
HISTORICAL INSTITUTIONAL ABUSE INQUIRY

being heard before:

SIR ANTHONY HART (Chairman)

MR DAVID LANE

MS GERALDINE DOHERTY

held at
Banbridge Court House
Banbridge

on Tuesday, 13th October 2015

commencing at 10.00 am

(Day 149)

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

1 Tuesday, 13th October 2015

2 (10.00 am)

3 (Proceedings delayed)

4 (10.40 am)

5 BROTHER FRANCIS MANNING (called)

6 CHAIRMAN: Good morning, ladies and gentlemen. Although
7 there are I think no or very few new faces, can I just
8 repeat what I say each morning, namely that if you have
9 a mobile phone, please ensure that it has been turned
10 off or at the very least placed on "Silent"/"Vibrate"
11 and I also have to remind everyone that no photography
12 is permitted either here in the Inquiry chamber or
13 anywhere on the premises.

14 Yes, Mr Aiken?

15 Questions from COUNSEL TO THE INQUIRY

16 MR AIKEN: Morning, Chairman, Members of the Panel. The
17 first witness today is Brother Francis Manning from the
18 De La Salle Order. He is no stranger to the Inquiry,
19 having given evidence himself on Day 78 on 11th December
20 of 2014, and his evidence begins at page 40 of the
21 transcript of that day. He took the oath on that
22 occasion and remains sworn.

23 He has provided or signed off on behalf of the Order
24 on a significant number of statements provided to assist
25 the Inquiry Panel with its work. I am going to

1 summarise those for the Panel publicly and ask Brother
2 Francis to confirm that he adopts those as his evidence
3 in respect of this module. I am going to do that quite
4 quickly, Brother Francis, and I am sure that is not
5 going to cause a problem for you or your legal
6 representatives.

7 You provided a general statement. Maybe if we just
8 can bring the first page up each time, if I can ask the
9 operator to do that. It begins at 648, please, and this
10 is a statement that runs from 648 to 674. So it's
11 a 28-page statement of 5th August. It deals with the
12 general themes that were apparent to the Order coming to
13 look at St. Patrick's. You explain both then and in
14 your most recent statement the different situation the
15 Order found itself in dealing with St. Patrick's in that
16 it did not have the material that has now become
17 available to the Order through the Inquiry process, but
18 this statement covers a numbers of allegations that were
19 known to the Order and makes a number of concessions
20 about how certain people behaved and how they were dealt
21 with. I will come back to those as we go. It also
22 touches on the history information of St. Patrick's
23 about funding, and we will come and back and touch on
24 that in due course, and also certain issues that were
25 prevalent, which was peer abuse, peer sexual activity

1 and corporal punishment.

2 **A. Uh-huh.**

3 Q. The exhibits from that statement run from 675 to 728.

4 Your second statement then, Brother Francis, if we
5 can bring up 2109, please, deals with the abduction and
6 murder by the IRA of Bernard Teggart. That statement
7 runs 2109 to 2110 and then with exhibits from 2111 to
8 2162, because the Order produced for the Inquiry a copy
9 of the HET investigation report that it had received as
10 part of a civil claim. We will come back to that issue
11 of Bernard Teggart.

12 The third statement can be found at 2163 and it was
13 some specific comment that you provided on the use of
14 Forkhill by the Order during the war --

15 **A. Uh-huh.**

16 Q. -- and the 1948 Ecclesiastical Inquiry that was run by
17 the bishop, and to try and assist with what I will
18 summarise as confused evidence as to who may have
19 committed abuse as a member of the Order on boys during
20 the period in Forkhill. I think the best that we are
21 going to be in a position to do is the Order accepts
22 that some Brother --

23 **A. Uh-huh.**

24 Q. -- at least one Brother is likely to have committed
25 abuse on a boy during the time in Forkhill, but it's

1 difficult to be clear as to precisely who that is, but
2 we will come back to briefly mention BR97 shortly.

3 The fourth statement begins at 2889 and that
4 statement deals with an attempt to explain based on the
5 material and the form of the chalets and when they came
6 on stream and the operation of St. Patrick's. That
7 statement runs from 2889 to 2892 explaining their
8 development.

9 The fifth statement can be found at 2939 and that is
10 a statement that relates to a particular deceased
11 Brother, who was the subject of some allegations, BR4.
12 You had some personal knowledge of him --

13 **A. Uh-huh.**

14 Q. -- and you also set out and draw the Panel's attention
15 to various documents that are relevant to any assessment
16 of his behaviour, and you deal with the evidence of
17 a former member of staff who commented on a particular
18 incident that he viewed --

19 **A. Uh-huh.**

20 Q. -- and his view about it, and also about another person
21 who gave evidence to the Inquiry and what they
22 described.

23 Then today you have provided, which we will come
24 back to at the end, but if we look at 2997, a sixth
25 statement, which is stated 12th October. I think it

1 should be 13th October. It is signed by you on
2 13th October, if we move through to 3001, please, and
3 this statement is designed to try and bring together the
4 thoughts and position of the Order in respect of
5 St. Patrick's --

6 **A. Uh-huh.**

7 Q. -- while acknowledging the infusion of what's known
8 about Rubane in the context of looking at St. Patrick's.
9 I was mentioning to you just now that you may or the
10 Order will deal with a particular issue that has arisen
11 for the Panel looking at matters through recent evidence
12 of absconding and bringing together what the Order can
13 say about how -- what steps were taken to deal with that
14 and what the evidence that's available shows about that.
15 That's something that you are happy to try and work on
16 with your legal representatives.

17 In addition to the six statements that you have
18 provided to date then the Panel has had the opportunity
19 to consider you have signed off on the response
20 statements that are provided to assist the Panel in
21 looking at the material relating to each individual who
22 has come forward to the Inquiry. In this case there is
23 generally two of those for each individual, because the
24 first one was provided before you had any of the
25 material, and then the second one after you have had

1 an opportunity to look at the material that has been
2 made available by the Inquiry.

3 **A. Right. Yes.**

4 Q. What I am going to try and do, Brother Francis --
5 because, as we discussed whenever you were giving
6 evidence about Rubane, you never worked in
7 St. Patrick's.

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

9 Q. You explain in your statement that you did live in the
10 Brothers' house on the site --

11 **A. Uh-huh.**

12 Q. -- between 1962 and 1963 --

13 **A. Uh-huh.**

14 Q. -- when you were doing your teacher training at the age
15 of 24 and 25 --

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

17 Q. -- you having been born on 19th October 1938, now 77,
18 looking forward to a birthday next week.

19 **A. Yes.**

20 Q. And you also explain in your statements that you were
21 asked by BR98 , who was
22 during the end of the '80s/early part of the '90s, to
23 sit on the Board of Management.

24 **A. That's right, yes. He came to me one day and asked**
25 **would I sit on it. I was local. I was working in**

1 a local school at the time, and I would have met him
2 quite frequently and would have been even visiting parts
3 up there up around St. Pat's now and again as well. So
4 he asked me to come along and join the Management Board.

5 Q. And you then sat on the Management Board for five years

6 --

7 A. Yes. About that, yes.

8 Q. -- between '90 and '95?

9 A. Yes, around about that, yes.

10 Q. Basically, Brother Francis, you have been a teacher all
11 of your life.

12 A. Uh-huh.

13 Q. And at the time you sat on the Management Board you were
14 actually teaching in a local school in Andersonstown.

15 A. Yes. I would have been working with the Board of
16 Governors at that particular school as well.

17 Q. Yes.

18 A. Perhaps maybe that's why he asked me to come and join
19 his Board of Management.

20 Q. And you explain in your initial statements that you were
21 the Provincial of the De La Salle Order for the Irish
22 province --

23 A. Uh-huh.

24 Q. -- from 2008.

25 A. Uh-huh.

1 Q. And therefore you have been living with and dealing with
2 all that has befallen the Order in terms of the
3 disclosure of abuse, which the Order has accepted, and
4 the other allegations that are made against the Order,
5 which the Order does not necessarily accept.

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

7 Q. And you explain in your last statement as of today, if
8 we go back to 2007, that the -- there has been
9 a restructuring since you last gave evidence to the
10 Inquiry.

11 **A. Restructuring, yes.**

12 Q. You are now described as the Coordinator for the Sector
13 of Ireland, which is part of a new province of Ireland,
14 Great Britain and Malta.

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

16 Q. You were explaining to me that they are re-inventing the
17 wheel, and before 1947 Ireland and Great Britain was one
18 province I think with Malta attached.

19 **A. Uh-huh.**

20 Q. And now we have gone back to that --

21 **A. Uh-huh.**

22 Q. -- set-up and you are the Coordinator for Ireland.

23 **A. Uh-huh. That's right, yes.**

24 Q. And in that context you come forward to set out the
25 Order's position, and I want to try and cover some of

1 the main issues that came out of the evidence in respect
2 of St. Patrick's with you --

3 **A. Uh-huh.**

4 Q. -- without -- the Panel has had the opportunity to read
5 all of your material -- without going into the detail of
6 lots of that today, but if we try and work through this
7 chronologically, Brother Francis, whenever St. Patrick's
8 opened on the Glen Road site in 1957 -- the Panel has
9 seen the material -- that it was viewed at the time it
10 seems by both government and the Order and by visitors
11 to have been a state of the art development in terms of
12 training schools --

13 **A. Yes.**

14 Q. -- that were the norm or becoming the norm for how to
15 deal with children who were getting into difficulty with
16 offending.

17 **A. Yes. It got great publicity at the time and had many
18 visitors come to see it and so on, yes.**

19 Q. And it had a broad spectrum of facilities --

20 **A. Uh-huh.**

21 Q. -- that were lauded --

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

23 Q. -- at that point in time.

24 **A. Uh-huh.**

25 Q. And you make the point in your recent statement, and, in

1 fact, in some of your earlier statements, that
2 St. Patrick's does not appear to have had the same
3 issues of funding difficulty and staff difficulty that
4 was apparent to the Panel during the Rubane module.

5 **A. That's true, yes. It was much better off financially**
6 **funding-wise than was the voluntary home in Rubane and**
7 **that was a great resource, of course, to have at the**
8 **time, and -- but there were other differences as well**
9 **actually.**

10 Q. I'm going to cover some of those differences with you --

11 **A. Uh-huh.**

12 Q. -- because they help the Panel understand the context,
13 but it appears that -- and just to chart the
14 development, the Glen Road premises was originally on
15 the dorm structure and then you had by the '70s the
16 development of the chalets system or units, because some
17 of them ended up being in specific buildings rather than
18 just chalets, on the St. Patrick's site, and it appears
19 that really it was by the late '80s/early '90s that
20 there was a major buildings issue in St. Patrick's, and
21 the Panel is aware from dealing with Mr McElpatrick
22 yesterday --

23 **A. Uh-huh.**

24 Q. -- and there is further discussion of it later today
25 that by the late '80s/early '90s that the main school

1 premises was in need of major work.

2 **A. Uh-huh.**

3 Q. And then there was a major funding issue over whether
4 that money was to be spent, whether St. Patrick's was to
5 continue, and up to that point it seems that the
6 facilities were effectively ageing --

7 **A. Uh-huh.**

8 Q. -- in terms of (inaudible).

9 **A. Like all buildings --**

10 Q. Yes.

11 **A. -- it deteriorated with time and with use --**

12 Q. Yes.

13 **A. -- and --**

14 Q. And the issue then became one of the funding that was
15 necessary in order to deal with that reality.

16 The differences that we were discussing earlier
17 about the situation in St. Patrick's and the situation
18 in Rubane, because the Order's position is that there
19 was much less abuse took place in St. Patrick's than was
20 the case by Brothers in Rubane --

21 **A. Yes. Correct.**

22 Q. -- and breaking it down to simplistic scenarios, that's
23 effectively the Order's position, that there are -- the
24 accepted abuse and whatever other abuse the Panel find
25 in respect of St. Patrick's is on a much smaller scale

1 than occurred in Rubane.

2 **A. Yes. That would be true I think, yes.**

3 Q. And some of the factors that you were identifying to me
4 that made St. Patrick's very different from the
5 operation of Rubane was the nature of the boys who were
6 in Rubane compared to the boys who were in
7 St. Patrick's.

8 **A. Yes.**

9 Q. You were pointing out to me that the boys in Rubane
10 essentially were family-less quite often --

11 **A. Yes. That was a big difference I thought.**

12 Q. -- whereas in St. Patrick's you quite often had boys who
13 did have families outside the training school --

14 **A. Uh-huh.**

15 Q. -- and therefore there was a different dynamic.

16 **A. That's right, yes. I think we heard yesterday about
17 BR52 being asked to take in boys from families that did
18 not come through the courts at all, you know --**

19 Q. Yes.

20 **A. -- looking for some kind of help.**

21 Q. Yes.

22 **A. So there was a great parental support there for boys at
23 St. Patrick's and that was sadly missing I think to
24 a large degree in Rubane.**

25 Q. And another contrast is that you had a different

1 geographical setting --

2 **A. Yes.**

3 Q. -- in that you had a remote --

4 **A. Yes.**

5 Q. -- place where these family-less boys were --

6 **A. Uh-huh.**

7 Q. -- compared to St. Patrick's, which is in West Belfast,
8 with a lot of housing around it.

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

10 Q. And in that context you were pointing out to me in our
11 discussion that in St. Patrick's you had a culture of
12 visiting.

