
HISTORICAL INSTITUTIONAL ABUSE INQUIRY

being heard before:

SIR ANTHONY HART (Chairman)

MR DAVID LANE

MS GERALDINE DOHERTY

held at
Banbridge Court House
Banbridge

on Monday, 12th October 2015

commencing at 10.00 am

(Day 148)

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

1 Monday, 12th October 2015

2 (10.00 am)

3 (Proceedings delayed)

4 (10.30 am)

5 WITNESS SPT158 (called)

6 CHAIRMAN: Good morning, ladies and gentlemen. May I again
7 remind everyone to ensure that if they have a mobile
8 phone, it has been turned off or at least put on
9 "Silent"/"Vibrate", and also remind you that no
10 photographs may be taken either here in the Inquiry
11 chamber or anywhere on the premises.

12 Good morning, Mr Aiken.

13 MR AIKEN: Chairman, Members of the Panel, good morning.
14 The first witness today is SPT158 or STP158 I think he's
15 more commonly known as. That's what I call him. He is
16 "SPT158". He is going to preserve his anonymity for
17 the moment, although not overly concerned about the
18 matter, and he is aware, Chairman, you are going to ask
19 him to take the oath.

20 WITNESS SPT158 (sworn)

21 CHAIRMAN: Thank you very much. Please sit down.

22 Questions from COUNSEL TO THE INQUIRY

23 MR AIKEN: SPT158, coming up on the screen at 1549, please,
24 will be the first page of your witness statement, all
25 being well. If you just can check and confirm that is

1 the first page of your witness statement.

2 **A. That's correct.**

3 Q. And the Panel is aware from that that you are presently
4 the Children's Services Manager in the Belfast Health &
5 Social Care Trust.

6 **A. That's correct.**

7 Q. A fairly busy job I imagine.

8 **A. Indeed.**

9 Q. If we look at the last page, please, at 1553, can you
10 just confirm, SPT158, that that is the last page and
11 that you have signed the statement and you wish to adopt
12 it as your evidence to the Inquiry?

13 **A. I do. That's my signature.**

14 Q. There then are exhibits, which is a point that we will
15 come to, at 1554 to 1555. SPT158, you have come along
16 to assist the Inquiry at the request of the Health &
17 Social Care Board to be able to give a general overview
18 about how children came to be in the training schools
19 and how Social Services were involved in that. I am
20 going to quickly cover that with you by summarising what
21 you have said in your witness statement and our
22 discussion earlier today and then I'm going to look at
23 one specific aspect with you where you performed the
24 role of an independent member on the Admissions Panel or
25 the Admissions Review Panel of the close supervision

1 unit -- we have been referring to it as "the secure
2 unit", but "the close supervision unit" was the proper
3 term for it -- Slemish House in St. Patrick's from 1994
4 onwards.

5 So let me just cover the mechanisms that we were
6 discussing. You explain in your statement and you were
7 explaining to me that as far as Social Services were
8 concerned where you had children in children's homes who
9 could no longer be accommodated there up until the
10 Children's Order and the closure of training schools the
11 next step along the road for Social Services was to move
12 that child to a training school.

13 **A. That's correct, if the child's behaviour was**
14 **particularly complex or challenging in the children's**
15 **home or the foster care home.**

16 Q. And the mechanism which you explain in your statement
17 was the Place of Safety Order was used, which was
18 a five-week order that allowed Social Services to take
19 the child to the training school and begin an assessment
20 process in conjunction with the training school in
21 respect of that child.

22 **A. Yes. That was the legal mechanism to have access to the**
23 **training school.**

24 Q. But in essence what actually happened was a 15-week
25 assessment generally. You had the five-week order where

1 the Social Services could make it and bring the child to
2 the training school, and then you went back for two
3 further orders to the court to carry out that 15-week
4 assessment, effectively using two more Place of Safety
5 Orders.

6 **A. Yes, that is correct. There would have been**
7 **an appearance in the Juvenile Court after five weeks**
8 **with a view to an extension on interim orders for**
9 **a maximum period of 15 weeks for what we would have**
10 **called a period of assessment.**

11 Q. And the idea behind this mechanism, it was a care-based
12 mechanism and it was with a view to seeing through the
13 assessment whether the individual's behaviour could be
14 stabilised so that they could go back to the children's
15 home and reintegrate or whether through that assessment
16 it became clear that that was not possible and they'd
17 have to then be the subject of reports from Social
18 Services to the court with a view to a Training School
19 Order being made.

20 **A. Yes, that's correct. It would have hopefully been**
21 **a joint collaborative effect between the training school**
22 **staff and Social Services staff to come to an agreed**
23 **position as to what was in the young person's best**
24 **interest, should that be a Training School Order, or**
25 **a return to placement or back to the community.**

1 Q. And you were explaining to me that as part of that from
2 as long as you can remember -- and I was suggesting to
3 you it may have been introduced as a result of the
4 Lisnevin project from the '70s -- you had the APRU, as
5 it was known, the Adolescent Psychological Research
6 Unit, and in addition to Social Services' assessment and
7 the training school assessment you would have also had
8 this APRU, the psychologist's assessment feeding into,
9 "What is the best thing to do with this boy or girl?"

10 **A. Yes, that's correct. It was a very specialist resource**
11 **at the time. So besides Social Services staff, the**
12 **training school staff, community staff like health**
13 **visitors, GPs and schools you would have had the**
14 **clinical psychologist would have had a major input into**
15 **the assessment and the recommendation to the Juvenile**
16 **Court.**

17 Q. So the Panel is aware from the work that has been done
18 up to now the concept of the case conference, and you
19 can see in the minutes significant numbers of people
20 round a table discussing what's best for the individual.
21 Effectively that's what was going on in this context
22 involving the training school.

23 **A. Yes. That's correct.**

24 Q. And while the training school was -- it was really
25 a collaborative approach to work out, "What's the right

1 step in the care process for this person?"

2 **A. That's correct. The case conference would have been**
3 **chaired by a senior member of staff of the training**
4 **school. At that time parents would also -- wouldn't**
5 **have been in attendance for the whole of the conference,**
6 **but they were pretty advanced in that the parents were**
7 **asked to come along and make a contribution to that**
8 **meeting as well.**

9 Q. Yes. I should have raised that with you. You made the
10 point to me that St. Patrick's would have been familiar
11 to you and that step of them involving parents in the
12 assessment process was actually quite a --

13 **A. Progressive.**

14 Q. -- model --

15 **A. Yes.**

16 Q. -- type approach that they were doing, which was not
17 necessarily entirely common across the field at the
18 time.

19 **A. Yes. That's correct. For the time I think they were**
20 **progressive at the time.**

21 Q. And your experience and understanding of that assessment
22 process working was that it was -- a good relationship
23 was enjoyed between Social Services and the training
24 school -- St. Patrick's in particular -- through this
25 mechanism for assessment.

1 **A. Yes. It would have been my experience that it was**
2 **a good collaborative relationship. There was always in**
3 **some cases disagreements and tensions, but I think in**
4 **the main the staff were working towards the best**
5 **interests of the young person as to what was the best**
6 **placement for them. It wasn't just an automatic**
7 **admission to training school. There was a lot of**
8 **thought and deliberation on where best to place the**
9 **person.**

10 **Q.** And you explain that another way where Social Services
11 were involved in what ended up being the same Place of
12 Safety Order assessment mechanism would have been where
13 an individual, a young person wasn't already in care,
14 but they come to the attention of Social Services either
15 through the police or some other mechanism. They are
16 not in a children's home. They haven't been yet removed
17 from their parents, but their behaviour is such that it
18 is clear to the experienced social worker that there is
19 no point in taking them to the children's home. They
20 are going to have to skip out that level and go straight
21 to that of the training school.

22 **A. Yes. There was occasions when a social worker could be**
23 **working with a young person in the community and**
24 **perhaps, given their age and the behaviours that they**
25 **were exhibiting, it was felt in discussion always with**

1 **their Senior Social Worker -- this was never a decision**
2 **just made by a social worker on their own -- that really**
3 **the children's homes would not be in a position perhaps**
4 **to address their behaviours and we could go directly to**
5 **youth training school as a resource.**

6 Q. And that mechanism would then result in the 15-week
7 assessment cycle effectively beginning --

8 **A. Yes.**

9 Q. -- without the children's home placement in advance?

10 **A. Yes. There would be the same process around the**
11 **assessment.**

12 Q. The other way that this could be done, which would
13 result in the same sort of process, there was the
14 availability of the police, for instance, applying for
15 a Place of Safety Order, but your experience was that
16 that wasn't something that was normal or routine by any
17 means. It really was something the Social Services
18 would do when the matter was brought to their attention
19 in respect of someone who was not yet in care.

20 **A. Yes. I would have no experience of the police actually**
21 **applying for a Place of Safety Order and going to**
22 **training school. It would have been usually through the**
23 **criminal justice system that -- those admissions, but**
24 **I am aware technically it was available to them.**

25 Q. That's where I want to go next, because you explain in

1 your statement that the other mechanism whereby a young
2 person could end up in the training school was through
3 the Juvenile Court. There were essentially two limbs to
4 that that you explain in your statement. The first was
5 those who are charged with offending of some kind and
6 the sentence that was imposed by the magistrate was
7 a Training School Order.

8 **A. That's correct.**

9 Q. And the point you were making to me about that was where
10 a young person was dealt with in that way, who was not
11 already on the Social Services' radar, either because
12 they were in care or were being worked with in the
13 community by the social worker, the position could be
14 arrived at where that young person was being sent to the
15 training school but would never have had Social
16 Services' involvement in that process, either before it
17 or during it.

18 **A. Yes. That was a possibility. In those scenarios my**
19 **understanding is a probation officer would have supplied**
20 **the Juvenile Court with a background Social Inquiry**
21 **Report.**

22 Q. Therefore you had occasions whenever young people were
23 being sent to training schools through the court process
24 who wouldn't have had Social Services' input in their
25 lives.

1 **A. Yes.**

2 Q. And one of the issues we were discussing was what
3 happened afterwards whenever the young person would have
4 come out of the training school and there was the
5 aftercare facility or the community care, as you can
6 see, from the training school being provided, but you
7 could have a scenario where essentially a young person
8 had been the subject of a Training School Order, been
9 through the aftercare system of the training school and
10 never come on the Social Services' radar.

11 **A. Yes. Technically you could have a young person go
12 through the whole training school scenario process
13 without ever having an interaction with the local Social
14 Services Department where they live.**

15 Q. You were saying to me that it is not necessarily
16 different nowadays, that there is still -- for those who
17 pass through the criminal justice system still the
18 potential for that to take place without necessarily the
19 involvement of Social Services.

20 **A. I think it's less likely, but it would be -- obviously
21 the criminal justice system is managed by the Youth
22 Justice Organisation in many ways from a social work
23 perspective by way of again giving the court updates on
24 the young people.**

25 Q. And the other mechanism through the criminal justice

1 system that you identify in your statement, and the
2 Panel will have seen through the work that we have done
3 to date, is the educational welfare officers from the
4 Department of Education coming to court in respect of
5 the non-school attenders --

6 **A. Yes.**

7 Q. -- and essentially truancy being dealt with by
8 a Training School Order being then imposed.

9 **A. Yes.**

10 Q. We were having a discussion, as you know, about someone
11 who does not go to school ending up in the training
12 school, because you have got all these other types of
13 people who are there, and it was really quite a mix of
14 individuals who could end up in the training school from
15 a variety of different ways, but you were recalling with
16 me that they did develop a method of effectively
17 boarding out the non-school attenders to their homes so
18 that they were effectively day students coming into the
19 training school rather than always having to live there.

20 **A. Yes. That did happen on occasions when a young person**
21 **was admitted to training school for chronic non-school**
22 **attendance that the training school could then perhaps**
23 **make the decision that they would receive their**
24 **education on site, but if their behaviour improved, they**
25 **could live in their local community as well so that they**

1 **wouldn't be subject to full residential care. It**
2 **happened on occasions.**

3 Q. And we were also discussing, to put the context to this,
4 that I know that I have looked at and the Panel have
5 seen instances where what's being dealt with by the
6 education welfare officers might be someone who out of
7 120 days of school may have only attended 10 or 15 days
8 and it's a major difficulty then as to what does one do?
9 The solution at the time was at least in a number of
10 instances a Training School Order so that at least the
11 education was imposed, as it were.

12 A. **Yes. It was my experience that a Training School Order**
13 **would never have been made except, you know, in chronic**
14 **non-school attendance and everything else would have**
15 **been tried beforehand as well.**

16 Q. But again that mechanism, dealing with non-school
17 attendance, could take place without necessarily Social
18 Services being involved.

19 A. **If we weren't involved with the young person or some**
20 **other sibling in their family, the decision could be**
21 **made without a Social Services' involvement, yes.**

22 Q. Again if the court was getting assistance beyond the
23 education welfare officer, that would be the Probation
24 Service quite often that was giving the assistance.

25 A. **If there was criminal activity, yes, but the courts**

1 **could make the decision solely on the basis of the**
2 **education welfare officer's report.**

3 Q. I am going to leave that general overview of the
4 mechanisms by which admission to training school
5 occurred and I want to look at the Close Supervision
6 Unit, Slemish House, in St. Patrick's. Can I just
7 contextualise this, first of all? St. Patrick's was
8 well known to you from your own work.

9 A. **Yes. I would have been familiar, as you can see from my**
10 **CV, as a social worker. I would have known**
11 **St. Patrick's over a long period of time, yes.**

12 Q. It is not a question we discussed earlier, but I am just
13 going to ask you, SPT158: was it ever a place that you
14 had any major concern about a child that you were
15 working with being? Did you ever have care concerns or
16 concerns about the staff or that type of issue during
17 your time working and ending up children you are
18 involved with being in St. Patrick's?

19 A. **No, I had never any concerns in relation to how the**
20 **children were treated or young people treated by staff**
21 **in St. Patrick's.**

22 Q. And the idea of the Close Supervision Unit and your
23 involvement with it extends from 1994 you are made the
24 Assistant Principal Social Worker --

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

1 Q. -- in your area and one of the tasks you were given and
2 others were given was to be the independent
3 representative on an Admissions Panel, which was to look
4 at the placing of children who were already in the
5 training school in this Close Supervision Unit called
6 Slemish House.

7 **A. That's correct.**

8 Q. And what I want to do, as I was discussing with you, for
9 the Panel I want to contextualise your 1994 experience
10 with a Social Services Inspectorate report from
11 December 1993 that really sets up why you are involved.

12 If we can look, please, at 10413, this is a Social
13 Services Inspectorate regulatory inspection report from
14 Mr Donnell of the Social Services Inspectorate, who
15 would have been well known in St. Patrick's. What he is
16 saying at paragraph 12, having reviewed the other parts
17 of the complex, he says this about the Close Supervision
18 Unit:

19 "At the time of the inspection there were 8 young
20 people on the roll of Slemish."

21 Just to contextualise this for the Panel, your
22 understanding of Slemish was it was secure in the sense
23 that, you know, the doors into Slemish were locked in
24 that you could not get out without having a key to let
25 you out.

1 **A. Yes. That was my understanding of Slemish.**

2 Q. But it was not individual cells that children were
3 locked in. It was effectively a care unit where the
4 doors were locked.

5 **A. That's correct.**

6 Q. But -- and you didn't necessarily have a recollection of
7 this when we were speaking, SPT158 -- but it appears
8 from the passage that we are going to look at that there
9 was one separation unit or room where -- presumably for
10 particularly difficult behaviour -- in the Close
11 Supervision Unit a child could be or a young person
12 could be separated and kept for a period, but at the
13 time of this inspection in December '93 there is eight
14 people on the roll of Slemish. Various -- how they are
15 classified is set out. There is a roll being kept.

16 "Admission dates show that the young people on the
17 roll have been accommodated for periods ranging from one
18 month on a Place of Safety Order to ten months."

19 So that implies that there were certain admissions
20 to St. Patrick's where the behaviour was such that the
21 Place of Safety Order had them going into the Close
22 Supervision Unit potentially rather than just the
23 ordinary campus, if I can put it that way. Do you
24 remember that?

25 **A. No, I don't recall, you know, placing a child from**

1 **either a children's home or the community into Slemish.**

2 **I've no recollection of that.**

3 Q. Not directly?

4 A. **No.**

5 Q. An example is given about one particular boy and how
6 he -- the technicalities don't seem to have been
7 complied with in the Probation Order that was being made
8 in respect of him, but it then says in paragraph 13:

9 "There were no young persons in separation at the
10 time of the visit."

11 So that's that separate detention room or whatever
12 the right word for it is.

13 "A scrutiny of the separation record" -- so there
14 seems to have been both a log for Slemish House itself
15 and then a log for the separation room -- "... that this
16 method of control appears to be used sparingly; the last
17 removal having taken place on 10th November 1993. It is
18 noted that the option is now being used less frequently
19 and periods of separation are much shorter. The records
20 are being monitored regularly, the most recent scrutiny
21 having been carried out by BR90", who was then the
22 Assistant Director, "on 5th December 1993. The records
23 show that the school nurse makes frequent checks on
24 hygiene in the unit. In addition to the waking night
25 supervisor a member of care staff also sleeps in the

1 unit nightly."

2 So describing the arrangements for the Close
3 Supervision Unit, and then the Inspector says this:

4 "Reference has been made earlier in paragraph 12 to
5 the length of stay in Slemish House. Research clearly
6 demonstrates that excessively lengthy periods in
7 security tends to have a negative effect on young
8 people. The time spent in security should concentrate
9 on reducing the risk factor in the behaviour that led to
10 the admission and when this has been controlled, further
11 work should be continued in an open setting."

12 Then he says this:

13 "It is recommended that management address this
14 issue and develop a policy which, amongst other things,
15 gives the Admission Panel ..."

