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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 Thursday, 3rd September 2015

commencing at 10.00 am

(Day 136)

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

1 Thursday, 3rd September 2015

2 (10.00 am)

3 (Proceedings delayed)

4 (10.35 am)

5 CHAIRMAN: Good morning, ladies and gentlemen. I am sorry  
6 we're little a late starting this morning, but there  
7 were other things that had to be put in place to allow  
8 us to do that.

9 Before we resume can I just remind everyone, as  
10 always, to ensure their mobile phone has been turned off  
11 or placed on "Silent"/"Vibrate" and also to remind  
12 everyone that no photography is allowed either in the  
13 chamber or anywhere on the Inquiry premises.

14 Yes, Mr Aiken.

15 Opening remarks by MR AIKEN (COUNSEL TO THE INQUIRY) (cont.)

16 MR AIKEN: Good morning, Chairman, Members of the Panel.

17 I just indicate for completeness Mr McGuinness of  
18 counsel appears for the Department of Health. His  
19 appearance was given at the start of the week by  
20 Mr Wolfe, but he appears this morning.

21 CHAIRMAN: Yes. Thank you, Mr McGuinness.

22 MR MCGUINNESS: Thank you, sir.

23 MR AIKEN: Members of the Panel, before we finished last  
24 evening we were looking at the case of DL137. Before  
25 I resume that, it will be no surprise, given the pattern

1 of the Inquiry's work, for the Panel to be told that  
2 documentation relevant to our work continues to come in  
3 even as I am addressing the Panel during this opening.

4 One of the documents we were keen to get our hands  
5 on was the 1950 memo that appeared to be issued by the  
6 Ministry of Home Affairs in respect of training schools.  
7 We have now obtained at least a first page of the  
8 document. I will explain why I say that in a moment.  
9 You can see just from the form of the document and  
10 what's written on the top that it appears to have been  
11 sellotaped into Malone Training School admission  
12 register. I say that because if we just scroll down  
13 before we look at the content, you can see that there's  
14 writing on the right-hand side not on the actual page of  
15 the memo and then at the bottom you can see the  
16 sellotape from where the document appears to have been  
17 located in a Malone Training School book.

18 If we just scroll up to the top, we can see that it  
19 is dated 21st March 1950 and it comes from file number  
20 -- and we will be keen to try and see if we can identify  
21 this file and discover what else might have been in it  
22 -- but there is "File number: NS 7975" and then it has  
23 "Cir.", circular, "number: TO 7/1950". It is entitled  
24 then "The Children & Young Persons Act (Northern  
25 Ireland) 1950". It explains when the Act will come into

1 force, which is on 1st April, so nine days post the  
2 making of the memo.

3 It sets out then in respect of training schools:

4 "Under the Act the distinction between certified  
5 reformatory and industrial schools will disappear.

6 Under the new Act all existing certified schools will be  
7 known as 'training schools'."

8 Then it explains an extension to the age limits. It  
9 says:

10 "The important change under the new Act is the  
11 extension of the term 'young person' to include children  
12 up to the age of 17. The lower age limit for committal  
13 has also virtually been raised in that section 46(2) of  
14 the Act provides no child under 10 years may be sent to  
15 a training school unless the court is satisfied that he  
16 cannot otherwise be suitably dealt with.

17 The present reformatory school must be prepared to  
18 receive older and possibly more difficult children but  
19 the present industrial schools will normally receive  
20 children between the ages of 10 and 14."

21 The memo goes on then to deal with the duration of  
22 training school orders and the -- you can see in point 5  
23 on the memo:

24 "Permits management of a training school to board  
25 out a child with the approval of the Ministry with

1 a suitable person for such periods as considered in the  
2 best interest of the child."

3 You will recall the focus of the 1950 Act was on  
4 a bias in favour of boarding out, fostering, and that  
5 facility to do that was part of the training school  
6 system under the 1950 Act.

7 I was alerting you in various documents where we can  
8 see the numbers that were present during the period of  
9 St. Patrick's existence demonstrated that some children  
10 who were on the roll were, in fact, boarded out and not  
11 physically present on the St. Patrick's premises at the  
12 time when the numbers were being counted.

13 Points 8 and 9 deal with recall and then:

14 "The managers of a training school", at point 9,  
15 "are required to accept any child committed to them  
16 unless the school is one for a different religious  
17 persuasion ..."

18 I have raised with the counsel for the Departments  
19 that -- for the Department of Justice, who found the  
20 memo, that it would appear from its form that there is  
21 going to be more than one page to it in that it seems to  
22 abruptly stop and perhaps does not cover all of the  
23 matters relating to training schools that you might have  
24 expected to be covered in the memo, and there is going  
25 to be a check to see can a second page, if there was

1 a second page, be found, and should that arise, then  
2 I will bring that to your attention.

3 As you know, thereafter the training school rules  
4 were passed and began operation in 1952. They covered  
5 a lot of the workings of the training schools.

6 I am going to now go back to the subject of DL137  
7 that we were looking at as we closed yesterday. As you  
8 know, that relates to the period 1975 to 1980. We were  
9 looking at the steps that were engaged in by the  
10 [REDACTED] -- BR95 or BR95, and we were looking  
11 at a note of a meeting he had with DL137 during 1978.

12 If we can look, please, at 21382, we were discussing  
13 whether this was 9th July 1978 and we can see in a  
14 police report it was presumed to be 9th January 1978,  
15 but whether it is January or July 1978, there are board  
16 of management minutes, which I am not going to bring up  
17 on the screen, but I am going to alert the Panel to.  
18 There are minutes. If this is -- if this event took  
19 place in January '78, there was a board of management  
20 meeting on 6th February 1978. The minute for that  
21 begins at 80332. Then another meeting took place on  
22 25th April 1978, 80335. So those are both prior to  
23 July, if it happened to be July rather than January.  
24 Then 13th September 1978. I mentioned yesterday that  
25 there appeared to be no mention in the September '78

1 minute of what had occurred involving DL137. The  
2 reference for the September '78 minute is at 80338 and  
3 9.

4 So -- we can see from the way BR95 answered the  
5 police in terms of providing a statement that he was  
6 suggesting that he would not have brought it necessarily  
7 to the board, because he was satisfied that DL137 had  
8 not actually engaged in the immoral conduct that the  
9 giving money or offering money for illegal purposes was  
10 to produce.

11 When we come forward to 1980, and, as I said,  
12 a number of those who DL137 was convicted of abusing,  
13 the abuse took place after January or July 1978,  
14 whichever date it is, and the further allegations are  
15 then brought to [REDACTED] attention.

16 I want you to look in the wider context of the  
17 Panel's considerations at the police statement that BR95  
18 made. 21392, please. We looked at this statement  
19 yesterday for a different purpose, but I want you to see  
20 how he came to know and to note the date. So this is  
21 1980 and he is saying:

22 "Some time in early 1980 ..."

23 Now that date will be of particular relevance to the  
24 Inquiry, because the Kincora scandal broke in  
25 January 1980 about staff in a children's home sexually

1 abusing boys. Here you have a member of staff bringing  
2 to his attention that two boys had confided in the staff  
3 member that this had happened in respect of DL137, and  
4 then that staff member brings it to BR95. So it is  
5 an indication that, albeit BR95 does not then report the  
6 matter to police and does not report the matter to the  
7 board of management, as we will see shortly, what we can  
8 see happening is that the boys who were the subject of  
9 the abuse were prepared to tell a staff member and that  
10 staff member was prepared to tell [REDACTED].

11 Then if we can look at 21369, we saw yesterday how  
12 DL137 tendered his resignation on 12th March 1980 when  
13 confronted by [REDACTED], BR95. Overnight we have  
14 received the board of management minutes for the period  
15 from 1980 to 1983. I want us to look at the board of  
16 management minute of 30th April 1980, so six weeks after  
17 this incident, and you are aware from last evening BR95  
18 had certainly recorded some advice or set down in his  
19 own knowledge the employment law options in terms of  
20 dealing with this serious issue. He has written  
21 the letter of the same date of 12th March asking for  
22 this meeting, because these serious allegations have  
23 been made. He has recorded in a handwritten note the  
24 nature of the allegations, some before Christmas 1979  
25 and then those in February 1980 involving the swimming



1 pool and two particular boys identified, and then this  
2 exchange takes place with DL137 leaving.

3 Then if we look, please, at 80999, which is the  
4 board of management minute of 30th April 1980, you can  
5 see at the top who is present. It is the bishop is  
6 present, as are the -- which is Bishop Philbin  
7 I believe, and his colleagues from the diocese.