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

14 Q. And you were saying yourself you can remember from your
15 period in the '60s the Wednesday night --

16 **A. Procession up the avenue of parents and friends of the
17 boys, yes.**

18 Q. Who would be visiting.

19 **A. Yes.**

20 Q. And --

21 **A. And Sunday morning they would be getting out and going
22 down the avenue, the boys themselves.**

23 Q. Yes, and it is clear from the papers that home leave, as
24 it were, was part and parcel of life in St. Patrick's.

25 **A. Uh-huh.**

1 Q. And, in fact, it was something that could be taken away
2 -- "stewing", as it was called by the boys --

3 A. Uh-huh.

4 Q. -- if their behaviour was not appropriate. So the point
5 you were drawing to my attention was that perhaps twice
6 a week most boys in St. Patrick's were seeing -- either
7 someone coming in to see them or they were going out to
8 see someone else --

9 A. Uh-huh. That's right.

10 Q. -- which is a very different context to what was
11 occurring in Rubane.

12 A. That's right, yes, yes.

13 There was one other important issue -- maybe you're
14 going to come to it -- about staffing.

15 Q. You just explain what you want to say about that. It is
16 something I'm going to be coming to.

17 A. Because of the funding and the resources, the staffing
18 was greater in St. Patrick's, with the result that there
19 was less -- I think less stress on that staff in dealing
20 with their -- with their work. I remember hearing in
21 the Rubane module Brothers sitting here actually.

22 I could nearly feel the stress they had been under with
23 the long hours they worked even as young men, and so
24 I think that was a major factor as well, that you had
25 more staff in St. Patrick's and you also had more

1 **training for them, as we've heard in the last couple of**
2 **weeks as well.**

3 Q. And the contrast then, and something the Panel will no
4 doubt have reflected on for Rubane, but you have
5 a number of Brothers in Rubane who took advantage of
6 their position and abused children and the Order has
7 accepted that --

8 **A. Uh-huh.**

9 Q. -- and apologised for it, and the Order's position is
10 that there was not the same level of sexual abuse of
11 boys taking place in St. Patrick's --

12 **A. Yes.**

13 Q. -- by Brothers.

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

15 Q. And that's not to -- you were making this point to me
16 earlier, the difficult position you find yourself in of
17 wanting to be very clear that the Order is apologising
18 unreservedly for those incidents of abuse that took
19 place.

20 **A. Yes. That's exactly what we're doing. We apologise for**
21 **any boy that was abused in either institution for that**
22 **matter and at the same time we have regard for the staff**
23 **and the Brothers who were involved working in these**
24 **institutions and who have suffered from perhaps false**
25 **allegations.**

1 Q. So you have, on the one hand, the desire to acknowledge
2 and apologise for the abuse that was perpetrated by
3 people within the Order and in the homes that the Order
4 ran, but the issue you were drawing to my attention is
5 you didn't want that to be diluted by what you see as
6 the fact --

7 **A. Yes.**

8 Q. -- that there is a significant number of allegations,
9 some of which you can point to as being demonstrably
10 untrue.

11 **A. Yes. We're trying to follow a justice line, fairness to**
12 **both sides, to those to whom we have apologised and**
13 **those to whom we have had to care for.**

14 Q. And what I want to do is just look at some of the
15 particular incidents that have come to the Panel's
16 attention in the context of St. Patrick's. I am going
17 to do that in brief terms, just bringing them together
18 in the way that I explained to you I would.

19 We have touched on there clearly was a problem in
20 Forkhill in 1942. The Panel can see from the material
21 that it looks like, whatever it was that BR97 was doing,
22 he got moved in a way that might indicate from the
23 pattern of behaviour that we have seen that there
24 clearly was an issue about him. That does not
25 necessarily seem to have been reported beyond the Order,

1 but there is a lack of clarity over whether it was just
2 BR97 or whether there was another Brother who was taking
3 advantage of his position.

4 **A. Yes.**

5 Q. But for the abuse that BR97 perpetrated the Order
6 apologises and has made that clear in the statements.

7 **A. Correct. Yes.**

8 Q. And you then come to a very difficult issue that the
9 Panel have had to look at over the course of this
10 module, which is about the murder of Bernard Teggart in
11 1973.

12 **A. Uh-huh.**

13 Q. You have been here most days, Brother Francis. So you
14 saw me open the documents and the circumstances of that
15 and the statements of SPT151 and the then BR52,
16 and you saw the then BR52 give his evidence yesterday.
17 As I was discussing with you earlier, essentially the
18 point is reached where the IRA have come on to the
19 premises and have taken one boy one day and then two
20 boys the next day, and nothing was done to bring that to
21 the attention of anyone beyond the Order, as it were.

22 **A. Yes.**

23 Q. I mean, those who were running St. Patrick's. Now the
24 consequences unfortunately on the second day for Bernard
25 Teggart were he ended up being murdered, but the

1 circumstances that existed at the time -- and the Panel
2 are aware of The Troubles and have some idea of what
3 life in West Belfast might have been like --

4 **A. Uh-huh.**

5 Q. -- but not to tell anyone about what occurred in terms
6 of the taking of boys from the premises, is there
7 anything you can add about that?

8 **A. Not very much, because I'm not sure what I would have
9 done myself in that situation. There was -- as you say,
10 in the circumstances at the time there was a lot of fear
11 I think around West Belfast at that time as to what you
12 said or didn't say or do or didn't do, and it must have
13 been a horrendous situation for BR52 and SPT151 to
14 have been involved in, and the only thing I could say
15 I suppose is that they had to make some decision there
16 and then one way or the other, and I think, as BR52
17 maybe said yesterday, he made the decision that he
18 believed was the right one at the time, but who was to
19 know or who is ever to judge that? I don't know.
20 I just don't know what I would have done anyway.**

21 Q. It is something I will pick up with BR26 when he gives
22 his general evidence to the Inquiry in due course.

23 The issue that I was drawing out yesterday was that
24 it appears that if he had been returned, perhaps no-one
25 would ever have known, and I suppose the question that

1 flows out of that is whether there were any others who
2 were ever dealt with in the same way, and again that's
3 something we will pick up with BR26, because it is not
4 something you would know anything about.

5 **A. Correct. Yes.**

6 Q. We then come to -- I was discussing with you this
7 morning the incident involving DL137, who was
8 the in St. Patrick's. BR95 was the
9 l of St. Patrick's at the time between and
10 , and I was drawing to your attention again, Brother
11 Francis, that he received allegations of sexual
12 propositioning by DL137 to a boy in and
13 gave him a warning at the time, and it appears -- and
14 again one can only rely on what is in the content of
15 the minutes of the Board of Management and, of course,
16 that never speaks to what might have been said that's
17 not recorded in minutes --

18 **A. Yes.**

19 Q. -- the Panel are cognisant of that -- but there is no
20 record that the Board of Management was told about that
21 development. He obviously was warned rather than
22 dismissed.

23 **A. Uh-huh.**

24 Q. It appears that BR95 did not tell the Provincial about
25 it and it appears that he did not tell the police about

1 it.

2 **A. Yes.**

3 Q. And then the sad reality is you have a series of boys as
4 it turns out in St. Patrick's who are abused by DL137
5 and that happens after there is already knowledge in
6

7 **A. Uh-huh.**

8 Q. Then when BR95 receives the further allegations in
9 , which is just after
10 is in the media about
11 , however the sequence of events
12 works, whoever he might have spoken to to get advice
13 from and the employment method of dealing with him in
14 terms of suspending him, ultimately BR95 allows him to
15 resign. He does not tell the Management Board about the
16 incident according to the minutes. One does not know
17 what's not in the minutes, as I said, but the minutes
18 don't record him being forthright with the reasons why
19 this man was resigning. Simply it is recorded that the
20 was resigning as if he was just moving on
21 to some other job or leaving St. Patrick's. So the
22 impression from the minutes is not one of explaining
23 what had actually occurred in terms of further
24 allegations about boys being propositioned by DL137. He
25 does not appear to have told the Provincial about what

1 had occurred.

2 **A. Right.**

3 Q. He does not appear to have told the police, and then in
4 , some six months later, he writes him
5 a positive reference.

6 **A. Uh-huh. Yes.**

7 Q. And I was saying to you, Brother Francis, trying to
8 bring that together in a couple of sentences, it is
9 difficult to -- you can express whatever view you want
10 to about it. You have apologised that it was not dealt
11 with appropriately, but it is difficult to conceive of
12 a -- you could not really do it much worse.

13 **A. That's right, yes. None of the boxes seem to have been**
14 **ticked, you know, of what should have happened --**

15 Q. Yes.

16 **A. -- of what he should have done.**

17 Q. It's all been -- every step has been the wrong one --

18 **A. Yes --**

19 Q. -- as it were.

20 **A. -- and it's difficult for me now to understand why that**
21 **happened, and it's even more difficult from the man that**
22 **I knew and we as Brothers knew as being somebody who was**
23 **very strict, especially in school, but there it is.**
24 **It's fact. So we have to accept and we do accept that**
25 **the boxes weren't ticked and the right decisions weren't**

1 **made.**

2 Q. And unfortunately, as we know, DL137 went on, having
3 left St. Patrick's, to abuse in the community and was
4 convicted in 1989 of abusing boys in the period '85 to
5 '89 after he'd left St. Patrick's, and that's before the
6 boys in St. Patrick's, who were part of the -- spoken to
7 as part of the SPT134 trawl, if I can put it that way,
8 in 1994, explain -- the four boys from St. Patrick's who
9 explain they were abused, which SPT141 then accepts
10 occurred.

11 **A. Yes.**

12 Q. So -- and the Order accepts that this was not --
13 a situation not dealt with well at all.

14 **A. Yes, and for reasons maybe we don't know of, you know.**
15 **Maybe -- we don't know why he made those decisions.**

16 Q. Equally there are and it is apparent -- and you were
17 making it clear to me you don't want to take away from
18 the apology that you have given --

19 **A. Yes.**

20 Q. -- but equally you have drawn the Inquiry's attention
21 through the statements that you have provided and the
22 evidence that you have drawn attention to that in
23 St. Patrick's for whatever reason there have been
24 incidents of false allegations being made against
25 Brothers and staff, and you refer to that in your

1 general statement. I am just going to look at those two
2 paragraphs that you refer to there.

3 If we look at 667, please, and paragraph 108, this
4 was what you were saying at the outset of the module
5 before you heard the evidence being given to the
6 Inquiry, but based on the material that the Order had
7 amassed to that point, that the Order remained
8 unconvinced by the accounts and evidence to date that
9 any of the Brothers who served in St. Patrick's other
10 than the possibility of BR97 were sexually abusive
11 towards the residents, but you'd continue to reflect on
12 the evidence that was heard during the course of the
13 module.

14 Then at paragraph 137, if we look at 672, please,
15 you draw attention to a particular incident involving an
16 individual. It is not one that I brought out to the
17 Panel, because it is there to be read in your statement,
18 but a particular boy who made allegations that were
19 according to the police fabricated. You were using that
20 as one example of the type of difficulty that presents
21 itself and, in fact, we will be looking at a memo later
22 today with the next witness written by a senior official
23 in the Northern Ireland Office who in the context of
24 an allegation made against BR26 in 1993 wrote a memo
25 acknowledging that these -- in working in this type of

1 environment the reality is that allegations are made.
2 He uses the language, "Sometimes they are substantiated;
3 sometimes not", and it effectively comes with the
4 territory. You are drawing attention here to some
5 examples where that can be shown to be the case.

6 **A. Yes, that's correct. It's a matter of searching for the**
7 **truth I suppose and that's what -- I presume that is**
8 **what the Inquiry is trying to do in all of these cases,**
9 **but as I stated there, we cannot accept some of these**
10 **allegations.**

11 Q. The Panel obviously have heard from SPT26, who brought
12 to the Panel's attention the particular example which
13 was part of the SPT96/SPT136 allegations, where it was
14 alleged of SPT26 that he had been told about abuse by
15 SPT136, and he informed the police that he had not been
16 and then drew attention to the fact that that boy had
17 been

18 and then that coming to light.

19 So those are -- there are other examples that the
20 Order can point to and has pointed to in the statements,
21 and I am not going to go through them at length now, but
22 the point that you're making is that for whatever reason
23 there have been a preparedness by some to make false
24 allegations and that's something that the Panel will
25 have to bear in mind in its assessment of the material.

