking to you there are certain  
4           aspects of that that you wanted to clarify, because  
5           I was saying to you that the documents the Inquiry has  
6           seen suggest that the transfer was planned.

7   **A. Uh-huh.**

8   Q. There were discussions throughout 1984, for example.  
9       There was this working party that you I know heard  
10      talked about yesterday. We know the girls, for example,  
11      travelled from Whiteabbey to the training school for  
12      school and then back at night-time.

13   **A. Uh-huh.**

14   Q. So you yourself weren't on any working party. Isn't  
15      that correct?

16   **A. That's right.**

17   Q. And you were aware -- if I have understood what you were  
18      telling me correctly, you were aware that Whiteabbey  
19      would close, but as you were expressing it in your  
20      statement, you were saying, "Look, don't bring the  
21      Whiteabbey girls to us. Let's start fresh with new  
22      girls coming in", and part of that was RG241 and that  
23      going out to Whiteabbey --

24   **A. Yes.**

25   Q. -- to try to remove the girls who were in Whiteabbey

1 from the training school situation and put them back  
2 into the community or other homes, but your recollection  
3 is that -- I mean, clearly we know there were ten girls  
4 approximately --

5 **A. Uh-huh.**

6 Q. -- who moved down. You have a memory of Mr Wesley  
7 Donnell from the Social Work Advisory Group going to see  
8 the Chairman of the Board of Management and just telling  
9 him, "Right. The move has to be made now" --

10 **A. Yes.**

11 Q. -- although it would appear from the information that we  
12 have got that that was in train and was likely maybe  
13 only to have been curtailed by a matter of months --

14 **A. Uh-huh.**

15 Q. -- but you thought it might have been longer.

16 **A. Yes. I mean, I -- to me when I'm saying it should have**  
17 **been planned better, the plan was, as I understood, not**  
18 **being involved in this working party, that any girls**  
19 **coming into Rathgael would be coming directly from court**  
20 **and would not be coming from Whiteabbey, and then**  
21 **subsequently ten very disruptive young ladies arrived,**  
22 **who didn't want to be in Rathgael, and it caused quite**  
23 **a lot of difficulties for a period of time. That's what**  
24 **I'm alluding to. It wasn't -- I didn't feel that it was**  
25 **planned properly, but that was it.**

1 Q. These girls obviously -- this was before the youth  
2 treatment split and these girls just were on the care  
3 side.

4 **A. Yes.**

5 Q. They had come in on the care side obviously. Staff did  
6 transfer down from Whiteabbey. You were describing that  
7 that in itself was difficult, because there was this  
8 clash of cultures.

9 **A. Yes, initially.**

10 Q. And you think, putting -- if I could just tease out  
11 a little bit more about the problem of putting all the  
12 girls together in one unit, and how that was a problem,  
13 and how that became quite obvious that that was  
14 a mistake. Can you just say a little bit more about?

15 **A. Well, the ten -- the ten girls came down and they really**  
16 **made a statement that, "We don't want to be here" and**  
17 **they caused a lot of very difficult problems in terms of**  
18 **barricading and very challenging behaviour, and I can**  
19 **remember being at meetings at nearly midnight as we**  
20 **tried to discuss as to what we were going to do about**  
21 **this.**

22 **Now eventually it all settled down and we worked**  
23 **through it, and the girls were divided out to other**  
24 **units, but it was -- it was pretty -- some of the**  
25 **behaviour was a lot worse than anything I had ever seen**

1           with some of our very difficult boys, but it all worked  
2           out. We -- it settled down. Staff worked together and  
3           things basically settled down, but it was very, very  
4           difficult, and I don't think it was planned  
5           appropriately, and that caused that difficulty.

6    Q.   If the case had been the girls hadn't been together in  
7           a cohesive group, as it were, from the outset, then  
8           those difficult behaviours might have been more easily  
9           managed.

10   A.   **I think that --**

11   Q.   Because they were together in a group was the major  
12           problem.

13   A.   **Yes. I think that's true.**

14   Q.   They were able to protest as a group and rebel as  
15           a group.

16   A.   **Yes.**

17   Q.   But once they were split up, that became more  
18           manageable. Is that a fair assessment?

19   A.   **That is correct.**

20   Q.   Now the Inquiry -- I will come on to look at some of  
21           these -- the Inquiry has heard complaints about sexual  
22           relations between certain staff members and girls  
23           largely relating to the 1990s, when you were Director.  
24           I wondered, as Director in the '90s, were you aware of  
25           any of these allegations?

1 **A. Absolutely not. I had no idea. I didn't hear any**  
2 **rumours or no reports to me, and I'm quite shocked**  
3 **actually to hear as to what has been alleged.**

4 Q. We heard -- I mean, it wouldn't have been out of the  
5 order for girls to have crushes on male staff members or  
6 indeed for boys to have staff -- crushes on female staff  
7 members.

8 **A. Sure.**

9 Q. Were you ever aware of anything like that being  
10 an issue?

11 **A. No, not -- not really. I noticed one report and it was**  
12 **a girl complaining about a member of staff who she**  
13 **thought was treating another girl as a favourite.**

14 Q. Yes.

15 **A. But that's about it, to be quite honest. I never got**  
16 **a sense of that.**

17 Q. And you certainly felt that if -- in your management  
18 role you felt that if someone was really concerned about  
19 something, that they could come to you, that you were  
20 that approachable that they would have been able to come  
21 and tell you if they were concerned about staff's  
22 behaviour with any children.

23 **A. I would like to -- I would like to think so, yes.**

24 Q. I am going to look at one matter, and this -- I was  
25 asking you if you remembered a member of staff. I am

1 going to use names. While I am using names, just to be  
2 clear, although you have waived your anonymity,  
3 Campbell, there are other people that the Inquiry has  
4 afforded anonymity to and we won't be using the names  
5 outside this chamber, but that is a member of staff  
6 called RG27. I wondered if you remembered him --

7 **A. I do, yes.**

8 Q. -- from Rathgael. Now papers that the Inquiry has seen  
9 show that he took a girl, who is HIA268 -- and I will  
10 just use her first name, HIA268 -- he took her out of  
11 Rathgael and they were seen together in a pub and that  
12 was reported to management. This was in , when you  
13 were Deputy Director.

14 **A. Right.**

15 Q. If we just look, please, at 22971. It is RGL22971. Now  
16 this is an entry from the Management -- the Board of  
17 Management minutes from . If you can just  
18 scroll down there to minute 95A:

19 "The Panel considered an incident involving a member  
20 of the teaching staff at the centre and a pupil, whereby  
21 it was alleged that the staff member had taken the  
22 pupil, who was under age, to a public house on the  
23 evening of Friday, 28th May.

24 The members of the panel were provided with a typed  
25 statement giving details of the incident.

1           The staff member and RG20 ...",  
2           who would have been I believe a union  
3           representative --

4   **A. Uh-huh.**

5   Q. -- "... were invited to attend and arrived at the  
6       appointed time.

7           Following statements and a series of questions  
8       relating to the incident, the staff member and the  
9       representative withdrew.

10          The panel considered the matter set before them, and  
11       after discussion concluded that the incident had taken  
12       place as alleged. They, therefore, recommended to the  
13       Management Board that a final written warning should be  
14       given. It was agreed that the final warning, which  
15       would be in the strongest possible terms, would remain  
16       on the staff member's record for two years, as laid down  
17       in paragraph A.5 of the Disciplinary Procedures for  
18       Teachers in Training Schools. It should be made clear  
19       that in the event of the staff member having contact  
20       with any pupil outside normal school hours then (sic)  
21       the authority of a senior member of staff (from the rank  
22       of Deputy Assistant Director upwards) or being guilty of  
23       any criminal offence or other misdemeanour deemed to be  
24       of a serious nature would be regarded as a breach of the  
25       warning and under the Disciplinary Procedures would

1 result in summary dismissal."

2 That's signed by the Chairman of the Board of  
3 Governors -- the minutes were signed -- in  
4 .

5 Now if we look, please, at 28515, do you recognise  
6 the handwriting, first of all?

7 **A. Not -- not --**

8 Q. I know it's -- I don't think it yours.

9 **A. -- not really.**

10 Q. Would that be RG112's handwriting? The reason I ask is  
11 because there is another document, which we will look at  
12 later today, which has -- it seems to be in the same  
13 handwriting, and I think that might be RG112's. That's  
14 why I am wondering.