8 If we scroll down, you can see that BR95 is present,  
9 because you can see under the "Staff registration and  
10 appointments":

11 "██████████ informed the board of the resignation  
12 of the temporary chef in the Brothers' residence and of  
13 his replacement by", the name of the person who  
14 replaced, "... on a probationary basis."

15 Then:

16 "██████████ also informed the board of the  
17 resignation of DL137, who was ██████████  
18 ██████████. No replacement had been found for  
19 DL137."

20 So there is no record in the management minute to  
21 suggest that the board was told anything other than,  
22 "The ██████████ has resigned". That would appear  
23 consistent with the second police statement that BR95  
24 made, where he explained that he decided not to take the  
25 matter any further and suggested that he would have

1 perhaps spoken to the parents of the children before  
2 coming to that view, although there is no material that  
3 the Inquiry has access to to suggest that he did, in  
4 fact, do that.

5 Again I will highlight that this is a board meeting  
6 taking place in April 1980 with the Kincora scandal  
7 having hit the media in January 1980.

8 Perhaps something the Panel may consider more  
9 surprising is a document of 23rd September 1980, which  
10 is a further six months on. If we look, please, at  
11 21368, this is a reference that's provided to DL137. It  
12 says:

13 "To whom it may concern."

14 It is dated 23rd September 1980:

15 "DL137 was employed at St. Patrick's Training School  
16 as a [REDACTED] since [REDACTED]. He was  
17 diligent and conscientious at his work and was punctual  
18 at all his duties.

19 He resigned from his position in St. Patrick's of  
20 his own accord."

21 Now that document was in DL137's personnel file that  
22 was produced to the Inquiry by the Department of  
23 Justice. There is nothing to explain how the reference  
24 was sought and why it was given, but that is the  
25 document that appears in the file.

1           So BR95 does not, it appears, tell the board of  
2           management about what actually had taken place or its  
3           precursor in 1978 that had come to his attention. The  
4           matter is not reported to the police and, in fact,  
5           a reference is given that doesn't give any hint to the  
6           real reason why DL137 was leaving the employment of  
7           St. Patrick's.

8           As I was explaining yesterday, this matter doesn't  
9           come to police attention until 1994 as part of the much  
10          wider police investigation. Four of the six individuals  
11          who made allegations out of the 155 complained about  
12          being abused by DL137.

13          It is apparent -- and we looked yesterday at the  
14          memo from the then Detective Chief Superintendent George  
15          Caskey directing that this issue over what BR95 or BR95  
16          knew and did should be investigated.

17          If we can look, please, at 26101, it is apparent  
18          that senior police considered prosecuting BR95 or BR95  
19          for failing to report, but because it wasn't possible --  
20          the two boys who were named in the handwritten memo, one  
21          didn't want to proceed and the other could not be  
22          traced, and therefore the view that the police came to  
23          was that it wasn't going to be possible to prove the  
24          offences against the people that BR95 or BR95 was aware  
25          of DL137 abusing. So it was decided there was no point

1 in trying to prosecute him.

2 The passage you are reading is from a summary report  
3 in Operation Overview. DL137 was given a particular  
4 case number, just as Rubane was given case 29 and then  
5 produced 41 files as part of case 29. DL137 was given  
6 a case number and this passage we are looking at is from  
7 that report.

8 CHAIRMAN: Yes. The police would have been faced with the  
9 difficulty that any allegation that BR95 had failed to  
10 report an offence was dependent upon an offence being  
11 established.

12 MR AIKEN: Yes, and as they were not going to be able to get  
13 the two underlying offences established that had come to  
14 his notice, they were not going to be able to take the  
15 matter further.

16 Going back then to the DL137 and the police  
17 material, while he was serving his sentence, having been  
18 convicted of abusing four boys in St. Patrick's,  
19 a further allegation was made by a former resident of  
20 Rubane, who was in Rubane with DL137 and others. He  
21 alleged that he was abused by a number of older boys in  
22 Rubane, including DL137, and that DL137 continued to  
23 abuse him at St. Patrick's.

24 Now we looked at this case briefly in Rubane and  
25 I am not going to open it to the Panel this morning.

1 The police file was file 20 of 41 of case 29 of  
2 Operation Overview. The file is in the bundle at 26445  
3 to 26634. That was part of the Rubane investigation.

4 DL137 was interviewed by police about these  
5 particular allegations on 11th March 1996 and he denied  
6 the allegation that was being made. The reference in  
7 his interview to it is at 26541 to 26578.

8 The DPP directed no prosecution in the matter  
9 against any of the individuals accused, including DL137.  
10 The reference for that is at 26601 to 26602.

11 Now we have not summoned as yet the file from  
12 St. Patrick's of this particular individual, but looking  
13 at the ages when they were together in Rubane, it is  
14 highly unlikely that this boy was a resident in  
15 St. Pat's at the time that DL137 was a [REDACTED] there.

16 There the matter rested in respect of DL137 until  
17 three further police files that arise from complaints  
18 made post-2009. As DL137 died in 2004, these couldn't  
19 be proceeded with.

20 The first involved allegations of sexual abuse by  
21 a former resident of St. Patrick's and the file is at  
22 23964 to 24008. This boy -- and the Panel is aware of  
23 his identity -- was in St. Patrick's between 1978 and  
24 1979, so certainly the period during which DL137 was  
25 present. It is also the case that the same individual

1 pursued a civil claim against various children's homes  
2 that he was in during his childhood, including St.  
3 Patrick's, where abuse was alleged against a number of  
4 individuals, including as far as St. Patrick's was  
5 concerned DL137, and the De La Salle Order have  
6 confirmed to the Inquiry that it contributed to the  
7 ultimate settlement of that individual's case. The  
8 reference for that we can find at paragraph 80 of  
9 Francis Manning's statement, which is at SPT660.

10 The second police file that is post-2009 relates to  
11 the 2010 complaints of a particular applicant to the  
12 Inquiry. Again the Panel is aware of the identity of  
13 the individual and we'll hear evidence from him in due  
14 course. The relevant entry is at 24990 and 24991. The  
15 Panel is aware that the individual makes a broad sweep  
16 of allegations about various locations, but as far as  
17 St. Patrick's are concerned he identifies [REDACTED] as  
18 an abuser. The Panel will be able to look at that  
19 allegation when it hears from him.

20 The third police file relates to an allegation that  
21 was made by a different individual who was in  
22 St. Patrick's in 1977. So again the time period does  
23 cover when DL137 was there. This individual -- and  
24 again the Panel are aware of his identity -- came  
25 forward in 2012, and the file reference is at 25244 to

1 25260. However, although he came forward, spoke to  
2 police, identified DL137 as the person he said abused  
3 him, he didn't wish to make a statement of complaint,  
4 and in any event even if he had, the police would have  
5 not been in a position to take the matter any further  
6 forward. He is not someone who came forward to the  
7 Inquiry to repeat his allegation.

8 So one of the things I would ask the Panel to note  
9 at this point is that when we were talking about the  
10 number of people who were making allegations against or  
11 claiming abuse occurred in St. Patrick's -- I think, if  
12 I'm recollecting correctly, at the start of this opening  
13 I identified the number as 66 people -- you can see that  
14 a significant number of them are people who claim that  
15 DL137 abused them. It may be as high as about 15 to 20%  
16 of the total number. When I have had the opportunity or  
17 the time to work that out precisely, I'll give the Panel  
18 the precise figure, but because one individual during  
19 this one time frame is the person who faces  
20 a significant number of allegations, it then further  
21 reduces the general sweep of allegations against others,  
22 given the time frame and the number of individuals who  
23 passed through the home or the training school.

24 The Inquiry is aware of three civil claims that  
25 arose in respect of DL137. I mentioned one of them

1 already and the papers relating to that, which are  
2 several, can be found at 30158 to 30208 and also at  
3 30905 through to 31015.

4 The other two civil claims were brought by  
5 individuals who have come forward to the Inquiry and who  
6 DL137 was convicted of abusing. We will look at those  
7 relevant matters when we are dealing with the evidence  
8 of those two individuals.

9 I will just draw attention in paragraph 109 of the  
10 statement from Brother Francis Manning on behalf of the  
11 De La Salle Order, the Order has acknowledged to the  
12 Inquiry the Order's failure to deal appropriately with  
13 the allegations made against DL137.