1 **A. Yes. That's correct. I suppose it's part of life**
2 **universally that the truth is not always to the fore.**

3 Q. The point you were making to me, Brother Francis, is
4 that that fact should not --

5 **A. Yes.**

6 Q. -- cause there to be any doubt about the Order's apology
7 --

8 **A. Yes.**

9 Q. -- to those that were abused --

10 **A. Yes, and acceptance of that, yes.**

11 Q. -- and the concern that you have of trying to balance
12 those issues.

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

14 Q. Now the statement that you have provided today, Brother
15 Francis, if we can look at 2997, you explain to the
16 Panel in paragraph 3 that prior to the commencement of
17 the Inquiry you had a fairly well-informed view as to
18 the operation of Rubane House and the knowledge of
19 St. Patrick's Training School was less, but if I can put
20 it -- and you tell me if I am doing this unfairly -- to
21 try and summarise it, Brother Francis, that during the
22 Rubane module the clarity became even more obvious of
23 the significant failures and abuse that took place in
24 St. Patrick's -- sorry -- that took place in Rubane --

25 **A. Rubane. Uh-huh.**

1 Q. -- and that became even clearer to the Order as the
2 evidence relating to Rubane was heard and dealt with.

3 **A. Uh-huh.**

4 Q. But you would say the opposite is the case for
5 St. Patrick's in that you didn't have as good
6 a knowledge of St. Patrick's before this module began --

7 **A. That's right.**

8 Q. -- but as the evidence has been available in the
9 documents and been heard, the Order has become more
10 convinced that, while there were some instances of
11 abuse, which they acknowledge and apologise for, they
12 have become more convinced that, in fact, many of the
13 allegations were not true.

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

15 Q. And you explain in paragraph 4 how you attended at the
16 outset before the Committee -- the Office of First
17 Minister and Deputy First Minister Committee and made
18 a commitment to honesty and transparency and to assist
19 the Inquiry. You say that:

20 "The Order recognises the acute pain, suffering and
21 damage caused to those individuals who were abused in
22 Rubane."

23 You were specifically talking about Rubane at that
24 stage, and -- because you have said in the statement
25 that this is likely to be the last time you speak to the

1 Inquiry on behalf of the Order, and you are referring
2 back to Rubane as well as St. Patrick's --

3 **A. That's right.**

4 Q. -- and you recognise the abusive behaviour of some of
5 the Brothers at Rubane and how that has severely
6 tarnished and damaged the reputation of the Order. You
7 say:

8 "The despicable violation of the trust placed in
9 those Brothers has undermined the selfless care provided
10 by so many other Brothers in pursuance of their
11 vocation."

12 You say that:

13 "The actions of that minority have left innocent
14 Brothers vulnerable to false allegations, to
15 condemnation, vilification and denunciation merely
16 because of their association with the De La Salle Order,
17 St. Patrick's Training School and Rubane House."

18 So am I right in characterising your concern that
19 you are expressing is that everyone unfortunately ends
20 up tarred with the same brush?

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

22 Q. So those who worked -- who gave their lives and worked
23 to the best of their ability and never abused a child --

24 **A. Uh-huh. Yes.**

25 Q. -- end up with the same label as those who did abuse

1 their vocation --

2 **A. Uh-huh.**

3 Q. -- did take advantage of the --

4 **A. Uh-huh, yes.**

5 Q. -- trust that was placed in them and did abuse children
6 in both Rubane and for some staff in St. Patrick's.

7 **A. Uh-huh.**

8 Q. And you indicate in paragraph 5 that on many previous
9 occasions you publicly acknowledged the pain and
10 suffering caused to the victims of abuse and on behalf
11 of the Order you have made and I think the point you are
12 making is you are repeating today the genuine and
13 sincere apology for that abuse that was perpetrated by
14 members of the Order.

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

16 Q. But you also then recognise the hurt, stress and anxiety
17 caused to current and former members of your
18 Congregation who have been falsely accused.

19 **A. Yes.**

20 Q. And you then express the hope that the Inquiry's
21 comprehensive and transparent examination of Rubane and
22 St. Patrick's will establish the truth --

23 **A. Uh-huh.**

24 Q. -- and that hopefully everyone involved can find some
25 understanding and healing.

1 **A. Yes.**

2 Q. And you say that:

3 "The Order is satisfied it has done all within its
4 power for the benefit of former residents and former
5 staff to maximise the Inquiry's prospects of success."

6 By that are you referring to the level of
7 cooperation that has been offered?

8 **A. Yes, yes.**

9 Q. That you have tried to cooperate as best you possibly
10 can?

11 **A. Yes. It's the cooperation to help a statutory body, but
12 it's also hopefully a help towards all those concerned,
13 both former residents, Brothers, staff and so on, to
14 have the opportunity to come here and speak to the
15 Inquiry themselves and put their case to it, because
16 that in a sense is, like the phrase we sometimes use,
17 getting it off your chest. Those -- all of those people
18 involved have had the opportunity to come here and to
19 speak to you, and that in itself I would hope would
20 be -- lead to some form of healing of the hurt that has
21 hit so many people involved in this whole Inquiry or
22 this whole exercise. So that was part of the reason as
23 well for the cooperation, so that these people would be
24 actually helped.**

25 Q. And you then explain in paragraph 6 that:

1 "The Order's knowledge of events in St. Patrick's
2 has grown significantly over the last two months, that
3 the nature and extent of the record-keeping was not
4 a surprise to surviving Brothers, but the fact that so
5 much documentation still exists and has been made
6 available to the Inquiry was a welcome benefit."

7 You make the point that:

8 "The number and the detail of the police
9 investigations, particularly those conducted by the RUC,
10 did surprise the Order."

11 By that, Brother Francis, you mean that you were
12 aware or the Order was aware that its members had been
13 the subject of allegations and interview, but the detail
14 and extent of those investigations, which are then
15 available for the -- and you were aware of the outcome
16 of no prosecution --

17 **A. Yes.**

18 Q. -- but the actual detail of what was done in order to
19 establish that something occurred or, in fact, didn't
20 occur --

21 **A. Uh-huh.**

22 Q. -- you didn't appreciate how extensive that was, and
23 that's available to the Panel --

24 **A. Uh-huh.**

25 Q. -- in the context of looking at many of the allegations

1 that are now made.

2 **A. Yes, because I have never been at an Inquiry before of**
3 **this nature, and wouldn't have realised the depth of**
4 **research that takes place in order to get all the facts**
5 **and all the information out into the open, and that --**
6 **in a sense it was -- I was pleasantly surprised that all**
7 **of that information was available. I didn't think --**
8 **I didn't even think it existed.**

9 Q. And you draw attention -- you remark on you hope that
10 Brothers giving evidence has been of assistance to the
11 Inquiry, those who are alive and in a position to do
12 that, but you also draw attention to the fact that what
13 would have been very important evidence to the Inquiry
14 is not available, because Brothers -- some Brothers are
15 no longer alive, and therefore the Panel has not had the
16 opportunity -- the allegations have been heard against
17 those people --

18 **A. Uh-huh.**

19 Q. -- but they have not had the opportunity themselves to
20 respond to the allegations.

21 **A. Yes. That's my regret, shall we say, that they didn't**
22 **have that opportunity.**

23 Q. You make some more remarks about the Inquiry, which I am
24 going to pass over.

25 You repeat then in paragraph 7 that:

1 "At the opening to the Inquiry the Order made
2 a sincere and unreserved apology to those who were
3 abused and whom the Order failed to protect."

4 You say:

5 "Once again I repeat this apology."

6 You then acknowledge in paragraph 8 -- and we have
7 touched on this earlier -- about DL137 and the failure
8 to deal with that appropriately by the .

9 You refer in paragraph 9 then to the problem of peer
10 sexual activity and how it appears, looking at -- you
11 acknowledge in your statement -- the general statement
12 at the outset of the work about St. Patrick's that peer
13 abuse may have been a bigger problem than was recognised
14 at the time, but while the Inquiry did hear some genuine
15 accounts of peer abuse and indeed located evidence that
16 the Order reported that to the RUC, you draw attention
17 to the fact that many applicants and other witnesses
18 denied that it was a significant issue.

19 That has caused you to reflect and the Order to
20 reflect, and on reflection it appears to you on behalf
21 of the Order that peer abuse may have well have been
22 an issue that was confined to certain eras among
23 particular boys rather than a persisting widespread
24 problem across the campus.

25 **A. Yes, yes. That's something -- we have assumed that, you**

1 **know, that would be the case, you know. These things**
2 **come in waves of -- at certain times and circumstances.**

3 Q. And the Panel is aware of hearing from those boys who
4 have said, you know, "It never happened".

5 **A. Yes.**

6 Q. "It never was something that I was aware of occurring"
7 and that's what you're drawing attention to --

8 **A. Uh-huh.**

9 Q. -- in paragraph 9.

10 **A. Yes.**

11 Q. And you explain then in paragraph 10 the view of the
12 Order about some of the accounts that the Inquiry has
13 had to look at. You have heard accounts of abuse
14 allegedly perpetrated by members of your Order. You
15 have heard the reflections of RUC officers, who were
16 satisfied that allegations had been fabricated. You had
17 heard applicants recount events which had been
18 demonstrably false. You have witnessed the introduction
19 of contemporaneous material which undermined and
20 directly contradicted the evidence of applicants.

21 Throughout Module 3 on Rubane you listened with
22 a sense of profound regret as to how children who should
23 have been protected were abused by Brothers. However,
24 in this module your perception is that allegations lack
25 credibility and consistency and that's the Order's

1 position as far as allegations made against many
2 Brothers are concerned.

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

4 Q. You draw attention to those individuals who gave
5 evidence who expressed the view that they were
6 appreciative of the Brothers and the work that they did
7 and by the accounts of civilian staff who were
8 proactively traced by the Inquiry to address some of the
9 matters that had come to the Inquiry's attention, and
10 you draw attention to the fact that those civilian staff
11 members -- because again the contrast with how Rubane
12 operated -- perhaps provides a dimension that wasn't
13 available to the same extent in respect of Rubane's
14 evidence.

15 **A. Yes.**

16 Q. You acknowledge again the Forkhill Brother, but you then
17 again draw attention to the --

18 "Having considered the totality of the evidence and
19 emphasising the distinct lack of corroboration, the
20 Order remains of the view that it would be unfair and
21 unjust to conclude that a Brother in St. Patrick's was
22 sexually abusive or routinely physically abusive towards
23 the boys."

24 You then refer to the context of life working in
25 an institution of this type. You express the view it

1 was a difficult environment, but that members of the
2 Order and lay staff managed to perform a highly
3 specialised role with considerable success, and by that
4 it is very difficult, Brother Francis, to take what is
5 essentially forty years in particular that have been
6 looked at, but the point you are making in the context
7 of the number of allegations that have been made
8 comparative to the numbers who passed through
9 St. Patrick's and the number of Brothers and lay staff
10 who worked there is that the institution was much better
11 run and functioned much more successfully than the view
12 you would have of life in Rubane.

13 **A. Yes. As I say, we have already I think referred to**
14 **that. The circumstances were different, different**
15 **environment, different personnel and so on, but that's**
16 **true, yes.**

17 Q. And you indicate you trust the Inquiry will emphasise
18 the dedication of staff and commitment and considerable
19 achievement in difficult times in our society. Again
20 you are referring to the Troubles as the context for
21 that.

22 In fact, that's what you explain in paragraph 12,
23 about the nature of the open school setting and the
24 devastating impact of the civil unrest which followed in
25 the wake of The Troubles and the specific matter

1 involving the murder of Bernard Teggart.

2 You draw attention to the fact that those
3 paramilitaries were prepared to violate the grounds of
4 a school, threaten staff, remove a boy. You make the
5 point that it was a matter of deep regret to the Order
6 that Bernard Teggart was taken from the care of the
7 order and murdered.

8 **A. Yes.**

9 Q. You repeat there what we have already covered in terms
10 of the nature of the decision-making at the time.

11 You explain that, as per your previous submissions:

12 "The Order remains devastated as it tries to come to
13 terms with the number, nature and graphic description of
14 allegations of abuse made during the Rubane module.
15 Great hurt and suffering has been caused by those
16 Brothers who contravened their vows and their vocation.
17 No words can adequately describe the Order's deep
18 regret."

19 Then you refer to the contrast with the allegations
20 about St. Patrick's. You make the point that a small
21 proportion of the former residents have made allegations
22 of abuse and you draw attention to the fact that the
23 police investigators described a significant or
24 substantial number of those allegations as false.

25 "Brothers who remained true to their vocation both

1 in Rubane and St. Patrick's have therefore suffered the
2 indignity of false allegations and suspicion."

3 Then you draw attention to something that we have
4 discussed, Brother Francis, which is the contrast with
5 underfunding and lack of staff was not replicated in St.
6 Patrick's --

7 **A. Uh-huh.**

8 Q. -- as well as the different nature of the boys who were
9 there.

10 You then talk in paragraph 16 about BR1 and you draw
11 attention to the nature of the allegations that were
12 made about his time in St. Patrick's compared to the
13 contemporaneous allegations that were made about his
14 time in Rubane. You invite the Panel -- I am not going
15 to go into the detail of that now -- you are inviting
16 the Panel to look at the timing of when allegations were
17 made and the nature of the allegations that were made --

18 **A. Uh-huh.**

19 Q. -- and the context of the fact that in the 1990s the
20 Order both in -- based in Rubane and St. Patrick's was
21 the subject of what was for Rubane a second major
22 investigation, and there had already been a major
23 investigation in 1980 into Rubane, and the contrast
24 between what was said by those individuals about BR1 and
25 then the further evidence that's now available to the

1 Inquiry about what's being said, and you draw attention
2 to those contrasts for --

3 **A. Yes.**

4 Q. -- the Panel.

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

6 Q. In paragraph 17 you explain that:

7 "In conclusion, St. Patrick's Training School cared
8 for approximately 4500 residents over 73 years in very
9 challenging circumstances. Some children suffered as
10 a result of the atrocities that occurred at the hands of
11 abusers like DL137 and peer bullies. That should never
12 have happened. The Inquiry has been told and the Order
13 believes that such abuse was confined to a very small
14 number of residents. It must also be acknowledged", you
15 say, Brother Francis, "that many more children
16 benefitted from and are grateful for the care and
17 attention provided by those Brothers dedicated to the
18 vision of the Order and its founder, St. John Baptist
19 De La Salle, and to the civilian staff who formed
20 an integral part of that mission."