16 So we can say two things. There is already
17 an Admissions Panel looking at admissions to the Close
18 Supervision Unit.

19 **A. Uh-huh.**

20 Q. "... a policy which ... gives the Admissions Panel
21 a review function to reflect on the progress of the
22 young person in Slemish and in particular the length of
23 the placement."

24 **A. Yes.**

25 Q. So there is an Admissions Panel, which may well have

1 been operating before your time, which was deciding on
2 who got put in.

3 **A. Yes.**

4 Q. But it is now asking for a review mechanism so that the
5 Admissions Panel is effectively a review panel on the
6 length of stay.

7 **A. That was my understanding, that my presence on the**
8 **review panel was to ensure that the minimum length of**
9 **stay for -- was used for young people in the Slemish**
10 **unit.**

11 Q. Just to complete the context for the Panel, if we look
12 at paragraph 35, please, 10418, we can see the
13 recommendation being referred to specifically in the
14 conclusions section of the inspection report. It refers
15 back to paragraph 12, the periods young people are
16 spending in Slemish:

17 "In the view of the Inspectorate the periods are too
18 lengthy. Whereas it is not possible to be definitive
19 about the time a young person should spend in secure
20 accommodation, research tends to support the view that
21 lengthy periods are likely to produce negative patterns
22 in the behaviour of the young people."

23 So I suppose am I -- is it fair to say, SPT158, that
24 that's an indication of the difficulty, that you are not
25 dealing with things that can be linearly or precisely

1 set out in the sense of saying, "He should only be there
2 for seven days" or "He should be there for one month".
3 You can form a view, which the inspectors were saying,
4 "I think it is too lengthy". That may or may not be
5 justified, but the idea then is to keep it under review
6 so that the minimum period is spent.

7 **A. Yes. That was my understanding. Obviously it is**
8 **an individual package, but if the young person's**
9 **behaviour is improving -- the reason that they were in**
10 **Slemish was usually because they were absconding and**
11 **getting involved in dangerous behaviours or they were**
12 **being particularly challenging in the open unit, but it**
13 **was for a period of time to change the behaviour for**
14 **reflection with a view to moving back always to the open**
15 **unit.**

16 **Q.** There's only two recommendations in this particular
17 report which will be relevant for the rest of the
18 Panel's work today. If we just scroll down, we can see
19 the first recommendation is about the length of stay.
20 We will come back to this later. If we just scroll down
21 to the second. So there is only two that are made in
22 December of 1993.

23 Now you give an example of this practice at work of
24 the Admissions Panel carrying out a review if we can
25 look, please, at 1555, and this document -- and, of

1 course, none of the names that we use or appear on the
2 screen to be used outside the chamber -- but this is one
3 of the applicants to the Inquiry and the Panel will be
4 familiar with the name. This record, just to put it in
5 context, was not chosen specifically by you to make
6 a point about the content of this document. The Health
7 & Social Care Board were working on this particular
8 individual at the time you are doing your statement and
9 identified that you sat on this Panel and produced this
10 record to you.

11 **A. Yes. I think it was just to show that I did actually**
12 **sit -- the evidence that shows I actually sat on the**
13 **Panel as an independent person. I wouldn't have had any**
14 **line management responsibility for the young person**
15 **referenced.**

16 Q. Yes, and you had no particular -- you weren't coming
17 into the Health & Social Care Board saying, "You should
18 get me out the memo of ..."

19 **A. No.**

20 Q. You had no particular recollection of this particular
21 review --

22 **A. No.**

23 Q. -- over other reviews.

24 **A. No.**

25 Q. You were explaining to me you want to be careful in your

1 recollection, that you know you sat on secure
2 accommodation reviews after the Children's Order came
3 into effect --

4 **A. Yes.**

5 Q. -- and there's a danger for you of the meshing together
6 of those two sets of processes.

7 **A. There would be, because I sat on quite a number of**
8 **reviews post Children's Order when this became a lot**
9 **more formalised in law really, more secure.**

10 Q. The context of this particular document -- and we will
11 look at a particular issue that comes out of it -- but
12 this is that very thing that was being referred to in
13 the December '93 recommendation being worked out,
14 because this is a boy who is in Slemish already, and
15 what is being considered, whether best practice or not,
16 as we will come to see --

17 **A. Uh-huh.**

18 Q. -- but what's being considered is whether he should
19 remain, and the decision that this document records is
20 a decision for him not to remain and to come out of
21 Slemish.

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

23 Q. So that was -- and that's your recollection -- that
24 mechanism not just to admit but to review and remove.

25 **A. That's correct.**

1 Q. And this particular meeting is taking place on 24th
2 November 1994, but we can see in the first paragraph
3 that what's called a case conference has already taken
4 place on 26th September 1994. The function that you
5 were performing -- you had no role in the case
6 conference. You were not involved in the care of this
7 particular boy.

8 **A. No.**

9 Q. And your role was simply coming in as an independent
10 overseer, if you like, or decision maker, but based not
11 on being involved in the life of the child.

12 **A. That's correct. It was purely about the use of Slemish,**
13 **you know, whether it was appropriate or not to continue.**

14 Q. And the reason I am drawing attention to that is I am
15 going to show the Panel the note or the case conference
16 --

17 **A. Uh-huh.**

18 Q. -- that the point that you make in the fourth
19 paragraph down, you found it difficult to comment on
20 this particular case when you had not sat on the
21 Admissions Panel in August, and that was the Panel that
22 decided to place the boy, nor were you part of the case
23 conference held in September.

24 In fact, in the first paragraph it can be seen that
25 you were not being shown the case conference record,

1 because it was being described by BR90 as "confidential"
2 and couldn't be distributed. Now whether that was a --
3 you could not understand that and still cannot
4 understand that.

5 **A. No. I find it difficult to talk about the detail of**
6 **this particular issue, but I must have felt it was**
7 **unusual that I didn't get the papers to make --**
8 **otherwise I don't think I would have commented on it.**

9 Q. Yes, and, in fact, in the end you make it clear it
10 should be recorded that you are not party to the
11 decision to remove him out of Slemish ironically.

12 **A. Uh-huh.**

13 Q. It was achieving effectively what your role was there
14 for, so that no-one stayed longer than they had to. The
15 decision had effectively already been taken to take him
16 out based on what was in the case conference and the
17 medical work that flowed after it.

18 Just -- we were discussing who was present at that
19 case conference. If we look, please, at 50162, the
20 Panel are able then to see at the top of the record
21 there were a significant number of people involved in
22 the case conference of 26th September. It covers four
23 pages of detailed type, which I am not going to go
24 through, examining how this particular boy is getting on
25 and what's in his best interests and approving

1 a programme of medication and particular type of work,
2 therapeutic work, but the case conference includes not
3 only social workers from St. Patrick's but there's
4 a clinical psychologist involved, there is
5 a representative from the Northern Ireland Office, there
6 are social workers, in this case someone from Brownlow
7 Social Services, and then the people who were actually
8 working with the boy in the particular unit, and also it
9 seems the unit where he would come back out to, as it
10 were, when released from Slemish. So -- and is that
11 typical of these types of case conferences? You would
12 have had a lot of people inputting into what was in the
13 best interests of the person?

14 **A. Yes. That was my recollection or understanding on other**
15 **cases. Obviously I wasn't responsible for this**
16 **particular case, but, yes, those would have been the key**
17 **professionals involved in the decision-making processes.**

18 Q. Yes, and in some instances -- not this boy -- but you
19 would have had instances --

20 **A. Yes.**

21 Q. -- where your name would have appeared effectively in
22 the top, boys who you were -- boys or girls you were
23 involved with the same process. So the Panel can take
24 time to look at that document that's on the screen, but
25 the outworking of it essentially was a plan of action

1 that, if followed through, could potentially lead to
2 coming out of Slemish.

3 If we go back to the review minute, please, at 1555,
4 if you just maximise that for me, please, if we scroll
5 down, we can see in the third paragraph that the key
6 worker in Slemish is saying that the boy had gone
7 through the work programme with the doctor and the other
8 individual and that as a result those individuals were
9 happy in terms of the care plan that the boy should be
10 returned to the open unit, and that the doctor involved
11 was in agreement that that should be so, but the point
12 you were making as part of this process was, "Well,
13 that's fine, but I haven't seen the case conference.
14 I wasn't involved in the admission. So I -- what am I
15 doing?" in effect.

16 **A. Probably a bit of -- that there -- you know, it's**
17 **difficult, because this was used just really to show**
18 **that I did attend these type of panels. The detail of**
19 **my statement as to not having seen all the information,**
20 **like, I can't fully recall why I made it, to be blunt**
21 **about it.**

22 Q. What I was saying to you is because that's the context
23 of the document and it was not being used by you or
24 others to say, "Oh, they did not give us documents" --

25 **A. Uh-huh.**

1 Q. -- this may be an example of something not being done
2 well, but I was asking you -- there are all different
3 types of people. You weren't behind the door in
4 insisting it be recorded that you were not getting this
5 document and therefore you did not have all the
6 information --

7 **A. Uh-huh.**

8 Q. -- and therefore could not be party to the decision.

9 **A. Yes.**

10 Q. If that had been a common issue --

11 **A. Uh-huh.**

12 Q. -- (a) it may be something that would stick in your mind
13 and (b) you are probably likely to have complained to
14 your boss so you were not sitting on these things if
15 your usefulness was abrogated.

16 **A. Yes. I think the fact I made the statement probably it**
17 **was the exception rather than what normally happened at**
18 **the review panels. I think the review panels -- the**
19 **panel did have access to all the information.**

20 Q. Can I ask you this, SPT158, doing the best you can? It
21 is in the same context of, "Had you any concerns ever
22 about St. Patrick's" --

23 **A. Uh-huh.**

24 Q. -- "and practices and staff?" and so on. Did you feel
25 when you were performing this role that there was

1 an enthusiasm to keep children, young persons in the
2 secure unit, just put them in there and that sorts of
3 the problem out? Was that your impression of the care
4 that was being provided?

5 **A. No. My impression would still be that it was used, you**
6 **know, as a measure of last resort, used sparingly, and,**
7 **you know, besides myself there was usually somebody --**
8 **a clinical psychologist usually present at those review**
9 **panels, with the social work sort of policy and theory**
10 **that young people should be kept in those environments**
11 **for the least time possible.**

12 **Q.** I am not going to ask you any more questions at this
13 point, SPT158. You have kindly been volunteered to
14 assist the Inquiry. Now that I have you I did say it
15 may not be the last time that we seek your assistance,
16 but I am not going to ask you any more questions. If
17 you remain where you are, the Panel Members may want to
18 ask you something.

19 **A. Thank you.**

20 **Questions from THE PANEL**

21 **MS DOHERTY:** Thanks very much, SPT158. That has been really
22 helpful. Can I just refer to that last point about the
23 psychology and the level of support, because we have
24 heard in some cases that children had to wait a long
25 time to see a psychologist or that there was not the

1 resource there even when the unit was set up. What was
2 your experience of that, if you can ...?

3 **A. My recollection -- obviously we are going back some time**
4 **--**

5 **Q. Sure.**

6 **A. -- was that at the admissions panels the APRU was**
7 **reasonably well resourced and that there was**
8 **representation usually from and some type of input over**
9 **that 15-week period from a psychologist as to the impact**
10 **or need for a Training School Order on the young person.**

11 **Q. Okay.**

12 **A. Maybe it is just those cases that I dealt with that were**
13 **lucky enough to have that resource, but my recollection**
14 **is that there was usually input from clinical**
15 **psychology.**

16 **Q. Okay. Thank you, and in relation to just your overall**
17 **impression of St. Pat's about the level of care that was**
18 **provided, what was your view about that?**

19 **A. I'd worked with St. Patrick's over a long period of**
20 **time, more so with the lay staff in St. Patrick's, but**
21 **I was always impressed by the amount of time and energy**
22 **and care that they put into the young person's needs.**
23 **It was a very male-dominated culture and very**
24 **sporting-orientated, but I would have been -- never had**
25 **any cause for concern as to the quality of care provided**

1 to the young people in St. Patrick's Training School.

2 Q. Okay, and were you aware of St. Patrick's staff being
3 involved in the aftercare of boys once they left? Was
4 that a ...?

5 A. Yes. I would have had contact there as well with some
6 of those staff, again primarily if Social Services were
7 also involved in the family. They may also have dealt
8 with cases where Social Services were never involved, as
9 counsel point out.

10 Q. Point out. But you would have been aware that once
11 a boy left it wouldn't have been unusual for
12 St. Patrick's to have continued to have an interest in
13 their well-being and ...?

14 A. No, and I am sure there was a project called The West
15 Side Project that also had -- that St. Patrick's and
16 North & West Belfast -- it was a joint venture where
17 they would look after aftercare for the boys.

18 Q. In terms of what type of aftercare, like to the extent?

19 A. Well, providing that they got settled, resettled in the
20 community with their family or, if they were older, in
21 their own individual accommodation with employment and
22 training as the key features to ensure stability.

23 Q. Okay. Just my last one. I noticed with the case
24 conference minute we saw there that there was a Mr Dan
25 Mulholland from the Northern Ireland Office who actually

1 attended the case conference. Was that usual, that you
2 would have somebody from ...?

3 **A. Was that the case conference or the review? Was it --**

4 Q. I think that was the training -- it's 50162. I thought
5 it was the case conference.

6 **A. Yes. It would have been unusual in my estimation for
7 somebody from -- for a civil servant from the NIO to
8 attend case conferences, yes.**

9 Q. Okay. Thank you.

10 MR LANE: The system of reviewing that was statutory, that
11 was the sort you were not involved in in the instance we
12 have been hearing about that was monitoring the case.

13 **A. Yes.**

14 Q. So the Slemish system that you were involved in was
15 actually an additional non-statutory one. Is that
16 right?

17 **A. That's correct. It was -- in my understanding it was
18 brought in by the training school. They asked I am not
19 too sure now whether it was just local Belfast managers
20 to link in with as -- to act as a reviewing officer, but
21 it was something at the request of the training schools.**

22 Q. And was there at this time still a Licensing Panel run
23 by St. Patrick's as well?

24 **A. I wouldn't be familiar with the Licensing Panel.**

25 Q. Right. Okay. The list of people who attended for that

1 meeting that you were at, was that fairly typical of
2 those meetings?

3 **A. Yes, it would have been typical, yes.**

4 Q. Were the boys ever involved in these meetings at all?

5 **A. No, I don't recall the boys coming into those meetings**
6 **or their parents. I do recall their parents having**
7 **an input at the case conferences, the meetings when the**
8 **assessment process and the decision as to whether**
9 **a Training School Order should be made or not. The**
10 **parents were brought in for part of the meetings.**
11 **I don't recall the boys or parents being at these review**
12 **meetings.**

13 Q. In the inspection report it referred to one of the boys
14 having absconded. Would that have been actually from
15 Slemish House or some -- how secure was it, you know?

16 **A. In my understanding it was -- you know, it was a locked**
17 **door, like. There probably were occasions when you were**
18 **maybe brought somewhere else on site that they could**
19 **have run off, but the idea going into Slemish was**
20 **because some young people were absconding from other**
21 **units and getting -- not just absconding but getting**
22 **involved in dangerous behaviours.**

23 Q. Okay. Thank you.

24 CHAIRMAN: Well, SPT158, thank you very much for coming to
25 speak to us about these matters today. Unfortunately

1 I can't give you a guarantee that we may not ask you to
2 come back again, but thank you for taking the time to
3 come to speak to us today.

4 **A. Thank you.**

5 **(Witness withdrew)**

6 MR AIKEN: Chairman, I am dealing with all of the witnesses
7 this week. It may be I need a little time before we
8 resume. If we said not before 12 o'clock?

9 CHAIRMAN: Yes. Very well.

10 (11.10 pm)

11 (Short break)

12 (12.30 pm)

13 MR VICTOR MCELFRATRICK (called)

14 Questions from COUNSEL TO THE INQUIRY

15 MR AIKEN: Chairman, Members of the Panel, the next witness
16 today is Victor McElfratrick, formerly the Assistant
17 Chief Inspector in the Social Services Inspectorate. He
18 gave evidence to you during Module 4 on Day 111 of the
19 Inquiry's public hearings on Monday, 27th April,
20 beginning at page 66 in the transcript of that day, and
21 his statement from that module is at SNB-9147 to 9150.
22 He took the oath on that occasion and therefore remains
23 sworn, and he has provided an Inquiry statement in
24 Module 7, which -- if we bring up on screen, please,
25 2005. Victor, if I can just ask you to confirm you

1 recognise that as your first page of your statement in
2 this module.

3 **A. Yes, I do.**

4 Q. And if we go to the last page at 2009, you recognise the
5 last page and you've signed it and you want to adopt it
6 as your evidence to the Inquiry.

7 **A. Yes.**

8 Q. Victor, we are going to travel as far as we can and then
9 at an appropriate point take a break, if that's
10 necessary, and, as I was discussing with you, there are
11 some large themes that you and your organisation are
12 part of in the late '80s, early '90s in St. Patrick's,
13 and all that I am going to do today is signpost those
14 issues for the Panel. There is an enormous amount of
15 detail in a considerable number of documents. We are
16 not going to pour over the detail of all of those
17 documents today, but we are going to have you try to
18 assist the Panel with things that you are able to assist
19 with, but I am going to do that while setting the
20 context so that what you are saying about an event that
21 happens at a particular point in time is understood in
22 the wider context that was taking place at that time.
23 I hope that makes sense.

24 **A. Yes. Chairman, I also hope you would recognise that 20,**
25 **25 years ago, very difficult to recall what happened**

1 **then. So most of what I'll be saying is all from**
2 **an examination of records.**

3 Q. You made the point to me, Victor, that you will do the
4 best you can, but really you don't have today
5 independent recollection of the type of matters that are
6 detailed in these documents.