14 What I want to do now is turn to some relevant  
15 events that will assist the Panel's general  
16 consideration of the evidence that appears from the  
17 police material that the Inquiry has obtained in respect  
18 of St. Patrick's. I explained at the outset that there  
19 are some 7,000 pages of police material. It wouldn't be  
20 possible or necessary for me to go through all of that  
21 material during the opening. Some of it will be covered  
22 as we go through the oral evidence with individuals  
23 connected to what the papers disclose. Some can be  
24 referred to through submissions, as necessary, by core  
25 participants if there are key matters that are not



1 identified either by me in the opening or during the  
2 evidence, but what I can indicate is that prior to the  
3 major police investigation that takes place in 1993,  
4 '94, '95 -- and it is that period that I am going to  
5 concentrate on now prior to that major investigation --  
6 there are various police files prior to that period that  
7 highlight the sexual behaviour of boys in St. Patrick's,  
8 who perhaps absconded, were caught with girls or with  
9 boys or with men in the community, and the men then were  
10 subsequently prosecuted. Generally where the  
11 interaction involved another young person, the DPP  
12 elected not to prosecute, although there are a couple of  
13 examples where the boy was older and the girl was  
14 younger where prosecution did ensue.

15 So what the material discloses is that there was  
16 sexualised behaviour of people who were resident in  
17 St. Patrick's and it was coming to the attention of the  
18 authorities and decisions were being made about it, but  
19 what I want to now do is draw to the Panel's attention  
20 some material from those police files that may be of  
21 particular interest, given the matters that the Panel  
22 have to consider.

23 The first is from what is likely to be one of the  
24 earliest police files connected to St. Patrick's. It is  
25 a 1986 file. The police reference is C61/25/86. It

1 runs from SPT20148 through to 20273. In the end it  
2 leads to the conviction of two adults who were not  
3 resident in St. Patrick's. Boys had been on their home  
4 leave or while out from St. Patrick's engaging with  
5 these adults, but the police report explains how the  
6 investigation begins, and it's how the investigation  
7 begins that I want to bring to the Panel's attention.

8 If we can look, please, at 20169, just if we can  
9 maximise this first paragraph, so you can see that on  
10 15th February 1986 BR42 discovered two particular boys  
11 in St. Patrick's committing an act of buggery in their  
12 room. He subsequently reported the matter to the  
13 police. Now obviously, as I have constantly repeated  
14 over the course of the Inquiry, none of the names that  
15 are used here should be repeated beyond the chamber, and  
16 BR42 made a statement to the police on 12th June 1986.

17 If we can look at that, please, at 20176. I say  
18 this in the context that you will hear during the course  
19 of the coming weeks BR42 faces allegations. So I would  
20 ask you to record this particular event so that it is in  
21 the Panel's mind.

22 He explains on Saturday, 15th August (sic) he is on  
23 duty. A particular interaction that he becomes aware of  
24 between two boys. I want to draw attention to the  
25 action that he takes. So he says that:

1 "They were having an indecent relationship. As both  
2 boys sleep in the same room, I changed one of them to  
3 another room. I recorded the incident in the diary and  
4 later informed [REDACTED]."

5 Now [REDACTED] at the time was BR26, and we can see  
6 from the police report that the police do not take  
7 a statement in BR26. They do take one, as you see, from  
8 BR42, but if we can look, please, at 20261. So the  
9 sequence of events is BR42 separates the boys, records  
10 it in the diary, reports it to BR26, and you can see in  
11 the first paragraph of the report here from the  
12 detective:

13 "On Thursday, 20th February Chief Inspector Mooney  
14 was informed by BR26 of an incident which occurred at  
15 the school on the evening of Saturday, 15th February."

16 So we can see that BR26 was bringing the matter to  
17 the attention of the police, and ultimately, as I said,  
18 if one looks at the detail of the file, it led into  
19 a police investigation, and although these boys were not  
20 prosecuted for their own activity, it did lead to the  
21 eventual conviction of one of the men the boys -- one of  
22 the boys said they had been involved with in the  
23 community.

24 Just as I drew attention to the reference to BR42,  
25 I will draw attention for the Panel to the reference to

1 BR26, who faces a series of serious allegations that the  
2 Panel will hear about over the coming days. You can  
3 recall this particular reference, given that those  
4 allegations are something you will have to consider.

5 So that's the 1986 file. I am showing you the  
6 action that was taken within St. Patrick's to what had  
7 been identified.

8 I want to now look at another police file from 1987.  
9 This is the police file C64/06/88. It has got "88"  
10 because it finishes in '88, but the matters to which it  
11 relates are from October 1987. The file runs from  
12 SPT20376 to 20422, and in summary in October 1987  
13 a particular boy disclosed to SPT52 -- he is a name that  
14 you will become familiar with in respect of a particular  
15 matter the Panel will consider in the second week of  
16 oral evidence, which is effectively three weeks from now  
17 -- this boy disclosed to SPT52 -- if we can look,  
18 please, at 20387 -- that he had been having a sexual  
19 relationship with another boy in St. Patrick's.

20 I want you to note, please, if you will -- if we  
21 can -- you can see in the second paragraph the incident  
22 came to light as a result of the boy reporting the  
23 matter to a member of staff at the school. The member  
24 of staff turns out to be SPT52. If we can look, please,  
25 you can see then:

1 "This member of staff reported to BR26. Both boys  
2 were interviewed and ... were notified."

3 We can see if we look, please, at 20392 that is  
4 again BR26 who reports the matter to the police. This  
5 time there is a statement from him. He explains that:

6 "On Monday, October 19th, 1987 as a result of  
7 a discussion between myself and SPT52 ...",

8 he was informed of the acts between these two boys.

9 "As a consequence of what I have been told  
10 I informed Inspector Short at Woodbourne RUC Station."

11 So that's a second reference in respect of BR26  
12 I would ask the Panel to note.

13 One of the individuals was interviewed on  
14 23rd October 1987. What I want to draw to the Panel's  
15 attention is not the nature of his interaction with the  
16 other boy, but one of the things that he was asked about  
17 -- if we can look, please, at 20399; the statement  
18 begins at 20395 -- but one of the things he was asked  
19 about was whether there was ever anyone else involved  
20 with him. If we just scroll down towards the bottom,  
21 please, he is asked.

22 Q. Was anybody else ever involved with you", as in  
23 the two boys, "at any time?

24 **A. No.**

25 Q. Any other boys either outside or in the school

1 grounds?

2 A. No.

3 Q. Was there any members of staff?

4 A. No.

5 Q. How did you get the idea?

6 A. I don't know."

7 The answer to that, because this particular boy is  
8 someone whom I mentioned earlier having brought a civil  
9 claim alleged abuse against DL137 and the papers  
10 disclose previous sexual activity in other children's  
11 homes prior to coming into St. Patrick's, that starts to  
12 explain perhaps the background to it, but he is asked  
13 about whether there was members of staff.

14 He is asked again at a second interview the same  
15 day. If we can go on to 20401, please. Yes. You can  
16 see:

17 "He was asked if he was sure that no-one else was  
18 involved with him. He stated there wasn't. He was  
19 asked if any of the staff were ever involved. He stated  
20 definitely not."

21 Then he goes on to explain -- he didn't just -- and  
22 I am not going to read it out, but if I can ask the  
23 Panel to read the next section -- he didn't just engage  
24 in denials that no-one else was involved, no staff were  
25 involved, but he actually goes on to explain how the

1           **sexual interactions did come about.**

2           **Now on the same day the other boy who brought the**  
3           **matter to the staff's attention was interviewed. That's**  
4           **on 23rd October 1987. If you are content, if I can**  
5           **bring up, please, 20417.**

6   CHAIRMAN: Just before we leave that --

7   MR AIKEN: Yes. If we just stay where we are at for a  
8           moment.

9   CHAIRMAN: -- so the questioning by the police during which  
10           he denies that any staff members were involved related  
11           to that time. That's 1987 we are talking about. Is  
12           that right?

13   MR AIKEN: Yes.

14   CHAIRMAN: Or the period before that. Yes. Thank you.

15   MR AIKEN: If we look at 20417 -- sorry. I may have  
16           referred to that boy having brought a civil claim. I am  
17           incorrect about that. It is a boy with the same first  
18           name who brought a civil claim in respect of DL137. The  
19           boy that we can see in the papers is explaining here his  
20           previous interactions. So if I can ask you to disregard  
21           my linking him to DL137.

22           At 20417 the other boy is being spoken to by police.  
23           What I want to draw your attention to is again not the  
24           detail of his interaction with the other boy, but if  
25           I can ask you to scroll down. Yes. There is just -- if

1 we stop there, you can see the type of -- they were  
2 checking to make sure the night watchman was not around,  
3 which is about eight lines down, and then I want to draw  
4 your attention -- if we can scroll down, please, to --  
5 he explains how boys -- certain boys went home at the  
6 weekend. Others stayed, and you can see he describes  
7 about ten lines from the bottom in the middle of the  
8 passage:

9 "Sometimes I brought ..."