21 **A. Yes. We heard -- we heard of that from some of the**
22 **former residents that sat here and gave their evidence.**
23 **They mentioned some of the positive things that -- how**
24 **they made a success of their lives afterwards.**

25 Q. Brother Francis, I have probably covered with you the

1 main issues that I wanted to draw attention to today and
2 taken you through the most recent statement and you have
3 agreed and will continue to assist the Inquiry with
4 particular issues that more focus perhaps needs to be
5 applied to and you will continue to give the cooperation
6 --

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

8 Q. -- in doing that. I am not going to ask you any more
9 questions just now, Brother Francis. The Panel Members
10 may want to ask you some matters. So if you just bear
11 with us.

12 CHAIRMAN: Well, Brother Francis, you have covered in the
13 written evidence, which has been summarised today in
14 an extremely comprehensive fashion, the matters that you
15 feel on behalf of the Order need to be placed before the
16 Inquiry. We are very grateful to you for doing so, and
17 I must emphasise that we do have this material. We have
18 considered it and we will, of course, have to reflect
19 upon it, and it will appear in due course, as other
20 material placed before us will appear, on our website.
21 So others will have the opportunity of reading for
22 themselves the points that you have made on behalf of
23 the Order in such detail, and we are grateful to you for
24 your attendance, because we have noticed you here each
25 day paying careful attention I am sure to what has been

1 said, and now we have your response on behalf of your
2 colleagues. We do have a number of issues that remain
3 outstanding. Those or I imagine almost all of them we
4 will raise with BR26 when he returns to speak to us. We
5 understand he is not available at the moment. So in one
6 sense you are speaking before we have heard everything
7 that we have to hear in relation to St. Patrick's, but
8 that is an unfortunate consequence of the timetabling of
9 these matters. Thank you very much for coming to speak
10 to us this morning.

11 **A. Thank you.**

12 **(Witness withdrew)**

13 MR AIKEN: Chairman, there is one further witness today.

14 I'm aware that she is already present. So it may be
15 that if we took an early lunch, we could begin -- maybe
16 terribly early at the moment, but if we took lunch
17 slightly ...

18 CHAIRMAN: Well, we will see how things proceed, but I think

19 I can say we won't start before 1 o'clock --

20 MR AIKEN: Yes.

21 CHAIRMAN: -- to allow time for consultation --

22 MR AIKEN: Yes.

23 CHAIRMAN: -- and anything else, but if it is possible to do
24 so, we will start as soon after 1 o'clock as we can and
25 we will then continue through other than having short

1 breaks.

2 (11.40 am)

3 (Lunch break)

4 (2.50 pm)

5 MS. MARY MADDEN (called)

6 CHAIRMAN: Yes.

7 MR AIKEN: Chairman, Members of the Panel, the next witness
8 today is Mary Madden, CBE, who is aware, Chairman, that
9 you are going to ask her to take the oath.

10 MS. MARY MADDEN (sworn)

11 CHAIRMAN: Thank you very much, Mary. Please sit down.

12 **A. Thank you.**

13 **Questions from COUNSEL TO THE INQUIRY**

14 MR AIKEN: Mary, coming up on the screen will be the first
15 page of your witness statement at 2672, please. I will
16 just ask you to confirm for me that you recognise that
17 as your statement.

18 **A. Yes.**

19 Q. And the last page is at 2680, please.

20 **A. Yes.**

21 Q. And I am not sure whether we have a signed copy, but we
22 will get a signed copy today if we don't have
23 a signature on it, but you want to adopt the content of
24 your statement as your evidence to the Inquiry?

25 **A. Indeed, yes.**

1 Q. Yes, and there are a series of exhibits, Mary, that are
2 attached to the statement, which run through to 2756.

3 You explain, Mary, in your statement that you joined
4 the Northern Ireland Office on 27th January 1992 and
5 that was after you had spent you were explaining to me
6 twelve years in the Crown Solicitor's Office as
7 a government solicitor.

8 **A. Correct.**

9 Q. And you go in to the Northern Ireland Office as it was
10 restructuring and to take up the role as the Head of the
11 Criminal Justice Services Division.

12 **A. Correct, yes.**

13 Q. And I was checking with you that I've got the hierarchy
14 of this right. So I am just going to run through it and
15 you can confirm for me that I am right about it.

16 During your period, which is '92 to '95, you have
17 the Secretary of State is Sir Patrick Mayhew?

18 **A. Yes.**

19 Q. And the Minister of State, to whom you worked and
20 related, was Sir John Wheeler?

21 **A. For part of that time. I started off with Brian
22 Mawhinney.**

23 Q. Brian Mawhinney and then --

24 **A. And then through to Sir John Wheeler.**

25 Q. Sir John Wheeler. The Permanent Undersecretary at the

1 time was Sir John Chilcot?

2 **A. Correct.**

3 Q. The Deputy Undersecretary was John Ledley?

4 **A. Correct.**

5 Q. And then the Assistant Undersecretary was John Lyon and
6 later Jim Daniell, and they headed up what became the
7 Criminal Justice Directorate.

8 **A. Correct.**

9 Q. And then within the Criminal Justice Directorate you had
10 three divisions at the time, one of which was Criminal
11 Justice Services Division --

12 **A. Uh-huh.**

13 Q. -- which formerly Alan Shannon had been involved with or
14 doing what became known as the Criminal Justice Services
15 Division, and then you took that role on between '92 and
16 --

17 **A. 26th October '95.**

18 Q. -- 26th October 1995. The other two parts to the
19 Criminal Justice Directorate was the Criminal Justice
20 Policy and the Police Division.

21 **A. Correct.**

22 Q. And then within the Criminal Justice Services Division
23 that you were responsible for you had the Training
24 Schools Branch, which involved names that the Panel will
25 have seen in the memos, such as , SPT 88

1 SPT 88 and their deputy,

2 **A. Correct.**

3 Q. That's the personnel who were involved in the matters
4 that you and I were discussing earlier, and I am going
5 to focus on two of those with you, but you moved on into
6 other parts of the Civil Service after 1995.

7 **A. Still within the Northern Ireland Office, a different
8 role within the Northern Ireland Office. I moved on to
9 Financial Services Division.**

10 Q. And now you are working in the Department of Justice.

11 **A. Department of Justice.**

12 Q. There are two main issues that I want to focus on. As
13 you know from our discussion and the papers that we
14 have, there is a huge amount of detail to the sequence
15 of events. What I am going to try and do is summarise
16 that down, Mary, so that I'm taking you to the heart of
17 the issue that the Panel want to look at in respect of
18 two particular issues that you deal with in your
19 statement.

20 The first of those relates to the sequence of events
21 when coming to the NIO's attention were allegations
22 against BR26 in November of 1993.

25 **A. Uh-huh.**

1 Q. So in the context of dealing with these types of issues
2 you are dealing with the person who is heading up
3 a large staff looking after a substantial number,
4 reducing less over the years, but a substantial number
5 of boys in a training school.

6 **A. Yes.**

7 Q. And you address this issue in paragraphs 11 to 16 of
8 your statement, beginning at 2675, but the Panel are
9 familiar with the allegations that we are dealing with
10 were brought to the police in September of 1993 by one
11 SPT96 in response -- having seen a Sunday World
12 newspaper article about a police investigation into
13 St. Patrick's which began relating to a boy called
14 SPT134.

15 You were explaining to me that there would have been
16 earlier papers where the NIO had been made aware and
17 were involved in knowing about the fact there was
18 an ongoing police inquiry that began with SPT134.

19 I think it began at the end of 1992 and was moving
20 through 1993, and then in October 1993 you have got this
21 allegation made against BR26. The earlier allegations
22 had not related to him.

23 What follows then in the material that the Panel has
24 had the opportunity to consider is a discussion about
25 whether or not the NIO, having been made aware by the

1 police of the fact this allegation has been made,
2 whether the NIO should inform the Bishop of Down &
3 Connor as the head of the board of management of St.
4 Patrick's Training School about the fact of the
5 allegation.

6 There is a detailed memo ultimately from you of
7 23rd November 1993, where you set out for ministerial
8 approval the subject matter and the options that are
9 open to the Department, but prior to that when the
10 matter had come to the NIO's attention, you had sought
11 advice from your professional advisers, the Social
12 Services Inspectorate, and Dr McCoy, the head, the chief
13 of Social Services Inspectorate, the Chief Inspector had
14 advised the NIO that the standard practice at that point
15 in time was the allegation had been made. A suspension
16 should follow until the full investigation had taken
17 place.

18 In the sequence of documents that flow from that
19 advice being given one ends up with you -- and if we can
20 bring up 12927, please -- on 23rd November then, Mary,
21 you write a detailed memo to Mr Lyon, who was the Deputy

22 --

23 **A. Assistant Undersecretary.**

24 Q. -- Assistant Undersecretary.

25 **A. Yes.**

1 Q. And you explain the sequence of events that you have
2 been made aware of, and you appear to have been given by
3 the police quite a lot of detail about the allegation
4 that was being made, because you were able to point out
5 that it was uncorroborated, that it had come from
6 thirty years ago, so it related to the 1960s, and that
7 it had arisen from a newspaper article.

8 If we look at paragraph 10, you set out the dilemma
9 as it faced the Northern Ireland Office. If we scroll
10 down on to 12930, please, you, having been given the
11 information by the police, you explain, having shared it
12 with Dr McCoy:

13 "The dilemma facing the Department is whether to
14 advise the Chairman of the Management Board, Bishop
15 Farquhar, of the specific allegation made by SPT96
16 against BR26. The bishop is already aware of
17 allegations against unspecified individuals made by
18 SPT134 and SPT135. He is presently ignorant of SPT96's
19 allegations."

20 Then you explain the position of the police, who are
21 concerned about what might happen if effectively
22 a tipping-off exercise would occur essentially by the
23 person that they are potentially going to look at and
24 investigate becoming aware. They could cover their
25 tracks. They could take themselves out of the

1 jurisdiction. They could otherwise prepare themselves
2 to deal with the reality of what might follow.

3 You explain the advice of the Social Services
4 Inspectorate. If we scroll down, please, you then look
5 at the options that are available to the Northern
6 Ireland Office, and I think elsewhere in the memo you
7 describe the Office being in something of an invidious
8 position, because you could elect to do nothing until
9 the police had completed their inquiries, and that would
10 meet with police satisfaction, because there would be no
11 risk of their investigation being hampered, although
12 that could be some months away:

13 "... and if on completion BR26 is arrested, the NIO
14 could be subject to criticism for allowing him to remain
15 in a position of power and authority despite having the
16 benefit of the SPT96 information."

17 So the corollary of leaving him is ending up being
18 criticised for that fact, because he had got to remain
19 in post.

20 **A. Uh-huh.**

21 **Q.** Then:

22 "The Department could also be criticised by the
23 Management Board for not giving them the opportunity of
24 suspending the Director pending investigation and
25 thereby leaving them vulnerable to criticism."

1 The alternative to not doing something is to inform
2 the bishop on the advice of the SSI, but that had its
3 difficulties because, and you set them out, you could
4 decide to do nothing; you could retire BR26 early and
5 remove him from the school; you could suspend BR26
6 pending the completion of the investigation.

7 So the point you are flagging up, Mary, in the memo,
8 is it wasn't within your control --

9 **A. No.**

10 **Q.** -- as to what the outcome would be when you told the
11 bishop about the allegations.

12 If we scroll down, please, you explain:

13 "Each course of action open to the bishop presents
14 the NIO are relationship difficulties."

15 You set out what those are, whether from the
16 relationships with the church, with the media and damage
17 between the Department's relationship with the Order who
18 work in St. Patrick's. If we scroll further down,
19 please, and the conclusion is:

20 "Despite these concerns", the professional advisers,
21 "SSI take the view that a serious allegation has been
22 made by a man ..."

23 They consider the allegation to be believable.
24 That's at this point in time. As I was saying to you,
25 available to the Panel is what happens in the months

1 afterwards, which ends up the police take a different
2 view, but if we scroll down further, please:

3 "The children presently in the school are entitled
4 to protection and the Department must put their welfare
5 first. The NIO must be seen to act on the information."

6 Two options: to ignore or to advise. Ultimately
7 your recommendation is that you accept the advice of
8 professional advisers and go and approach the bishop.