7 **A. That's true.**

8 Q. The context of this where these inspections are involved
9 and where the interaction between the SSI and the NIO
10 strikes together in '93, '94, '95 has as its genesis the
11 Black Report in '79, the Prior Agreement in '82 about
12 training schools continuing, in 1986 the then Secretary
13 of State Tom King endorsing a continuation of training
14 schools. By that time in 1986 you had had the Hughes
15 Report into the Kincora and other associated homes where
16 sexual abuse had occurred, and a sea change in approach
17 from the days of the SWAG, Social Work Advisory Group,
18 where there was more focus on working alongside
19 organisations who were running institutions to the
20 Social Services Inspectorate position in the aftermath
21 of the Kincora scandal breaking, with formal inspections
22 taking place of all of the children's homes between
23 '83-'85, and then a similar practice being adopted in
24 respect of the training schools, which were operated
25 through the Northern Ireland Office.

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

2 Q. Is that a fair summary of an enormous amount of work
3 over a short --

4 **A. It probably is, yes.**

5 Q. And you have the commissioning, as it were, of the
6 Social Services Inspectorate to be the inspection eyes
7 of the Northern Ireland Office as far as training
8 schools are concerned.

9 **A. Yes.**

10 Q. And thus begins in 1987, '88, '89 a sequence of
11 inspecting what was then the five training schools.

12 **A. Yes.**

13 Q. And the Panel have access to the substantial report from
14 February 1988 into St. Patrick's. We didn't have it at
15 the beginning of our work, but we had it just as we
16 began the opening.

17 If we just look at the contents page of that,
18 please, at 18359, we can see the issues that the report
19 covers. It runs to 69 pages. It runs from 18358 to
20 18432 with appendices from 18433 to 18437.

21 Now the inspectors who did this major inspection in
22 1987 and reporting in -- I'm sorry -- in the first weeks
23 of 1988 were Dr McCoy, who was the Chief Inspector,
24 Denis O'Brien and Wesley Donnell, who would have had
25 a close association with the training schools on behalf

1 of the Social Services Inspectorate. Those people are
2 identified at 18360. That report was prepared after
3 substantial time spent between 11th January 1988 and
4 29th January 1988, and on 18360 we can see that that is
5 said to include evenings and weekends.

6 **A. Yes.**

7 Q. On the same page acknowledgment is made that the full
8 assistance of St. Patrick's was provided to the
9 inspectors, and they then go on to examine the types of
10 issues in the chapters and the contents page that we
11 have touched on.

12 There were at this point in time 95 children on the
13 roll, 61 actually resident. That's at 18362. There
14 were on the books -- leaving out of account the cooking
15 and admin staff, there were 73 care staff on the books
16 of St. Patrick's at the time, if we look at 18364. So
17 you have 61 children being cared for by 73 people. You
18 get the understanding of the level of staff that were
19 carrying out that function, albeit on a rota basis. So
20 there's a significance volume of staff and it seems the
21 Castle Priory approach to staffing ratios were what was
22 being operated in the training schools.

23 The report has its conclusions in chapter 17,
24 beginning at 18428, and then the report makes 52
25 recommendations, beginning at 18429. You then have the

1 52 recommendations set out.

2 Now we have got a 69-page document, Victor. You
3 were not the author of it, but you have had the
4 opportunity to reflect on it, and what I want to do is
5 find a sentence that encapsulates the tone of the report
6 without being unfair to all of the content of it,
7 because we are not going to spend time now looking at
8 the content of it. It is not a report where you will
9 find the suggestion that this place is not fit for
10 purpose. Is that -- that's fair?

11 **A. Yes.**

12 Q. It's not a -- there are things to be dealt with --

13 **A. Yes.**

14 Q. -- but the world is not going to end if they are not
15 dealt with, if I can put it like that --

16 **A. Yes.**

17 Q. -- in the 52 recommendations.

18 **A. Yes.**

19 Q. And that is the first substantial inspection that we
20 have of St. Patrick's by the SSI.

21 Now what then is happening at the same time or
22 shortly afterwards -- and you will be able to confirm
23 that you were not involved in the political sphere as
24 far as the training schools were concerned. You were
25 doing your job in terms of inspecting what you were to

1 inspect in the manner in which you carry out your work

2 --

3 **A. Uh-huh.**

4 Q. -- but were not involved in the political dimension, if
5 I can put it that way. Is that fair?

6 **A. That would be true, yes.**

7 Q. Then -- and I am going to simply signpost for the Panel
8 -- it is clear from the papers that have been provided
9 to the Inquiry that from the early part of 1989 there is
10 an assessment going on within the Northern Ireland
11 Office of the viability of St. Patrick's Training
12 School, and that begins with a memo from Mr McClelland
13 in May of '89, which runs from 18719 to 18727. It looks
14 at five potential options for dealing with
15 St. Patrick's, recognising the major financial injection
16 that would be required to improve the physical structure
17 at St. Patrick's, because at that stage the main
18 building was still being used to provide some of the
19 units.

20 **A. Yes.**

21 Q. And those options included flagging up the potential
22 closure of St. Patrick's and its amalgamation or
23 effectively its integration into Rathgael, because the
24 memo also acknowledges that there was an over-abundance
25 of beds, as it were, in the training schools compared to

1 a falling demand, and that memo goes into some detail of
2 the reasons for the falling demand about the reduction
3 in the numbers of those who were being sent in and so
4 on.

5 That debate goes on within the Northern Ireland
6 Office. It goes up to the Minister, and I am just going
7 to in passing give the references so that I have
8 publicly done that. It is at 18577 through to 18586 is
9 further analysis about keeping St. Patrick's open
10 carried out in July of 1989. On 31st July 1989 the
11 Minister was -- approval was sought from the Minister to
12 begin a discussion with St. Patrick's about its future
13 at 18576 and that approval was given on 1st August at
14 18696, and then various different parts of government
15 and the Northern Ireland Office feed into that
16 discussion about the pros and cons of St. Patrick's
17 being closed, and those can be found at 18697 to 18700
18 and at 18566 and 18577. Obviously these are all
19 documents, Victor, that the Panel have access to to
20 consider the context in which you are doing your work.

21 That ultimately leads to a meeting with -- between
22 the senior civil servant in the Northern Ireland Office
23 and the Bishop of Down & Connor and Father about
24 the idea of merging with Rathgael. I am going to
25 briefly look at that, please, at 18571. This happens on

1 7th August 1989, where Mr McClelland is writing to
2 Mr Ireland that:

3 "It was a very affable meeting ..."

4 CHAIRMAN: I think you should make it clear Bishop Farquhar
5 was not the bishop of the diocese. He was an auxilliary
6 bishop --

7 MR AIKEN: Yes.

8 CHAIRMAN: -- who I presume had been allocated this area of
9 responsibility by the bishop.

10 MR AIKEN: Yes.

11 "The NIO was willing to consider any reasonable
12 options."

13 So you can see the main options were explained.
14 That included the potential closure of St. Patrick's
15 being explained.

16 "The problem was two-fold:

17 Falling pupil numbers, which could decline still
18 further, and

19 Excessive cost of restoration in relation to the
20 numbers of pupils and that funds were not available."

21 It is then recorded:

22 "The bishop and Father made it clear that
23 they as board members would not wish to be a party to
24 a merger with Rathgael."

25 They go on to say:

1 "They asserted that St. Patrick's was perceived
2 locally as an asset to West Belfast, that parents of
3 children held there were now taking more interest in
4 their sons' welfare" -- scroll down, please -- "and that
5 they thought the new secure unit would be well received
6 by the people in West Belfast."

7 They make political reference to others who would
8 use the closure of St. Patrick's to their own advantage.

9 "They also ruled out any possibility of the Roman
10 Catholic Church finding the necessary money from its own
11 coffers."

12 There is then a discussion about building the new
13 chalets, if we just scroll down, please, and how it was
14 really unrealistic. There is some discussion about
15 selling off land. Then they were going to have further
16 discussion about it, but:

17 "If the final decision is the retention of
18 St. Patrick's in whatever form, we must not lose sight
19 of the possibility of funding the capital works through
20 the sale of land. The bishop expressed the view that it
21 would be helpful to his position if any paper for the
22 board's eyes referred to the disposal of land which
23 would not impair the operation of the training school."

24 I think at this point in time when this memo is
25 being written the church officials are labouring under

1 the misapprehension that the land is owned by the
2 Northern Ireland Office and then we will see in a later
3 memo -- I will not look at it -- so I will simply refer
4 to the fact of a later memo when it is understood that
5 the land is actually owned by the church. Selling it
6 off then is not seen as a way of proceeding.

7 The -- that type of meeting continues. If we look
8 at 18653, please, the -- there is a memo of a meeting
9 between the board of management at St. Patrick's and the
10 NIO and the Social Services Inspectorate, but it is
11 Mr Donnell who is taking the lead on behalf of the SSI,
12 Victor, and that's arising out of the discussion that
13 has already been had and looking at the discussion of
14 a feasibility study group that has been involved in
15 looking at the renovation of the main school building or
16 providing new chalets.

17 There's a further meeting that takes place in
18 September of 1989 where those same types of issues over
19 the buildings are being discussed and the substantial
20 cost of the works are being set out. That can be found
21 at 18656 to 18660.

22 Now in this context, Victor, what's flagged up is
23 there's an issue over the future of St. Patrick's.
24 There's substantial money at play. There's a hint of
25 what we will see later of a freeze or a massive

1 reduction in the capital expenditure because of the
2 particular financial climate and government, and in
3 October 1989 then the SSI publishes a major piece of
4 work called "The Residential Childcare in Northern
5 Ireland for Training Schools", if we just look, please,
6 at 100786, and this is a report which brings together
7 the various reports that were -- we looked at the
8 St. Patrick's version. There was one for each of the
9 training schools, and this document brings together
10 those reports and takes an overview of where training
11 schools sit.

12 If we just scroll through, please, to 100789, we can
13 see -- can we move through to 100789, please? We can
14 see again the type of issues that are being covered and
15 each of the chapters touch on the different
16 institutions, and the conclusions are then to be found
17 at 100867, if we move through to that, please, and the
18 tone of these conclusions, Victor, if I put it this way,
19 are to flag up that there's been much change, there is
20 much more change to come and there will be a need for
21 flexibility and the ability to adapt in the changes that
22 will be coming forward.

23 **A. Yes. That would appear to be the case.**

24 Q. And if we just scroll down, equally there's recognition
25 just in the last paragraph on the second page of how far

1 training schools have come and how the world is very
2 different at the time this report is being written in
3 1989 from it was whenever they began.

4 Now that report I am not going to go into in any
5 detail, because it is reflecting what's in the '88
6 report, and the Panel have access to it, but there is
7 a memo then from Mr Donnell of 15th February 1990, if we
8 look, please, at 18674, and he is the colleague of yours
9 who was heavily involved in St. Patrick's.

10 Now this memo seems to be commenting specifically on
11 the refurbishment of chalets that has been suggested,
12 and he is recording that he has met with St. Patrick's
13 senior management team. He has given more thought to
14 the plans, and he makes a list of points, but what we
15 are missing unfortunately, and no-one has yet found this
16 document or identified it to me, is something that he
17 must have written in and around this time as a result of
18 visiting St. Patrick's, because what we now do have --
19 we had a quote from it from Alan Shannon's letter during
20 the opening week, but we now have the actual letter
21 written by Dr McCoy on 27th February 1990. If we can go
22 to 18644, please -- this is some twelve days later -- he
23 says:

24 "In keeping with Social Services ..."

25 He's writing to Alan Shannon in the Northern Ireland

1 Office:

2 "In keeping with the Social Services Inspectorate
3 practice Mr Donnell recently carried out a follow-up
4 visit to St. Patrick's Training School to determine how
5 far the recommendations contained in the 1988 inspection
6 report had been implemented. A copy of his final report
7 of the follow-up visit is attached."

8 So we don't have that report unfortunately.

9 "At our meeting on 19th February when we considered
10 his draft report ...",

11 and unfortunately as yet we don't have the minutes
12 of that meeting, and that has gone on between Dr McCoy
13 and Alan Shannon:

14 "... when we considered his draft report, I agreed
15 to set out my particular concerns arising from it."

16 He says:

17 "In general terms the follow-up report presents
18 a picture of a facility which is in serious physical
19 decay, is poorly managed, suffers from low staff morale,
20 but most importantly provides a standard of care for
21 children which has little or no regard for human dignity
22 and which is unacceptable by modern standards. As you
23 know, our initial position was to suggest to you that we
24 should advise Health & Social Services Boards that they
25 should not admit any more children to the facility until

1 chalets 1 and 2 were refurbished and that the chalets
2 should be closed immediately for refurbishment."

3 So it seems to have been about the physical state of
4 the premises.

5 "In discussion we agreed to defer this course of
6 action for a short period to await your receipt of some
7 other reports on the facility, notably:

8 The report by Estate Services Division on chalets 1
9 and 2;

10 The report by a member of the St. Patrick's
11 Management Board; and

12 The report from the Northern Ireland Fire Authority.

13 On receipt of these reports we would then proceed to
14 urgently consider the way ahead for this school.

15 Mr Donnell's report is full enough and does not
16 require a great deal of elaboration, but I would like to
17 emphasise that if the school is to continue to receive
18 and maintain children, then some immediate changes to
19 the physical conditions and practice are essential. The
20 physical conditions will be dealt with by the
21 consideration of the reports referred to above, but on
22 the practice side immediate attention needs to be given
23 to ..."

24 He sets out:

25 "Staff supervision;

1 Night supervision of children;
2 Institutional practices;
3 Poor management;
4 Monitoring arrangements;
5 Fire drills/practices; and
6 Security arrangements.

7 As we emphasised at our meeting, we in the
8 Inspectorate and other colleagues in the Department feel
9 strongly that this state of affairs cannot be allowed to
10 continue and some immediate remedial action will have to
11 be taken to ensure that the children based in this
12 school receive an acceptable standard of care.

13 Having registered our concern about the standards in
14 the home and the need for immediate improvement,
15 I should add that we are all conscious of the fact that
16 the present difficulties being experienced in the school
17 must be set against a background of uncertainty about
18 the future, declining numbers of young people being
19 admitted, political assurances given by a former
20 Secretary of State and the policy of the church in
21 relation to the education and religious upbringing of
22 Catholic boys in training schools. For all these
23 reasons we feel that there needs to be an urgent joint
24 approach to dealing with the problems associated with
25 the school to resolve the immediate issues and determine

1 its long-term future. This may mean some financial and
2 manpower resources being deployed to assist in this
3 process and I would like to confirm the commitment,
4 given our meeting of 19th February, of assistance from
5 the Inspectorate and other units within the department
6 to facilitate resolution of this problem.

7 ... this latest report has not been shared with
8 Bishop Farquhar and BR98 . This can now be
9 done and I would welcome an early meeting to consider
10 the next steps."

11 Now you will recall, Victor, having had discussion
12 with me previously about the measured language that
13 tends to be used by the Inspectorate in the reports and
14 whether that was necessarily strong enough at times to
15 convey what was actually felt, but in this context
16 that's an exceptionally strong piece of correspondence.
17 Is that a fair statement?

18 **A. Possibly.**

19 Q. Have you ever seen something as strong as that in your
20 time?

21 **A. I can't recall anything stronger or -- no, no.**

22 Q. But he is flagging up in the penultimate paragraph the
23 big ticket issues that make this a major issue --

24 **A. Yes.**

25 Q. -- in addition to the circumstances that he is raising.

1 Now the difficulty -- I was discussing this with you
2 earlier -- we don't have what was in the 1990 report,
3 but the complaint seems to have been how far they got
4 along progressing the 52 recommendations from the '88
5 report, and the cause of the problem appears to have
6 been that not enough of them were said to have been
7 dealt with, but what flows from that is, does it not,
8 that the 1988 report must justify the same language as
9 the 1990 letter? Do you understand what I mean by that,
10 that if the complaint in the 1990 letter is, "The things
11 that needed to be dealt with have not been dealt with
12 and therefore we should not put any more kids here",
13 then that would have had to have been the position in
14 1988 not to put any more kids there.

15 **A. Yes.**

16 Q. You don't get the impression from the 1988 report that
17 that was how the matter was being seen.

18 **A. No.**

19 Q. In any event you weren't the author of either the 1990
20 report, which we don't have, or this letter, but what
21 ensued then, and which the Panel have looked at briefly
22 during the opening week, was the robust response from
23 St. Patrick's of 2nd and 3rd April 1990. If we just
24 look at the first page of that. It is at 10425.

25 EPE OPERATOR: No, I don't have that.

1 MR AIKEN: There it is. This is the beginning of a long
2 document which runs from 10425 to 10439. If we just
3 look down, please, you can see the context of this is:

4 "The long discussion of the two documents took place
5 against a background of dismay at the difference between
6 the tone of the original report" -- that is the 1998
7 report -- "and the follow-up report accompanied by
8 Mr Shannon's letter", because Alan Shannon had written
9 on 12th May 1990, "quoting Dr McCoy raising the serious
10 issues which could result in the DHSS being advised to
11 not put any more children in St. Patrick's and saying
12 something urgently needed to be done."

13 That letter is at 10420 and 10423. Now what in
14 essence I am going to try, Victor, so the context is
15 clear, what these fourteen pages are saying is, "We have
16 done a lot to implement the 52 recommendations".
17 I think you said to me it looked like they were saying
18 20 of them had been dealt with.