15 **A. Okay. I mean, I will be honest. I mean, it could be,  
16 but, you know ...**

17 Q. At this remove of time it is difficult to say.

18 **A. I am just looking at somebody's handwriting here.**

19 **I don't really know whose it is, but it could well be.**

20 Q. It may well be that it was RG112's.

21 **A. I would say yes, yes.**

22 Q. This is again from . Just to read it, it said --  
23 this is obviously a note that he was making in  
24 preparation for speaking to RG27, because it says:

25 "We are all aware of the circumstances of **RG 27**

1 'precautionary suspension'. He was observed in licensed  
2 premises and, pending further investigations,  
3 a precautionary suspension was invoked, according to the  
4 Management Board's Disciplinary Procedures.

5 To indicate what has happened since.

6 (a) Chairman of Board informed.

7 (b) NIO also informed.

8 I have been instructed to investigate the  
9 allegations. As part of -- a part of brief is to give  
10 RG27 the opportunity to give his side of the story.  
11 When I have completed this, I shall lay the facts before  
12 the Board's Staff Committee for adjudication.

13 Would you like to give me an indication of the  
14 events of the evening of Friday, 29th May?"

15 So it seems that in preparation for speaking to RG27  
16 he has written this out. Then it says -- this is  
17 obviously a gap left for where he is going to write down  
18 whatever RG27 says. Then it goes on:

19 "In the course of my enquiries certain other  
20 information has been given to me, which I also have to  
21 enquire about.

22 (a) On the afternoon of the same day you borrowed a  
23 car belonging to another member of staff. Would you  
24 tell me why? Did you take HIA268 with you? Why? Whose  
25 permission did you ask to take the girl? Would you give

1 me an indication of how long you were out? Did you  
2 borrow a car that -- why did you borrow a car and not  
3 use your own?

4 On the morning of Saturday, 30th May you again  
5 borrowed a school vehicle. Did you take the girl with  
6 you? Why? Timescale."

7 Then if we can scroll down to (c):

8 "Did you take the girl out of school on any other  
9 occasion during the week beginning Monday, 25th?

10 Did you take her out on your own?

11 NB. Check on these two with RG 33

12 Can you think who<sup>RG 33</sup> might have been?

13 **A. Sorry. Would you say ...?**

14 Q. It just says:

15 "NB. Check on these two with<sup>RG 33</sup>"

16 I presume that's initials for another staff member.

17 **A. Yes. I would know who that was, yes.**

18 Q. And that would have been?

19 **A. RG33 I think.**

20 Q. Then:

21 "Have ascertained from RG 152 that he borrowed  
22 <sup>RG 228</sup> van on Tuesday, 26th or Wednesday, 27th to  
23 go out on another 'errand' -- again with HIA268."

24 So this would appear that this man was seen with  
25 a resident from Rathgael outside of Rathgael in the pub.

1 She was under age. It is reported, and if I am correct  
2 in my belief that that is RG112's handwriting --

3 **A. Yes, I think it is, yes.**

4 Q. -- he was tasked to investigate. This is a document  
5 that he creates for the purpose of that investigation  
6 and the purpose of interviewing RG27, and then we can  
7 see that Management Board, having heard about the  
8 investigation, had it presented to them, actually then  
9 issue a final written warning to him.

10 **A. Yes.**

11 Q. Now at this time you were Deputy Director

12 I mean, having seen that and heard a little bit  
13 more about it, I know we are asking a long time ago,  
14 , but does that -- do you have any recollection of  
15 that?

16 **A. I have to be honest. I don't. I wasn't there, as you  
17 can see. RG112 and members of the Board dealt with  
18 the -- with it. I wasn't involved --**

19 Q. Yes.

20 **A. -- and, you know, I honestly can't remember being told  
21 about all this.**

22 Q. Is it possible -- you would have expected RG112 to have  
23 said something to you about it? I mean, for example,  
24 the man was -- the outcome of this was that the man was  
25 given a final written warning. That surely was

1 something that needed to be disseminated to other staff  
2 members, because we can see from the minutes of the  
3 Board of Management that, you know, staff were to report  
4 anything immediately which would be seen as, you know --

5 **A. Yes. I know what you are saying.**

6 Q. -- suspicious conduct.

7 **A. I honestly can say I don't remember being told about**  
8 **this episode.**

9 Q. I appreciate that, but would you -- you would have  
10 expected to have been?

11 **A. Yes, I would have expected. Yes, I would have expected,**  
12 **because it's a serious allegation and a member of staff**  
13 **being given a final warning, and that's really all I can**  
14 **say on that.**

15 Q. Well -- thank you. Going back to your statement,  
16 paragraphs 43 to 46, you talk about the relationship  
17 with the Department. Essentially the Department dealt  
18 with the bigger matters, the macro matters, the funding,  
19 the staffing levels --

20 **A. Uh-huh.**

21 Q. -- that kind of thing, but -- and you go on to say that  
22 SSI's focus was on the care of children.

23 **A. Uh-huh.**

24 Q. You talk about inspections at paragraphs 61 to 65. You  
25 don't remember the Social Work Advisory Group as such

1 being involved. I mean, it seems to be -- and I was  
2 talking to you about this -- it seems to be that the  
3 Social Work Advisory Group came in to advise and support  
4 essentially, and it was only when the SSI took over --

5 **A. Uh-huh.**

6 Q. -- that matters became more formal and more regulatory,  
7 and I think you would accept that that was the position.

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

9 Q. You certainly remember Mr Wesley Pugh coming in. You  
10 describe him as likeable. You remember Mary Madden  
11 coming from the Department --

12 **A. Yes.**

13 Q. -- and Alan Shannon coming from the Department, and  
14 Mr McClelland I think you mentioned coming.

15 **A. Yes.**

16 Q. That was in relation to a particular matter that we will  
17 look at also.

18 We have heard that really there was a cosy  
19 relationship in the early days between the Social Work  
20 Advisory Group and staff and Board of Management and at  
21 managerial level in Rathgael. I don't mean that to be  
22 derogatory or detrimental, but is that your  
23 recollection, that there was an easy, sort of informal  
24 relationship?

25 **A. Yes, but, I mean, I wouldn't call it cosy. We found**

1 SWAG, as it was at the time -- we found Wesley Donnell  
2 and Victor McElfattrick I think was the other gentleman  
3 -- they were very supportive and we took advice from  
4 them and we asked for help at times. So I wouldn't  
5 really call it cosy. I would say that it was helpful,  
6 but certainly the SSI was more -- well, that's when, you  
7 know, serious inspections took place and it was maybe  
8 more businesslike, but I wouldn't call our relationship  
9 with SWAG cosy. It was -- it was very helpful and  
10 supportive.

11 Q. You don't recall -- you make the point you don't recall  
12 any SSI unannounced inspections, although you say that  
13 they did actually come unannounced, but you don't  
14 remember that actually as part of --

15 A. I don't, but that doesn't mean it didn't happen. They  
16 may have wandered into a unit somewhere to talk to staff  
17 without me knowing or anybody knowing about it, but  
18 I don't really recall ...

19 Q. Anything of that nature.

20 A. ... anything of that nature, no.

21 Q. You discuss rewards and punishment at paragraphs 48 to  
22 51. You remember that in -- the cane being used in the  
23 junior school in 1970s. You were in the senior school.  
24 I take the cane was not used then in the senior school?

25 A. No, definitely not.

1 Q. We have heard in the Inquiry also about the use of  
2 a quiet room and time out in Shamrock. You -- I think,  
3 if I've understood you right, but certainly in the early  
4 '70s a child could have been sent to its room and locked  
5 in to its own bedroom or that, but then in the 1980s it  
6 was no longer permissible to lock a child in a room  
7 except for Shamrock and Fox Lodge --

8 **A. Uh-huh.**

9 Q. -- at that stage --

10 **A. That's right.**

11 Q. -- when the split came. Was there, however, the use of  
12 a quiet room for time out in the individual house units  
13 that you can recall?

14 **A. I can't think of what this quiet -- this quiet room was.**  
15 **It might have been -- it might have been a bedroom, but**  
16 **certainly it was against policy and practice for any --**  
17 **you know, locking children in a room. They might have**  
18 **been sort of supervised in a room away from other**  
19 **children, but I don't really know what this quiet --**  
20 **quiet room -- there weren't too many quiet rooms in**  
21 **Rathgael I have to say.**

22 Q. You do remember, however, there was a specific room in  
23 both Shamrock and in Fox Lodge --

24 **A. Absolutely, yes, yes. That's --**

25 Q. -- that was for that purpose. I was wondering what your

1 recollection was about the use of it. Was it much used?