9 Now if I can just pause at that point, Mary, we were
10 discussing the distinction between the position of
11 St. Patrick's Training School and St. Joseph's Training
12 School, which were voluntary management boards
13 effectively, and the statutory situation with the likes
14 of Rathgael, and you were explaining to me that the
15 distinction in reality was that if this had happened in
16 Rathgael, the Secretary of State could have simply said,
17 "They will be suspended pending the outcome of the
18 investigation" and that's what would then happen, but
19 the same control mechanism was not there where
20 a voluntary training school in effect was involved,
21 albeit it was being regulated by the NIO.

22 **A. Correct. There was a different relationship between the**
23 **Department and -- because the Secretary of State**
24 **appointed the statutory board responsible for Rathgael**
25 **and therefore had a direct role. He didn't with the**

1 St. Patrick's Training School. It was a voluntary
2 organisation. It was run by the board of management,
3 which was appointed by the church, and the school was
4 managed by the De La Salle Order. So it was a totally
5 different relationship. It wasn't within his gift to
6 take that decision. It was theirs.

7 Q. So that's why in your paper you are flagging up one of
8 the risks is one does not know how the bishop will react
9 --

10 A. Yes.

11 Q. -- to this, but as a result the -- that receives
12 approval from your boss at that stage, Mr Lyon. He
13 writes a memo where he explains -- and I am going to
14 look at this memo, because it is helpful for the
15 context. I referred the Panel to the content of it this
16 morning. If we look at 12937, please, it is John Lyon's
17 memo of 25th November 1993 replying to you and your memo
18 and he said:

19 "In the course of discussions we considered the
20 particular position of the current allegations against
21 some St. Patrick's staff which alleged the commission of
22 serious criminal offences. While this was not the same
23 as the commission of disciplinary breaches, this was not
24 -- which appeared to be the focus of the DHSS circular
25 and additional board guidance attached to Dr McCoy's

1 note, Dr McCoy confirmed that in such cases the
2 appropriate procedure was for the board of management to
3 be informed. This was fully in accord with established
4 precedents which related specifically to allegations
5 about offences occurring some years before the date of
6 the allegation. It is not unusual for the police
7 investigating an allegation to be concerned that any
8 action taken by the Board might compromise the conduct
9 of those investigations. The normal practice was for
10 the police to appoint a liaison officer who could liaise
11 with the board of management about the conduct of the
12 investigation."

13 Then:

14 "Confirmed also that on the basis of precedents and
15 best practice it was for the board of management to
16 decide what action to take in respect of the staff who
17 were subject to the allegations. The Department would
18 only wish to consider intervening if the decision was
19 thought to be unreasonable on the basis of the
20 circumstances of the particular case."

21 Although he says that, there wasn't a power as such
22 to intervene to suspend a member of staff. Perhaps you
23 could have done it by another route, which was
24 withdrawing the placing of children there, which might
25 have had the -- that effect, but there wasn't a power to

1 intervene as such.

2 **A. No, there wasn't any power to intervene.**

3 Q. If we scroll down a little further, he agrees that there
4 should be a meeting with bishop -- with the bishop where
5 this is explained.

6 I should perhaps have noted -- this is what I wanted
7 to show the Panel -- at 12934, please, this is in
8 response to a memo from you as well where Mr Lyon
9 acknowledges in paragraph 2 these are serious
10 allegations and deserved to be fully investigated. Then
11 he also acknowledges the reality, and you and I were
12 discussing this, Mary, in paragraph 3:

13 "We know, and I am sure SSI will confirm, that such
14 allegations are not uncommon in institutions dealing
15 with children. It is part of work in this area. Not
16 all are substantiated. Some are. It would not be right
17 to make a presumption either way on the basis of
18 an allegation."

19 I suppose taking the -- not being critical, but
20 taking the Civil Service language out of that, what he's
21 essentially saying is it is part and parcel of life
22 working in these types of situations --

23 **A. Uh-huh.**

24 Q. -- that you can be the subject of allegations.

25 **A. Yes.**

1 Q. And that those allegations can be true --

2 **A. Uh-huh.**

3 Q. -- and that those allegations can be false. Really the
4 nub of the issue as he's identifying it here is even if
5 that's so, you err -- at this point in time the thinking
6 was you err on the side of caution --

7 **A. Caution. Uh-huh.**

8 Q. -- and suspend, even if that is happening to
9 unfortunately an innocent person --

10 **A. Yes.**

11 Q. -- who turns out to have been wrongly accused of
12 something.

13 **A. Yes.**

14 Q. And the point you were making to me was that would have
15 been the way it would have been dealt with if it had
16 been the Rathgael --

17 **A. Rathgael.**

18 Q. -- board --

19 **A. Yes.**

20 Q. -- which was under effectively the departmental control.

21 **A. Control.**

22 Q. You then get approval from the Permanent Undersecretary,
23 Sir John Chilcot, to proceed in line with Mr Lyon's view
24 that was in the minute just prior to this one, and there
25 was also a suggestion of involving the police with you

1 in going to the meeting, and there's a record of that
2 being discussed with the police and ultimately then
3 deciding that it was not for them to attend a meeting
4 like that with the bishop, but you explain in your
5 statement -- and unfortunately that's where the
6 documents end --

7 **A. Yes.**

8 Q. -- but if we go through to 2676, please, and paragraphs
9 13 and 14 of your statement, Mary, you explain that
10 having regard -- having secured the ministerial
11 approval, and the police were invited, but they elected
12 not to, you and John Lyon arranged to meet Bishop
13 Anthony Farquhar --

14 **A. Uh-huh.**

15 Q. -- and LN 36 .

16 **A. Yes.**

17 Q. That meeting took place in LN 36 in
18 St. Malachy's church.

19 **A. Uh-huh.**

20 Q. "John Lyon, who took the lead at that meeting, appraised
21 (sic) them of the serious allegations made against BR26
22 by ex-pupils of the school and the advice of SSI that
23 BR26 should be suspended during the police
24 investigation, advice which the Department fully
25 supported. They were also advised that the police would

1 at an appropriate stage of their investigation want to
2 interview BR26 under caution, and we shared with them
3 the police concerns that BR26 might leave the
4 jurisdiction and that the De La Salle Order and school
5 might frustrate the investigation. We suggested that
6 would not be in anyone's interest and hoped that would
7 be a view shared, which it was."

8 In fact, as we know, and as the Panel is aware, BR26
9 was quite determined to defend his reputation while
10 living in Northern Ireland and also then after moving to
11 the Republic of Ireland, coming back to be interviewed,
12 but what is -- you are relaying the information that you
13 have got, the concerns of the Department, the concerns
14 of the police, and the position of the SSI that
15 effectively suspension is appropriate.

16 **A. Uh-huh.**

17 Q. Now, Mary, am I right in saying you do have
18 an independent -- you remember this --

19 **A. Yes.**

20 Q. -- which is not the case understandably for lots of
21 other things we have touched on in our discussion, but
22 there would have been -- and you were explaining to me
23 after this meeting took place there would have been
24 a note for file written up and thereafter there would
25 have been -- once the sequence of events finished there

1 would have been a reporting back. Unfortunately those
2 documents aren't available at present, but your
3 recollection of it is you have this meeting. Both men
4 understand the gravity of the allegations, and just to
5 be clear, at this point you and John Lyon -- the meeting
6 ends with the two individuals, the bishop and the canon,
7 are going to arrange to discuss the matter at their
8 board or with certain members of the board. Can you
9 just explain to the Panel what you recollect occurred?

10 **A. Once we had set out to the bishop and to LN 36**
11 **what the concerns were and the next steps and our**
12 **recommendation that BR26 should in the circumstances be**
13 **suspended, but recognising it was a matter for them to**
14 **determine, they indicated strongly that they could not**
15 **believe the allegations were true, given their knowledge**
16 **of the individual involved, but they understood the**
17 **gravity of the situation and agreed that they would**
18 **discuss this matter at an emergency meeting of the**
19 **board. It may not have been the full board or -- that**
20 **wasn't made clear, but they would certainly gather**
21 **a quorum of the board to have it discussed, and they**
22 **indicated that they would want to raise the matter with**
23 **BR26 to see what his reaction to the allegations were,**
24 **because they thought that was important in their**
25 **consideration.**

1 We left them with that -- those steps to take and,
2 given the urgency, asked them to come back as soon as
3 possible. That -- we would have noted for the record so
4 that Ministers and senior officials would have been
5 aware that we had had the meeting. That note would have
6 informed what the reaction had been to our conversation
7 with the two individuals involved and would have
8 informed Ministers and senior -- more senior officials
9 what the -- next steps agreed.

10 Once they came back -- and my recollection was it
11 was through a telephone call rather than anything in
12 writing -- indicating that after discussion with BR26,
13 who had denied the allegations and wanted to clear his
14 name and would not -- the concerns that the police had
15 raised with us and we had related to them, that he may
16 not still remain in the jurisdiction and might frustrate
17 the investigation, they gave us assurance that the
18 bishop -- that BR26 would want to remain to defend his
19 reputation and would be available to any police and
20 would cooperate with any police investigation and he
21 certainly would not be leaving the jurisdiction.

22 On that basis and given the nature of the
23 allegations and the length of time, it was their
24 decision and the board's decision that BR26 should
25 remain in post to carry out his functions and that was

1 **what happened.**

2 Q. And --

3 **A. And we would have done a report to Ministers on the back**
4 **of that information coming in indicating and letting**
5 **them know that was the outcome and what our next steps**
6 **would be, which would be around monitoring the**
7 **situation, keeping in touch with the police, and if**
8 **there were any further allegations made, what steps we**
9 **would then take, but those are the sort of reports.**

10 Q. I am right in -- I am right in saying, Mary, that your
11 independent recollection at this remove effectively ends
12 there.

13 **A. Yes.**

14 Q. If the material is available beyond that, you would be
15 able to refresh what was done at what time by whom --

16 **A. Correct.**

17 Q. -- and so on in terms of what the police communicated,
18 but ultimately the Panel are aware that no prosecution
19 was directed, but the issue that is at work here is the
20 approach taken by the bishop and the board, as it were,
21 the diocesan representatives, was contrary to what would
22 have been the understood position in life at that point
23 in time --

24 **A. Yes.**

25 Q. -- certainly in the public service.

1 **A. Yes. It was and we were quite surprised at the decision**
2 **taken by the board to retain BR26 in post and would have**
3 **expressed that disappointment, but respected that was**
4 **their decision.**

5 Q. And the context of that is not about the merits or
6 otherwise of -- it is going back to John Lyon's note
7 where he summarised it. It is not really about whether
8 the allegations are true or not --

9 **A. True or not.**

10 Q. -- unfortunately. The bishop and LN 36 and
11 whoever else was involved formed their view about the
12 truth of them, and whether they turned out to be right
13 or not the point that you are making in terms of the NIO
14 is that the appropriate step to take is to suspend until
15 the matter is quickly and efficiently investigated so
16 that, for instance, if there were complaints going on in
17 a training school as an example or in a children's home,
18 if the person at the head of that organisation was
19 themselves subject to allegations, it would become
20 difficult for them to be properly or seen to be properly
21 dealt with.

22 **A. Correct.**

23 Q. And that's the context of the decision-making --

24 **A. Yes.**

25 Q. -- albeit it can produce injustice, if you like --

1 **A. To the individual.**

2 Q. -- by the time someone is exonerated.

3 **A. Yes, but it is the position that he held as principal of**
4 **the school that made it more difficult we felt for him**
5 **to remain in post in the circumstances that you have**
6 **outlined.**

7 Q. The second issue, Mary, that I am going to deal with
8 with you, and again I am going to drill right down into
9 the specific issue that arises, but you were explaining
10 to me the death of SPT81 and the fact of his age and the
11 context of it, having absconded from a training school
12 and met his death while having absconded along with
13 other boys from the training school, was a very serious
14 shock to the system both personally and the system in
15 terms of the NIO operating in respect of training
16 schools.

17 **A. Yes.**

18 Q. And the -- just so I contextualise this, as the Panel is
19 aware of the material, Mary, you have after his death
20 investigations required by the NIO that were done by the
21 Western Board and by St. Patrick's Training School and,
22 cutting a long story short, with much paper and analysis
23 by individuals both in the SSI and NIO, those reports
24 were considered to be inadequate and not necessarily
25 fully addressing the issues for both entities that might

1 well arise, and the decision taken in January of 1995
2 was for the SSI to be commissioned to carry out an
3 independent review into the circumstances that led to
4 the death of SPT81.

5 **A. Yes.**

6 Q. That report is available to the Panel. It runs from
7 12801 to 12835. The report identifies, amongst other
8 things, Mary, a particular problem that there appears to
9 be with absconding. If we just can look at that,
10 please, at 12641, the circumstances are outlined in
11 relation to the particular events surrounding SPT81, but
12 you can see in 5.21 that there appear to have been --
13 and it may turn out that it was an unusual spike, but
14 it's something we are going to look into a little
15 further -- but there is reference here to a culture of
16 absconding appears to have been established, and they
17 identify it occurring in the whole of St. Patrick's.
18 353 abscondings from the school in the first six months
19 of 1994.

20 Now it may be BR26 will be able to bring some light
21 to a particular group of boys who may have been doing
22 much of that absconding, but it appears to have been
23 recognised by the inspectors as a major issue. The
24 point you were making in discussion with me was
25 absconding from training schools was not new. They were

1 open facilities and it was a known facet of their
2 operation.