19 **A. Well, I am going by what -- when I went through their**
20 **responses to the individual recommendations, it seemed**
21 **that there were about 20 that had been acted upon.**

22 Q. Yes. So there had been some progress that had been
23 made.

24 **A. Well, that's what they were saying.**

25 Q. And what they were also saying in this document was,

1 "A number of the things that you are complaining we
2 haven't done are not necessarily in our gift to do,
3 because we need the financial approval. We need the
4 money coming through from the Northern Ireland Office in
5 order to do them".

6 **A. Yes.**

7 Q. And essentially they were feeling, to summarise it, hard
8 done by that they were being criticised for inaction in
9 respect of areas where the action was not within their
10 gift.

11 **A. I guess you could interpret it that way, yes.**

12 Q. And that robust response results in a meeting taking
13 place, and the Panel will not have seen the minutes of
14 this meeting before. If we look at 18624, please, on
15 26th April then, having had time to reflect on the
16 document that had been sent back by St. Patrick's, this
17 meeting was held with Bishop Farquhar and Father
18 and various other representatives of the board of
19 management, and Dr McCoy and Mr Donnell on behalf of the
20 SSI along with Mr Shannon and Mr Ireland from the
21 Northern Ireland Office.

22 I am not going to go through this minute. The Panel
23 will have the opportunity to consider the detail of it,
24 but it has recorded the very great concern by the board
25 of management that they weren't getting the -- a fair

1 hand in the criticism that was coming their way, given
2 that they weren't in a position to fix a number of the
3 matters that were being addressed.

4 If we scroll down, please, we can see a particular
5 issue -- and presumably this is from the words of the
6 report that we don't have -- was the suggestion, and
7 I think it may have been picked up from something that
8 was attributed to BR26, that perhaps other training
9 schools had got more investment than St. Patrick's and
10 the suggestion that it was being said by the board that
11 they were being discriminated against on religious
12 grounds, and they were very sore, as the minutes show,
13 at the suggestion that they were being accused of using
14 the religious card.

15 If we scroll down further, please, on to the next
16 page, we can see that:

17 "Bishop Farquhar asked Dr McCoy if in the light of
18 the Board's response", which was the document that we
19 were touching on, some 20 pages, "whether his assessment
20 as set out in his letter of the state of St. Patrick's
21 was the same now. In reply Dr McCoy said that before
22 responding he wanted to allow Mr Donnell to say
23 something."

24 Mr Donnell makes an apology about the reference to
25 religious discrimination, but then:

1 "Dr McCoy replied to the bishop's question re his
2 description of the school. He stated he was not
3 prepared to withdraw his remarks quoted in Mr Shannon's
4 letter. Even taking into account those areas which the
5 board's response had clarified and taking into account
6 the fact that things of which the Inspector had been
7 told had indeed taken place, he still held by his
8 original comment. The level of care for fire safety and
9 night-time supervision had caused him grave concern. He
10 was pleased to see that these areas were being
11 addressed. The state of chalets 1 and 2 was in his
12 estimation indicative of low staff morale. The Board's
13 defence of the school's policy and the provision of
14 clothing was another area which was a cause of
15 considerable disquiet. He did, however, feel that much
16 could be achieved in these areas and he offered the
17 assistance of his department to help overcome some of
18 the difficulties. BR98 assured Dr McCoy that
19 he would welcome the assistance offered and that
20 Dr McCoy and Mr Donnell were pleased at the measures
21 already taken regarding the provision of clothing."

22 Mr Shannon then responds on behalf of the Northern
23 Ireland Office, and Father then asks whether:

24 "The original report certainly accorded generous
25 praise" -- that's the 1988 report -- "accorded generous

1 praise and admiration for the work in St. Patrick's.
2 'What has changed since then?', he asked. 'Is there
3 a hidden agenda?' He was assured that there was no
4 hidden agenda, and Mr Ireland makes the point even if he
5 was empowered to do so, he would not now contemplate the
6 proposed integration of St. Patrick's and Rathgael.
7 'I wouldn't attempt it', he said, 'because the chances
8 of success would be minimal. They would be less than
9 minimal; they would be nil'. Father was
10 pleased at that response."

11 You can see then on the next page:

12 "Bishop Farquhar welcomed that, but was much more
13 worried about the nature of the agenda than its
14 hiddenness",

15 and the question of the continuation of
16 St. Patrick's.

17 Now if we just scroll down a little further so the
18 Panel can see the end of the document, and the Panel
19 will have the opportunity to consider it at length, but
20 what was being mooted then was further work should go on
21 between the SSI and the school, and on 23rd May 1990, if
22 we look at 18628, please, there then is a meeting
23 between the senior staff at St. Patrick's, and you will
24 see you are present for this meeting, Victor, which goes
25 on on 23rd May 1990. Now that runs to some eight pages,

1 and I am not going to go into the detail of it now, but
2 what that meeting was doing was looking at the type of
3 practice issues that had been raised by Dr McCoy and
4 plans being put in place to deal with them.

5 **A. Uh-huh.**

6 Q. Am I right in saying you have had a chance to read the
7 record, but you don't yourself have any actual memory of
8 the matters that are contained in it?

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

10 Q. And -- I wonder, Chairman --

11 CHAIRMAN: This is probably a convenient time to break for
12 lunch, particularly since I note that the memo finishes
13 with the suggestion that they might retire for lunch.

14 MR AIKEN: It may be rather different from ours, but yes.

15 CHAIRMAN: We will not start again before 2 o'clock at the
16 earliest.

17 (1.20 pm)

18 (Lunch break)

19 (2.10 pm)

20 CHAIRMAN: Yes.

21 MR AIKEN: Victor, before lunch we had stopped at April
22 1990. We looked at the meeting that had occurred
23 following the fall-out from Dr McCoy's letter and the
24 robust response from St. Patrick's and then the meeting
25 that takes place looking at the practice issues with

1 which you were involved.

2 We can see -- and I am just again going to signpost
3 these for the Panel -- after this meeting on 26th June
4 1990 at 18604 Dr McCoy writes a memo recording the
5 history of developments and acknowledges the progress
6 that was being made. Am I right in saying, Victor, you
7 don't -- you can see the content of the memo and
8 recognise your involvement in it --

9 **A. Yes.**

10 Q. -- but you don't have a memory of the detail of what was
11 occurring?

12 **A. That's correct, yes.**

13 Q. And what is clear is that Mr Donnell is then being sent
14 in to do interim reports and he does the first of those
15 on 4th September 1990. That report can be found at
16 18597 and 18598. If we can just look at 18598, please,
17 he records in the report that he has been asked to do
18 them every two months at the request of Dr McCoy. You
19 can see in paragraph 5 he says:

20 "It now seems developments are moving along
21 satisfactorily and it is pleasing to note that the
22 issues are being tackled with vigour by the Management
23 Board and the Director. If the pace of change
24 continues, the situation will show much improvement both
25 physically and hopefully in practice terms by the end of

1 the year. Dr McCoy has asked for a follow-up report."

2 That is then passed on I think by you on
3 4th September at 18596 up to Dr McCoy so he can see the
4 progress that's being made.

5 Then again, if I just check with you, if we just
6 scroll down so Victor can see the handwriting at the
7 bottom, please, is that your signature, Victor?

8 **A. That's my signature, yes.**

9 Q. Yes. So you are telling Dr McCoy of the improvement as
10 a result of having read Mr Donnell's report. He then
11 does another one in January of 1991, which we now have,
12 which begins at 18587 to 18589. If we just look at
13 18589, please. So you have had this major issue in 1990
14 and it is now being reviewed and we are at January '91,
15 and he sets out:

16 "It will be seen from the development's outline that
17 steady progress is being made in the management of
18 change within the school. There are areas still to be
19 addressed, including the sleeping in resources and
20 staffing levels will need to be monitored closely.
21 I feel that management in the school are" -- I think
22 that should be -- "seized of the need to change and
23 modify attitude and systems. A good structure has been
24 established and staff appear to be tackling the problems
25 with interest and enthusiasm. Senior staff acknowledge

1 that many of the areas of change are as yet at
2 an embryonic stage but they are prepared to keep up the
3 pressure for change and as an inspectorate we should
4 continue to support and encourage them in their
5 efforts."

6 Now it should perhaps be noted, and the Members of
7 the Panel will recall this, that at the time we are
8 looking at there are -- while these issues are being
9 raised, addressed, building work being done, practice
10 issues being tackled, coming forward to the Inquiry and
11 found in the papers are a very small number of
12 individuals who make any complaint about the time period
13 that we are looking at and it will be important that
14 that is kept in mind.

15 On 6th February 1991, if we can look, please, at a
16 memo written by Dr McCoy at 18557, in response to this
17 report Dr McCoy writes to a number of individuals.
18 Victor, you are mentioned on it.

19 **A. Yes.**

20 Q. Who was "J. Kearney"? Can you assist the Panel with
21 ...?

22 **A. He would be the Assistant Secretary in the Department --**
23 **on the Childcare side in the Department of Health**
24 **& Social Services.**

25 Q. Then you are copied into the memo as well. It is

1 saying:

2 "Following our recent meeting, I met Mr Shannon on
3 5th February to discuss his minute of 22nd January and
4 the attached papers."

5 Now again unfortunately we don't seem to have those
6 papers. It would appear that we are looking at this
7 missing the NIO file where those documents would be
8 contained, but:

9 "I indicated that on the basis of Mr Donnell's
10 report of 24th January 1991 on this school that we could
11 not be very critical of the standards of care now
12 applying there. It was clear from Mr Donnell's report
13 that the management staff of the school were making
14 considerable efforts to raise their standards of
15 practice and we were optimistic that this could be
16 maintained."

17 Then he says:

18 "I also indicated that we would not be willing to
19 support an amalgamation of the two schools on the
20 Rathgael site and that, if the economic argument forced
21 the Northern Ireland Office to put this forward, we
22 would remain opposed to the merger. This view would be
23 based on current thinking about residential care, which
24 favours smaller, domestic-sized units, which would
25 enable children to participate as fully as possible in

1 the local community, a view supported by the Black
2 Report."

3 So can you remember that, the discussion about
4 Rathgael and the merger and the SSI taking the view that
5 they don't consider that appropriate?

6 **A. Well, I can't remember that.**

7 Q. You don't remember it?

8 **A. No.**

9 Q. What is then available to the Panel -- and I am not
10 going to go through this with you, Victor -- is a suite
11 of material that flows thereafter. Beginning in July
12 of 1991 a memo from Mr Shannon where he sets out the
13 various options that are available. It's a very
14 detailed memo looking -- if we just look at 18549,
15 please -- where he sets out in detail the issues over
16 the future of St. Patrick's and sets out the background
17 and then begins setting out five options that the
18 Department were able to identify. He comes down, if we
19 move to the last page, please, at 18555, in favour of
20 trying to find -- he sets out five options, including
21 closing and the political consequences of doing that,
22 and then comes to the conclusion:

23 "In terms of value for money there is a strong case
24 for not investing the sums of money necessary to
25 redevelop St. Patrick's Training School on its present

1 site. However, the difficulties outlined are formidable
2 and could only be overcome with unshakable political
3 commitment. It is, of course, ultimately for Ministers
4 to weigh the political arguments for and against taking
5 on the church on an issue of this kind, but I would have
6 thought that in the absence of a very desirable quid pro
7 quo, which we have so far been unable to identify,
8 considerations of jobs, church/State relationships and
9 public opinion in West Belfast must weigh heavily in
10 favour of finding the money."

11 Ultimately that's what he recommends. That then
12 makes its way up through the Ministerial team. In July
13 of 1991 Sir John Chilcot writes a memo warning about the
14 unjustified cost against the political reality. That's
15 at 18547. Alan Shannon writes a memo to the Paymaster
16 General on 24th September 1991 about financing the
17 options. It is a very detailed paper at 18508 to 18521.
18 Then on 30th September he gets a reply from the
19 Paymaster General or the Secretary accepting option 5,
20 which was to invest significant sums in a redeveloped
21 St. Patrick's. On 3rd October 1991 Sir John Chilcot,
22 who was heading up, the Permanent Secretary of the
23 Department, the Northern Ireland Office, endorses the
24 option 5 as substantial rebuilding and investment at
25 St. Patrick's at 18522.

1 That then leads to eventually the work beginning to
2 deal with a number of the matters that had caused
3 Dr McCoy to write as he did in 1990. We can see from
4 the -- we now have the September 1992 regulatory
5 inspection report by Wesley Donnell and that runs from
6 19791 to 19800. It has only been added to the bundle.
7 So I am not going to look at the detail of it at this
8 point, but that report effectively raises -- I think
9 there is three recommendations to it, Victor. So again
10 it is not raising -- I don't know if 19801 will come up,
11 if we can try that. 19801. It may not be fully updated
12 as yet. The recommendations out of the report was:

13 "Three matters require attention:

14 The practice of recording visits by senior staff to
15 units, currently in operation in Slemish House, should
16 be extended to all units;

17 Keeping of records of visits by Board members should
18 be improved; and

19 A record of the daily routine in the school should
20 be maintained."

21 So again I'm not suggesting for a moment that all
22 recommendations are not important, but they are not
23 indicative of a major problem being found here by the
24 SSI inspector. Is that a fair characterisation?

25 **A. Yes, I would say so.**

1 Q. And the conclusion, Members of the Panel, begins at
2 paragraph 34 at 19800. It is also clear that these
3 reports are being shared with the Management Board of
4 St. Patrick's. Bishop Farquhar had the report, which
5 can be found at 10511.

6 He reports again then the following year, Victor, in
7 December 1993. Again that is a regulatory inspection.
8 So this seems to be part of what you talk about in your
9 statement, that from 1992 onwards there appears to have
10 been -- I don't think you date it but from a memo we
11 were looking at this morning it is clear it is from
12 1992 -- an arrangement was arrived at with the Northern
13 Ireland Office where there will be a major inspection
14 once every four years --

15 **A. Yes.**

16 Q. -- and a regulatory inspection effectively each year --

17 **A. Yes.**

18 Q. -- in between, and then there were the spot inspections,
19 as it were --

20 **A. Yes.**

21 Q. -- with the unannounced visits --

22 **A. Yes.**

23 Q. -- that would take place in between all of that.

24 **A. That's right.**

25 Q. And the working out of that then is found in the

1 December 1993 regulatory inspection. If we look,
2 please, at 10411 to 10419. If we look first at the
3 terms of reference at 10411 so the Panel can see what
4 was being looked for:

5 "The inspection was carried out in accordance with
6 the agreed terms of reference.

7 An examination of records required by the training
8 school rules, guidance issued by the Northern Ireland
9 Office and policies developed by the Management Board,
10 and

11 Secondly, interviews with senior staff ... on duty
12 and informal discussions with some of the young people
13 in the school."

14 So we can see -- and one of the issues that you and
15 I will come back to touch on at the end, Victor, is over
16 absconding --

17 **A. Uh-huh.**

18 Q. -- and you can see there appears to have been five who
19 were absconders as at the date of the report.

20 **A. Yes.**

21 Q. But there were 43 present on the roll and then there
22 were others on leave and extended leave, so off with
23 permission.

24 The report records, as did the '92 report at 10412,
25 if we can just look at that, please, the high level of

1 staff that there are. I think when I added these up,
2 Victor, they come to about 61 --

3 **A. Uh-huh.**

4 Q. -- individuals, and we were having a discussion about
5 the fact that the improvement in qualification is now
6 ongoing, because in paragraph 6 all of the senior
7 residential social workers are qualified and we were
8 talking about the nature of those qualifications, and
9 you were saying that the senior residential social
10 workers had what you regarded as the higher standard of
11 qualification.

12 **A. Yes. Some of them would have had that.**

13 Q. And then amongst the 31 residential social workers it
14 seems that about half of them have either qualified or
15 are in the process of qualifying.

16 **A. Yes.**

17 Q. But again in the context of there are 43 young people
18 present and there is a staff, albeit on rota, of 61
19 members of staff. So the ratio is not insignificant --

20 **A. Yes.**

21 Q. -- in terms of the number of staff who are present and
22 working.

23 **A. Yes.**

24 Q. The conclusion of the report at 10417 and 8 again is not
25 indicative of a -- any major problem being identified,

1 Victor. Is that fair?

2 **A. I think that's a fair comment.**

3 Q. And when we scroll on to the next page, we will see that
4 there are in essence two recommendations that are made.
5 One is, and we looked at this this morning in
6 a diff... -- with the Panel:

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

10 Then the second matter was:

11 "Steps should be taken to ensure that formal visits
12 are carried out at monthly intervals."

13 So again in the context of very few complaints from
14 those who were using the facility. The position that's
15 being articulated by the Inspectorate is not something
16 for any concern. Is that fair?

17 **A. Well, the issue of monitoring by the Board members,**
18 **you'd need to go back into the report to see what**
19 **concern there was, but I think that there wasn't monthly**
20 **visiting by the Board members possibly.**

21 Q. I think it may have been how it was being done. If we
22 look at -- go back to paragraph 17, please, what seems
23 to be happening is that visits are taking place and
24 there is contact going on with the young people, but
25 what's being asked for is that there's a formal visit

1 that is for that specific purpose --

2 **A. Yes.**

3 Q. -- and it's recorded as such.

4 **A. Yes.**

5 Q. So I think there seems to be a recognition that there is
6 work being done, but perhaps it should be more
7 formalised --

8 **A. Yes.**

9 Q. -- and recorded so that it meets the form and spirit of
10 the rule.

11 **A. Yes.**

12 Q. Then the Panel have access to records, which I am not
13 going to open, at 10511 to 10513 that demonstrate in
14 diary form it being recorded in St. Patrick's Mr Donnell
15 visiting.

