

- - - - -
HISTORICAL INSTITUTIONAL ABUSE INQUIRY
- - - - -

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 McElfatrick 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 McElfatrick 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.

I N D E X

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Opening remarks by MR AIKEN (COUNSEL2
TO THE INQUIRY) (cont.)