3 **A. Uh-huh.**

4 Q. But nonetheless it was an important issue to be
5 minimised, if at all possible. The report goes on. If
6 we scroll down on to the next page at 5.27, as a means
7 of trying to assist St. Patrick's deal with the -- what
8 appears to be a particular problem of absconding
9 reference is made to a research report that was
10 undertaken by the Adolescent Psychological Research
11 Unit, which -- the APRU sat under the NIO, as it were.
12 It wasn't a health organisation. I am right in saying
13 that, and the -- there appears to have been an APRU
14 engagement over a particular problem in Rathgael.

15 Now that exercise in 1991 was before you came into
16 the Department and you are not aware of what, if
17 anything, happened in terms of the broader dissemination
18 of what the APRU came up with in terms of their report
19 and the strategies for reducing absconding, which is
20 what according to the inspectors, which was
21 Mr McElfattrick and Mr Walker, was successful in terms of
22 significantly reducing the level.

23 Then on the next page at 5.28 he draws -- the
24 inspectors draw attention to the fact that it should be
25 possible to analyse the material from the returns that

1 are being done to -- from the training schools in order
2 to see the levels of absconding, and indeed in the
3 aftermath of this report the -- there appears to have
4 been assistance given to the training school in that the
5 report was given over to them and the SSI worked with
6 them with the development of a plan to reduce the level
7 of absconding that was occurring, but the receipt of
8 this report then within -- that's the SPT81 report --
9 within the Northern Ireland Office and within the Social
10 Services Inspectorate went right up to the Secretary of
11 State. The Panel are aware of the sequence of
12 documents, memos being written about it, and I am going
13 to look at the -- you and Dr McCoy wrote a detailed memo
14 each on 16th May of 1995 which brought the matter to the
15 attention of the Secretary of State, and ultimately the
16 response that is received to that -- there are --
17 there's a response, Mary, on 18th May and 23rd May, but
18 it is the one of 8th June that I want to turn to.

19 If we can look at 12760, please, and this is coming
20 back from the Minister of State, Sir John Wheeler, but
21 we'll see that it references a memo or a communication
22 from the Secretary of State:

23 "The Minister was grateful for your minute of 16th
24 May enclosing a copy of the SSI report following its
25 review of the circumstances leading to the death of the

1 11-year-old boy who was killed when absconding from
2 St. Patrick's."

3 Now this is the reply that's being given by the
4 Minister of State to Dr McCoy in the Social Services
5 Inspectorate:

6 "Sir John has now had an opportunity to consider the
7 report and was pleased to note it was thorough and well
8 presented.

9 The Minister has noted with concern the details of
10 the report and is anxious that steps are taken to ensure
11 that appropriate action is taken to remedy the defects
12 which have been identified. In particular, he has
13 expressed concern about the problems associated with
14 absconding and hopes that recommendations 10-14 are
15 implemented without delay.

16 Sir John shares the concern of the Secretary of
17 State that previous Social Services Inspectorate
18 inspections on which the NIO relies failed to bring out
19 in the lessons to be learned -- failed to bring to
20 light" -- sorry -- "deficiencies identified by the
21 review, especially those set out in the 'lessons to be
22 learned' in chapter 6. He has asked for an assurance
23 that measures are being taken to ensure that future
24 inspections of this and other establishments are more
25 perceptive."

1 He then goes on to deal with some other matters.
2 Now that is -- you are aware of that coming back down
3 from the ministerial -- the Minister and the Secretary
4 of State. So the report has caused understandably -- it
5 is the death of an 11-year-old boy -- a great deal of
6 concern and a particular problem has had its finger
7 placed on it by the Minister, "Why was this not being
8 picked up before?" essentially, and that question being
9 asked of the inspection process.

10 Dr McCoy then responds to that, if we look at 12726
11 at his memo of 23rd June of 1995, and his paragraph 2,
12 if we can scroll down, he is replying:

13 "I would, however, respond to Sir John's comment
14 that 'previous inspections failed to bring to light the
15 deficiencies'" -- if we scroll down, please --
16 "'identified by the review, especially those set out in
17 the "lessons to be learned" in chapter 6'. The current
18 arrangements for inspections of training schools were
19 agreed between SSI and NIO in 1992. In summary, they
20 require the SSI to carry out a general inspection of
21 each of the training schools every fourth year. In the
22 intervening years the three schools not subject to
23 a general inspection are subject to a regulatory
24 inspection. There are in addition arrangements for SSI
25 to periodically undertake unannounced visits to units

1 within the schools. The first general inspection of
2 St. Patrick's was due to have taken place in late 1994.
3 It was postponed because of the need to conduct the
4 review into the circumstances surrounding SPT81's death.
5 I am confident that if the inspection had gone ahead as
6 planned, many of the deficiencies would have been
7 identified in its course."

8 He then goes on to say:

9 "I should point out that on the basis of our
10 knowledge about St. Patrick's and the other schools we
11 have been advocating for some time the need for the
12 establishment of proper monitoring systems to inform
13 management committees and the NIO of the adequacy of the
14 oversight and control arrangements in the schools. Had
15 there been such systems in place, it is likely some of
16 the concerns identified by SSI in the SPT81 case would
17 have come to light. NIO was, of course, already well
18 aware of the high levels of absconding at St. Patrick's
19 and there have been a number of the concerns arising
20 from the SPT81 investigation which SSI had already
21 brought to the attention of either the boards or the
22 NIO. I do not feel it is therefore entirely justified
23 to imply that the SSI has not been as perspective as it
24 might have been."

25 So effectively what he is saying is, "It is not fair

1 to blame us for all of the problems that have been
2 identified", but the sequence of events then that follow
3 thereafter that the documents disclose, more work being
4 done with St. Patrick's, St. Patrick's putting forward
5 a change -- a plan that had been developed to reduce the
6 level of absconding. Then they are given the report
7 that the APRU had done into Rathgael and further work
8 was done with the Social Services Inspectorate.

9 But what I want to ask you about, Mary, in that
10 context is -- and if you can't remember from your
11 independent recollection, just say so -- whether
12 although absconding was known about as an incident or
13 a part of life in an open institution, was it something
14 that was proactively on the agenda, as it were? Well,
15 there is this report from 1991 dealing with the specific
16 problem. How was that disseminated beyond just
17 Rathgael? In fairness to you, you were not there in
18 1991 when that work was done, but can you assist the
19 Panel with how you understand information is likely to
20 have been conveyed?

21 **A. As you rightly say, I wasn't there in 1991, but I would**
22 **say that it would have been a great surprise to me that**
23 **report that the APRU unit carried out had not been**
24 **disseminated in some form or other, because the APRU was**
25 **a resource available to the training schools and wider**

1 than that to the probation as well. They were
2 a resource that they could call upon to use and to help
3 assist in identifying or finding solutions to problems.
4 So when that APRU report would have come into Rathgael,
5 if they had commissioned it, it would have been shared
6 with the Department, with the NIO, but also the APRU
7 would have used the information that they would have
8 gleaned from that and brought it to the other schools,
9 and there was a forum where the principals of the
10 various training schools met regularly. Some -- on some
11 occasions we would have used their forums as a -- to
12 avail ourselves of an opportunity to speak to them.
13 Certainly as we developed the policy and we were in
14 a situation where we were developing policy changes to
15 the care of children within the training school system,
16 quite fundamental change, those meetings -- John Ledley,
17 the Deputy Undersecretary, would have attended those
18 meetings of the principals to talk through our -- where
19 we were trying to move in the direction and would have
20 used those as an opportunity to consult and to gain some
21 insights from those practitioners who were on the ground
22 in these institutes.

23 So there was a mechanism for the principals to meet
24 to share common concerns, good practice, best practice
25 and other problems, and I would imagine that there's

1 a number of mechanisms where that report from the APRU
2 focusing on absconding on Rathgael would have been
3 disseminated either through the Department -- and
4 I would be very surprised if previous colleagues -- and
5 maybe they can shed some light, which I am not able to
6 do, because I wasn't there -- that that report would
7 have been shared with others in the system, or APRU
8 themselves could have shared it maybe not formally, but
9 in their discussions with the other schools who had the
10 problem -- who were facing the same type of problem, or
11 indeed the head of or principal of the Rathgael school,
12 who would have been the recipient, would have -- could
13 have shared it or would have shared it in those forums
14 as well.

15 So there was a number of ways that the information
16 there could be disseminated, and the only sort of
17 reflection I can make -- and again I don't have
18 an independent memory of it -- is that where in the
19 report the Social Service report says that they were
20 surprised that that inspection had not been shared with
21 the staff, I did wonder perhaps and I only offer it as
22 a possible explanation --

23 Q. Bear with me one second, Mary. I will just bring that
24 up on the screen so we can see it. It is 12642. It is
25 at the bottom of paragraph 5.27.

1 A. Where it says -- where it says:

2 "The inspectors were concerned to be told that the
3 lessons learned in the exercise were not shared with the
4 staff of St. Patrick's."

5 And I wondered was that a reference to an earlier
6 paragraph. If I take the Panel back, if I may, to 5 --
7 I think it is .27. I am trying to find it in hard copy
8 here. It is just the top of that page.

9 Q. Scroll up, please.

10 A. Yes, 5.24 where they have said in the very -- towards
11 the end of that paragraph:

12 "Staff appeared to take the view that there is
13 little that can be done to stop absconding if the boys
14 are determined to go whereas experience shows that
15 a considerable amount of work can be done to reduce the
16 risks."

17 I wondered was that a reference to the level of
18 knowledge within the staff who were dealing with it on
19 the ground rather than to the management, but I only
20 offer that as a possible explanation rather than that
21 they had no awareness at all at the schools, because
22 I would have thought, given the various ways of
23 disseminating the findings of that report and the
24 strategies or solutions to problems, that it didn't --
25 it was contained within Rathgael and the Department and

1 **didn't go wider than that.**

2 Q. One of the points you were making to me earlier, Mary,
3 was that ultimately this sits at a number of different
4 levels, the first level being those who are in the
5 school and running the school know about --

6 **A. Yes.**

7 Q. -- what's occurring in terms of absconding and the risks
8 of various kinds that can result from boys who shouldn't
9 be out on the streets being out on the streets.

10 **A. Well, in one sense the absconding issue was a much --**
11 **I don't want to say -- slightly more serious in**
12 **St. Patrick's, given the situation of the school,**
13 **because that was at a time -- I mean, we were heading**
14 **towards possible ceasefires. In fact, ceasefires had**
15 **been declared in 1994, but in that particular area there**
16 **was the risk of, you know, getting -- being placed in**
17 **extra danger if you were absconding and -- around that**
18 **area, because there were public order issues and more**
19 **tricky security environment --**

20 Q. Yes.

21 **A. -- in which the school was. Absconding from Bangor,**
22 **while it is just as serious and something that would**
23 **have to be tackled, was into the town centre, where it**
24 **was more going into arcades and creating nuisances like**
25 **that rather than anything more sinister. That was**

1 a concern we had about the absconding levels in
2 St. Patrick's, the environment in which these very young
3 children were exposed.

4 Q. So it's a known risk, and obviously those at school
5 level you expect them to deal with it. Equally then the
6 issue that --

7 A. If I could take you -- the Panel back, if I may --

8 Q. Yes.

9 A. -- to paragraph -- it is on the previous page,
10 paragraph 5.21, where -- the very last sentence, where
11 it says:

12 "The culture of absconding appears to have been
13 established with these incidents involving a small group
14 of boys every five or six days on average."

15 It was that which was really causing concern, that
16 there was a culture now within the school rather than,
17 you know, you mentioned peaks and troughs and the
18 statistics will be able to show, you know, what the
19 pattern was, but it was the fact that a culture had
20 grown up --

21 Q. Yes.

22 A. -- and the staff seemed to accept that they could not do
23 anything about it that was of concern.

24 Q. And the -- you don't at this remove remember whether
25 there was a proactive mechanism within the Training

1 School Branch for this issue which was known about and
2 there was an awareness of the potential difficulties
3 that would arise from absconding, a proactive issue
4 constantly on the radar about it in a formal way other
5 than perhaps those discussions you are talking about
6 where the heads of school would have met. You might
7 have fed into that.

8 **A. I don't have an independent recollection, but what**
9 **I would say is that absconding was a shared problem. It**
10 **was a problem for the schools. It was a problem for the**
11 **inspectors. It was a problem that all of us had a role**
12 **to try and address, but where there was, you know,**
13 **a concern at the operational level about the high level**
14 **of incidents, we would have expected some remedial**
15 **action to be taken at the school level, at the**
16 **operational level first, and then engaging with us as**
17 **a Department as to what other things that we could do**
18 **collectively to try and address the problem, but I have**
19 **no independent memory of whether -- how much of that**
20 **occurred or didn't occur.**

21 **Q. The second limb that comes out of this set of events,**
22 **Mary, and we touched on this, about the -- in the**
23 **aftermath of the report from the SSI about SPT81 and his**
24 **death there is a memo, which you were not aware of until**
25 **this Inquiry, from -- written by Victor McElfatrick to**

1 his boss, Dr McCoy, and that's of 3rd May 1995 at 12712.
2 It is you were pointing out to me not written in
3 language that you would necessarily use to use phrases,
4 but rather than the specifics of this -- and, of course,
5 you can deal with the specifics of this -- but bear with
6 me for a moment while I just set the issue in its
7 context.