16 **A. Uh-huh.**

17 Q. So he was visiting. Recorded for spot inspections and
18 regulatory inspections through '92, '93 and '94, which
19 is in accordance with what you were saying and what, in
20 fact, other witnesses have said to the Panel. He was
21 a regular visitor in St. Patrick's to get alongside and
22 assist --

23 **A. Yes.**

24 Q. -- where he could.

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

1 Q. Now that then takes us into 1994, Victor, and you were
2 involved in the SSI report into the death of SPT81.

3 **A. Yes.**

4 Q. And I am not going to open it, but initially there had
5 been a report from St. Patrick's and one from I think
6 the Board, which were not considered adequate. The
7 St. Patrick's report is at 12897 to 12903. Indeed,
8 there is a memo from you of 23rd November 1994 where,
9 having been asked for your view, you expressed the view
10 that the report was not adequate. That's at 12879 and
11 12880.

12 At this point I want to pause to draw to the Panel's
13 attention that this issue of the death is on the radar
14 of the Social Services Inspectorate, but there is also
15 a document, if we can look at 12919, please, which is
16 entitled "Brief for the general inspection of St.
17 Patrick's Training School -- ". So it appears that
18 the SSI created this document, which evinced it seems
19 an intention to do a major inspection in .

20 **A. Yes.**

21 Q. And if we scroll down to the end of the document,
22 please, at 12921, we can see the timescales that seem to
23 have been envisaged. There was going to be a report.
24 The fieldwork would commence in March, and if that was
25 completed without interruption, it should be finished by

1 the end of March. Draft report sent to the Director
2 before the end of April.

3 Now it does not appear, and we were discussing -- it
4 does not appear that that inspection ever took place,
5 but it may have been because it was interrupted by the
6 sequence of events that relate to the death of SPT81.

7 **A. Yes, possibly.**

8 Q. On 19th January there's a memo from Dr McCoy
9 indicating that the SSI have been asked to do
10 an independent investigation into the death. That's
11 a detailed memo that can be found at 12906, 7 and 8.
12 That report was then carried out by you and Mr Walker --

13 **A. That's correct.**

14 Q. -- your colleague, during April and May . The
15 report -- if we can just -- if we look at 12801, please,
16 so that's the report. There is not a date on it that
17 I have been able to find, but it appears to have been
18 available by the end of April/start of May, Victor, and
19 if we just look at the end of it, please, at 12830, you
20 set out the lessons to be learnt. Then if we scroll
21 down through that, please. Just keep going, please. So
22 having set out in considerable detail the lessons to be
23 learnt from the investigation you conducted, you then
24 set out 17 -- if we just keep scrolling down, please --
25 17 recommendations -- sorry. I am wrong. Keep going.

1 Yes -- 23 recommendations about matters that had arisen
2 from the review. Those weren't just related to
3 St. Patrick's. They related to the whole process --

4 **A. Yes.**

5 Q. -- and mechanism involving the Board and decision to
6 place and the material that was provided and information
7 that was available and the suitability of the placement.

8 **A. That's correct.**

9 Q. Then there are some specific matters to do with
10 St. Patrick's that I am going to come back to.

11 What I want to deal with in the chronology is you
12 then write a memo to Dr McCoy of 3rd May 1995, if we can
13 look, please, at 12712, and I opened this memo to the
14 Panel during the opening that I did in respect of
15 St. Patrick's. It's a memo of 3rd May '95, where you
16 describe having:

17 "... had a rather difficult meeting with
18 SPT162", who was in the Northern Ireland Office, "this
19 afternoon."

20 So the memo was being written the same day as that
21 meeting. You were discussing the SPT81 report.

22 "It was called ostensibly to discuss my request for
23 financial support to cover administrative back-up for
24 the criminal justice inspectors."

25 So it was an issue for you that you were looking for

1 more resourcing of the Inspectorate to assist with the
2 workload --

3 **A. Yes.**

4 Q. -- and you were doing it on behalf of the NIO, but then
5 on the SPT81 report you record that:

6 "They", as in the NIO, "are disappointed that the
7 report does not give them enough on the deficiencies of
8 management in St. Patrick's."

9 Then you say this:

10 "It is clear SPT162 feels there is much that is
11 wrong in St. Patrick's and she has been looking to the
12 SPT81 report to use as ammunition to criticise the
13 management committee and the senior managers in the
14 school."

15 Now if we just pause there -- and I alluded to this
16 earlier -- you are generally measured in your
17 communication, but you seem to have come away from that
18 meeting with the impression and felt the need to tell
19 Dr McCoy that there seemed to be more of an agenda at
20 work than just the circumstances of SPT81's death.

21 **A. That would appear to be the case.**

22 Q. You don't have yourself at this remove any memory of
23 what was going on, but when you look back at --
24 obviously you authored the minute -- when you look back
25 at it --

1 **A. Uh-huh.**

2 Q. -- is what I have just paraphrased -- is that what that
3 language would convey to you?

4 **A. Yes. I think it's more blunt than perhaps I would**
5 **normally in writing a minute. So I was obviously**
6 **concerned at that time. My feeling was that SPT162**
7 **was in danger of trying to influence our reports when**
8 **I felt that we needed to be seen to be -- to be**
9 **independent and to be seen to be independent, and the**
10 **other thing I suppose about this is that I'm not sure**
11 **that the SPT81 report, the terms of reference**
12 **for it really called for us to look at the management**
13 **particularly, if you look back to the terms of reference**
14 **for the SPT81 report.**

15 Q. Yes. I think we can just do that for you so that you
16 can ground the point. 12835, please, all being well,
17 will be the terms of reference. Yes.

18 **A. Yes. Well, they speak for themselves I think.**

19 Q. Yes. So the point that you were making, Victor, was
20 that this was -- you were asked to do a specific job
21 about a particular incident and what led up to it. You
22 weren't being asked to do a critique of St. Patrick's
23 Training School and its management.

24 **A. Yes, that's correct, yes.**

25 Q. But am I right in saying that the memo is saying to

1 Dr McCoy -- you are telling him that's what it seemed to
2 be being said to you that was to be done?

3 **A. That's how it comes across as I read it now, yes.**

4 Q. If we go back to the memo at 12712, please, and the
5 point that you make, you explain -- because, to be fair
6 to St. Patrick's, Victor, in your report -- and we are
7 not going to go into the detail of it -- but in the 23
8 recommendations there are only -- there is a small
9 number that relates to St. Patrick's and there was more
10 than St. Patrick's who could have done better about this
11 particular incident that led to the death of SPT81.

12 **A. Well, there were certainly comments that related to the**
13 **Western Health & Social Services Board, although there**
14 **were more recommendations relating to St. Patrick's.**

15 Q. Yes, but the nature of those that you made about the
16 Board, the Panel can assess what you -- what you wrote
17 in the report, but it was not exclusive to St. Patrick's
18 in terms of what had gone on over this particular
19 incident. It was not exclusive to St. Patrick's.

20 **A. Sorry. I'm not quite clear what you're asking.**

21 Q. There were broader issues at play than how St. Patrick's
22 operated in your investigation into the death of SPT81.
23 You were looking at how the Board chose to place
24 a particular child --

25 **A. Yes.**

1 Q. -- in a particular place --

2 **A. Yes, yes.**

3 Q. -- and the issues surrounding that --

4 **A. Yes, that's right.**

5 Q. -- and the appropriateness of it.

6 **A. Yes.**

7 Q. Now if we scroll down to the next page of the memo,
8 please, which grounds the point you've just made,
9 Victor, that you think:

10 "I think the NIO reaction, which is basically
11 a defensive one, puts some strain on our relationship.
12 My feeling is that we can only do what we have evidence
13 to support, and I doubt if we can provide SPT162
14 with the type of hard hitting evidence she hoped we
15 might come up with. I would, however, welcome
16 a discussion with you as to how we might deal with this
17 situation. It certainly suggests to me that NIO are
18 uncomfortable with the idea of our independent role and
19 I think they would like to have been able to influence
20 the content of our report. This suggests to me the need
21 for a fundamental review of the role we play in relation
22 to NIO work may need to take place. I know you have in
23 mind to raise this with Jim Daniell. I think it is
24 necessary to take this forward now to see if future
25 misunderstandings can be avoided."

1 So whatever had occurred at that meeting, it caused
2 for you sufficient concern to write in the manner in
3 which you did --

4 **A. Yes.**

5 Q. -- to Dr McCoy.

6 **A. Yes.**

7 Q. Now we were mentioning, and I am not going to go through
8 them, but there's a sequence of memos then that take
9 place between Dr McCoy and ultimately the -- and in the
10 NIO. I am just going to give the Panel the reference
11 for these. Of 18th May from the Permanent Secretary to
12 Sir John Wheeler in the NIO to SPT162 can be found
13 at 12764; and then from Mr McCartney to SPT162 and
14 others of 5th May. I'm afraid that's out of date and
15 out of sequence, but 12772 to 12776, and then of 16th
16 May from Kevin McCoy to Mr Daniell picking up the need
17 to review the relationship, Mr Daniell being in the NIO.
18 That's at 12770, and then of 8th June 1995 to Dr McCoy
19 from the Principal Secretary of Sir John Wheeler at
20 12760 and 12761. Then again from Dr McCoy to Sir John
21 Wheeler's Permanent Secretary on 23rd June 1995 at 12726
22 and -- to 12728.

23 What that sequence of memos ultimately relates to is
24 the issue, amongst other things, about -- that touches
25 on absconding. I am going to deal with that right at

1 the end, Victor, very shortly with you, because the
2 suggestion seemed to be that the Social Services
3 Inspectorate should have done more to identify
4 absconding as an issue than had, in fact, been done. We
5 have talked about that. I am going to come back to that
6 at the end.

7 But just to finish the chronology, what then seems
8 to happen within the NIO is in September of 1995 the
9 internal audit unit reports on the management
10 arrangements in St. Patrick's with particular relevance
11 to finance, and that can be found at 16343. That
12 ultimately led to the appointment of
13 PricewaterhouseCoopers and the Social Services
14 Inspectorate to conduct different reviews, albeit they
15 seem to cover the same general areas into St. Patrick's.

16 The precursor for that is a memo from SPT162 of
17 14th September 1995 within the NIO about the serious
18 shortcomings, as they're described, at St. Patrick's.
19 That memo runs from 16346 to 16352. I am not going to
20 go into that now. The Panel will have the opportunity
21 to consider that, and I will address it with SPT162

22 But what that led to was a memo from Chris Walker to
23 you within the SSI at 16353, please, where he is
24 commenting on you and him and the SSI becoming involved
25 in these series of reports that are envisaged arising

1 out of this financial audit that was being done. He
2 says this to you:

3 "You asked me to give some thought to our meeting
4 with SPT162 and Pricewaterhouse next Monday.
5 I think that the main point that we should try to get
6 over is that the essential purpose of St. Patrick's is
7 to provide care, education and training to difficult and
8 disturbed boys. There is a need for its finance and
9 administration to be well managed, but that aspect is
10 secondary. While we recognise Pricewaterhouse's
11 expertise in these aspects of management, we do not
12 think that they should be predominant. At least as
13 important is the need for a management structure that's
14 appropriate to the primary task and that is where our
15 expertise should come in."

16 So the impression -- is it fair that he is
17 articulating a loss of focus perhaps, that ultimately
18 the real question here is the care of the boys as
19 opposed to yes, finance and admin should be well run,
20 but that's really secondary to the main task at hand?

21 **A. Yes. I think that is Chris's -- the tenor of what Chris**
22 **is saying in this memo.**

23 Q. And you and he then carry out that evaluation. The
24 terms of reference are set at 31st October 1995 and they
25 run from 16343 to 16345. Now then the review that you

1 produce has 18 recommendations. The review runs from
2 16316 to 16342.

3 If we just look at the recommendations at 16341 --
4 in fact, 16340, if we just scroll up, please, to the
5 start of the conclusions, because you tackle all of
6 the -- if I can summarise it in this way, all the big
7 ticket issues about who it was appropriate to run the
8 training school and what the management structure ought
9 to be like and who ought to be in charge and clearly
10 understood to be in charge, and you explain at the
11 start:

12 "The preceding sections of this report have been
13 written in a blunt and direct style."

14 You are communicating in very direct terms then how
15 these matters should be addressed.

16 I am going to stop the chronology there, Victor.
17 Again the report says what it says. You don't really
18 have a great memory yourself of the detail of it at this
19 remove.

20 **A. Uh-huh.**

21 Q. But I want to look at the particular issue of
22 absconding, because in paragraph 21 of SPT162 's
23 statement to the Inquiry, if we look, please, at 2679,
24 she refers to a particular paragraph in your report that
25 we are going to look at into the death of SPT81. She

1 sets out that:

2 "... the unacceptably high level of absconding from
3 the school, 353 incidents in the first six months of
4 1994, commenting that it was part of the culture and
5 made recommendations. The report made no comment on the
6 response of the senior staff and the Management Board to
7 this growing problem within the school. It is clear
8 from reading the papers that Ministers were concerned
9 that previous SSI inspections had failed to bring to
10 light deficiencies identified by the Inspectorate in
11 this review before and were also exercised on the
12 question of the frequency of inspections at the schools
13 and whether it gave them the assurances they needed."

14 Now if we look, please, at paragraph 5.24 of the
15 report at 12825, please, so this is the May report
16 into the death of SPT81, and one particular issue that
17 you deal with is that -- if we just scroll up on to the
18 page before so we can see the section beginning. Just
19 scroll up, please. Just scroll up a little further,
20 please. So you can see this section begins at 5.20
21 looking at the issue of absconding. You look at the
22 particular incident in some detail. Then if we scroll
23 down, please, on to the next page, you make the point
24 that:

25 "Absconding is a serious issue and steps need to be

1 taken to address the problem as a matter of urgency if
2 the current levels are to be reduced. There are obvious
3 dangers when children as young as 11 remain out of adult
4 supervision and care overnight or for even longer
5 periods."

6 Then you say:

7 "A review of the literature on absconding suggests
8 there is likely to be more absconding by young people in
9 short-term care units."

10 Then you explain in 5.27:

11 "The incidence of absconding from the other large
12 training school" -- and that's Rathgael that you are
13 talking about --

14 **A. Yes.**

15 Q. -- "in Northern Ireland has also been high. As a result
16 of public concern about it a special study was
17 undertaken by the APRU" -- that's the psychological unit
18 -- "in 1991", that serviced the training schools.

19 **A. Yes.**

20 Q. "This study helped the school's management to identify
21 a pattern of absconding in terms of the type of young
22 people most likely to abscond, the times of the day and
23 even the season of the year at which they were most
24 likely to leave, the house units with the highest levels
25 of absconding and the types of supervision which gave

1 the highest and lowest levels of risks. Having
2 identified the risk factors, management were able to
3 develop a 15 point strategy to tackle the problem. It
4 is significant that when the situation was reviewed
5 a year later, the levels of absconding in the school had
6 been significantly reduced. The Inspectors" -- so
7 that's you and Mr Walker -- "were concerned to be told
8 that the lessons learnt in the exercise were not shared
9 with the staff of St. Patrick's. It is recommended that
10 at least the conclusions and recommendations should be
11 made available and that a similar exercise should be
12 conducted in St. Patrick's."

13 If we scroll on to the next page, now that's the
14 first issue, and if I can ask the Panel just to hold
15 that issue, which is you have got this 1991
16 investigation in Rathgael and that St. Patrick's are
17 saying they were not told about, but in 5.28 a separate
18 issue is identified by you and Mr Walker and that is
19 that:

20 "Incidents of absconding are recorded in a book.
21 The information together with similar data from the
22 other house units is collected centrally and forwarded
23 to the NIO. However, it is not analysed and returned to
24 St. Patrick's in a form that would enable the senior
25 staff to determine any remedial action that might be

1 appropriate."

2 You say:

3 "One of the outcomes of the study in the other
4 training school was the introduction of a more detailed
5 information system to allow the problem to be
6 monitored."

7 You say:

8 "Similar information should be readily available to
9 staff in St. Patrick's. It could be done by analysing
10 the information currently forwarded to the Northern
11 Ireland Office so that the management staff can adopt
12 a strategic approach to tackling the problem."

13 You -- so -- you then follow that through in
14 recommendation number 11, that it should be dealt with
15 and a similar exercise conducted for St. Patrick's.

16 Now the issue that I would like you to assist the
17 Panel with is if this 1991 review into Rathgael was able
18 to develop a process of minimising the amount of
19 absconding that was occurring, who should have
20 communicated that to St. Patrick's and the other
21 training schools, given that you are clear in the
22 recommendation that they should be told about it?

23 **A. Yes. I mean, I would have expected my Inspector, Mr**
24 **Donnell, who would have been well aware of that**
25 **particular APRU study, to have used that information in**

1 discussion with his -- with the people in St. Patrick's.
2 I would also have expected the Northern Ireland Office
3 with the information they had about -- the local
4 information they had about absconding rates in
5 St. Patrick's to have fed that information back so that
6 -- as said in 5.29, so that they could actually do
7 something about it. They could commission the APRU to
8 do a similar exercise there.

9 Q. The second aspect that you have identified then is that
10 well, this data -- there is information being fed back
11 to the regulator, albeit the regulator is using you, but
12 you are -- ultimately it's the Northern Ireland Office
13 are under the obligation to inspect and they are using
14 you to do that. They are the regulator of this -- of
15 the training schools. You are saying in the report the
16 data is fed back so that someone in the regulator can
17 see how many people are absconding from each of the
18 training schools.

19 **A. Yes.**

20 Q. But from the report you seem to be indicating that it
21 does not appear that the regulator is doing anything
22 with that information, ie, it is being sent, but they
23 are not coming back saying, "Well, now, look, you seem
24 to have 30 absconders in this quarter. That looks like
25 an increase. What are you -- what is the cause of that?"

1 What are you doing about it?"

2 **A. Yes.**

3 Q. "Are there steps you can take? Here, have you seen this
4 report? What about the APRU looking at your place? Are
5 you up for that?"