2 **A. In?**

3 Q. In the two secure units in Shamrock and Fox Lodge.

4 **A. No. I think it was only used, you know, appropriately**  
5 **when a child was, you know, becoming a danger to her or**  
6 **himself and to staff, and it wasn't a routine -- it was**  
7 **a facility that was there, and I would have to say that**  
8 **the SSI did a very detailed inspection of that facility**  
9 **and they were happy with the care that took place and**  
10 **with the way time out was uses. The only criticism was**  
11 **about, you know, the recording on a -- on a book. So it**  
12 **was okay.**

13 Q. And that inspection into Shamrock followed on from the  
14 Pindown report. Isn't that correct?

15 **A. Yes.**

16 Q. That it was inspected, as I think indeed was Lisnevin at  
17 that time.

18 You talk about the issue of absconding in the home  
19 at paragraphs 52 to 54 and that's at page 1724. I see  
20 we are still on the screen. We have -- I mean, you talk  
21 about the APRU research project.

22 **A. Yes.**

23 Q. And I know here you talk about every time a young person  
24 absconded this was reported to local police. I just  
25 wanted to explore that a little bit more with you,

1 because you were telling me that you had gone to look at  
2 other institutions, one Aycliffe I think it was in  
3 England --

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

5 Q. -- at one point in time, and this was in relation to  
6 a different matter, but you will went down south and  
7 spoke to an institution there, and they told you that  
8 they didn't report runaways to the Guards, and after two  
9 weeks if the runaway didn't come back, they were just  
10 taken off the books.

11 **A. Uh-huh.**

12 Q. Your attitude was that that was inappropriate and you  
13 reported every single missing child to the police.

14 **A. Absolutely.**

15 Q. You felt that the police, because they had paperwork to  
16 do then, would complain to MP,  
17 about it.

18 **A. Yes.**

19 Q. You also made the point that you invited  
20 to Rathgael on at least eight occasions --

21 **A. Yes.**

22 Q. -- and on every occasion he had -- he was always too  
23 busy in Westminster to be able to visit. So he never  
24 actually visited to see what Rathgael was doing on the  
25 ground, which I think rankles with you, if I can put it

1           that way.

2

7       Q.    But certainly it was an issue nonetheless and this APRU  
8           research project was set up and I think you felt that  
9           this was down to you rather than the NIO, that this was  
10          something that you pressed for --

11       **A.   Yes.**

12       Q.    -- to happen, and while the NIO may have actually  
13           commissioned it --

14       **A.   Yes.**

15       Q.    -- and would have had to obviously, if it had to be paid  
16           for, the idea initially was your own.

17       **A.   Yes.**

18       Q.    That was in conjunction with Damien Curran, as you say.

19            I wonder -- you talk about Fofany Cottage opening in  
20            May 1994.  Was that a further attempt to reduce the  
21            level of absconding and to try to give children  
22            something else to occupy them?

23       **A.   Yes.  It was -- it was linked.  There were kids who had**  
24           **nowhere to go at weekends.  Their homes -- either their**  
25           **homes were so abusive they couldn't go home or else**

1           there wasn't anybody and we thought, "Right. We will  
2           get a cottage, you know, in the Mournes", and we talked  
3           to The Prince's Trust and they gave us some money. We  
4           raised money ourselves, and it was a great facility, and  
5           the kids -- these kids, who were stuck in the centre,  
6           nowhere to go, they were out doing a bit of mountain  
7           climbing or doing whatever, and it was a very -- a very  
8           successful project.

9       Q. I think we have somewhere seen some brochure in respect  
10       of it in the bundle. I don't actually have  
11       a page reference now, but it is certainly in there.  
12       I think there's a photograph of a young man painting  
13       a wall.

14      A. Yes.

15      Q. They did the actual work on the cottage.

16      A. Could I -- yes. Oh, dear! I'd better not -- the young  
17      man who was doing the painting, his name was           . He  
18      was from           .           -- he was  
19      gluesniffing not in Rathgael, but at home, and he fell  
20      down an embankment and drowned. Very, very sad. Very  
21      sad stuff. So you mentioned that. I see -- I can see  
22           on the front of that, and he went to Fofany, but  
23      unfortunately he died. So ... Sorry about that.

24      Q. That's fine. That obviously triggered a memory.

25      A. Yes. The other memory I have to say is the first

1 **funeral I attended after my wife's death was his**  
2 **funeral. That's why it's difficult.**

3 Q. It sticks with you.

4 **A. And his mother put his arm -- she put her arm round me**  
5 **and said "I'm sorry", which was very emotional.**

6 Q. I'm sure it was. I can see -- I am going to move on,  
7 because I can see that I have just triggered something  
8 that's clearly difficult for you.

9 **A. Well, I have to -- I'll just say, you know, having to go**  
10 **back thirty years over certain things, some of them are**  
11 **very difficult --**

12 Q. Yes.

13 **A. -- but we're doing okay.**

14 Q. Well, you talk about something much more banal, if I can  
15 put it that way, which is the issue of funding, at  
16 paragraphs 56 to 59. You describe it being initially  
17 generous and then reduced. We have heard that  
18 management was reduced over the years and you would  
19 accept that it was probably top heavy, and you gave me  
20 an example about the difference between as a teacher in  
21 Rathgael being able to obtain whatever you wanted  
22 effectively to help with the children whereas in your  
23 previous school you had had to sort of -- you had a more  
24 difficult task.

25 **A. You had to count the drawing pins.**

1 Q. Yes. You made the point also about you obtained ten  
2 second-hand typewriters and that was something that you  
3 offered, the typing classes, to some of the boys and  
4 there was a waiting list for that, rather like the kind  
5 of photography and pottery classes --

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

7 Q. -- that were described yesterday by RG241.

8 Paragraphs 66 to 67 you talk -- sorry. Just before  
9 moving on, just about the absconding, you were saying  
10 that there were things highlighted in those APRU reports  
11 which showed there was room to improve certain aspects  
12 and that was worked through. You took on board what the  
13 project had discovered and tried to implement their  
14 suggestions. Is that right?

15 **A. Yes. Well, we identified that it was really a hard core**  
16 **of 12% of kids who were absconding and we -- we analysed**  
17 **when this was most likely to happen and there were**  
18 **certain times. It used to be a certain time at**  
19 **weekends, maybe after visits or whatever, and then we**  
20 **would allocate more staff and respond to that, and we**  
21 **significantly reduced the problem, which was very**  
22 **pleasing, shall we say, because it was something that --**  
23 **you know, these kids were running away and they were**  
24 **putting themselves in danger, and, you know, I was very**  
25 **annoyed at a child coming to Rathgael under a Place of**

1       **Safety Order, place of safety, and there they are**  
2       **running away and putting their safety at risk. So to**  
3       **reduce the absconding was very important and we did**  
4       **effect that.**

5       Q. Just moving on to an issue here that's on the screen,  
6       the issue of self-harm, which you discuss here in  
7       paragraphs 66 and 67, now you were telling me that you  
8       set up the self-injury monitoring group. That was  
9       a direct result of what had happened when a girl who the  
10      Inquiry has heard about, a girl called RG37, had taken  
11      her own life when she was out on home leave.

12      **A. Yes.**

13      Q. You were particularly scared of anything like that  
14      happening to what you perceived to be very vulnerable  
15      children in your care.

16      **A. Absolutely.**

17      Q. That's why this self monitoring group was set up to try  
18      to essentially ensure that it didn't happen in Rathgael  
19      --

20      **A. That's correct.**

21      Q. -- and you were telling me that it never did.

22      **A. No, which is -- considering the profile of the kids that**  
23      **we had, that was an achievement. Very important.**

24      Q. Moving on to another aspect at paragraphs 69 to 70, you  
25      talk about control and restraint. This was -- we have

1 heard -- the Inquiry has heard various different things.  
2 Certainly in your early days there was no training about  
3 control and restraint. Isn't that correct? If a child  
4 kicked off, then staff just manhandled that child in  
5 whatever way they were able to do into a situation or  
6 out of the situation, I should say, to where it could be  
7 managed and made safe -- made safe.