8 The potential implication over a series of documents
9 is that you had in 1989, '90, '91, so before your
10 period, during which time Alan Shannon is there, a major
11 debate over the state of the premises and money being
12 spent and whether the appropriate thing to do was to
13 close St. Patrick's down and the political relationship
14 difficulties that that was going to entail, and
15 ultimately meetings with the bishop about what was going
16 to be done and a very damning Social Security
17 Inspectorate check on a 52 recommendation report leading
18 to Dr McCoy writing a very strong letter about not
19 allowing any more children to be admitted, and a very
20 then strong response from St. Patrick's board talking
21 about their surprise at that type of approach and
22 language, because it had not really been communicated to
23 them that the matter was serious, and ultimately their
24 response being that a number of the matters that they
25 were being accused of neglecting were actually dependent

1 on NIO funding to achieve. Ultimately that issue
2 resolves itself by the NIO through Alan Shannon getting
3 the Paymaster General's support and ministerial support
4 for significant redevelopment at St. Patrick's and that
5 then took effect over the number of years that followed,
6 but the suggestion at that time being asked in meetings
7 between the NIO and the Board, in particular
8 , if I am remembering the name correctly, asking
9 about whether there was a hidden agenda to close
10 St. Patrick's and then the Bishop Farquhar remarking
11 that he was not so much concerned about the hiddenness
12 of it but about the agenda itself.

13 You then come into this context where you have the
14 SPT81 incident and in the aftermath of it you have
15 Victor McElfatrick writing about his impression that you
16 wished to exert control over the content of his report,
17 interfering with his independence, as he saw it, and
18 that you expected the report to be much stronger on
19 deficiencies and management, giving you ammunition to
20 criticise St. Patrick's, him having formed the view that
21 that was your position.

22 Now just before you respond to that let me finish
23 the sequence, which is that you then in the aftermath of
24 the SPT81 report -- it seems that around this time the
25 NIO internal audit is in looking at the financial

1 matters in St. Patrick's. In fact, there's a memo of
2 5th May that shows they are already in. Then you have
3 subsequent to that in September/October you getting
4 Pricewaterhouse Coopers to look at financial matters and
5 the SSI to look at the Management Board and senior staff
6 arrangements in St. Patrick's.

7 Now I have laid all of that out to minimise the time
8 you have to spend looking at the documents, but the
9 issues that flow out of it is whether -- can you explain
10 to the Panel whether it was an agenda to close
11 St. Patrick's and that these reports were designed to
12 achieve that, or can you just explain what your concern
13 was that was causing you to take the steps that you were
14 taking?

15 **A. Well, to answer your first question, "Was there**
16 **an agenda to close St. Patrick's?", absolutely not is my**
17 **answer to that and emphatically absolutely not. The**
18 **work that we were doing on the policy level was going --**
19 **was going -- moving us in the direction of a change to**
20 **the delivery of care to children. Under the old regime**
21 **you could get a Training School Order for a child who**
22 **had been absent from school. You get -- for**
23 **persistent -- persistently. You could get a Training**
24 **School Order for children in the care system and you**
25 **could get a Training School Order for the justice**

1 system, and as we sort of went through our sort of
2 policy change, we wanted to bring forward a modernised
3 response to dealing with children in all of those three
4 categories more appropriately than under the Training
5 School Order, and we were moving in the direction of
6 changing in line with an earlier -- early reports going
7 back as far as the Black Report in 1979, but taking on
8 board that really children in care and justice and
9 education should be -- should have different delivery of
10 care, and as we had those discussions, we were moving
11 the training schools to that direction of travel and
12 consulting with them.

13 For the statutory board of Rathgael it would be very
14 easy to effect those changes, because we had a direct
15 role and oversight there, but for the other two
16 voluntary schools it was more to bring them into the new
17 sort of strategy, the new -- these developments. That
18 would be moving care into the health side and not using
19 amal... -- or mixing them with the justice children.

20 St. Joseph's in Middletown, because most of their
21 population there were coming in from the care system --
22 there were very few girls who were receiving Training
23 School Orders under the justice system and there was
24 very few education orders -- so they had were embracing
25 the sort of change and moved forward as we developed our

1 thinking and brought forward legislation towards a care
2 sector and moving into autism. It became a centre of
3 excellence.

4 In St. Patrick's, in order for them to move --
5 because we were going to amalgamate and have one justice
6 unit, and we eventually achieved that with constructing
7 and opening Woodlands in -- very near to where Rathgael
8 is in Bangor -- St. Patrick's were going to find moving
9 into the care system that they would have to be fit for
10 purpose for that, because they would be moving directly
11 into health and into becoming a care unit.

12 So it was really in a sense us working along with
13 others to get them into that position so that they could
14 move seamlessly into that care side of delivery, if
15 that's what they chose to do. So we were certainly not
16 trying to close them down but better prepare them for
17 the changes that would flow from the legislation and the
18 change of legislation and to prepare them to be ready to
19 take on that new role.

20 Q. And essentially the reports were all focused on that,
21 the management.

22 A. They focused on helping them to navigate their way
23 through that change.

24 Q. Ant Panel are aware with all -- are aware of the various
25 documents that surround that issue.

1 The memo that's on the screen -- I want to give you
2 the opportunity -- you wanted to say that you were not
3 intending to take away the independence of the SSI.

4 **A. No. On the second question about -- I don't have**
5 **an independent memory of this particular meeting and**
6 **I certainly had not seen this internal exchange between**
7 **Mr McElfattrick and Dr McCoy. It is not language that**
8 **I recognise that I would use, but I wear in a sense two**
9 **hats as head of division, and one of the hats is having**
10 **responsibility for how the Training School Branch that**
11 **report to me operate, and if we are getting it wrong,**
12 **I expect the Social Service Inspectorate to be**
13 **challenging what we are doing and to get us to improve,**
14 **if improvement is required. So I wouldn't in any way**
15 **want to dilute or expunge anything that would say that**
16 **we are getting it wrong, because if we are getting it**
17 **wrong, we are not doing the right job for Ministers. In**
18 **1995 we are all working to the same Secretary of State.**
19 **We are all working to the same ministerial team. So it**
20 **is not in our interest to get it wrong collectively for**
21 **government.**

22 So if there was any serious concerns that
23 Mr McElfattrick took for that meeting that I was in any
24 way challenging the independence of the Inspectorate,
25 Dr McCoy -- I would have expected that to be raised at

1 senior levels within both departments or even at
2 ministerial level and for me to be given a very sort
3 of -- asked questions as to where my position was. That
4 didn't happen. It never happened.

5 The other hat that I have to wear is not just in
6 accepting responsibility for the work that we are doing
7 internally, but also advising Ministers on foot of
8 a report on whether the recommendations -- so I would
9 expect any report to be robust, to be detailed, to be
10 perceptive and to provide all the information that we
11 need to make things better.

12 At the end of the day we had an 11-year-old child
13 who was in a coffin. He was dead. That was -- you
14 know, that as a wake-up call to the seriousness of
15 absconding. We had to deal with it and we did not want
16 a second occurrence. It concerned me I think at the
17 time, and again I don't have an independent memory, but
18 looking at the documentation, I would have been
19 concerned at the time that the staff as reported didn't
20 seem to think that they could do anything, and the
21 question was well, you have a senior management. You
22 know, if you had that level of absconding, 353
23 incidents, and you had a recognised group that were
24 persistently absconding, what was the senior management
25 doing and what was the role of the board? Where did

1 that line of accountability go beyond just the staff on
2 the ground? So I would have expected some commentary or
3 some recommendation on the -- on whether there was any
4 recommendations addressed to the senior management of
5 the school and the board of management.

6 Q. And ultimately that takes place then with the later
7 report.

8 A. And then eventually -- yes.

9 Q. But in fairness to you -- just so the context of this is
10 clear for the Panel, this is 3rd May. On 5th May we
11 were discussing there is a memo from I think it's
12 SPT 38-- there is that many SPT 38 and SPT 38 here -- SPT 38
13 SPT 38 y --

14 A. SPT 38

15 Q. -- which goes up to the Minister. One of the paragraphs
16 of that is drawing attention to the fact there is
17 already this internal audit and there is concern about
18 the St. Patrick's management. It is paragraphs 13 to 15
19 of the memo. We'll just put it on the screen so you can
20 see it. It is 12775.

21 A. Uh-huh. Got it now.

22 Q. So the context of this, Mary, is that there is already
23 this issue of general concern about management that's
24 then going to be looked at in the later reports. So it
25 perhaps explains to some extent the SSI report was

1 a particular focus, but you also had wider --

2 **A. Yes.**

3 Q. -- issues that were already on the agenda in terms of
4 internal auditors and so on working on it.

5 **A. With your permission can I take the Panel to other
6 documents which shows this --**

7 CHAIRMAN: Yes.

8 **A. -- that -- why I may have been raising this issue with
9 Mr McElfatrick. There is -- prior -- on receipt of the
10 reports from the Health -- the Western Health Board and
11 from St. Patrick's there was a recognition in both the
12 Department of Health and in the Northern Ireland Office
13 that those reports were not an adequate response to the
14 death of SPT81, and before the decision was taken on
15 19th January at the meeting we referred to earlier
16 between John Hunter, the Permanent Secretary of that
17 Department, and Jim Daniell, who was the lead official
18 from the Northern Ireland Office, there was an exchange
19 of -- exchange of papers between the Inspector, Chris
20 Walker, to Mr McElfatrick. I refer the Panel to
21 SPT12881.**

22 Q. I can assure you, Mary, the Panel have those documents.

23 **A. Yes.**

24 Q. If we just bring up 12881, please.

25 **A. You will see that that is a document from Chris Walker**

1 to Dr -- to Mr McElfpatrick commenting on the inadequate
2 response of St. Patrick's to -- in their report and
3 highlighting that it was carried out -- highlighting
4 some concerns about the report, how it was carried out
5 and the way the investigation was done.

6 Then Mr McElfpatrick writes to Mr Gallagher, who was
7 a member of the Training School Branch in the Northern
8 Ireland Office, and highlights in paragraph 7 and that's
9 --

10 Q. If we just bring it up, please, at 12879 and scroll on
11 to --

12 A. Paragraph 7.

13 Q. -- 12880. That's the memo of 23rd November 1994.

14 A. And paragraph 7, where Mr McElfpatrick highlights to us
15 in the Northern Ireland Office and Training School
16 Branch:

17 "No real investigation into the management role."

18 So that was prior to SSI going in to do their
19 independent report. So in those circumstances and being
20 aware of some of the deficiencies that our inspectors
21 saw in the St. Patrick's response, I thought that their
22 independent report would make some reference -- you
23 know, more a specific reference to the role of that.

24 Q. Yes. I think Victor McElfpatrick explained to the
25 Inquiry that the terms of reference -- and the Panel

1 looked at the terms of reference -- were more specific
2 to SPT81, but you then dealt with that by the two
3 reports --

4 **A. Yes.**

5 Q. -- which looked at a more -- the issue more widely in
6 terms of the management.

7 **A. If the terms of reference, which -- which were drawn up**
8 **by the inspectors as the professionals in this matter**
9 **and agreed by the Department, so it was agreed terms of**
10 **reference, if they weren't sufficient to draw out these**
11 **other aspects, then the next thing was to move to the**
12 **next stages, and obviously they weren't sufficient in**
13 **the inspectors' view to raise this, you know, to take it**
14 **forward.**

15 Just to go back on your earlier point to the note
16 from the Secretary to Sir John Wheeler where he shares
17 the concerns of the Secretary of State in relation to
18 the deficiencies identified by the review --

19 Q. Yes.

20 **A. -- there is a minute from Mr McElpatrick again to**
21 **Dr McCoy.**

22 Q. Bring up 12759, please.

23 **A. ...59, which says that he has checked, as he is quite**
24 **reasonable and entitled to do, the Secretary of State's**
25 **office as to what is the Secretary of State's view. Is**

1 this a proper reflection of -- is this -- is the
2 **Minister recording accurately the Secretary of State's**
3 **view, and he gets a confirmation:**

4 **"He would be grateful to know why previous**
5 **inspections on which the NIO relies fails to bring to**
6 **light deficiencies featured in the review, especially**
7 **the lessons to be set out in chapter 6."**

8 **In chapter 6 of the report the lessons learnt are**
9 **wider than just absconding. It is about the whole, you**
10 **know, use of the Aisling House and secure closed rooms**
11 **and quiet rooms and all of that.**

12 Q. Yes.

13 A. **So it's a wider concern than just absconding.**

14 Q. Well, it's clear there was a -- from the top a major
15 emphasis --

16 A. **Yes.**

17 Q. -- to get this sorted.

18 A. **And the Secretary of State, being the former**
19 **Attorney-General, was very forensic in these matters.**

20 Q. Yes. I don't think the -- certainly the Chairman of the
21 Panel is not going to take any issue with that.

22 Mary, you will be pleased to know I am not going to
23 ask you any more questions, because I have covered the
24 main topic areas that the Panel were interested in
25 hearing you on. If you bear with us for a short time,

1 the Panel Members may want to ask you something. So
2 just bear with us.