6 **A. Yes.**

7 Q. That type of -- it doesn't seem to be in the papers.
8 Are you aware of that type of exchange happening?

9 **A. I'm not aware. I can't remember basically.**

10 Q. Do you know from your work in the SSI if the NIO ever
11 considered dealing with absconding on a training school
12 wide basis and trying to tackle it as a global issue?

13 **A. Again I don't know that either. I can't remember if
14 anything was done like that.**

15 Q. Victor, I am not going to ask you any more questions.

16 **A. Uh-huh.**

17 Q. The Panel Members may want to ask you something and if
18 you just bear with us for a short time. Thank you.

19 Questions from THE PANEL

20 CHAIRMAN: This question of dissemination of information
21 about levels of absconding, the SSI inspections found
22 that there was a very high level of absconding at
23 St. Patrick's.

24 **A. In that particular year, sir.**

25 Q. Yes, and drew attention to it in the report that you

1 have just been commenting upon in the memorandum and in
2 the report, and it seems that in Rathgael there had been
3 an absconding problem. A new approach had been
4 developed, although we don't know what it was from this
5 document, and it had had some considerable success.

6 **A. Uh-huh.**

7 Q. The report identifies that that information was not
8 passed to St. Pat's.

9 **A. No.**

10 Q. Are you aware of there being any formal structure at any
11 time that enabled information to be pooled between those
12 in charge of the individual training schools, because
13 the problem about the type of inspection that the SSI
14 conducted, the information goes up, but where does it go
15 down? It may go back to St. Patrick's, but it does not
16 necessarily, if it has gone up from Rathgael, it seems
17 to me, to go anywhere except back to Rathgael. Was
18 there any procedure of a formal structure in nature that
19 provided for the pooling of information about common
20 issues between those who ran all the training schools?

21 **A. My understanding is that the Northern Ireland Office**
22 **would have had meetings with the heads of the training**
23 **schools. I am not sure whether that would have been**
24 **collectively with the heads of the various training**
25 **schools or with them as individuals. That should**

1 certainly be available somewhere in the documentation,
2 but that would have been a forum where that information
3 could be shared.

4 Q. Because one way of looking at what you did say was that
5 leaving it to somebody like Mr Donnell just to pass it
6 on in the course of his work was no guarantee it would
7 always be passed on everywhere. It might just get
8 overlooked. Is that right?

9 A. It is possible. I mean, I would have hoped that
10 Mr Donnell would have shared that information, given
11 that he was aware of the problem of absconding in
12 St. Patrick's. I mean, it may actually have been worse
13 in the year when the unfortunate incident when
14 young SPT81 was killed than it had been the previous
15 years, because the -- Mr Donnell in his regulatory
16 inspection reports did not make particular comment on
17 it, although there is a form at the beginning of each of
18 those inspection reports which tells you the number of
19 inspections -- number of abscondings that had -- that
20 were in position at that particular day of the
21 inspection, and I think one year it showed there were
22 five abscondings. Another year it showed there were
23 seven abscondings. So I don't know what the -- I mean,
24 the only place where the global picture of how many
25 abscondings over the course of a longer period of time

1 **would have been available would have been in the returns**
2 **that were made from the training schools to -- as**
3 **required by the Northern Ireland Office to the Northern**
4 **Ireland Office.**

5 Q. Yes. I understand the point you are making about
6 returns and so on. I am more concerned about the
7 dissemination of information and good practice --

8 **A. Uh-huh.**

9 Q. -- and developments at the level where the people are in
10 a position to do something about it, not the storage of
11 information at a higher policy level.

12 **A. Uh-huh.**

13 Q. And I take it from what you have said there was no such
14 formal structure that you are aware of to enable those
15 on the ground to talk to each other?

16 **A. I don't know -- I mean, it may well have been that there**
17 **was -- there were meetings between the heads and senior**
18 **officers in each of the schools at some time or other,**
19 **but I am not in a position to actually confirm that.**

20 Q. All we have heard is that the only meetings that took
21 place were between those in the same union who got
22 together.

23 **A. Right.**

24 Q. So unless there is information we have not yet
25 discovered, it wouldn't seem there were formal meetings

1 between the schools.

2 **A. That may be the case.**

3 Q. The significance of absconding, of course, is at least
4 in the view of BR26, who wrote -- and perhaps we could
5 have 12957 up, please, and just scroll down to the
6 middle of the page. You see a sentence there:

7 "There is, of course, a considerable amount of
8 evidence from previous inquiries into abuse of children
9 in residential care which could be used as reference for
10 drawing up a list of indicators of the type of regimes
11 that are likely to lead to abuse, eg isolation from the
12 community, high turnover of staff, high incidence of
13 absconding, frequent outbursts of violence, high rate of
14 self-injury and involvement of the police and the like."

15 So in and around the same time as the inspection is
16 taking place BR26 has identified a number of indicators
17 of the type of regime that are likely to lead to abuse
18 and one of those is a high incidence of absconding.

19 **A. Yes.**

20 Q. One can therefore perhaps understand SPT162 's
21 concern about the high level of absconding and also
22 yourselves when you carried out the inspection.

23 **A. Yes. One would expect the management of a school with
24 that information that was provided by BR26, was it --**

25 Q. Yes.

1 **A. -- to be seeking to do something about it.**

2 Q. I agree, but although the high level of absconding is
3 picked out in your report, is there not a danger in this
4 type of inspection that attention is given to physical
5 things like heating and physical conditions to a degree
6 which tends to draw attention away from the key thing,
7 which is: are the children being properly looked after
8 and protected in this instance from abuse?

9 **A. I thought that we had -- we had looked at other things**
10 **than just absconding in the SPT81 report.**

11 Q. I am thinking more of normal inspection reports rather
12 than the SPT81 report.

13 **A. Well, I think -- I mean, what I am not clear about is**
14 **whether this was -- whether the absconding in 1994**
15 **was -- reached a higher peak than usual. I don't know,**
16 **but the Inspector, Mr Donnell, was drawing particular**
17 **attention to it when he was doing his regulatory**
18 **inspection reports in 1992 and '93 as a particular**
19 **issue. So I am left wondering if there was a spike --**
20 **an increased spike of abscondings in 1994. The only way**
21 **we would know that is by seeking information from the**
22 **Northern Ireland Office, who would have the returns for**
23 **inspection -- the number of abscondings each year.**

24 Q. I see. Thank you very much.

25 MS DOHERTY: I don't have any other questions. Thank you.

1 MR LANE: Is there any reason that you can think of why
2 absconding might not have been seen as a major problem?

3 A. It may -- I mean, it could partly have been related to
4 the fact that most of the young people would have come
5 from that area around --

6 Q. Uh-huh.

7 A. -- St. Patrick's in West Belfast. They would have been
8 -- whereas the Rathgael children were more likely to
9 have come from right across the province. It could be
10 a consideration that staff felt that they were more
11 likely to be going home and so on when they were
12 absconding, but I'm only speculating on that.

13 Q. Okay. That was all. Thank you.

14 CHAIRMAN: Well, Victor, thank you very much for coming back
15 to speak to us yet again. I think I must be cautious
16 about saying we won't ask you to come back the way
17 things develop, but thank you very much for coming
18 today. It's very helpful.

19 (Witness withdrew)

20 MR AIKEN: Chairman, perhaps if we aim to start shortly
21 after 3.30.

22 CHAIRMAN: Yes. Very well. We will see whether we are
23 ready to start then.

24 (3.05 pm)

25 (Short break)

1 (3.40 pm)

2 WITNESS BR52 (called)

3 MR AIKEN: Chairman, Members of the Panel, the next witness
4 is BR52, who is "BR52". Chairman, he is going to keep
5 his anonymity and is aware that you are going to ask him
6 to take the oath.

7 WITNESS BR52 (sworn)

8 CHAIRMAN: Thank you very much, BR52. Please sit down.

9 Questions from COUNSEL TO THE INQUIRY

10 MR AIKEN: You are seeing on the screen, BR52, a map of
11 St. Patrick's, because I have given the operator the
12 wrong number. If we can look at 2971, please. It is
13 okay. Coming up on the screen in a moment, BR52, will
14 be hopefully the first page of your statement. If you
15 can just check that it matches the one you have in front
16 of you. It says you are 82 years of age and I was
17 saying to you you are wearing very well. So can you
18 just confirm that's the same first page?

19 **A. Yes. That is the same first page.**

20 Q. If we go to the last page at 2977, can you confirm
21 again, BR52, that is your last page and you have signed
22 the statement and you want to adopt it as your evidence
23 to the Inquiry?

24 **A. I confirm that. That is the last and I wish to --**

25 Q. You want to adopt it as your evidence?

1 **A. -- to adopt it.**

2 Q. You do?

3 **A. Yes.**

4 Q. There are exhibits then. Various documents that you
5 looked at to help you with your statement are exhibited,
6 including the police statement and the deposition at the
7 time of Bernard Teggart's inquest, which is at 2978
8 through to 2996.

9 Now, BR52, if at any stage you have any difficulty
10 of any kind, you make me aware of it and we will deal
11 with it. The Panel have no difficulty taking a break at
12 any stage if that's necessary, and the Panel have
13 already had the opportunity to consider your statement.
14 Therefore I am not going to go into the matters in
15 significant detail other than to draw out some
16 particular matters that relate to your time as principal
17 that might assist the Panel with the context during
18 which the extremely unfortunate events relating to
19 Bernard Teggart take place.

20 You explain in your statement that you come back to
21 St. Patrick's as the principal on 31st August 1972, as
22 it turns out. That can be seen in the board of
23 management minutes of 24th November 1972. They don't
24 need to be brought up, but for the record the Panel will
25 see them at 80291. You replaced BR5, who was retiring

1 through ill health.

2 **A. Correct, yes.**

3 Q. You had been in St. Patrick's for a period in the '60s.

4 **A. For one year, yes.**

5 Q. One year teaching?

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

7 Q. And then you'd gone off to do other things in I think
8 South Africa.

9 **A. Correct. Well, when you say I had gone off, I was sent**
10 **by the --**

11 Q. Sent by the Order.

12 **A. -- by my Superior, by the Order.**

13 Q. Yes. Ultimately then you're sent back to be the
14 principal of the training school.

15 **A. Yes.**

16 Q. And you were explaining to me that that was really like
17 being a general manager in that there was two sides to
18 the school, the senior school and the junior school, and
19 on the senior side you had BR26, the headmaster, as it
20 were, of the senior school and his deputy I think you
21 said to me was SPT53.

22 **A. SPT53, yes.**

23 Q. The Inquiry has heard from SPT53. Then on the junior
24 side you had BR46, who was also the secretary of the
25 board of management. So he would have kept the minutes

1 when you and he went to talk to the Board. His
2 second-in-command?

3 **A. Was** SPT151 .

4 Q. SPT151 , and SPT151 features in the
5 matter that we are going to look at.

6 So having come back and taken up the role -- and
7 I know that from our discussion you at this remove do
8 not have a memory of much of the detail that I was
9 describing to you from the board of management minutes.

10 **A. That's correct.**

11 Q. So, for instance, I was explaining to you that at that
12 very first meeting you attend in November of 1972 in
13 addition to being welcomed the then Provincial, Brother
14 BP3 --

15 **A. That's correct.**

16

17

18 .

19

20

21 Q. And he in appointing you to this role, for the first
22 time then the role of the director of the community and
23 principal of St. Patrick's were separated.

24 **A. Correct.**

25 Q. So you just performed the role of principal and someone

1 else performed the role of director of the community,
2 albeit you all lived together in the Brothers' house.

3 **A. That's correct.**

4 Q. And in that November '72 minute of the management
5 meetings it is clear that a new staff structure is being
6 set up along the lines of what we are -- we have just
7 mentioned about the senior school and the junior school,
8 and the Panel can read that where you set that out, and
9 the secretary, BR46, seems to have been expressing the
10 need for quarterly board meetings to take place, and he
11 seems to have lost that in that he is told there will be
12 two meetings a year during the Troubles.

13 That begins for the first time just to set the
14 scene, that you'd come back to West Belfast in the
15 summer of 1972, and it was presumably a rather different
16 Belfast than the one you left towards the mid to end of
17 the '60s.

18 **A. Correct. Uh-huh. Yes.**

19 Q. And at the time that you take charge of St. Patrick's
20 there are 73 boys in the school with another 25 having
21 absconded at that particular point in time if the
22 statistics at the end of Christmas -- so perhaps some
23 had not come back after the New Year, and a significant
24 number of boys were then being supervised and licensed
25 by the aftercare team. 53 are on licence and 137 are

1 being supervised.

2 In January of 1973, BR52, it is recorded in the
3 board of management minutes -- and you were again
4 explaining to me you don't remember this -- but you
5 explain to the board that as a result of the
6 UK Parliament accepting the Diplock report -- and the
7 Chairman and the Panel Members -- certainly the Chairman
8 will know what that report involved -- but you drew
9 attention to the Board the fact that this report would
10 mean there would need to be a remand assessment secure
11 unit as a matter of urgency. The Diplock report had
12 made 17 recommendations about the criminal justice
13 system in the context of The Troubles, dealing with the
14 emergency situation that had arisen, and one of those
15 recommendations was that there had to be a secure
16 institution provided for those under 17 who were being
17 remanded on terrorist charges.

18 The minute then records various locations where the
19 Ministry was considering where those institutions could
20 be. I am just going to show the Panel Members, if we
21 look, please, at 80294, that on that day of the
22 Management Board meeting -- it is in handwriting, so you
23 will have to bear with it -- but during the meeting
24 three officials from the Ministry of Home Affairs or
25 what was shortly to become the Northern Ireland Office

1 by the end of the year, Mr Parkes, Mr Sterling and Miss
2 Forrest, attend the Board meeting and outline the scheme
3 that was being envisaged.

4 Now already there was -- the heads of the training
5 schools were making representations to the Ministry for
6 a secure unit to serve all the schools. So this need
7 for some way of handling the more difficult boys who
8 were running off more often or getting into further
9 difficulty or making life difficult in the training
10 school, the need for a more secure unit seemed to have
11 been something that all of the heads of the training
12 schools had identified, and there was something in the
13 pipeline to deal with that, but because of the greater
14 number of young offenders arising from the Troubles,
15 something further was required. The Ministry did not
16 like -- according to this minute, it didn't like the
17 approach of the Diplock report and:

18 "An institution for young terrorists only is most
19 undesirable. The Ministry have no intention of
20 segregating boys according to offences, but entirely on
21 the basis of the type of treatment required. Security
22 was an essential, but it was proposed to provide this by
23 the nature of the building" - scroll down, please --
24 "rather than by barbed wire or military or police" -- if
25 we scroll down, please -- "military or police presence."

1 So that gives some indication of the unusual
2 circumstances that existed at the time, BR52 --

3 **A. Uh-huh.**

4 Q. -- in that you hear of the Ministry talking about having
5 effectively a secure training school just for those
6 charged with terrorist offences and they didn't like
7 that idea and wanted to keep a mixed set-up, albeit
8 making sure it was sufficiently secure. We will come to
9 see the outworking of that shortly, but once they
10 finish, they explain about the English model of secure
11 units even without the terrorist context on the next
12 page. Just move on to the next page, please. We see:

13 "In England he said the longest period in a secure
14 unit was nine months, but after three months or so the
15 boy came to accept the security and then there was an
16 easing off. The staff could and would use their
17 discretion in all cases."

18 So it gives some idea of the nature of the type of
19 arrangement that was envisaged and the thinking behind
20 the secure remand unit that Lisnevin would ultimately
21 turn out to be, and the Management Board, as we scroll
22 down, considered and agreed to be represented on the new
23 Management Board of the secure assessment unit at
24 Lisnevin.

25 You were explaining to me that Lisnevin coming on

1 stream also provided employment opportunities for staff
2 from the other training schools, who could take up
3 promoted roles in the new training school that was being
4 built, and that --

5 **A. That's correct, yes.**

6 Q. -- and that happened even for some of the St. Patrick's
7 staff who went to work there.

8 **A. Yes. I can recall two --**

9 Q. Who went to do that?

10 **A. -- who went to Lisnevin.**

11 Q. Yes, and then in the June 1973 management minutes, which
12 are at 80296, the draft agreement for all the training
13 schools helping -- having a management role on the Board
14 of Lisnevin are discussed, but you also explain in this
15 minute the need for an intensive care unit in a separate
16 complex on the campus with intermediate security. If we
17 just scroll down, please, we can see that being said.

18 You can see:

19 "Some stressed the growing problem of absenteeism in
20 schools. Others believed recent researches into the
21 effects of the Troubles on youth were inaccurate while
22 others asked how St. Patrick's managed to cope with ...
23 Proposed plans to deal with problem children were then
24 discussed. BR52 spoke of the need for an intensive care
25 unit on the campus, but stressed that an intermediate

1 type of security would be sufficient. The unit should
2 be a separate complex."

3 Then:

4 "Father feared its presence would invite
5 extremists along. The Board were satisfied that in view
6 of the -- that in view of their discussion and the
7 understanding of the problem that such a unit was
8 an essential need at present and probably for several
9 years to come."

10 So you were going to have Lisnevin, but there was
11 also recognition you were saying to the Board, "Yes. We
12 are going to have to have something at St. Patrick's
13 which is a halfway house along the way".

14 **A. Uh-huh.**

15 Q. And those are the documents that lead up to -- because
16 you can see in the bottom the next management meeting
17 was in May '74, by which time Bernard Teggart had been
18 murdered in November of 1973.

19 Now before we look at those events briefly, I wonder
20 can you assist the Panel with what life was like in that
21 part of West Belfast leading up to November 1973?