8 Now I was telling you and discussing the 1989  
9 inspection report on training schools, paragraph 4, made  
10 the point that Rathgael did not have rules about the use  
11 of control and restraint and said that the SSI could  
12 advise on same. You were relating to me -- what you  
13 were telling me sounds as though there was a reaction on  
14 the part of Rathgael and the NIO to that. You and  
15 Wesley Donnell went to visit Aycliffe in England --

16 **A. Yes.**

17 Q. -- which was seen as a progressive centre and they were  
18 using a method of control and restraint, but you  
19 realised quite quickly it wasn't suitable for your  
20 purposes, because you knew of at least three children  
21 who'd ended up with broken wrists --

22 **A. Yes.**

23 Q. -- as a result of it. You also went to look at Millisle  
24 and spoke to the Prison Training College there --

25 **A. Yes.**

1 Q. -- sorry -- Prison Officers Training College I should  
2 say --

3 **A. Uh-huh.**

4 Q. -- and again you decided that that wasn't appropriate,  
5 because it was more appropriate for adults --

6 **A. Uh-huh.**

7 Q. -- than for the children that you had to look after.  
8 The Inquiry has seen a statement on the issue of  
9 restraint from Karen Pearson. Unfortunately I don't  
10 have the page reference number, but training was  
11 provided to staff that you recall that was appropriate  
12 to young people.

13 **A. Correct.**

14 Q. And that was something that looks as though it came  
15 about as a result of the 1989 inspection --

16 **A. Uh-huh.**

17 Q. -- highlighting the fact that there were no actual rules  
18 on the use of restraint in Rathgael. So that appears to  
19 have been redressed as a result of that inspection  
20 report.

21 **A. That's right.**

22 Q. And while you remember doing all of those things, you  
23 weren't actually conscious of the fact that, looking  
24 back now, that is how it came about.

25 **A. No.**

1 Q. I was asking what you can recall about -- I should say  
2 just before I move on the Inquiry has received from  
3 a former member of staff, RG20, some instructions that  
4 he received over the years about dealing with violence  
5 and aggression, and they are now in the bundle. I don't  
6 think we need to call them up, but just so the Panel  
7 know where those documents are, they are at 105455 to  
8 105504.

9 I wondered what you can recall about the use of  
10 restraint in Rathgael. Was it routine or was it  
11 a feature of later or earlier years, or what just can  
12 you remember about it?

13 A. My recall is that it wasn't really -- you know, it  
14 wasn't really used. All staff were trained, teachers  
15 and residential social workers, but very -- there were  
16 very -- there weren't many incidents of control and  
17 restraint. It tended to happen more in the secure units  
18 where kids were, you know, acting out. I can hardly  
19 remember hardly any, you know, control and restraint  
20 going on in open units. I'm not saying it didn't  
21 happen, but it was -- it was a rarity. It wasn't  
22 something that happened sort of routinely.

23 Q. Uh-huh, and you felt that it was actually more the  
24 secure units, that would be Shamrock and Fox Lodge, that  
25 it would have been required to be used.

1 **A. Yes.**

2 Q. The issue -- sorry. Aftercare, you talk about that in  
3 your statement at paragraphs 75 to 81. I am not going  
4 to go into that, but we heard yesterday from RG241 that  
5 the Community Care Group or Community Care Department  
6 were the deliverers of the aftercare --

7 **A. Yes.**

8 Q. -- situation for Rathgael and he was heavily involved in  
9 that. That was part of his role.

10 Smoking as an issue is something that we have heard,  
11 that it was a big issue. It was an issue for control of  
12 the children in a sense that this seemed to be  
13 a perennial gripe, that they didn't have enough  
14 cigarettes, or they weren't being given cigarettes, and  
15 staff had to manage that, and they were conscious of  
16 issues about, you know, "Do we ration out the  
17 cigarettes? Do we let them have the cigarettes  
18 themselves?" That changed over the years.

19 One of the things the 1989 SSI inspection also  
20 suggested was a review of the policy within Rathgael to  
21 encourage non-smoking. Do you recall that being  
22 instigated or ...?

23 **A. Vaguely. You know, we obviously discouraged the kids,**  
24 **you know, about smoking, but cigarettes were very**  
25 **important to kids in those days, but when I'm thinking**

1           **back to when I left in the late '90s -- well, '96,**  
2           **I think actually fewer kids were smoking and certainly**  
3           **staff weren't smoking. It wasn't -- there was less**  
4           **smoking generally.**

5    Q.    The culture had changed.

6    A.    **Yes, it changed.**

7    Q.    But --

8    A.    **And I set a very good example, because I stopped smoking**  
9           **in the administration block for a year before I imposed**  
10          **a ban on smoking. So I was a good boy.**

11   Q.    Well, you say that children were encouraged, but it was  
12          a currency for them, and you recall an incident where  
13          girls had barricaded themselves into a room and at  
14          3 o'clock in the morning you were called on site --

15   A.    **Uh-huh.**

16   Q.    -- and really the only thing that actually defused the  
17          situation is when they decided that they wanted  
18          a cigarette.

19   A.    **That's right, yes.**

20   Q.    You also mentioned something in passing to me when you  
21          were talking about the kind of challenging behaviours.  
22          You were talking about the girls being much more badly  
23          behaved than the boys with the exception of a riot that  
24          occurred in Rathgael that you recall from about 1973.  
25          You recall that the police had to be called to that.

1     **A. Yes.**

2     **Q.** As you describe it, the police hit out with batons  
3     children who were involved in that riot situation and  
4     I suppose anyone who got caught up in it also. Were all  
5     of the boys involved in that in 1973?

6     **A.** Now I wasn't -- well, I was in Rathgael in 1973. but  
7     I wasn't in the remand unit, and there was mandatory  
8     sentences for rioters, three months. I can't remember.  
9     So you had sort of guys with sort of paramilitary  
10    involvement, you know, UVF, UDA and stuff, and they  
11    started a riot in the remand unit and the police were  
12    called. Now I wasn't there. I didn't witness it.

13           The only thing is that a boy who I helped to get  
14    through GCSEs and CSEs was in the unit at the time. He  
15    had a broken arm and he was in a cast, and the police  
16    came in and they, well, were very heavy handed and they  
17    broke his arm again. They hit him with a baton, which  
18    he obviously remembered, but that was the only -- that  
19    was about the only -- there might have been one more  
20    incident over the years where the police were involved.  
21    We tried to resolve the issues ourselves. That issue  
22    with the girls, we just stood back and we let it all  
23    settle down. We didn't involve police or anything and  
24    the whole thing was resolved. So, just to get it right,  
25    the police were only involved maybe one or twice in

1           **serious situations over the years.**

2       Q.   At paragraphs 82 to 87 of your statement you recall the  
3           incidents that you were aware of allegations being made  
4           against various staff members in Rathgael.

5       **A.   Yes.**

6       Q.   I am just going to look at a couple of these now.  The  
7           anonymous letter that was received in respect of RG16,  
8           the Inquiry has seen all of the documents relating to  
9           that.  I opened those when I opened this part of the  
10          module, but just to remind them, they can be found at  
11          pages 26210 to 26218, and they are actually there in  
12          reverse order.  They can start at the back and move  
13          forward.  There is also documents relevant to it at  
14          26560 and 26589 to 26591.

15               Now you remember that and you remember the Northern  
16               Ireland Office being involved in the whole -- in fact,  
17               it was an anonymous letter that was received by the  
18               Northern Ireland Office about RG16 and his behaviour  
19               that triggered this investigation.  Isn't that correct?

20       **A.   This -- this anonymous letter was sent to all the**  
21           **directors of Social Services, the head of police, the**  
22           **NIO, everywhere, sent everywhere, and I was called on**  
23           **a Friday afternoon up to an office, an NIO office, in**  
24           **Belfast.  It was Mr McClelland, who was the Assistant**  
25           **Secretary, and he showed me -- he showed me this letter,**

1 and I returned to Rathgael. I informed the Chair -- the  
2 Chairman or Chairperson, which was Lady Moira Quigley,  
3 and RG16 lived on the premises, and Lady Moira and  
4 myself sat in my office and I rang RG16 to come up and  
5 formally suspended him, pending an investigation, and  
6 the arrangement was with the NIO to interview I think it  
7 was two boys, who said, "Look, this is nonsense. This  
8 didn't happen at all", but you have seen the papers. It  
9 wasn't just that. There was a whole lot of allegations.  
10 My -- my feeling was that it was some member of staff  
11 who had a grudge against RG16. It was an anonymous  
12 letter signed by allegedly a parent of a child. Anyway  
13 that was the ...