10 He talks about having brought dirty books into  
11 St. Patrick's and looked at them. Then you can see it  
12 said:

13 "If the staff found them, they took them off me."

14 Then if we can move on to the next page, please, at  
15 20418, I outlined at the start that this particular boy  
16 came to the view he wanted this activity to stop. If we  
17 just scroll down, please, he explains:

18 "I told SPT52, because I can trust him and I wanted  
19 it stopped."

20 I will ask you to note that reference for when we  
21 come back to look at other matters involving that member  
22 of staff.

23 We can see a similar pattern in -- that was in the  
24 1987 file. In 1988, in February 1988, if we can look,  
25 please, at 20425, this is a different police file and we



1 can see another boy disclosing to a resident social  
2 worker. So you can see the schoolboy makes a complaint  
3 that he had been assaulted by another youth, and then  
4 the resident social worker brings the boy to Woodbourne  
5 RUC Station and records the statement of complaint.

6 Then in March 1990 we have police file C61/78/90,  
7 which runs from 20436 to 20467. Here we can see that  
8 a [REDACTED] in St. Patrick's, a man called SPT13 --  
9 it's not a name that has come up in any allegations  
10 before the Inquiry or elsewhere that I am aware of -- is  
11 recorded as reporting to police that a particular boy  
12 claimed to have been sexually assaulted by another boy.

13 When the boy made his statement to police on  
14 13th March 1990, it appears that the activity was  
15 consensual in nature, but he wanted it to come to  
16 an end, but I want to draw attention to the last line of  
17 the statement. 20459, please. So you can see that the  
18 interaction that was taking place was being hidden from  
19 the staff and that there had been a promise that staff  
20 wouldn't be told. Then we now know the staff were told  
21 and that the [REDACTED] reports the matter to the  
22 police and takes the boy to the police.

23 In 1994 there is a similar pattern of allegations  
24 from a boy making allegations against other boys being  
25 disclosed to staff. If we can look, please, at 21176.

1 This is a matter that we will return to in a different  
2 context during the evidence, but you can see in the  
3 first passage on the screen the alleged offences came to  
4 light when the individual made a disclosure to staff at  
5 St. Patrick's Training School. He was asked then to  
6 write out the allegations and then brought to the  
7 police.

8 So what I have highlighted through -- it is a large  
9 volume of police material and it discloses the type of  
10 problems that staff in a training school might have been  
11 having to deal with when they uncovered it or when it  
12 was reported to them, but it also shows at least at that  
13 time the steps that were taken in respect of those  
14 incidents that the Inquiry has received material in  
15 respect of and those who were involved in the reporting  
16 of it.

17 I am not going to say any more about the police  
18 material at this point. I have drawn attention to the  
19 particular systems issues that the Inquiry may be  
20 interested in, and obviously there is a large volume of  
21 police material that will be addressed through the oral  
22 evidence that will be heard over the coming weeks, and  
23 if there are other matters that the core participants  
24 need to bring to my attention or through written  
25 submissions to the Panel's attention, then that can

1 obviously be done.

2 Chairman, I am about to move on to a separate issue  
3 about inspections, and whether you want me to continue  
4 to do that now or take a short break for the  
5 stenographer and then come back and finish the  
6 inspections part, I would hope that we would be finished  
7 before lunch in any event.

8 CHAIRMAN: Yes. We will rise for ten minutes.

9 (11.25 am)

10 (Short break)

11 (11.35 am)

12 MR AIKEN: Chairman, Members of the Panel, you will be  
13 pleased to know that I am on the last stretch of what  
14 I am going to say in terms of opening material and  
15 signposting issues that are likely to rise.

16 I appreciate that a significant volume of material and  
17 issues have been covered in a very short space of time.

18 What I want to do now is just look at the inspection  
19 issue again. I said to you that as matters stand  
20 unfortunately we don't have inspection reports after  
21 1951 right through until 1988, and while we have other  
22 ways of evidencing the fact that inspections took place,  
23 that evidence ends at 1971. So we have a major  
24 evidential gap, and I know that the departments are  
25 going to work very hard to try to demonstrate what files

1 did exist, what titles they may have had, what might  
2 have happened to them so that at least clarity can be  
3 brought on the fact there would have been files and some  
4 explanation as to why they are no longer available.

5 But what we do have are post the Hughes Inquiry and  
6 the Sheridan Report we have the Social Services  
7 Inspectorate engaging in major inspections of training  
8 schools. Dr McCoy, who you have heard from previously,  
9 was the Chief Inspector of the Social Services  
10 Inspectorate for a long period of time. I referenced  
11 his statement to you already, but he has pointed out to  
12 the Inquiry in paragraph 8 of his statement, which is at  
13 STP2000, that from 1972, when the Social Work Advisory  
14 Group, SWAG, would have been responsible for inspections  
15 of children's homes, they would also have been  
16 inspecting training schools on behalf of the NIO. So he  
17 expects that relationship and process to have continued  
18 in that way. Dr McCoy says to the Inquiry that the  
19 approach to inspection of training schools is likely to  
20 have been the same as applied by SWAG to voluntary  
21 children's homes. He says that would have meant visits  
22 were more informal and infrequent and didn't result in  
23 the production of detailed reports.

24 CHAIRMAN: So we are not likely to find any reports, because  
25 if there were any -- it seems unlikely -- they were not

1 very detailed. That's the inference from what Dr McCoy  
2 says.

3 MR AIKEN: It is, although while that may well be the case,  
4 the Inquiry might well have expected still to find files  
5 on the training school recording whatever involvement,  
6 limited though it may have been, there was in whatever  
7 form, and unfortunately those files are not yet  
8 available or some account as to what has happened to  
9 them.

10 CHAIRMAN: Well, I think I am correct in recalling that the  
11 department responsible accepted to the Hughes Inquiry  
12 that their inspection regime in the '70s was not  
13 satisfactory.

14 MR AIKEN: Yes.

15 CHAIRMAN: This would appear to be another example of that.

16 MR AIKEN: Yes. While the Hughes Inquiry did not  
17 specifically look at training schools, it is a read  
18 across in that the same organisation were carrying out  
19 whatever oversight that there was, but we will try and  
20 find at least some record of files that would have  
21 covered whatever there was.

22 What Dr McCoy also says is in paragraph 10 of his  
23 statement at SPT2001 that it would appear that in the  
24 aftermath of the Hughes Inquiry formal inspections of  
25 training schools commenced, with the four training

1 schools being inspected by the SSI between May and  
2 April -- May 1987 and April 1988.

3 Now unfortunately, as happens with historic  
4 material, we have matters in reverse in that the  
5 statements that we have address the 1993 inspection  
6 report, which the departments were able to produce, but  
7 it referred to an inspection report of 1988, but no-one  
8 was able to find that report.

9 Well, we have just managed to find the Social  
10 Services Inspectorate report into St. Patrick's of  
11 February 1988 in PRONI. This perhaps highlights one of  
12 the difficulties in that this file of which -- it  
13 related to the Training School and contained this report  
14 along with a lot of correspondence, which will no doubt  
15 become relevant in due course as we look at the systems  
16 issues -- that file that had this report in it was in  
17 and amongst boxes that were not catalogued. So when the  
18 catalogue in PRONI is being looked for, the file would  
19 not appear, and it appears that -- this is not new to  
20 the Inquiry -- the record-keeping in Departments in  
21 terms of knowing what files there were and where they  
22 went to and when perhaps is not necessarily complete,  
23 but in any event a box was opened. This file was found,  
24 and we are taking steps to try to ensure that whatever  
25 other boxes there might be that might potentially have

1 a file relevant are also checked, but this file  
2 contained the 1988 Social Services Inspectorate report  
3 into St. Patrick's. It is a very substantial document.  
4 It runs to 69 pages of report.

5 If we can look, please, at 18358. If we just scroll  
6 down, please, we can see it is the St. Patrick's  
7 Training School inspection report, February 1988. It  
8 runs from 18358 to 18432 with a short appendice --  
9 appendix thereafter.

10 If we can move on to 18359, we can see the  
11 "Contents" page. You can see the matters that the  
12 report covered. So historical background, those who are  
13 resident, staffing, the location of premises, justice,  
14 care, because there were two sides, as it were, to the  
15 training school by this stage, Assessment Unit, Field  
16 Social Work Department, education/vocational training,  
17 catering and diet, healthcare, religion, official  
18 visitors, official records, psychological/psychiatric  
19 services that were available, integration with the local  
20 community, and then a set of conclusions and a set of  
21 recommendations.