3 **A. Okay. Thank you.**

4 **Questions from THE PANEL**

5 CHAIRMAN: Mary, can I ask you to go back to two matters
6 that are perhaps interrelated, because they touch on
7 this question of absconding and the investigations that
8 were carried out, but before we come to that point, you
9 said that there was a forum where the principals of
10 training schools met. What was that forum, because our
11 questions of individuals, who admittedly were involved
12 in management quite a considerable number of years
13 before your time, so things may well have changed --
14 what was the forum to which you are referring?

15 **A. It was -- it was a mechanism by which the four**
16 **principals, Lisnevin, Rathgael, St. Joseph's and**
17 **St. Patrick's, got together and discussed issues of**
18 **mutual interest. They would have -- some of those --**
19 **because it meant travelling for one of the principals in**
20 **particular, , who had to travel from**
21 **Middletown in Armagh, there -- they usually tied in with**
22 **other meetings that they were having with the Northern**
23 **Ireland Office or things of that matter, but they**
24 **certainly met regularly to exchange views, and we used**
25 **those meetings as a way -- if we needed to also have**

1 **conversations and to raise issues, we would have gone**
2 **along and had back-to-back meetings.**

3 Q. Yes.

4 A. **So it wasn't formal. It was their way just of keeping**
5 **in touch.**

6 Q. So it was an informal mechanism?

7 A. **An informal mechanism to share best practice, to share**
8 **experience and problems that they were each facing.**

9 Q. Of course, it is important to remember always that two
10 of the four training schools, as you have reminded us,
11 were not technically amenable to the Northern Ireland
12 Office and the Secretary of State because of the
13 voluntary nature of their management structure.

14 A. **Correct, yes.**

15 Q. A distinction which may not always be evident to others,
16 because of the very close day-to-day working
17 relationship and interreaction, but ultimately, as
18 indeed was indicated in the reaction of the Board of
19 Management to your what I am sure was very strongly
20 expressed advice was, "I'm sorry. We are not going to
21 take it".

22 A. **Uh-huh. Exactly.**

23 Q. That led you to express your disappointment when you
24 reported back to Ministers. Ultimately the Ministers
25 had to accept that. They could not do anything other

1 than perhaps invoke a nuclear option of stopping
2 children going there --

3 **A. Absolutely.**

4 Q. -- which may, of course, be an over-reaction in the
5 circumstances.

6 The second issue that I wanted to ask you about
7 flows from the informal nature of the forum. If we
8 could just look at 12676, please, now we have been
9 reminded what the position was in practice appeared to
10 be that when the inquiry was carried out at one stage by
11 the SSI, they did ask about absconding and appear to
12 have ascertained that St. Patrick's were not aware of
13 the work that was being done in Rathgael to deal with
14 this.

15 If we look at the bottom of page 12676 -- and
16 I should say that is the -- I think it is the second
17 page or an enclosure with a letter to Dr McCoy from the
18 then Director of St. Patrick's, of 16th
19 August 1995. So this is a little further along in the
20 timeline. You will see at the very bottom he is
21 responding to the recommendations numbered 10-13. These
22 deal with absconding.

23 The first paragraph, they are conducting -- sorry --
24 collecting detailed information as to the nature and
25 extent.

1 Then there's a reference to a as head of
2 APRU who is invited to carry out some detailed research.

3 Then the last paragraph:

4 "We have received copies of the document covering
5 research on absconding in another training school ..."

6 The other training school was plainly Rathgael.

7 **A. Rathgael.**

8 Q. Isn't that correct?

9 **A. I would imagine so, yes.**

10 Q. So that would tend to be a further indication that the
11 information which was gathered by APRU in relation to
12 absconding from Rathgael somehow or other does not
13 appear to have made its way to the training school where
14 there was an even more serious problem of absconding.
15 Isn't that right? That seems a reasonable --

16 **A. It does.**

17 Q. -- inference to draw from that.

18 **A. It does.**

19 Q. When we asked Mr McElfattrick about this, my recollection
20 is that he proffered two main explanations as to how the
21 evidence might be disseminated once the APRU had
22 gathered it. One was that would, if I have
23 understood Mr McElfattrick correctly, as part of his
24 normal contact with St. Pat's have been expected to tell
25 them about it, although that's a rather informal way of

1 doing it, and the other is that since the information
2 was in his view at least passed upwards to the NIO, then
3 the NIO could pass it downwards again.

4 **A. Uh-huh.**

5 Q. Have you any comment to make on whether or not this
6 information in the shape of the APRU report -- and I do
7 appreciate it was 1991 and you only arrived in 1992 --

8 **A. Yes.**

9 Q. -- but one does get the impression that its full impact
10 or its possibilities may not have been widely
11 appreciated until the tragic death of SPT81 brought this
12 whole issue into very sharp focus for everyone. Is that
13 a fair comment do you think?

14 **A. I do think that's a fair comment. I mean, I can't say**
15 **if it was, but certainly it is in the knowledge of**
16 **Rathgael. It is in the knowledge -- as the recipients.**
17 **It's in the knowledge of APRU. It is obviously in the**
18 **knowledge of SSI. If it hasn't gone down into the -- it**
19 **would have been -- I can't believe it would not have**
20 **been in the knowledge of the Northern Ireland Office.**
21 **It would have been a report shared with the Department,**
22 **more so because it was a statutory board and we would**
23 **have a closer working relationship, attending meetings,**
24 **that we wouldn't have done in the other schools. So why**
25 **it hasn't been disseminated beyond -- you know, in**

1 a formalised way I can't say, but I would -- it just
2 strikes me as, given the various mechanisms, that APRU
3 wouldn't have discussed it or used it or, you know,
4 given some indications of what they thought would work
5 and what lessons could be brought across to others in
6 those sorts of discussions or how the principal of
7 Rathgael wouldn't make mention of it if it came up as
8 a thing. There are ways of doing it.

9 So I accept that that interpretation of that is that
10 it wasn't in -- formalised in some way or other, because
11 they have now received copies. So there wasn't any
12 reason not to. You know, there wasn't any sort of
13 reason why -- any confidentiality reasons why a report
14 like that shouldn't have been shared. So unless --
15 perhaps Mr Shannon can throw some light on it for the
16 Panel, but I am certainly not able to beyond saying it
17 would be a surprise to me that it stayed within the --
18 it wasn't disseminated at all or beyond where it is.

19 Q. Yes. I should just make it clear, if I have not made it
20 clear so far, that the Inquiry has not yet seen this
21 report. So it is a document which we will expect
22 further efforts to be made to find it and provide it to
23 us, because all we can infer at the moment is that there
24 were clearly some successful strategies that were
25 identified, but we don't know what the strategies were.

1 So it's difficult to go any further than that.

2 **A. I accept that.**

3 Q. Yes. Thank you very much.

4 MS DOHERTY: Thanks very much, Mary. That has been very
5 helpful. Can I just ask were you aware -- were there
6 any discussions at any time about whether it was
7 appropriate that St. Pat's, being 100% funded by the
8 NIO, that the management of it you didn't have such
9 a direct influence in, whether that was an appropriate
10 state of affairs?

11 **A. I think in -- I came in in 1992 and it was**
12 **a well-established position, because it had been going**
13 **for some considerable number of years, and I think that**
14 **in our review and transforming the care elements under**
15 **the sort of policy review and change that that would**
16 **have been a situation remedied, because I think it**
17 **probably was increasingly difficult to effect change**
18 **whenever you were so remote from the management and**
19 **structure of the school.**

20 Q. And a school that you were directly funding, which is
21 the --

22 **A. Yes, yes.**

23 Q. Can I ask just, related to that, would there have been
24 opportunities where the NIO officials would have met
25 with the board of management as opposed to the

1 principals, actually gone down to St. Pat's and talked
2 about matters to do with policy and management?

3 **A. There was a great deal of contact with the schools at**
4 **working level. The diff... -- because of our different**
5 **relationship we certainly had a formal seat on the board**
6 **of management of Rathgael. It was a statutory board.**
7 **So we regularly attended meetings -- not every meeting,**
8 **but we would have regularly attended meetings there and**
9 **discussed issues that -- you know, especially on**
10 **governance and all the rest of it.**

11 We were not -- we had no seat on the board of
12 management at St. Patrick's, and I can't remember a time
13 that we were invited to a meeting. We certainly would
14 have met at our own meetings, but we wouldn't have been
15 at a formal board meeting of the school. We didn't have
16 a seat at that table.

17 **Q. So you had no oversight in how the governance operated**
18 **or whether it was satisfactory or ...?**

19 **A. We could only do that not through sort of meetings with**
20 **the board, but in the various sort of inspections and**
21 **our own contact as to see if they were following the**
22 **guidance and procedures and were following best practice**
23 **and financial governance as well as in managing the**
24 **schools. So we relied very much on our advisers to keep**
25 **us right and our own contact on a daily basis to see**

1 **what was happening.**

2 Q. Can I just go to that bit about the relationship with
3 the Inspectorate? I mean, was that a situation where
4 you would get together and agree together what the focus
5 of an inspection should be, what was coming out of all
6 your information, your intelligence that you were both
7 gathering about the schools?

8 A. They worked alongside us, you know, on a daily basis on
9 a whole range of issues. When it came to their formal
10 inspection programme, their independence was really much
11 in -- at the forefront, because they were there not only
12 to inspect the school but to inspect us as well as part
13 of that environment to make sure. So their independence
14 and all of that was paramount and they would have had
15 that, but we had a very strong working relationship with
16 the inspectors and the team of inspectors who assisted
17 us on a whole range of matters on a daily basis.

18 Q. Okay. This is the final one. Mr McElfattrick yesterday
19 when we were talking about the issue of absconding said
20 that in his view that the Northern Ireland Office was
21 the place that -- was the Department that would actually
22 understand the extent of absconding, because it was your
23 Department that got the returns from the schools. So
24 they would have the regular information saying how many
25 people were absconding and whatever, and that in a way

1 that global information and what it told you about
2 the -- all of the schools, not just St. Patrick's, was
3 in your gift as opposed to the Inspectorate's. That's
4 my language. He didn't use that language at all, but
5 that was what I understood from what he was saying.

6 A. I mean, I haven't got any independent memory of how
7 those -- that information moved between us and the
8 schools, but I wouldn't dispute the fact that
9 information did flow. What I would say is that
10 absconding was a shared responsibility. We all had
11 a role to play, at the operational end with the -- with
12 the -- because they were at the coal face to deal -- to
13 tackle the problem at its root cause, but also for us to
14 work with -- through our professional advisers who were
15 there to say, "Look, we need -- you know, there is
16 things we can do collectively". So I am not -- I am
17 saying it was a shared responsibility, but where there
18 was evidence of an escalation of it we would have
19 expected the schools to be taking some decisive action
20 or seeing if their strategies were still robust and fit
21 for purpose.

22 Q. Okay. Thank you very much.

23 MR LANE: I would just like to go back to what the Chairman
24 referred to as the nuclear option, because it is clearly
25 not just a question of allegations of abuse by the

1 principal and then your advice, clear advice, to suspend
2 him had been turned down. Now at that point did you
3 consider doing anything further by way of registration
4 or refusing further admissions or anything else, because
5 you said just now that all you decided to do was to
6 monitor the situation?

7 **A. I haven't got an independent memory of what our next**
8 **steps were, but certainly the nuclear option of closing**
9 **down the school, that would have been an extreme --**

10 Q. Quite.

11 **A. -- response to the situation. Short of that, I can't**
12 **say what -- because I can't -- I haven't got**
13 **an independent memory of what steps we did take, but we**
14 **certainly would have been keeping a very sort of**
15 **faithful watch on how the police investigation was going**
16 **and what other aspects and whether there was any other**
17 **reason for us to go back and see what more could be**
18 **done.**

19 Q. Was the board made aware of your unhappiness with that
20 decision?

21 **A. Oh, yes, yes. The Chairman -- it had been indicated to**
22 **the Chairman that we were disappointed, surprised and**
23 **disappointed, but accepted that was their decision.**

24 Q. Who then would formally have taken the decision to do no
25 more than monitor it?

1 **A. We would have given that report to Ministers and that**
2 **would have been the collective decision.**

3 Q. Right. Okay. Thank you.

4 CHAIRMAN: Mary, thank you very much indeed for coming to
5 speak to us today about matters that were quite
6 a significant period of time ago, as these things
7 happen, twenty years ago now, but we are very grateful
8 to you for helping us in this way. Thank you for
9 coming.

10 **A. Thank you.**

11 CHAIRMAN: Is there something further, Mr Aiken, that
12 someone wishes to have put to Mrs Madden?

13 MR AIKEN: No, I don't think there is any necessity. If we
14 need to take it up, we can do that in writing, but
15 I don't imagine that's the case.

16 That's the end of today's oral evidence.

17 (Witness withdrew)

18 CHAIRMAN: Very well. We will adjourn until tomorrow.

19 (4.20 pm)

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

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