14 Q. But that was your feeling of it. Certainly it was -- as  
15 I say, the Inquiry have seen the papers showing how it  
16 was investigated and --

17 A. Oh, yes.

18 Q. -- so forth. Then, following that, he was reinstated,  
19 but that was not a matter that was reported to police --  
20 is that correct --

21 A. No.

22 Q. -- because the Northern Ireland Office were involved in  
23 it?

24 A. Yes, and they were happy with the way it was done. The  
25 SSI were involved as well.

1 Q. Yes.

2 **A. There was a panel. I was there. There was the**  
3 **Chairman. There was somebody from NIO and there was**  
4 **somebody from SSI interviewing the boy -- interviewing**  
5 **these two boys or whatever.**

6 Q. Now the Inquiry has received numerous allegations of  
7 physical abuse by those who have spoken to the Inquiry  
8 and you recite the allegations that have been made by  
9 those who have spoken to the Inquiry about Rathgael in  
10 paragraphs 88 to 111 of your witness statement. All  
11 those that came to your attention you treated formally.

12 **A. Absolutely.**

13 Q. And there's some police material that I am just going to  
14 have a look at, if we may, now. I am conscious of the  
15 time, but I think we can look at these quite quickly, if  
16 we can. There was a police investigation at -- the  
17 outline of the case is at 32... -- sorry -- 30247, and  
18 if I can summarise it, this was an allegation by a girl,  
19 a resident of Rathgael, who appear to have been out  
20 probably on leave at a children's home and reports to  
21 a social worker that -- we just see here it is in  
22 July 1995, where there was a meeting held in East Side  
23 Project office in Belfast, but this 15-year-old resident  
24 made an allegation about a member of staff. What she  
25 alleged was that he had made inappropriate comments to

1 her and she then also, when spoken to by the social  
2 worker who was involved with her in the East Side  
3 Project, informed that social worker that he had  
4 inappropriately touched her. She subsequently made  
5 a statement of withdrawal and that statement of  
6 withdrawal is there in the papers, but if we look at  
7 RGL30258, please -- I hope I've got the right  
8 page reference here -- yes -- this is the investigation  
9 and you will see here that the investigation starts in  
10 June 1995.

11 A fax is received from the social worker and verbal  
12 report of contents to RG16 and RG14 and RG 41  
13 by telephone.

14 Senior care team met with Mr Whyte and informed him  
15 of what had taken place and proposed a course of action,  
16 which he endorsed.

17 RG 41 to lead the investigation into the  
18 matters reported.

19 The staff member is informed and he is suspended on  
20 full pay, pending the investigation.

21 Then there is a letter sent to him outlining the  
22 concerns as stated to the social worker.

23 The girl is spoken to by -- I presume this is  
24 RG 41 note -- to advise her of her role, as she  
25 expressed concern about the investigation.

1 He phoned. He had not received the letter. He is  
2 told verbally of the allegations as listed and told of  
3 the procedures.

4 Then there are various people who are spoken to.

5 These seem to be members of staff and I think the

6 statements of them are there: RG 236 , ,

7 RG 254 , RG 255 , RG 256 , RG 257 .

8 Then an arrangement is made to see him with RG16.

9 Sorry. I think that's probably who was  
10 maybe a social worker.

11 **A. Yes.** RG 211

12 Q. She came as a witness to the interview. He agreed to  
13 have a written report on the concerns raised and other  
14 relevant information for Monday evening.

15 Further people spoken to.

16 Then the report -- another report is submitted by  
17 the night supervisor.

18 He is then interviewed and a written statement is  
19 submitted by him, which is also attached.

20 Other staff were interviewed.

21 Then there is an interview with the girl herself.

22 If I can scroll on down, there are details of what's  
23 taking place there. She was concerned about the  
24 information being passed on to other staff in Rathgael  
25 and her having to come back into Rathgael from where she

1 had been out. If we can just scroll on down:

2 "I explained to her that we would endeavour to  
3 protect anonymity and that she had a role to play in  
4 this by not discussing the issue with other children."

5 Explained to her that it was not her intention to  
6 speak to her again regarding the matter unless RG 124  
7 wished to speak to her.

8 She asked -- requested staying in House , not  
9 moving to House until September.

10 I think she said something about the house move  
11 might make it more obvious or something like that, but  
12 in any event this is investigated and then you will  
13 see -- I am not going to go through the rest of these  
14 documents, but there are clearly a number of documents  
15 that are then compiled from interviews with other staff  
16 members about what they thought about him and his  
17 behaviour and whether this was likely and so forth and  
18 so on.

19 **A. Uh-huh.**

20 Q. And ultimately RG16, after all of this information is  
21 carried out, he reports it to police. Then police say,  
22 "Well, look, this girl has clearly made a statement  
23 saying that she -- while the allegations she has made  
24 are true, she does not wish to proceed with the  
25 complaint". So they say, "Well, there is nothing we can

1 do about this" and that matter is -- a line is drawn  
2 under it.

3 That's an example both of might I suggest  
4 a willingness on the part of children to report  
5 allegations --

6 **A. Yes.**

7 Q. -- and the steps that were taken by staff to investigate  
8 allegations of this nature. Now your name is there, but  
9 you have no recollection of it, or do you now you've  
10 seen it?

11 **A. Well, earlier on -- earlier on I had no recollection and  
12 now I have a vague recollection --**

13 Q. From sight of the documents.

14 **A. -- but the most important thing is it was dealt with  
15 appropriately. That's the important thing.**

16 Q. It is clear that staff reported matters to police which  
17 involved other residents, I mean, examples of children  
18 abusing other children, sexual abuse of children.

19 **A. Yes.**

20 Q. I will give the Panel some more details of those later,  
21 but just one example was a 1983 example. There were  
22 photographs -- police investigated and there were  
23 photographs taken and I am just going to call those up  
24 simply because they show what the interiors of the  
25 bedrooms were like for the children. This is from

1 House 7. If we look at 35942, please, and if we can  
2 perhaps invert these, you will see here it says  
3 "Dormitory in House 7, Rathgael Training School". Then  
4 the photographer is Constable there. So if we  
5 can scroll down, I am afraid we are going to have to  
6 invert each of these pages. These are photographs  
7 obviously that were taken in 1993 (sic) in the course of  
8 this investigation. So this looks like it's  
9 a three-bedroom dormitory and there's -- these box-like  
10 items I presume are the children's lockers that they  
11 would have had.

12 **A. Uh-huh.**

13 Q. If we can just -- there's a few more photographs of the  
14 lockers or wardrobes I suppose. It looks like someone  
15 has a poster there. I think there's just a few --  
16 couple more photographs. Just various angles of the  
17 bedroom. The boys that the investigation was about  
18 obviously must have shared. Now I think that's probably  
19 the last one. Yes. That's just then the back of the  
20 album of photographs. So I am just using these to show  
21 what inside of the units were like, because obviously we  
22 have heard about this. You can see there even from  
23 this, looking at that photograph, there is like a peep  
24 hole in the door.

25 **A. Uh-huh.**

1 Q. Is that -- it like a letter-box size thing. Is that  
2 your recollection of it?

3 **A. Yes.**

4 Q. And there seems to be some scraping on the back of the  
5 door, which may be -- might have been some --

6 **A. It's not a bad carpet, but I don't like the rest of it.**

7 Q. Well, that certainly was the bedroom that was  
8 photographed by the police in 199... -- '83. Sorry.

9 **A. '83. Right. Okay.**

10 Q. Another incident that the Inquiry has heard about  
11 involved a member of staff who I know is now deceased  
12 and that's RG31. Now he resigned after admitting to  
13 having a child who absconded in his home, and the  
14 Inquiry heard something about this from another witness,  
15 who actually reported the matter. I think if we look at  
16 36979, and this is certainly I think the last matter  
17 that we will look at before lunch time. I am conscious  
18 of the time.

19 This is an outline of case, and I will tell the  
20 Panel a little bit more about Op Danzin, but it is  
21 an allegation that was made by somebody to police. If  
22 we can just scroll on down, that's the outline of the  
23 case about it, but there was -- if we can look, please,  
24 at 36983. There are documents on this at 36983 through  
25 to 37027, but I think maybe if we look at -- yes, this

1 is part of the investigation papers setting out the  
2 history involving this boy and him being let out and not  
3 returning, absconding and then what happened thereafter.  
4 I think the chronology can be seen at 37014, and you  
5 will see he failed to return to school. He is  
6 apprehended by police four days later. There is a list  
7 found in his clothes in RG31's writing and RG31's  
8 telephone number is also found. The matter is referred  
9 to the Director.