22 So it covered 18 chapters and 69 pages, and, as  
23 I was saying to you earlier in the opening, the  
24 diminishing numbers from a peak of 250 or 200 and for  
25 a long period in and around 170 children. If we look at

1 18362, you can see that there were 95 young persons on  
2 the roll. However, there were 61 in residence. So this  
3 pattern of children being connected to St. Patrick's but  
4 not necessarily in St. Patrick's continues. At that  
5 stage that's about a third who are not present for the  
6 various reasons that are then set out in the paragraphs  
7 that follow.

8 I want to by way of illustration -- we looked at  
9 a document that showed the new St. Patrick's in '57.  
10 180 pupils. There is reference to about 30 staff. So  
11 1:6 type arrangement. If we look, please, at the  
12 "Staffing" section at 18364, and if I can ask you to  
13 bear in mind there is 95 children on the roll. 61 are  
14 present. That equated in staffing terms -- if we just  
15 scroll down to the table, you can see -- now they will  
16 not all have been working all of the time, but there are  
17 73 members of staff. You can see the list of the types  
18 of staff and of particular interest you may consider  
19 residential social workers. There are 30. So ... Then  
20 you can see a record of night supervision staff. There  
21 are three social workers dealing with aftercare in  
22 addition to a senior social worker. There were five  
23 senior residential social workers. So a significant  
24 number of staff you may consider.

25 As you know, we are coming to a period, '88, there



1 is a small number of complaints. There is two  
2 complaints that arise in terms of the evidence the Panel  
3 will hear from the 1990s.

4 If we can look at the -- it is a very detailed  
5 report and I am not going to go into it this morning.  
6 If we can look at chapter 17, which the "Conclusions" at  
7 18428, this is the conclusion that was reached:

8 "During the very difficult times of the past  
9 20 years the De La Salle Order has continued to provide  
10 a residential service in West Belfast for Catholic boys  
11 in trouble from all parts of the province. At times  
12 this has been a very difficult service to sustain and it  
13 is to the credit of all the staff through their  
14 commitment and by the leadership given by the Brothers  
15 and successive directors that it has been possible to  
16 sustain the quality of care provided for the young  
17 people.

18 The inspectors have highlighted in this report their  
19 concerns about the state of the physical provision,  
20 especially in the main building, and of the need to  
21 tackle the policy issues that stem from the extent of  
22 the present provision relative to the considerably  
23 reduced numbers of boys being admitted to the school."

24 So you have falling numbers.

25 "Since the segregation of the school into care

1 and justice, the staff have had to adjust to new roles  
2 and implement new policies. They have gone a long way  
3 towards the absorption of change and the inspectors are  
4 confident that skills, experience and ability exist  
5 within the staff group which will enable them to move  
6 towards a completely segregated campus."

7 So you can see now the focus is on separating  
8 justice and care entirely.

9 "The implementation of the recommendations in this  
10 report will make increased demands upon staff. Changes  
11 will come with new legislation and the care staff, in  
12 particular, must be prepared to accept the challenge of  
13 the next decade" -- ultimately the Children's Order 1995  
14 -- "and demonstrate that they are capable of providing  
15 a quality service which is appropriate to the needs of  
16 the young people who are placed in their care and  
17 acceptable to Social Services departments."

18 Then it says:

19 "The inspectors have made a number of  
20 recommendations that it is hoped will bring about  
21 a change in emphasis in the residential task and lead to  
22 an enhancement of the quality of care provided at the  
23 school. Some of the recommendations can be implemented  
24 with little difficulty, whilst some will require more  
25 time. The inspectors are aware that many of the

1 recommendations contained in this report have already  
2 been implemented prior to publication and commend the  
3 director and his senior staff for addressing the issues  
4 with a sense of urgency."

5 If we scroll down, please, then we have the  
6 "Recommendations" section and there are 52  
7 recommendations that are made. I am not going to read  
8 those out, but what I will ask you to note as I move on  
9 to look at what happens on foot of this report is the  
10 tone of the conclusions that were expressed that I have  
11 just read. I am not going to read those out. If you  
12 are happy, I will just scroll down through. So you can  
13 see there are issues over toilets and how staff meetings  
14 are conducted, senior management arrangements in  
15 particular, chalets. The Panel will have the  
16 opportunity to consider this report in some detail  
17 before those to whom it relates give any evidence.

18 Then you can see references towards the end of  
19 making sure that a record of major incidents is  
20 maintained. Indeed, we looked at, you will recall,  
21 a particular incident where a teacher was said to have  
22 kicked a boy and it was entitled "Incidents". So that  
23 type of log appears to have been in existence.

24 Now if you are content, I am going to leave that  
25 report, and in October 1989, so the next year,

1 a compendium report, which Ms Smith referred to,  
2 entitled "Residential Childcare in Northern Ireland: The  
3 Training Schools" was published. It is  
4 a 79-page report. It can be found at 16222 through to  
5 16304 with appendices to 16310. I am just going to show  
6 you the "Contents" page at 16225. So you can again see  
7 the type of matters being covered. So similar chapters  
8 to those that were in the specific report. If we just  
9 scroll down, please.

10 Then if we can go to the "Conclusions" chapter at  
11 chapter 16, 16303, this is said:

12 "The past five years ..."

13 So this is covering all of the training schools. In  
14 the body of the report there is some specific historical  
15 information about each and then looking at the series of  
16 issues generally in terms of training schools:

17 "The past five years has been a period of  
18 unprecedented change within the training schools. Even  
19 the term 'training school' no longer accurately reflects  
20 the nature of the work being undertaken. Management of  
21 the schools have embodied new thought and practice into  
22 the day-to-day operation of the facilities and this has  
23 reflected favourably upon the quality of care being  
24 provided.

25 Then reference is made to:

1 "For some staff the period of change has not been  
2 without its problems."

3 If we can just scroll down, please:

4 "Although some of the old ideas and terminology  
5 still prevails within the system, in general the staff  
6 in training schools are much more professional in their  
7 approach and have been prepared to adapt to change and  
8 in some circumstances are expert in their field. It is  
9 to the training schools that the organisation of secure  
10 accommodation have fallen. The emotive subject of  
11 locking up children has often created much debate within  
12 social work. It has created much double think and has  
13 had obvious implications for practice. The training  
14 schools management have faced these issues and through  
15 the development of gatekeeping mechanisms have ensured  
16 that only those children absolutely requiring secure  
17 care are admitted."

18 If I can just pause there, I indicated to you we had  
19 obtained a statement from Mr Boyle, who on behalf of the  
20 Health and Social Board was explaining the mechanisms  
21 where children could come into training schools through  
22 Social Services but also not through Social Services,  
23 but at the end of his statement he was explaining his  
24 role sitting on a panel, an advisory panel, that  
25 determined who went into Slemish House in St. Patrick's,

1           which was the secure unit that had been created. He  
2           says:

3           "Although at this time secure accommodation is not  
4           covered by regulations, every effort has been made to  
5           follow the general guidelines that are a statutory  
6           requirement in other parts of Great Britain. When there  
7           have been incidences of inappropriate use of security  
8           these have been highlighted by the inspectorate and  
9           policy and practice has changed."

10          Then the report finish with this:

11          "Training schools have come a long way since the  
12          days of the industrial schools and the use of a tall  
13          ship moored in the Musgrave Channel. Those were the  
14          days when perhaps two staff had the responsibility for  
15          the care and supervision of up to 100 children at  
16          a time. As one member of staff, now long since retired,  
17          said, 'When I started in the training schools, I was  
18          given a table-tennis bat, a whistle, a bunch of keys and  
19          told to get on with it'. That was leisure, control and  
20          security in the 1940s and not a social worker in sight."

21          So that's -- you can get the flavour -- there is a  
22          detailed report for the Panel to reflect on, but you can  
23          get the flavour that signposting of major change is  
24          going on as we head towards the Children's Order.

25          What I then want to show you is a letter of 12th

1 March 1990, which is written by Mr Shannon. We will be  
2 receiving a statement from him on behalf of the  
3 Department of Justice. If we go to 10420, please, it is  
4 a letter of 12th March 1990 and he is writing to the  
5 Chairman of the St. Patrick's Training School, the  
6 Reverend Farquhar. He says:

7 "I have recently assumed responsibility for the NIO  
8 division which encompasses Training Schools Branch and  
9 I have been looking forward to meeting and your  
10 St. Patrick's management team at an early date.  
11 I regret that before doing so I am obliged to write to  
12 you in the following terms.

13 You will recall that an inspection of the school was  
14 carried out by the Social Services Inspectorate of DHSS  
15 on behalf of the Secretary of State in January 1988."