22 **A. Yes, I can. The political situation in West Belfast had**
23 **become quite serious and we were very concerned as**
24 **a staff in St. Patrick's to minimise the effect coming**
25 **into the school of what was happening in the community,**

1 so that we were serious about keeping it as the
2 traditional St. Patrick's Training School, locally
3 known, and had been for years, as "the home". It was
4 always known in Belfast as "the home" from way back.

5 Q. You didn't want it becoming a prison.

6 A. No, and certainly the staff did not relish that idea.
7 They wanted -- they were prepared for St. Patrick's to
8 remain as it had been, you know, that it was a welcoming
9 place and it was a place where we looked after our boys.

10 Q. Now at the time in 1972/1973 there are murders
11 occurring. There are attacks on the police and the
12 army.

13 A. Uh-huh.

14 Q. You were explaining to me there's an army base that was
15 just beside St. Patrick's.

16 A. That's right.

17 Q. And you gave me a couple of examples of the type of
18 difficulty that presented itself to the school. One was
19 you were recalling shooting incidents that occurred
20 across the grounds, as it were.

21 A. Yes. Could I explain?

22 Q. Yes.

23 A. The military barracks was behind St. Teresa's church
24 just outside the perimeter of St. Patrick's property and
25 it was down on the lower ground on the level with the --

1 with the road, but the school was on a hill. There was
2 quite a steep rise to the school and even further beyond
3 the school to the Upper Springfield Road, so that there
4 were occasions when the crossfire was from the lower
5 ground to the higher ground.

6 I can recall one incident in which the school was
7 actually hit by fire. Damage was done to the brickwork.
8 It -- there were occasions when it was seriously
9 dangerous for staff and pupils when this happened, you
10 know, when there was I suppose you would call it a form
11 of gun battle --

12 Q. Yes.

13 A. -- that went across the property.

14 Q. You gave me another example of how the situation outside
15 began to present itself inside. It is not an example
16 you talk about in your statement, but you drew it to my
17 attention, and I am going to ask you to share it with
18 the Panel, that BR26 came to you to make you aware that
19 he had learnt that on the senior side an attempt was
20 being made by a group of boys to form an IRA unit.

21 A. Yes.

22 Q. And what he had been made aware of was their intention
23 to abduct a member of staff.

24 A. That's correct, yes.

25 Q. And you are not able to help the Panel with dating when

1 this was that you recall, but we can ask BR26 about that
2 as well --

3 **A. Uh-huh.**

4 Q. -- as to what he can remember, but you remember going to
5 see your contact in the Northern Ireland Office.

6 **A. Yes. I went to see -- I phoned and made an appointment
7 with -- to see Mr Ronnie Steele.**

8 Q. Yes.

9 **A. He was my contact with the Northern Ireland Office.**

10 Q. Yes, and that was -- he was in the Training School
11 Branch.

12 **A. At that time, yes.**

13 Q. Yes, and you went to see him about this development.

14 **A. Yes.**

15 Q. And can you just explain to the Panel what happened?

16 **A. Yes. I was brought to his room, to his office in
17 Stormont, and I explained to him what was happening in
18 St. Patrick's and the information that had come to me
19 through BR26, who had got it from the -- on the senior
20 side. As I recall, he left the -- his office and was
21 away for -- I don't -- can't remember --
22 several minutes. When he came back, he then gave me
23 a phone number and said, "These people are expecting
24 a call from you".**

25 So when I returned to St. Patrick's, I phoned the

1 number and it was -- I was -- found myself speaking to
2 in Andersonstown.

3 Q. And you went to then meet her?

4 A. Yes. She said -- I explained to her what the problem
5 was. She said, "Well, come up". I went to her house
6 and explained again to her this threat that was
7 developing in the school in the senior side and she
8 said, "Well, leave it with me. We'll deal with that"
9 and she said, "These boys get out on leave, don't they?"
10 and I said, "Yes, if their record is good enough, you
11 know, and they're not being denied the chance of going
12 home to see their parents or whatever because of their
13 conduct". So they said, "Right. Well, we'll -- we'll
14 meet with the boy" who was, as I remember, the -- as it
15 were, the spokesperson for this group in the senior side
16 who were planning the abduction of the member of staff.
17 I do recall saying to her, "Whatever you do, it must not
18 be on the property. It must not be on the grounds of
19 St. Patrick's". She said, "No, it will not", and what
20 I learned afterwards was that they had met with that boy
21 and had explained to him that, "You don't do things like
22 that in St. Patrick's. St. Patrick's has served this
23 community for many years and is still serving it and you
24 can forget any thought of abducting anybody.
25 St. Patrick's is there for your good", and that was the

1 **end of the matter. There was never any mention again of**
2 **an abduction.**

3 Q. Prior to this you had explained to me the same boy had
4 requested a meeting with you, because he wanted the
5 status of his organisation to be recognised in
6 St. Patrick's.

7 **A. That's correct.**

8 Q. And you told him there wouldn't be any meeting and there
9 wouldn't be any --

10 **A. I didn't -- it had come again through the staff. One of**
11 **the members of staff -- I can't remember who -- had come**
12 **and said, "He wishes to have a meeting with you" and**
13 **I said, "No. You can -- there will be no meeting and**
14 **there will be no recognition. St. Patrick's is here for**
15 **a purpose and that's what it will be".**

16 Q. And we can't date that at the moment --

17 **A. No.**

18 Q. -- BR52, but the position was that this is the type of
19 scenario that presented itself. I was asking you -- you
20 were explaining to me you were a teacher by --

21 **A. By profession.**

22 Q. -- education, and what preparation had you for dealing
23 with this type of eventuality when you were given the
24 task of being the principal

25

1 **A. I had no preparation. I had never been in a position of**
2 **authority other than the authority of a teacher in front**
3 **of his class, but for anything else I had had no**
4 **experience whatsoever. I plenty of experience as**
5 **a teacher, because I had taught for six years in**
6 **school --**

7 Q. Yes.

8 **A. -- and then I had taught for**

9

10 Q. What I mean, BR52, is you may have had the experience to
11 be the principal of a school, but what I'm more talking
12 about is what experience you had to equip you to deal
13 with discussions with boys who wanted to be -- terrorist
14 groups recognised, and you are having to have meetings
15 with individuals in the community to keep a lid on that
16 type of thing. What --

17 **A. Totally outside any experience I ever had, you know.**
18 **None whatsoever I had.**

19 Q. Then -- I was asking you about -- the Panel are aware
20 that in SPT151 police statement and in his
21 inquest deposition, which are effectively the same
22 document, similar to yours, your police statement at the
23 time and then your deposition, he made the point about
24 various groups who they had got used to in his language
25 coming on to St. Patrick's and, you know, being involved

1 and, in fact, that's why on the first day and then
2 indeed on the second day of the events relating to the
3 Teggart brothers he was not surprised by the initial
4 position of someone being on the premises talking to
5 some of the boys.

6 You yourself don't have a recollection of groups
7 coming into St. Patrick's and interfering or talking to
8 boys on a routine basis?

9 **A. No. I have no recollection of that ever happening.**

10 Q. But you explain to me that equally you wouldn't have
11 been -- if SPT151 said that's what was
12 happening, you would have no difficulty accepting that's
13 what was happening?

14 **A. None whatsoever, no, because visitors coming up -- there**
15 **was that opportunity. Parents, relations could come to**
16 **the school to visit their sons. There was a visiting**
17 **system, but both schools organised and ran that**
18 **themselves. So people would come to the junior school**
19 **or the senior school. I wouldn't know that they were**
20 **there, you know. It wouldn't have come through me.**
21 **That would have come through the organisation, you know,**
22 **BR46 and his staff on the junior staff, BR26 and his**
23 **staff on the senior side.**

24 Q. But you don't have a recollection of staff coming to you
25 complaining, saying, "What are we going to do about

1 this? These boys keep interfering with our fellas.

2 What are we going to do to put an end to this?"

3 **A. No. I have no recollection of anybody ever alerting me**
4 **to that situation.**

5 Q. Now we then come to the events of 12th and 13th November
6 or 11th, 12th and then 13th November 1973. You have
7 explained in your statement that you have lived with the
8 decisions that were made on that day effectively over
9 the last 42 years.

10 **A. Correct, yes.**

11 Q. And the Panel are aware of the detail of the matter,
12 because I opened it during the opening week, but in
13 summary the sequence of events -- I appreciate your
14 memory now does not necessarily accord -- you can't
15 remember as you -- your hand has written, as it were, or
16 your signature to statements that were made at the time,
17 but you have a situation on 11th when men have come on
18 to the school interrogating Bernard's brother, Gerard.

19 SPT151 intervenes. Ultimately he says that they
20 take the boy, despite his protests. He says he spoke to
21 you that day, made you aware of it. You were both very
22 worried about it, but ultimately the boy Gerard was
23 brought back. You don't have any memory of that day in
24 the sequence of events.

25 **A. No, I don't. Uh-huh.**

1 Q. Then on 12th he again describes how a different group of
2 men come in, more sinister, more concerning. He is on
3 the phone in his office. He talks to them eventually
4 and they want to take they say Bernard Teggart this
5 time. He says, "I can't give you permission to do
6 that", asks him to meet with you. He phones down,
7 brings the men down. You ask him to come in with you
8 and both you and he then describe those -- that exchange
9 where you spend I think SPT151 explains perhaps
10 thirty minutes talking to these men, two of whom were in
11 the room, one of whom was outside, trying to dissuade
12 them from taking Bernard Teggart.

13 You present what's described as various options
14 where, "Well, question him here", and then, "Well, no.
15 The person who wants to see him can't come". "Well,
16 bring the person up here and let him question him here."
17 "No, he can't come up here." "Well, don't be taking
18 him."

19 You make the point in your statement that you have
20 been running St. Patrick's for sixty years without this
21 type of thing and they should leave you be, but
22 ultimately you explain in your statement, and indeed
23 SPT151 in a different way but saying much the
24 same thing, that at the end of that meeting you had the
25 impression that these men may well be armed, and that

1 the bottom line was they were not leaving without at
2 that stage Bernard Teggart, although when the third
3 rather agitated man came in, he made it clear that, in
4 fact, it was Gerard Teggart he wanted, which was the
5 same boy as had been taken the day before.

6 He then -- Gerard Teggart was allowed to have his
7 lunch, but SPT151 hands him over effectively to the
8 men, who then leave with him. It appears, according to
9 the records, although you have no recollection of this,
10 that you then leave to go to a meeting in Lisnevin.

11 SPT151 comes back from lunch, finds another taxi
12 waiting and the housemasters are this time looking for
13 Bernard, who has been in the secure room, having been --
14 having absconded the day before. He is then released by
15 SPT151 to them on the basis that, "Well, the
16 principal allowed Gerard to be taken. So it must be
17 okay for Bernard to be taken", again on the assurance
18 that they would be questioned and brought back.

19 That's all happening around lunchtime on 12th
20 November, which is a Monday. The issue that arises, if
21 we pause there -- and I was trying to ask you to do the
22 best you can to remember. Leave aside what subsequently
23 happens, which I know you have lived with and you have
24 explained to the Panel about that, but just dealing with
25 the fact that perhaps the day before, although you don't

1 remember it now, but on the day one boy and then
2 a second boy had been taken, even if that's all that's
3 to happen, that they ultimately will be returned, having
4 been questioned, the fact that a paramilitary
5 organisation has come on to your premises, which is part
6 of the criminal justice system, and taken a boy, despite
7 your protests, why did that -- never mind what happens
8 later -- why did that not lead to a chain of events like
9 talking to the police, talking to the NIO, talking to
10 the bishop? Can you help the Panel understand why in
11 November of 1973 a course of events would have happened
12 that didn't involve taking those steps?

13 **A. Well, I can only recall that the -- my feeling at the**
14 **time was nothing like this had ever occurred. I said,**
15 **"Well, if they question him, they will bring him back**
16 **that he will be returned to the school", and that when**
17 **that didn't happen, I am still -- when I am back in the**
18 **school, when I am in the school --**

19 Q. 5 o'clock you come back.

20 **A. -- I'm still -- I am still of the opinion, "He will be**
21 **returned. They will keep their word" and --**

22 Q. The point you make is that this type of event and
23 ultimately a horrendous event that happened some hours
24 later had never happened before.

25 **A. That's correct. Never.**

1 Q. But the question I'm asking, BR52, is why -- what were
2 the circumstances that meant that even if there was
3 a belief that he would be brought back after the
4 questioning, the fact that he had been taken at all --

5 A. Uh-huh.

6 Q. -- didn't lead to some communication with police or NIO
7 or -- why was there an acceptance of it, if I can put it
8 that way? Why did you -- and I am going to show the
9 Panel, so that it is clear, it was not just you. There
10 were other Brothers who adopted the same approach, which
11 was to do nothing, if I can describe it in that way
12 without being pejorative about saying doing nothing.
13 No-one was to be contacted. Can you help the Panel to
14 understand the circumstances that meant that was the
15 approach?

16 A. Well, I can -- the situation in the locality was that if
17 I approached the police and they were to go looking for
18 him, they would only go with a military escort, and at
19 the time that was or could be a serious situation in the
20 locality in that it could spark off trouble. The
21 police, as I recall at the time, did not move around
22 West Belfast except in -- with military protection.
23 That at times could itself be a cause of trouble --

24 Q. Yes.

25 A. -- and I can only presume that that was in my mind at

1 **the time: "Don't make a bad situation worse".**

2 Q. And the -- there was obviously no guidance for you to
3 follow for this type of scenario.

4 **A. No.**

5 Q. And it is the case that there was -- it wasn't the case
6 that you never talked to the police, because you give
7 an example -- I think it is in your statement and you
8 were discussing it with me -- that you got a call from
9 the police one night to go and meet them and take a boy
10 and deliver him, because they weren't in a position to
11 go into the area in question. Can you explain that to
12 the Panel?

13 **A. Oh, yes. The procedure was the telephone system was in**
14 **the main office, the reception in the main office, but**
15 **in the evening when the office staff finished at 5.30,**
16 **the phone system was switched to the Brothers' house so**
17 **that during the evening and during the night any phone**
18 **calls coming to St. Patrick's came to the Brothers'**
19 **house. One of those phones was in my bedroom.**

20 I got a call -- I was wakened. I got a call at
21 whatever, midnight or whatever -- I can't remember the
22 exact time -- from the police on the Lisburn Road. They
23 told me that they had two young boys in the police
24 station who had been picked up I think in the Smithfield
25 area. They were not absconders from the school. They

1 had nothing to do with the school. They were two boys
2 that the police had picked up. They were brought to the
3 police station, the Lisburn Road, and they said they
4 wanted to get the boys home safely, but that they could
5 not go into -- the boys were from the Ardoyne. The
6 policeman talking to me on the phone explained, "We
7 can't go into Ardoyne in the middle of the night. Would
8 you take the boys' home?"

9 I wakened the most experienced Brother on the staff
10 -- he had been in St. Patrick's for many, many years --
11 BR83. I told him about the phone call. He said, "Yes.
12 Well, let's go and do it". So we got ready and got the
13 car and we -- but on the way we ran into a horrendous
14 situation in the --

15 Q. It was Sandy Row.

16 A. -- in the Sandy Row area, which on that night was in
17 total eruption, chaos, burnings and shootings. There
18 was -- it was -- so we had to make detours to get to the
19 police station on the Upper Lisburn Road, which we did.
20 We eventually got to the police station and the two boys
21 were handed over to us and we took the two boys to
22 Ardoyne. We delivered them home.

23 Q. And it is also the case that at times the police would
24 have returned absconders to St. Patrick's whenever they
25 apprehended them and -- that's the first point, and the

1 second point is you would have been doing what some of
2 your colleagues have described in their papers for the
3 Inquiry as the court run. So you were involved with the
4 criminal justice system in terms of doing reports for
5 the court about the boys in St. Patrick's and that would
6 have involved at times liaising with the police --

7 **A. Yes. Uh-huh.**

8 Q. -- in respect of that work, and obviously you had your
9 contact in the NIO, which you utilised, and therefore
10 I come back to the -- given -- and we can now look at it
11 in the context, if you like, of what ultimately
12 happened, because unfortunately he was not brought back
13 and he was murdered by the IRA. What was the reason why
14 nothing was done, because at that meeting that day you
15 thought they might be armed.

16 **A. Uh-huh.**

17 Q. They were more intimidating than those who had been
18 before. Why was there no thinking about, "What if this
19 goes wrong?"

20 **A. The only explanation I can give is that I believed it**
21 **wouldn't happen, that nothing -- you know, that the boy**
22 **wouldn't be harmed. I had -- nothing in my experience**
23 **would have prepared me for it, but that -- I can only**
24 **say he will be questioned. He will be -- he will be**
25 **returned, and I'm living in that hope that he will be**

1 returned, but when I get back to the school, he hasn't.
2 I'm still hoping it will -- he will come up the avenue,
3 he will, and time wore on and the situation was that he
4 is discovered and brought to hospital and --

5 Q. Yes. You explain in your police statement -- I am not
6 going to open it now; I am just going to summarise it --
7 you went to see Father . You went to the boys'
8 home, because at that stage both boys had not returned,
9 and there is reference to going to a bingo hall where it
10 was suggested they might be.

11 What is not covered -- and I said this to you
12 earlier, as you recall -- what's not in the police
13 statement and therefore not in the deposition and it
14 does not appear in the papers anywhere is something that
15 you say in your witness statement to the Inquiry, which
16 is that that day before you learn that Bernard has been
17 shot you go to see DL260 .