10 RG31 is contacted by the deputy headmaster. He  
11 admitted that the child had visited him each evening  
12 since 10th August and admitted that he had visited on  
13 17th August and returned earlier than usual. He denied  
14 knowing that he was absconding. There is a meeting of  
15 the Director and senior staff and the objects that were  
16 on the list, which seemed to be objects associated with  
17 the occult, were identified. RG31 interviewed by the  
18 Director. He denied giving the list or a telephone  
19 number. Denied entertaining other Rathgael boys or  
20 former pupils. Other staff were -- sorry -- that's  
21 actually the NIO I think staff, Mr Donnell and Miss  
22 Meakin, who are informed. Board Chairman is informed.

23 The child is interviewed. You will see there what  
24 he said. Just scroll on down. He said another boy had  
25 been in contact with RG31. He is formally interviewed.

1 RG241 then interviewed another boy, who said he had  
2 visited RG31, and then RG31 is interviewed by the  
3 Director. Admits that the boy spent a night at his  
4 home. Denied he knew he was absconding. He is then  
5 suspended. The Director gave Mr McClelland a detailed  
6 resumé, Mr McClelland being the Northern Ireland Office.  
7 Is that correct?

8 **A. Yes.**

9 Q. Then the school's solicitors are met with. There's a  
10 meeting of the Board's Staff Subcommittee meeting and  
11 RG31 subsequently resigns. He is told that police will  
12 be notified and Bangor police are asked then to  
13 investigate.

14 So again that's another example of when something  
15 comes to the attention of staff in Rathgael, it is  
16 reported to line management and it is dealt with in the  
17 manner that the documents show.

18 Now just one matter, and I don't expect you to name  
19 names. Those who the Inquiry has heard allegations  
20 about, you worked with most of the people who were named  
21 in those allegations.

22 **A. Yes.**

23 Q. And I wondered what your experience of those people were  
24 and how you felt about the allegations. Is there  
25 anything that you wanted to say about them in general

1 terms?

2 A. Well, I have to say I'm shocked at some of the  
3 allegations -- most of the allegations I'm quite shocked  
4 and surprised. Now I don't know if these allegations  
5 are true or not. I would guess some of them are  
6 definitely true, but maybe some of them are not true.  
7 If you're asking me did I have any suspicions of these  
8 members of staff, honestly I didn't. You know, they  
9 weren't -- I didn't see them as potentially abusive, you  
10 know, individuals. I'm seriously trying to think was  
11 there anyone that I had any suspicions about. There  
12 might have been one, but he was dealt with. I dealt  
13 with him twice, but apart from that I had no suspicions,  
14 or didn't hear rumours, or I didn't have any reports.

15 Q. Well, Campbell, you will be glad that for the moment  
16 that's all I have to ask you. I think we are going to  
17 rise shortly for lunch, but I'm not sure if the Panel  
18 would like to ask you some questions before or after  
19 lunch.

20 CHAIRMAN: After.

21 MS SMITH: After lunch. Chairman, what time will we resume?

22 CHAIRMAN: Not before 2 o'clock.

23 (1.15 pm)

24 (Lunch break)

25 (2.15 pm)

1 Questions from THE PANEL

2 CHAIRMAN: I wonder if I might just ask you something about  
3 the absconding practice. You said that absconding and  
4 therefore the absconders presumably were always reported  
5 to local police. Was there any form of practice  
6 allowing them a certain amount of leeway before they  
7 were reported; in other words, if somebody who was due  
8 to come back from weekend leave on Sunday didn't come in  
9 and you knew that he might well turn up early on Monday  
10 morning, would you wait and see whether he turned up or  
11 just as a matter of course once a few minutes had gone  
12 past the time --

13 **A. Well, not so much minutes, but maybe a few hours'**  
14 **leeway, but if they were absent overnight, that was**  
15 **a concern. They would have been reported as missing.**

16 Q. So really during the day you might exercise a degree of  
17 discretion, but once night-time came --

18 **A. Yes.**

19 Q. -- that was a different matter? You have described the  
20 way you approached the high level of absconding and the  
21 way you were able to reduce it significantly. We have  
22 heard that the APRU prepared a report on the procedures  
23 you had adopted, but it has been described to us as  
24 something which was not passed around the training  
25 school system generally until it became known at

1 St. Patrick's through a Social Services Inspectorate  
2 report that this had not been done. So St. Patrick's  
3 did not appear to have learnt what you were doing, for  
4 example, in relation to absconding.

5 I just raise that, because you said at paragraph 47  
6 of your statement you:

7 "... had good relationships with all the other  
8 training schools. We were able to discuss issues that  
9 impacted across the institutions."

10 Were there any formal mechanisms by which views  
11 about matters of common concern were shared with the  
12 directors or was it just an informal thing?

13 **A. Very informal and a very -- it was more a social thing**  
14 **--**

15 Q. Yes.

16 **A. -- you know. Yes, when we met, some issues would be**  
17 **discussed, but that wasn't really the purpose of it. It**  
18 **was more just relating well to another institution.**

19 **The only thing I'll say about the absconding is that**  
20 **Damien Curran would regularly be in St. Patrick's, you**  
21 **know, and I'm surprised at what -- you know, his**  
22 **research wasn't shared there.**

23 Q. Yes. The position so far as we can determine at the  
24 present time was that the information -- let me put it  
25 this way -- went up to the NIO, but it doesn't seem to

1 have gone down again until this was pointed out by the  
2 SSI, and therefore it didn't go sideways either, if you  
3 follow what I mean.

4 **A. Yes, I do. I do. I understand.**

5 Q. Yes. Thank you.

6 **A. I think we were more pre-occupied in ameliorating the  
7 problem than maybe sharing it.**

8 Q. Yes. Thank you very much.

9 MS DOHERTY: Just a follow-on about -- follow-on about  
10 absconding. We heard from some witnesses about girls  
11 being locked in a unit and kept in their pyjamas in  
12 order to prevent them absconding. Do you remember that  
13 being used as a method?

14 **A. I don't really, to be quite honest now, you know. I'm  
15 being honest. It certainly wasn't an accepted policy.  
16 Now I can maybe understand if you have a girl who is  
17 running away all the time and she's in danger, you know,  
18 instead of -- you can't lock her in her room, but you  
19 want maybe to try and to keep her safe, but at the same  
20 time it certainly wasn't an accepted practice.**

21 Q. Okay. You mentioned that there was a clash of culture  
22 between the staff from Whiteabbey and the staff that  
23 were in Rathgael.

24 **A. Uh-huh.**

25 Q. Could you say just a bit more about that? What ...?

1     **A.** Well, it was -- the word "clash" is a bit strong, but  
2     I think some -- some of the members of Whiteabbey staff  
3     weren't madly enthusiastic having to leave what they  
4     were familiar with and then coming to Rathgael, and  
5     they -- to be fair, they were used to working with girls  
6     and we were used to working with boys. So there was  
7     certain things that had to be worked through. Now as  
8     I honestly pointed out, there were difficulties at the  
9     beginning, a lot of difficulties with the girls, but  
10    staff worked through that. As I say, I remember being  
11    at 12 o'clock at night and we were in meetings trying to  
12    work out better ways of managing the situation, but in  
13    the end the Whiteabbey staff became integrated into the  
14    Rathgael Centre.

15    **Q.** So it was more about maybe a reluctance for the move  
16    rather than different principles of how to care?

17    **A.** Yes, I would say so.

18    **Q.** In relation to the Rathgael staff, particularly the male  
19    staff --

20    **A.** Yes.

21    **Q.** -- was there training in relation to how to deal with  
22    girls and what some of the risks and challenges might  
23    be?

24    **A.** Well, there certainly -- to my knowledge or memory there  
25    wasn't any particular training in advance of the girls

1 coming. Now thereafter I'm sure people attended various  
2 training courses and, you know, they would have learnt  
3 different skills, etc, but I'm not aware of -- I mean,  
4 I was listening to RG241 yesterday. He was on a working  
5 party, but I wasn't on this working party, and I didn't  
6 -- I didn't see the picture the same way as he saw it.

7 Q. No, and, I mean, the way you describe it is suddenly  
8 this move happened much quicker than expected. So there  
9 wasn't the time --

10 A. No.

11 Q. -- to prepare for it maybe.

12 A. Well, that was my perception and I think it was the  
13 perception of most staff. It was as if we knew it was  
14 coming, but it was foisted, because of the fire, and  
15 I can understand why it happened, but it did cause us  
16 initially some problems.