16 That's the original detailed St. Patrick's report we  
17 looked at.

18 "The report contained 52 recommendations and was  
19 issued in February 1988. On 24th January this year SSI  
20 carried out a follow-up inspection. I enclose a copy of  
21 their report. You will note that the Inspectorate is  
22 far from satisfied with progress in implementing its  
23 earlier recommendations and is deeply concerned about  
24 a number of problems. In forwarding the report to me  
25 the Chief Social Services Inspector has commented."

1 This is Dr McCoy in this covering letter:

2 "'In general terms the follow-up report presents  
3 a picture of a facility which is in serious physical  
4 decay, is poorly managed, suffers from low staff morale,  
5 but most importantly provides a standard of care for  
6 children which has little or no regard for human dignity  
7 and which is unacceptable by modern standards'."

8 Now the nature of that language you will immediately  
9 appreciate is rather different from the report of 1988  
10 that we looked at. Mr Shannon goes on to say:

11 "He ... told me that unless action is taken on some  
12 of the key points within a matter of days, he will have  
13 no alternative but to advise the Health & Social  
14 Services Board not to send any children to  
15 St. Patrick's.

16 Clearly this is a most serious situation and,  
17 whatever the long-term future may hold, both the  
18 management of St. Patrick's and the Northern Ireland  
19 Office must consider what we can do now to address the  
20 problems.

21 On the question of improving the physical state of  
22 the property there are, as you know, difficulties in  
23 committing major sums of public money until the  
24 long-term future of the school has been decided."

25 So you can start to see the dilemma of -- it appears



1 criticism of the physical state of the premises is being  
2 majored on and yet, on the other hand, there is  
3 an understandable, perhaps you may consider, desire not  
4 to spend public money on the premises if they are not  
5 going to have a long-term future. So you have circles  
6 and squares.

7 He goes on to say:

8 "However, certain measures can and must be taken  
9 right way. For our part we have put in hand an urgent  
10 study of what remedial action of a 'first aid' nature  
11 can be taken quickly and I hope to have details of this  
12 within a few days. Some other problems are of  
13 a housekeeping nature and no doubt you will take these  
14 on board."

15 He then embarks on setting out various advices that  
16 he has received about particular matters. If you can  
17 scroll down, please. He deals with fire alarm systems.

18 Then in the second paragraph:

19 "... arises from continuing inadequacies in  
20 childcare practice and the Inspectorate advise that  
21 immediate attention must be given to the areas of staff  
22 supervision, night supervision of children,  
23 institutional practices, poor management, security  
24 arrangements ...", and so on.

25 "Such is the seriousness and urgency of the

1 situation that I think we ought to meet at an early date  
2 to consider the report and agree a programme of action.  
3 I would be happy to come to St. Patrick's for that  
4 purpose."

5 Then if we scroll down, please:

6 "We have sent a copy of the report to Brother  
7 Leopold in his capacity as school director."

8 So this letter travels to both head of the board of  
9 management and the director of the school. You can tell  
10 from it that there was some sort of follow-up inspection  
11 of 24th January 1990. I don't believe we have obtained  
12 that report to date, though I may be corrected. It is  
13 clear from that letter of Mr Shannon that he had  
14 received a very strong covering letter from Dr McCoy  
15 providing him with that update report.

16 The Board of St. Patrick's Training School then met  
17 on 23rd March 1990 and 2nd April 1990. The minutes and  
18 material that flowed from that meeting can be found at  
19 10424 to 10439, but what I want to show -- I am not  
20 going to show you this in detail. I am just going to  
21 signpost some particular issues.

22 If we look at 10425, you will see the board of  
23 management minute. If we just scroll down, please:

24 "The long discussion of the two documents took place  
25 against a background of dismay at the difference between

1 the tone of the original report and the follow-up report  
2 accompanied by Mr Shannon's letter."

3 Then reference is made to the original report which  
4 I read out to you and the conclusion about the efforts  
5 to provide care. Then they draw the contrast:

6 "In contrast ... the Chief Social Services Inspector  
7 now comments ..."

8 in the terms I have read out from Mr Shannon's  
9 letter quoting Dr McCoy. Then the board say:

10 "[They] also found surprising the contrast between  
11 the reference to the full assistance offered throughout  
12 the original inspection and the recurrent use in the  
13 follow-up inspection report of 'apparently' and  
14 'seemingly', 'I was told', 'I do not know but', etc,  
15 which might be taken to indicate that answers were not  
16 given to questions asked about such areas rather than,  
17 as was the case, such questions were not asked."

18 They then say:

19 "Indeed, on restudying the documents, members of the  
20 board were worried lest information had been less  
21 readily made available to the Inspector than at the time  
22 of the original inspection. Members were reassured that  
23 this was not the case and that every cooperation was  
24 indeed given."

25 So you can get the flavour of the board of

1 management finding it difficult to comprehend the change  
2 in emphasis between the 1988 report and what was  
3 contained in Mr Shannon's letter and the updated report  
4 that followed it and accompanied it.

5 The document then goes through the response to the  
6 particular recommendations that had been made in 1988.  
7 We are not going to do that now, but you can see that  
8 over the next page there's a series of analyses  
9 conducted and answers provided suggesting a lot of what  
10 had been asked to be done had been done.

11 It concludes then at 10431. If we just look at the  
12 conclusion at 10431, please:

13 "In conclusion, the board has tried to acknowledge  
14 and rectify as a matter of urgency those areas where  
15 undue delay in the implementation of the recommendations  
16 has taken place.

17 At the same time it is hoped that this approach will  
18 be matched with a similar sense of urgency by others  
19 sharing responsibility for the well-being of the  
20 children and young people entrusted to our care.

21 It does not feel that these areas of urgencies can  
22 be shelved in the name of a prolonged feasibility  
23 study."

24 So in the detail of the matters that were to be  
25 dealt with one point coming out from the board of

1 management was, "Well, we are being criticised for not  
2 doing this, but we can't do this until those who we need  
3 help from provide the help". You have that circle not  
4 being squared.

5 If we can look then at the Appendix 2 to the minute  
6 at 10433, this document was written by a solicitor  
7 member of the board of management. It is extremely --  
8 I will just paraphrase it in this way for now -- it is  
9 extremely critical of what the author saw as the  
10 Northern Ireland Office dragging its feet over the  
11 provision of funding to execute a number of  
12 recommendations that the board of management was now  
13 being criticised for failing to have dealt with.

14 CHAIRMAN: Just scroll down, please.

15 MR AIKEN: Just scroll down, please.

16 CHAIRMAN: Yes.

17 MR AIKEN: Just scroll down, please.

18 CHAIRMAN: Yes. Just go to the end, if you would, please.

19 MR AIKEN: Just go to the end of the memo, please. It goes  
20 on for four pages looking at some of the specific  
21 incidents. "MPM (sic) O'Driscoll, solicitor, member of  
22 the board of the management."

23 So there obviously was an issue about the regulator  
24 wanting things done and the board of management being  
25 surprised and feeling that it wasn't necessarily all in

1 their gift to achieve what was being asked of them.

2 That's an issue that no doubt we will be able to take up  
3 with some of the witnesses.

4 Just by way of example, one of the matters that was  
5 coming out of the report is encouragement to check,  
6 visit, see what's going on as far as the management  
7 board performing that role.

8 If we can look at 10438, Appendix 4 to this minute  
9 records an impromptu visit from one of the members of  
10 the management board. So this is the unannounced type  
11 visit the board of management are now engaging in where  
12 they will simply turn up. I am not going to go through  
13 the detail of that, but it is an example of that type of  
14 unannounced inspection taking place.

15 If we just scroll down, please. Just scroll down  
16 a bit further. So you can see that's Pat Toner, a  
17 member of the management board who has gone in and has  
18 recorded his findings in the management board minutes.

19 There are records indicating various types of  
20 different forms of inspection taking place. I am not  
21 going to open those. 10498. There is a record, for  
22 instance, of the Standing Advisory Committee on Human  
23 Rights visiting in June 1992. That is at 10499.

24 There is also records suggesting that the Social  
25 Services Inspectorate was visiting St. Patrick's in

1 1992, 1993 and 1994. The references to that is at  
2 10511, 10512 and 10513.

3 There is available at the moment to the Panel -- and  
4 we will continue to try to amass this documentation to  
5 close the gaps that arise -- there is a Social Services  
6 Inspectorate report of a regulatory inspection.  
7 Mr McElfattrick, the colleague of Dr McCoy, explained in  
8 his statement that you could have the major inspections  
9 of training schools that were taking place every four  
10 years and then a regulatory inspection, which was a more  
11 limited form of inspection, that took place in between.  
12 We have that from 19... -- December 1993.