18 **A. That's correct, yes.**

19 Q. And you explain that -- if we just look at 2974, please,
20 which is paragraph 7 of your statement -- and I was
21 asking you whether -- because obviously DL260
22 is no longer alive and so far the checking that has been
23 done, there is no record as yet that the diocese can
24 find that supports that a meeting took place. There is
25 nothing in the private papers, such of them that have

1 been checked, or whatever records that the diocese hold,
2 but what you are saying to the Inquiry is you are -- and
3 I put you over this a number of times, so I am going to
4 ask you to confirm it to the Panel -- you are clear it
5 was that day you went to see DL260 and you are
6 not confused that it was understandable you would speak
7 to the bishop about it, but it was after the boy had
8 already died that you talked to him. You are adamant
9 that it was at the time.

10 **A. Yes. To the best of my knowledge it was that -- it was**
11 **that afternoon, some time in that afternoon, on 12th, on**
12 **that day that I went to make a report to the bishop, who**
13 **was the Chairman of the Board of Governors and**
14 **therefore --**

15 Q. Can I ask you why -- you know, it is not in the police
16 statement and it is not therefore in the deposition
17 a year later, which effectively mirrors the police
18 statement that was made on 13th, and it is not -- it is
19 obviously not in the Board of Management minutes. Why
20 did you go to see him? Why are you clear that it
21 happened the afternoon before you learned of Bernard's
22 murder?

23 **A. Well, I'm clear as to why I went, because he was the**
24 **ultimate authority, being the chairman of the Board of**
25 **Governors, who were, as I understand it, the ultimate**

1 **owners of St. Patrick's, and I went to report to him of**
2 **the serious situation that had developed in**
3 **St. Patrick's.**

4 Q. Was that because of the number of hours that had already
5 passed --

6 A. **Yes.**

7 Q. -- without them being returned?

8 A. **Yes.**

9 Q. And you say in the Inquiry statement and I was asking
10 you over it whether you could recollect him telling you
11 what to do or giving you advice and direction.

12 A. **I have no recollection of having received any advice**
13 **from him. My only recollection is that I went and gave**
14 **him an oral report of what had happened -- what was**
15 **happening in St. Patrick's.**

16 Q. And I was asking you how you got there and you were
17 saying you would have driven to --

18 A. **I would have driven over, yes.**

19 Q. -- to Somerton to see him. Well, it is something that
20 can be looked into further by the diocese and -- but in
21 any event you then eventually receive a call, and you
22 are not clear whether it was you or someone else, and
23 I am not going to get into the detail of it, because
24 a communication results in it becoming clear that
25 number 106, Bernard Teggart's number on his clothes --

1 you in your police statement explain that you identified
2 that it was him and then you went to ward 21 where he
3 was to be found.

4 The police records seem to -- the suggestion from
5 the police is that they were not being cooperated with
6 initially in the sense that they were -- they record
7 these -- the Teggart brothers as escapees and it is not
8 until the afternoon, 2 o'clock on 13th afternoon, that
9 they become aware, in fact, they had been taken by men
10 who had come on to the St. Patrick's premises.

11 You have said in your statement under no
12 circumstances did you mislead the police. It is clear
13 from the contemporaneous police record that they felt
14 they weren't getting as full a cooperation as they would
15 have expected in the circumstances. You don't have any
16 recollection of what was said the night that it is
17 identified that it is Bernard and how long it took to
18 clarify exactly how the circumstances had arisen.

19 **A. No, I have no recollection of talking to anybody, not**
20 **the police. My only -- my recollection is of the next**
21 **day talking to the detective who had come to the school**
22 **to take a statement from me.**

23 Q. Yes, yes, and you -- there is no doubt that that is what
24 took place on the afternoon of the 13th in that they
25 take your statement --

1 **A. Uh-huh.**

2 Q. -- but the -- your statement at the time, if we look,
3 please, at 27700, you explain -- it is just five or six
4 lines up, BR52 -- and if you don't remember this, you
5 just explain that to the Panel -- that you telephoned
6 the Casualty Department.

7 "They had no record of anyone missing. The police
8 at Newtownabbey later asked for an identification of
9 clothing and a laundry number. I checked the number on
10 the clothing and found that it belonged to Bernard.
11 I informed the police and went back again to
12 where he lived to see if the other boy
13 had returned home."

14 That is his brother Gerard. So you don't have
15 a recollection of that now, BR52.

16 **A. No, I do not, no.**

17 Q. And the police report that I am referring to, Members of
18 the Panel, for the record is at 27639 to 27641.

19 SPT151 then made his police statement on
20 24th November '73. That can be found at 27655 to 27657.

21 Now what then happens, BR52, after you have learned
22 of the death of Bernard, you continue for a period of
23 time as the principal in St. Patrick's for about another
24 18 months. I think before you had a look at these
25 documents again you believed that you had brought your

1 time to an end quite soon after his death, but you can
2 see, looking at the material, that you continued until
3 1975, and I want to show you the board of management
4 meet for the first time after the murder on
5 10th May 1974. So it was about six months later, and
6 those minutes run at 80297 to 80299.

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15 Q. And

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20 -- if we move on to the next page, please,
21 at the top of 80298 it's recorded that you were asked
22 how things were in St. Patrick's and:

23 "BR52 informed the Board that presently there were
24 nine boys on murder or attempted murder charges and
25 eight on firearm charges and his Lordship expressed

1 dissatisfaction that the school should be used for this
2 type of boy and said a letter should be sent to the
3 Ministry expressing concern at the presence of this type
4 of boy in the school."

5 Now again I know you don't have recollection at this
6 remove about it, but it is clear that in the school were
7 now a significant number of boys who were there arising
8 from their engagement in violence connected to the
9 Troubles.

10 **A. That's right, yes. Correct.**

11 Q. And it appears that the Board is not pleased with that
12 reality. It appears -- and I am not going to open this,
13 but the Panel have access to the board of management
14 meeting which occurs in October of 1974, which runs from
15 80300 to 80301. It is the day before you and
16 SPT151 have to go to the inquest at the coroner's
17 court, and it appears that in that minute a reply had
18 been received to the letter expressing dissatisfaction
19 and whatever was in that letter -- and unfortunately we
20 don't have either the letter itself or the reply --
21 whatever its contents were, all of the Board expressed
22 satisfaction at the contents.

23 You also explained then your initiative to involve
24 senior boys in doing a socially useful contribution in
25 the Andersonstown area.

1 **A. Yes.**

2 Q. And then the Panel are aware of the sequence of events
3 involving the depositions and the inquest into Bernard's
4 murder, and then the board of management minutes -- if
5 we can bring up, please, 80302 -- of 4th December 1974.

6 SPT151 in his deposition had explained about
7 these groups coming on to the premises and it seems you
8 reported to the Canon McNamara. Yes.

9 "BR52 gave a report and correspondence which arose
10 as a result of testimony given by SPT151 , a teacher
11 in the school, with reference to various organisations
12 that dealt with the school. Canon Murphy indicated that
13 a letter to their committee making it clear that they
14 were in no way responsible for circumstances which
15 facilitated the removal of a boy from St. Patrick's
16 would help. Immediately agreed such a letter should be
17 sent."

18 So again we don't have the correspondence, but it
19 seems that some group wrote to the Board complaining
20 that they shouldn't be associated with the removal and
21 murder of Bernard and that a letter was then sent saying
22 so.

23 Then in February of 1975 when the Board meet -- and
24 I am not going to open this -- but at 80303 to 80304
25 there is discussion about Lisnevin and the secure unit

1 and caution being expressed over its form, because it
2 was different from what was initially envisaged, and
3 difficulty with various staff issues that you were
4 having to deal with, but by -- there is another meeting
5 takes place in April '75, and then by October 1975 you
6 have transferred at -- according to the record, if we
7 look at 80307, please, about halfway down that page,
8 80307, you -- just scroll down a little further, please:

9 "Monsignor Mullally informs the meeting that the
10 De La Salle Order had transferred BR52 at his own
11 request and appointed BR95 to fill the post of
12 principal."

13 Now, as I understand it, what you are saying to the
14 Inquiry in your statement is that it wasn't 18 months
15 later that you decided to leave St. Patrick's, that you
16 had made that decision at a much earlier stage, but
17 stayed on until -- because you were explaining to me
18 that it is not -- the Order does not just move someone.
19 It is like chess pieces. When one person moves, then
20 another move has to follow until the right person is
21 available to be the principal.

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

23 Q. But your position is you didn't -- after what happened
24 to Bernard Teggart you didn't want to be the principal
25 in the school.

1 **A. No. I had decided earlier afterwards that I would**
2 **resign. I notified the Provincial as the Superior.**

3 Q. Yes.

4 **A. But I wasn't -- I wasn't going to walk away without**
5 **somebody being in a position to take over, because the**
6 **authority had to remain in the school.**

7 Q. Yes.

8 **A. So I said well, I would remain until such time as you**
9 **had somebody to replace me.**

10 Q. Yes, and it wasn't until then another year or so after
11 that you left the Order and --

12 **A. Yes. That was a separate matter.**

13 Q. Separate issue entirely.

14 **A. Separate issue.**

15 Q. Leaving St. Patrick's was the resigning from that post.

16 **A. That was the position, yes, in the school.**

17 Q. Yes. I wanted to ask you then about -- because you
18 obviously worked for five years as the principal and you
19 explained who the senior people were that you had on
20 both sides. I wanted to ask you whether you had ever
21 any cause for concern about the behaviour of any member
22 of staff towards the boys in their care in that period
23 between '71 and '75 when you were the principal.

24 **A. Absolutely none. No, none. No. It did never come to**
25 **my attention.**

1 Q. Then the last thing I want to do, BR52, in fairness to
2 you, because I know you have not been looking forward to
3 this day, if we look at paragraph 13 of your statement,
4 please, at 2977, you express to the Panel the level of
5 distress that this incident and the living with it has
6 brought you and the sense of guilt that you feel that
7 you didn't do more.

8 **A. Correct, yes.**

9 Q. Is there anything else you want to say? If we bring up,
10 please, 2977, you explain the sense of guilt that you
11 felt and that you have lived with those consequences for
12 the last 42 years.

13 **A. Oh, yes, because what happened that day was so much**
14 **against my whole ethos, all that I had lived for, and as**
15 **a practising teacher I had spent my entire working life,**
16 **45 years, working with young people, teaching them**
17 **outside activities as well. What happened that day was**
18 **so different from everything -- all that my life stood**
19 **for that it was agonising for me even to think about it,**
20 **because I have so often said to myself, "How could it**
21 **have happened? How could you ...?", because it was so**
22 **alien to my whole way of life both before and after the**
23 **event that, yes, it did torment me, has done and still**
24 **does. I have black moments, you know, when I feel**
25 **terrible about what happened to that boy and that I had**

1 **any part in it, because it was, as I said, the total**
2 **opposite of my whole life then and now.**

3 Q. Okay. BR52, I am just going to draw to the Panel's
4 attention -- the Panel will recall -- but just in this
5 context the end of the deposition of SPT151
6 Just bear with us for a moment, BR52. 18852. Bring up,
7 please, 18852. You will recall that SPT151
8 explained in his police statement and then in his
9 deposition that he talked to two other Brothers whenever
10 BR52, as he was then, was not on the premises in the
11 afternoon. They told him not to tell BR52 or the police
12 about his concerns, and in the handwriting an attempt
13 was made at the time of the deposition to explain who
14 those people were. So you can see that one of them is
15 said to be the headmaster of the senior school and the
16 other -- it is on the right-hand side of the page -- is
17 not terribly clear, but we will be able to pick these
18 issues up with other witnesses, who may be able to shed
19 light on what that's referring to.

20 The point I am drawing to the Panel's attention,
21 BR52, just so you are aware is that there was more than
22 just you at the time who were not making the police or
23 others aware that these events were occurring.

24 **A. Yes.**

25 Q. BR52, I am not going to ask you any more questions. If

1 you just stay where you are for a short while, the Panel
2 Members may want to ask you something.

3 Questions from THE PANEL

4 CHAIRMAN: BR52, I just have one matter that I would like to
5 pursue with you, which does not really arise out of what
6 you have been telling us today in a direct way.

7 When you came to St. Patrick's, there was to be
8 a new arrangement. Henceforth the principal -- in this
9 case yourself -- would no longer act as the Director of
10 the community of De La Salle Brothers who were connected
11 with the school. Isn't that right?

12 **A. That's correct.**

13 Q. Until then the same person had filled both positions and
14 performed both roles.

15 **A. Correct.**

16 Q. Now you have described the nature of your role as the
17 principal; in other words, the administrative head of
18 the school. What was the function of the Director of
19 the community?

20 **A. His function was he was the Superior of the Brothers, of
21 the community, and he was responsible for the running of
22 the community house --**

23 Q. Yes.

24 **A. -- and of providing for the needs of the Brothers, you
25 know, in --**

1 Q. Their spiritual needs as well as their material needs?

2 **A. Their spiritual -- yes. If a Brother wanted something,**
3 **you went to -- in those days if you needed a pair of**
4 **shoes, you went to the Superior and requested and they**
5 **were provided. He was known as the Brother Director.**

6 Q. So he -- whoever held that post -- and I assume that
7 there were quite a number of Brothers in the community
8 at its height -- there were quite a number of tasks
9 which he was responsible for in respect of each Brother
10 and the community of Brothers?

11 **A. Yes.**

12 Q. Presumably looking after the running of the home and
13 their individual needs and requests and all the
14 administration and presumably spiritual direction that
15 would go with that post as well?

16 **A. Yes, that would be his -- yes.**

17 Q. So may we take it, therefore, that when you arrived, the
18 Order recognised that it was too much for one person to
19 carry both roles? Isn't that right?

20 **A. Correct, yes.**

21 Q. And I think we heard some -- something similar happened
22 in due course at Rubane as well.

23 **A. Uh-huh.**

24 Q. Thank you very much.

25 MS DOHERTY: Thank you very much. That has been really very

1 helpful. Can I just ask about the relationship you had
2 with the bishop? Was it possible for you to go and
3 discuss things with him on a one-to-one basis? Was that
4 a usual thing for you?

5 **A. No, no.**

6 Q. No. So that --

7 **A. I met him only at the Board of Governor meetings except**
8 **on this one occasion when I phoned and went to meet him**
9 **to give him a detailed account as to what was happening**
10 **in the school. That was the only time that I ever met**
11 **with the bishop outside of the Board of Governors**
12 **meetings.**

13 Q. And that was because it was so exceptional? That was
14 the reason?

15 **A. Yes.**

16 Q. And can I ask, I mean, in the challenging times that
17 were there were the Board of Governors, you know,
18 supportive? Did you see them? There is obviously the
19 formal meetings, but did you have any support outwith
20 those meetings from any of the ...?

21 **A. No. I never met with any of -- the total make-up of the**
22 **Board of Governors were priests of the diocese -- of**
23 **Belfast, but I never had any meeting or discussion with**
24 **them apart from the Board meetings twice a year or**
25 **whatever.**

1 Q. Okay. Thank you very much.

2 MR LANE: A number of the Brothers seem to have stayed at
3 St. Patrick's for a very long time, had long careers
4 there.

5 A. Yes.

6 Q. Does this imply that it was a happy place for people to
7 work together and they worked well together as a team?

8 A. Certainly. That's exactly how it was and our position
9 in the community -- in the vicinity, I mean, in the
10 locality was also, as I remember it, a happy one. I was
11 told of occasions where parents requested the Brothers
12 to take their son who was out of control. Could we --
13 that was in the days I think before they could only come
14 to the school from the court system, from the Juvenile
15 Court system.

16 Q. Yes.

17 A. Before that I understand that parents asked the boy
18 would be looked after by the Brothers and would they --
19 would we please take them -- take the boy.

20 Q. A voluntary placement.

21 A. Yes, yes.

22 Q. Presumably the Brothers living in the community -- their
23 community, not the wider community -- they spent social
24 life together as well as working life?

25 A. Yes. I mean, that -- it was our home.

1 Q. Yes.

2 **A. The community was our home and that's where we lived and**
3 **socialised with each other.**

4 Q. And so of an evening would there be, what, a meal
5 together and a mass together or what?

6 **A. There would be -- there was a programme. All meals were**
7 **taken as a family, as a community.**

8 Q. Uh-huh.

9 **A. And then at times they would sit together and watch**
10 **television or sit and discuss the ways of the world, you**
11 **know, what was ...**

12 Q. And the other members, the lay members of staff, did
13 they sort of join the community in any way at all or did
14 they just go home and live separate lives?

15 **A. No, they lived separate lives. They lived -- they lived**
16 **-- they went home and lived separate lives.**

17 Q. Just one other question, and that is you mention that
18 you were going to Lisnevin that day the incident
19 happened. Did you visit Lisnevin and the other schools
20 much?

21 **A. Not much. On occasion if a meeting was called for**
22 **a particular reason.**

23 Q. Uh-huh.

24 **A. But that was very rare. In the years I was there it was**
25 **a rare occasion. The Lisnevin one, because it was being**

1 set up, there were extra meetings, because we were
2 setting up a system of appointing staff. My counterpart
3 in Rathgael and I were asked by the NIO to sit on
4 a Panel to select staff.

5 Q. Right.

6 A. So we met -- I can't remember exactly -- but we met that
7 much more often than would be normal until the staff was
8 --

9 Q. Yes.

10 A. -- selected.

11 Q. But it wasn't the pattern that the directors or
12 principals of the schools used to come together and
13 share problems and so on?

14 A. No. I'm afraid there was nothing like that that
15 I remember. No, not in my time.

16 Q. Okay. Thank you very much.

17 CHAIRMAN: Well, BR52, thank you very much indeed for coming
18 to speak to us, particularly since these terrible events
19 of so many years ago are still, as we can see from what
20 you have told us, still very fresh in your mind and
21 a burden to you, but thank you for coming to speak to us
22 today.

23 A. Thank you.

24 (Witness withdrew)

25 MR AIKEN: Chairman, Members of the Panel, that concludes