17 Q. Uh-huh. Can I just ask about the dependence on casual  
18 staff? I mean, I hear you say that these were staff  
19 that could work well with children and be alongside  
20 them.

21 A. Yes.

22 Q. But we have heard particularly during summer months  
23 there was a dependence, because both teaching staff and  
24 care staff would have time off. Did that create issues  
25 for you in relation to both consistency of care and --

1     **A. I wasn't aware of that. I mean, I didn't -- I wasn't**  
2     **aware of that, you know, being an issue. During the**  
3     **summer months there would be probably fewer -- fewer**  
4     **children about, because we would be using Runkerry and**  
5     **various other community-based options. I am not aware**  
6     **of that being a problem, and this cadre of staff were**  
7     **well-known to us and to the children.**

8     Q. So they were a pool of --

9     **A. Yes, there was a pool. They weren't strangers coming in**  
10    **and they all obviously had been appropriately vetted.**

11    Q. Would you not have had more admissions during the summer  
12    months with kind of the marching season in writing and  
13    -- would that not have been ...?

14    **A. No.**

15    Q. No?

16    **A. I don't think so, no. No.**

17    Q. No? Not even having children off school and getting  
18    into bother?

19    **A. Maybe the courts weren't as active maybe during the**  
20    **summer.**

21    Q. Okay. Just the last question is really about as  
22    a senior management team how you worked together as  
23    a senior management team. Like how were you aware as  
24    Director or Assistant Director what was happening in the  
25    units?

1     **A. Well, I supervised my senior colleagues on a monthly**  
2         **basis and these were all recorded and I -- through that**  
3         **supervision I would learn as to what was going on in the**  
4         **units, not everything, but I would visit the units on**  
5         **a fairly regular basis and talk to team leaders and be**  
6         **involved in team meetings, etc, but you can't be**  
7         **everywhere all the time, you know.**

8     Q. But did you have a senior management regular team  
9         meeting?

10    **A. Absolutely, yes.**

11    Q. On a ...?

12    **A. On a -- crikey. It was nearly happening on a daily**  
13         **basis, but certainly officially on a weekly basis. We**  
14         **were very much -- we worked very closely together.**

15    Q. Okay. Thank you very much.

16    **A. Thank you.**

17    MR LANE: The senior staff team from what we have been told  
18         sounds as though it was rather a large team.

19    **A. Well, it started off as a large team and then it**  
20         **became -- in fact, I say in my report it was reduced by**  
21         **about 50%.**

22    Q. Yes. Was that your doing to reduce it down?

23    **A. No. No. It was -- it was -- how shall we say -- it was**  
24         **negotiated with the Department.**

25    Q. Uh-huh.

1     **A.** And it was to do with savings. We had to -- our budget  
2     was severely cut. I always remember when we developed  
3     our five-year corporate plan, and I was quite  
4     evangelical about it, you know, that "We are going to  
5     change the world here" and staff were all fired up, and  
6     I am probably being immodest, but the night supervisors,  
7     who nobody seemed to -- I got them in or I got -- at  
8     night I got them all together and told them about our  
9     great plan and they gave me a standing ovation. So  
10    I was full of wonder. You know, "We are going to be --  
11    we are going to be a centre of excellence. Here we go".  
12    The budget was cut by half a million pounds about three  
13    weeks later and I had to make about twenty people  
14    redundant. So that was the name of the game.

15    **Q.** Did you feel that standards were actually affected by  
16    the reduction in senior staff?

17    **A.** If I'm being honest, we were top heavy.

18    **Q.** Uh-huh.

19    **A.** What actually then happened was team leaders took on  
20    more duties and more responsibilities. We were top  
21    heavy, but it was a significant reduction.

22    **Q.** And presumably communication became easier when there  
23    were fewer?

24    **A.** Possibly, yes.

25    **Q.** One other just factual thing. Obviously a lot of the

1 young people were there under Training School Orders,  
2 but were there also some who were under Fit Person  
3 Orders?

4 **A. Yes.**

5 Q. Was there a distinction between them noticeable?

6 **A. Not really. You know, the backgrounds of these kids and**  
7 **the problems they had, and this is what -- you know,**  
8 **when we had this care/justice business, people had**  
9 **this -- possibly people had a notion the delinquents are**  
10 **different from the care kids, but when you get down to**  
11 **individual assessment treatment profiling, all of**  
12 **a sudden you find that they have the same problems.**  
13 **They're not going to school. They're disruptive.**  
14 **They're causing problems at home, etc, etc. So there**  
15 **wasn't really a big difference, although I have**  
16 **mentioned that some of the care kids were actually more**  
17 **disruptive than the delinquents, because they were angry**  
18 **about abuse and all kinds of things that had gone on in**  
19 **their lives, but that's a generalisation.**

20 Q. We have been told that the ones who were on Training  
21 School Orders were concerned because they might have to  
22 stay as long as three years, but presumably the ones on  
23 Fit Person Orders could have stayed even longer.

24 **A. I don't -- I don't think so. I think RG241 yesterday**  
25 **said that the Training School Order -- I mean, it was**

1 a year maybe.

2 Q. Typically.

3 A. Yes, a year or fourteen months I think was sort of  
4 an average, you know. The one thing I have to say,  
5 which he alluded to yesterday, it wasn't a big  
6 percentage, but there were kids who were there for  
7 non-school attendance --

8 Q. Uh-huh.

9 A. -- and I always felt extremely sorry for those kids,  
10 because they may well have the problems a lot of the  
11 other kids had, but really they shouldn't have been sent  
12 to a training school for non-school attendance. Then  
13 Whitefield and various other options came into effect,  
14 which helped that situation.

15 Q. Was it the availability of other resources that reduced  
16 the demand for Rathgael then?

17 A. I would say so, yes. I think it became much more -- you  
18 know, there was a bigger emphasis on community-based  
19 treatment, and I would like to think in Rathgael we were  
20 quite creative about that in terms of creating the East  
21 Side Project, Fofany, you know, alternatives within the  
22 community.

23 Q. Uh-huh.

24 A. So we weren't just a residential facility.

25 Q. Thank you very much.

1 **A. Thank you.**

2 MS SMITH: Chairman, that completes this part of our open  
3 session today.

4 CHAIRMAN: Yes. Well, we will rise just for a few minutes  
5 to allow the necessary preparations to be made to  
6 continue in closed session.

7 (2.35 pm)

8 (Short break)

9 (2.40 pm)

10 Further questions from COUNSEL TO THE INQUIRY

11 MS SMITH: Chairman, just before we go into closed session  
12 there is one thing I have been asked to clarify, because  
13 I may have misled the Inquiry when I was asking Mr Whyte  
14 about his trip to Aycliffe and we were talking about  
15 control and restraint. I didn't mean to imply there  
16 were three children who were resident in Rathgael who  
17 had ended up having a broken wrist as a result of the  
18 use of control and restraint there. This was something  
19 that you were aware of had happened in Aycliffe. Isn't  
20 that correct?

21 **A. Correct. That's the facts of the case, yes.**

22 Q. And I may have not made that entirely clear when I was  
23 asking you about it or when I was making that statement.  
24 So I just wanted to clarify that was the case.

25 **A. As a result of that fact we made sure that we got**

1           **appropriate training for control and restraint, because**  
2           **clearly it wasn't inappropriate at the Aycliffe centre.**

3    Q.    Okay.  Thank you very much.

4    CHAIRMAN:  Yes.  That's very helpful.

5    (2.45 pm)

6           (The Inquiry continued in closed session

7                   -- see separate transcript)

8    (3.20 pm)

9    CHAIRMAN:  I think we will just deem it as having gone back  
10           into open session --

11   MS SMITH:  Very well.

12   CHAIRMAN:  -- because there is no-one else here anyway.  So  
13           ...

14           Mention of complaints by COUNSEL TO THE INQUIRY

15   MS SMITH:  Chairman, it is really -- I mean, I have dealt  
16           with some of this earlier this morning in respect of the  
17           number of complaints that the Inquiry has heard about,  
18           and I just wanted to give a flavour of some of the  
19           material that has come to the Inquiry attention through  
20           police material other than what has already been  
21           outlined.