13 If we can look, please, at 10410, this report is  
14 nine pages in length. It runs from 10410 to 10419. If  
15 we just scroll into the first page, please, it doesn't  
16 have an index as such. It just begins by looking at  
17 "Introduction" and "Terms of reference":

18 "... carried out in accordance with the agreed terms  
19 of reference.

20 An examination of records required by the training  
21 school rules, guidance issued by the Northern Ireland  
22 Office and policies developed by the management board  
23 and

24 Interviews of senior staff, staff on duty and  
25 informal discussions with some of the young people in

1 the school."

2 It then records the numbers who are present. You  
3 can see there was 43 present with 98 on the roll.

4 In the body of the report it is clear that a series  
5 of new units were under construction.

6 Again at paragraph 5, if we can move through 10412,  
7 you again get an understanding of the significant volume  
8 of staff that are at work in St. Patrick's.

9 If we move through to the "Conclusion" section at  
10 10417, given the document that we or documents that we  
11 were looking at which show great disquiet about  
12 St. Patrick's, if we scroll down, the "Conclusion" says:

13 "All of the residential units were visited during  
14 the course of the inspection. Bedrooms were seen at  
15 random and kitchen, ablution and living areas were also  
16 visited. Although chalets 1 and 2 require refurbishing,  
17 the standard of cleanliness and tidiness was high and  
18 a comfortable atmosphere prevailed. None of the young  
19 people spoken with had any complaints to make about the  
20 standard of care being provided, but several in chalet 2  
21 did complain about not getting increases in pocket money  
22 to compensate for the recent increases in the cost of  
23 cigarettes. The efforts of staff to promote a no  
24 smoking policy seems to have been met with limited  
25 success. It must be said, despite the efforts of staff,



1       there still appears to be a high incidence of smoking  
2       amongst the young people. The complaint about the price  
3       of cigarettes may appear to be facetious, but it does  
4       point out the high level of addiction to tobacco amongst  
5       the boys.

6               There has been a substantial increase in the number  
7       of training school orders being made for non-school  
8       attendance. Currently there are 14 such orders in  
9       St. Patrick's. Approximately 8 committed -- 8 boys  
10       committed are attending on a day basis at present. Some  
11       travel a good distance but prefer that to attending  
12       their own schools. The present level of admissions for  
13       education coupled with the number of care referrals are  
14       silting up the beds in reception. The issue is being  
15       addressed by the senior management group following  
16       an approach from the senior social worker and the  
17       community care team. Alternative methods are being  
18       examined in an effort to increase the throughput in  
19       short-term care."

20               You can see:

21               "BR90, [REDACTED], is taking a more direct  
22       interest in the operation of the educational component."

23               You can see:

24               "An independent representation scheme was launched  
25       in December 1991."

1 It was not functioning at that point in time.

2 "It was launched in association with the West  
3 Belfast Parents Youth Support Group ..."

4 There are some documents that explain the background  
5 to that.

6 Then reference is being made in paragraph 12 to the  
7 periods that young people are spending in Slemish House.  
8 So that's the secure part of St. Patrick's:

9 "It is the view of the Inspectorate that the periods  
10 are too lengthy. It is not possible to be definitive  
11 about the time a young person should spend in secure  
12 accommodation. Research tends to support the view that  
13 lengthy periods are likely to produce negative patterns  
14 in the behaviour of the young people."

15 So that is you may consider a subjective judgment,  
16 a matter of judgment for those who are running the  
17 school, and the Inspectorate may have come to a slightly  
18 different view about that, but of interest:

19 "Examination of the records in the units clearly  
20 show that regular visiting of the units and the  
21 monitoring of records by senior management is taking  
22 place. With the building of the new units well underway  
23 there is a sense of expectation among staff, who  
24 understandably are looking forward to the opening of the  
25 new premises. Generally the morale of the staff appears

1 high and management reported favourably on the present  
2 operation of the school. Nothing untoward came to  
3 notice during the course of the inspection and the  
4 attention of management is drawn to the recommendations  
5 in the following paragraph."

6 You will see that there are, in fact, only two  
7 recommendations that flow out of the regulatory  
8 inspection:

9 "Management should examine the length of time being  
10 spent in Slemish House and the means of reviewing and  
11 overseeing the length of placements.

12 Staff -- steps should be taken to ensure that formal  
13 visits by board members are carried out at monthly  
14 intervals."

15 So those are the only two matters that are  
16 highlighted.

17 There is an undated summary document that was  
18 compiled within the Department of Justice to give  
19 background to St. Patrick's, and it explains that  
20 between 1992 and 1995 the NIO provided £1.9 million to  
21 allow new buildings to be built replacing buildings that  
22 were regarded as outdated. The reference for that is at  
23 SPT10001. These redevelopments formed new modern care  
24 units that ultimately became Glenmona Resource Centre,  
25 which receives care children through its relationships

1 with the DHSS and its Board Trusts.

2 So whatever was occurring at the start of the 1990s,  
3 it seems to have -- by 1993 the Inspectorate aren't  
4 raising major issues with the operation of  
5 St. Patrick's. In fact, the two complaints that the  
6 Inquiry will hear in respect of the period of the 1990s  
7 both date after this report.

8 There is one other significant report from the  
9 Social Services Inspectorate, which is in April 1995.  
10 It was commissioned to review the circumstances  
11 surrounding the death of an [REDACTED] boy called SPT81  
12 on [REDACTED]. His name shouldn't be used beyond  
13 the chamber. That report can be found at 12801 to  
14 12835.

15 If we can just look at 12801, please. I am aware  
16 that the Panel will have touched on SPT81's involvement  
17 in some events in Harberton House during Module 5.  
18 SPT81 had been in the care of the Western Board, but was  
19 transferred to St. Patrick's in [REDACTED], some three  
20 weeks before his death. Clearly a young boy with  
21 a troubled background.

22 On [REDACTED] SPT81 absconded from St.  
23 Patrick's with a group of boys. There were five of them  
24 in total, and tragically in the early hours of [REDACTED]  
25 [REDACTED] he was knocked down and killed by a car

1 driven by one of the other absconders.

2 Now the death of [REDACTED] child prompted a lot  
3 of action from those involved with provision of care.  
4 The Panel are aware of the Western Board commissioning  
5 a report, which we will add to the bundle. It appears  
6 St. Patrick's carried out a report. I am not sure  
7 whether we have that actual report, but we will  
8 endeavour to gather it, and thereafter, after much  
9 correspondence, thinking about these issues and papers  
10 that are available to the Inquiry, the Social Services  
11 Inspectorate are asked to review the circumstances.

12 If we can look at the terms of reference, please, at  
13 12835, the terms of reference given to the SSI were:

14 "To review the circumstances leading to the death of  
15 SPT81 and to consider:

16 The reasons for his transfer from the Western Board.

17 The adequacy of information about his background and  
18 behaviour provided to the training school by the Board.

19 The arrangements for his care and supervision in the  
20 training school.

21 The events leading to and the circumstances  
22 surrounding his absconding on [REDACTED].

23 Lessons to be learnt from the case, particularly in  
24 areas such as the transfer of young children to training  
25 schools, supervision of young people with challenging

1 behaviours and absconding."

2 If we look at the "Contents" page, please, at 12802,  
3 we can see the issues that were addressed in the lengthy  
4 document. So we can see it was a history of STP81's  
5 background, the reason for his transfer from Harberton  
6 to St. Patrick's, the information provided, the  
7 arrangements for his care and supervision, the lessons  
8 to be learnt. We can see the report went to some  
9 31 pages.

10 The "Lessons to be learnt" section at 12830, I am  
11 not going to read this at this point, but I am drawing  
12 it to the Panel's attention. The types of issues raised  
13 were to what extent those who were sending SPT81 to  
14 St. Patrick's understood what was available at  
15 St. Patrick's. Obviously they had come to the view that  
16 they could no longer look after SPT81 or deal with his  
17 difficulties. Then after sending him to St. Patrick's  
18 to what extent enough accurate information was given to  
19 St. Patrick's about the boy they were receiving, and if  
20 we can scroll down, please, you can see reference is  
21 made to the Board staff having little knowledge of the  
22 services that St. Patrick's could offer or whether they  
23 could realistically be expected to significantly alter  
24 SPT81's behaviour in a short period to justify it,  
25 because there was a debate about whether the transfer to

1 St. Patrick's was just to be for a respite period rather  
2 than a permanent transfer.

3 If we scroll down, please, reference is made to  
4 Aisling House, which is the assessment unit at  
5 St. Patrick's. 6.7, the adequacy of the information on  
6 his background being provided, and then comments made on  
7 the arrangements that were made at St. Patrick's and  
8 concerns -- one of the concerns was the inadequacy of  
9 the staffing levels. Then it is said:

10 "It is difficult to justify moving a difficult and  
11 disturbed boy from a children's home to a unit in a  
12 training school if that training school unit has  
13 significantly fewer staff than the children's home. In  
14 the Inspectors' view the staffing levels currently  
15 allocated by St. Patrick's management do not adequately  
16 take into account the special demands of work in  
17 an assessment unit."