22           I am not going to go into all of the details, but,  
23           for example, at police file OCD55 is the reference  
24           number for it there is an outline of a case at RGL30076.  
25           This was an allegation of a sexual assault by a night

1 supervisor, which was made by a boy in 1978. He told  
2 the house warden, who told the house headmaster of the  
3 senior school, who told the child to think it over for  
4 an hour before telling the headmaster. He then had the  
5 child write a statement and contacted the police. After  
6 being interviewed by police the boy retracted the  
7 statement and the headmaster of the senior school had  
8 him write a letter of apology to the night supervisor.  
9 That's in 1982 -- sorry -- that was 1978. In 1982 he  
10 reinstated the complaint. Now police were never in  
11 a position to interview the night supervisor due to his  
12 poor health and ultimately no prosecution was directed.

13 There are a number of allegations that were reported  
14 to police where there were allegations of sexual  
15 activity involving children in Rathgael, whether they  
16 were -- for example, OCD59, which is the outline, is at  
17 RGL30140. That was an allegation of rape by one  
18 resident on another which is made to staff in September  
19 1994. It was reported to police immediately. Forensics  
20 proved negative and there was no prosecution.

21 OCD62 outline is at 30201, where a boy pleaded  
22 guilty to the attempted rape of a girl in Rathgael after  
23 both had been sniffing glue in the grounds in 1985.

24 This was reported to police after the social worker saw  
25 the girl come in, overheard her tell another child in

1 the unit that she had been raped, and the senior member  
2 of staff who was on duty was told and contacted police  
3 immediately.

4 There is OCD66, RGL30247. A girl who was resident  
5 in Rathgael made allegations to the residential social  
6 worker in a children's home. I think that's actually  
7 the matter that we looked at earlier. It is, in fact,  
8 the matter that we looked at in respect of RG16 making  
9 the complaint on her behalf.

10 OCD72 involved sexual activity between 16-year-olds,  
11 who were thought to have absconded, but were, in fact,  
12 hiding in the maisonette, where staff had failed to  
13 discover them hiding under the bed, and staff reported  
14 that matter to police, and I think the comment is made  
15 by police in the course of the outline, which is at  
16 30274, that the whole matter could have been prevented  
17 with better supervision by staff and better search of  
18 the location for the children.

19 OCD76 involved sexual activity between two boys in  
20 1982, which was reported by staff and, as staff put it,  
21 it was another example of these matters being reported  
22 in the wake of the Kincora affair. That's 31068, and  
23 I should say that there are clearly a number of these  
24 types of matters being reported by staff. In that case  
25 ultimately there was no prosecution.

1           There was a complaint of unlawful carnal knowledge  
2           where staff told police after a girl told them that she  
3           had had sex with another resident. The outline of that  
4           is at RGL31092.

5           The other matter that -- I think there is a case  
6           again from 1985 involving staff reporting matters to  
7           police involving other residents. That's at 33584, and  
8           again another example from 1982, when staff became aware  
9           of allegations they reported to police, 33603.

10           There is a case from 1987 --

11   CHAIRMAN: A little bit more slowly.

12   MS SMITH: Sorry.

13   CHAIRMAN: Yes.

14   MS SMITH: -- at 37300. There is the outline of a case  
15           incident at that page reference. That was an incident  
16           involving boys which was reported by a boy. A boy  
17           complained to his -- the residential social worker,  
18           RG 56 , that he had been interfered with the night  
19           before. She reported to the social worker on duty, who  
20           then reported it to RG47, who reported it to police.

21           So it's clear that where matters of untoward  
22           behaviour involving the residents came to staff  
23           attention, certainly from 1982 onwards those matters  
24           were being reported to police.

25           There is the one incident that I outlined of the boy

1 making an allegation of sexual assault which did not, in  
2 fact, end up being reported to police. Sorry. After --  
3 sorry. After the boy retracted his statement that  
4 didn't go any further.

5 There is an incident from 1996 where an allegation  
6 of sexual abuse was made by a boy on another member of  
7 staff, which dated back to the 1970s. I think I was  
8 actually printing off the page reference for that. It  
9 is in the bundle also. I think it is OCD113 and I can  
10 check the page reference. In fact, if you bear with me,  
11 I probably have it here. When police started to  
12 investigate the matter in 1996, they realised that this  
13 man, who had moved to Scotland, was being investigated  
14 there for similar allegations, but he unfortunately died  
15 before police could interview him in respect of the  
16 matter relating to Northern Ireland. That's at 113 --  
17 OCD113 at page 33989 to 34012.

18 You will have heard about the incident involving  
19 a member of staff where prison staff at Maghaberry  
20 Prison witnessed an incident involving a **RG 48** and  
21 a girl RG88, who was in Maghaberry at the time, and  
22 who reported that to the authorities, but the girl  
23 herself at that stage didn't wish to confirm the -- what  
24 she had told the prison officer in Maghaberry and that  
25 didn't proceed any further.

1           There are the -- there were the two major police  
2           investigations that I made mention of when two members  
3           of staff reported what they wanted to say about Rathgael  
4           to -- they sent a letter, first of all, to Mr McCoy in  
5           the Social Services Inspectorate and then they were  
6           interviewed and gave very lengthy details of what they  
7           said in -- to Victor McElfattrick and Marion Reynolds,  
8           and those -- we have already looked at those in the  
9           course of earlier evidence.

10           The other major police investigation was Operation  
11           Danzin, which is still ongoing, and came about following  
12           media reports in 2013. I think it is true to say that  
13           a number of allegations that the Inquiry has heard of  
14           and the police statements relating to those are from  
15           people who also spoke to police in connection with  
16           Operation Danzin.

17           If we just look, for example, at 36028, which is  
18           part of an outline of -- various outlines of case were  
19           being given at various times in the course of this major  
20           investigation to the Public Prosecution Service. That's  
21           36028. You will see here that:

22           "It is a large investigation into state-run care  
23           homes. The investigation into Rathgael contains  
24           approximately at this stage 32 suspects and 30 injured  
25           parties. The majority of the complaints are physical

1 but some are of a sexual nature."

2 It relates the names there of people against whom  
3 allegations have been made. You will see certainly two  
4 of them are deceased. Two are outside the jurisdiction  
5 and one person remained in Northern Ireland. However,  
6 if you scroll down through this, it turns out that the  
7 one person who was alive and amenable, as it were, was  
8 in poor health I believe and was not, in fact,  
9 interviewed at this point in time, but you will see  
10 that -- you will see here that:

11 "Injured parties or complainants were coming forward  
12 in relation to recent media coverage and a Facebook page  
13 that had been started by a former resident,

14 ",

15 and the type of complaints that were being made.  
16 That is one example of some of the investigation that  
17 was undertaken under Operation Danzin.

18 I think that at this stage there is a substantial  
19 body of police material. The vast majority of it  
20 relates to complaints of physical abuse, and some of it,  
21 as you have heard already, relates to allegations of  
22 sexual abuse, both in respect of young boys and also in  
23 respect of girls in later years.

24 Chairman, that concludes the evidence to be  
25 presented in this Module 7 of the Inquiry's work.

1 I believe we are due to start Module 8, which will look  
2 at Barnardo's, in December.

3 CHAIRMAN: Yes. I think in relation to the matters you have  
4 just described it is important to underline that these  
5 are allegations that are being investigated. They have  
6 not been tested in court.

7 MS SMITH: That is correct. I should -- I should --

8 CHAIRMAN: Therefore they are allegations. Whether they are  
9 well founded or not may or may not be placed before  
10 an appropriate court in due course.

11 MS SMITH: Yes, indeed, Chairman. I should have added that  
12 to date no member of staff has been prosecuted in  
13 respect of any of those allegations. A lot of them have  
14 resulted in no prosecution and no member of staff has  
15 been prosecuted.

16 CHAIRMAN: Well, no prosecution simply means the prosecuting  
17 authorities do not consider a prosecution is justified.

18 MS SMITH: Indeed.

19 CHAIRMAN: They are concerned with matters of higher  
20 standards of proof.

21 MS SMITH: Yes, indeed.

22 CHAIRMAN: So the allegations and responses remain untested  
23 as far as we are concerned.

24 MS SMITH: That's correct.

25 CHAIRMAN: Very well. Well, we will at a later stage be

1 receiving the final submissions in relation to the  
2 present module, but we will therefore conclude this  
3 module so far as public hearings are concerned now, and  
4 the next sitting of the Inquiry will be in due course in  
5 relation to Module 8, the Barnardo's homes at Sharonmore  
6 and Macedon.

7 (3.40 pm)

8 (Inquiry adjourned until 10 o'clock  
9 on Monday, 7th December 2015)

10 --ooOoo--

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