18 Various criticisms are made of how the staffing is  
19 arranged in the assessment unit.

20 Then we can see at 6.11:

21 "Most importantly, however, is the response to  
22 absconding in the school. The records show that  
23 absconding levels are very high and it is a problem  
24 which staff find difficult to control."

25 Obviously you will appreciate me saying at the

1           outset that the whole raison d'etre of a training school  
2           was this open facility. We maybe need to understand in  
3           more detail what was mean by:

4                   "A more strategic approach is needed if it is to be  
5           tackled effectively",

6                   because it appears to be accepted that while  
7           absconding wouldn't be completely eliminated, it is  
8           regarded that the current levels are too high and they  
9           shouldn't be treated as inevitable.

10                  If I just move on to the next page, please, so then  
11           a series of recommendations are made on foot of the  
12           findings both for the Board and then for the training  
13           school, if we scroll down, please, and also for the  
14           Northern Ireland Office. You can see it is recommended  
15           at recommendation 9 that:

16                   "The Northern Ireland Office should issue guidance  
17           to the training schools on the use of secure  
18           accommodation and the school's management board should  
19           incorporate it into revised procedures for their staff."

20                  Then a particular recommendation into reviewing the  
21           issue of absconding at St. Patrick's. Scroll down,  
22           please. So then particular recommendations are made  
23           about the assessment unit in St. Patrick's. If we  
24           scroll down a little further, please. Scroll down. So  
25           that's the recommendations that were made.



1 I will, however, show you a memo. I am not going to  
2 say any more about the particular investigation into  
3 STP81's death, but it prompted a memo written by Victor  
4 McElfattrick of the Social Service Inspectorate to his  
5 Chief Inspector, Dr McCoy, as a result of a meeting that  
6 he had with his counterpart in the NIO.

7 If we look at 12712. This document is referred to  
8 in a statement from Dr Harrison to the report producing  
9 tension in the relations between the Northern Ireland  
10 Office and the SSI and it is then addressed by Dr McCoy  
11 in brief terms and by Mr McElfattrick in brief terms. No  
12 doubt it will be something addressed by the Department  
13 of Justice witnesses, I think some of whom were involved  
14 in matters relating to this, but he says:

15 "I had a rather difficult meeting with Mary Madden  
16 this afternoon regarding the SPT81 report. The meeting  
17 was called ostensibly to discuss my request for  
18 financial support to cover administrative back-up for  
19 the criminal justice inspectors. I have given you  
20 information on NIO's proposals for dealing with the  
21 administrative support arrangements, ie locating the two  
22 inspectors in Massey House, where they would be provided  
23 with admin support. They accept that the inspectors  
24 would still have to be accountable to me, but clearly  
25 feel the need for closer ongoing contact with inspectors

1 so that they have advice on tap as they require it.

2 On the SPT81 report they are disappointed that the  
3 report does not give them enough on the deficiencies of  
4 management in St. Patrick's. It is clear Mrs Madden" --  
5 now this is obviously Mr McElfatrick's view -- "It is  
6 clear Mrs Madden feels there is much that is wrong in  
7 St. Patrick's" -- Mrs Madden may not necessarily agree  
8 with that -- "and she has been looking to the SPT81  
9 report to use as ammunition to criticise the management  
10 committee and the senior managers in the school. I said  
11 we would review our notes, but I said we could only  
12 report on what we found and we had concentrated  
13 primarily on the circumstances surrounding SPT81's death  
14 and the care provided for him while there. Using this,  
15 we had reported as faithfully as possible what we found.  
16 Our investigation did not extend to consideration of the  
17 adequacy or effectiveness of the management board. We  
18 had been critical of management where we perceived their  
19 shortcomings as they impinged on the care of SPT81, but  
20 could not go beyond what we had evidence to support.

21 Mrs Madden would also like us to have acknowledged  
22 in the report any deficiencies in the inspectorial  
23 arrangements, eg, is the frequency of inspections as  
24 agreed with NIO adequate to provide the Criminal Justice  
25 Services Division", I think that is within the NIO,

1 "with the intelligence they need to assure them about  
2 the quality of care being provided? I acknowledged that  
3 our current arrangements were for each school to be  
4 subject to inspections -- a major inspection every  
5 fourth year. The regulatory inspections and the  
6 unannounced visits were unlikely to pick up the level of  
7 information NIO now appear to be expecting. If this was  
8 what was expected, it would call for additional  
9 resources. There was also the question of whether it  
10 would be appropriate for SSI to be used in a constant  
11 monitoring role, ie, visiting the schools every week to  
12 check numbers, staff cover, etc. This was more properly  
13 the responsibility of management, who need to put proper  
14 monitoring arrangements in place. SSI could then  
15 periodically check whether management was fulfilling its  
16 responsibilities.

17 It was left that I would review our report with  
18 Chris Walker" -- that's another member of staff in the  
19 SSI -- "and in discussion with you consider whether  
20 anything additional should be incorporated in the  
21 report."

22 Then he says this:

23 "I think the NIO reaction, which is basically  
24 a defensive one" -- again this is his view -- "puts some  
25 strain on our relationship. My feeling is that we can

1           only do what we have evidence to support and I doubt if  
2           we can provide Mrs Madden with the type of hard-hitting  
3           evidence she hoped we might come up with. I would,  
4           however, welcome a discussion with you as to how we  
5           might deal with this situation. It certainly suggests  
6           to me that NIO are uncomfortable with the idea of our  
7           independent role and I think they would like to have  
8           been able to influence the content of our report. This  
9           suggests to me the need for a fundamental review of the  
10          role we play in relation to NIO work may need to take  
11          place. I know you have in mind to raise this with Jim  
12          Daniell",

13                 who was a member of the Northern Ireland Office.

14                 "I think it is necessary to take this forward now to  
15          see if future misunderstandings can be avoided."

16                 So that gives you some idea and signposts up the  
17          type of issue that seems to have been arising in respect  
18          of the governance arrangements and the inspection system  
19          and concerns that the regulator had with the care being  
20          provided in St. Patrick's and how that was being  
21          assessed and to what extent that was sufficient.

22                 As I say, that's obviously Mr McElfrick's view  
23          that he is expressing to his boss, Dr McCoy. It may be  
24          the NIO, or the DOJ, as it now is, has a different take.  
25          There are lots of other papers to do with this issue

1 that have just been received by the Inquiry that will no  
2 doubt add or clarify this story.

3 There I am going to stop. As the Panel is aware,  
4 I have covered a significant amount of material over the  
5 last three days. No doubt there are important matters  
6 that I haven't touched on. However, even from some of  
7 the matters that we have looked at in more detail you  
8 may consider that there are inevitably difficult and  
9 complex issues that the Panel will have to consider. It  
10 is the case that relevant material continues to be  
11 produced to the Inquiry and this is likely to continue  
12 during the course of the module, especially as matters  
13 come into even sharper focus.

14 It may well be the core participants, as they  
15 proactively examine some of the matters that I have  
16 opened or they identify from the Inquiry evidence  
17 bundle, will want to draw matters to the attention of  
18 the Inquiry legal team or to the Panel in their  
19 submissions to the Inquiry in due course.

20 Tomorrow, as Ms Smith indicated, we will deal with  
21 the evidence of a number of witnesses in respect of  
22 St. Patrick's who are unable to give oral evidence to  
23 the Inquiry and then we will begin to hear oral evidence  
24 over the next number of sitting weeks in what, as the  
25 Panel is aware, is going to be a demanding schedule.

1           Unless I can assist the Panel any further at this  
2           point, that's what I propose to say in signposting some  
3           of the more significant issues that arise for the  
4           Panel's consideration in respect of St. Patrick's  
5           Training School.

6   CHAIRMAN: Thank you. Well, we will adjourn now and resume  
7           tomorrow morning at the usual time or as near thereto as  
8           can be achieved. Thank you very much.

9   (12.40 pm)

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

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Opening remarks by MR AIKEN (COUNSEL .....2  
TO THE INQUIRY) (cont.)