
HISTORICAL INSTITUTIONAL ABUSE INQUIRY

being heard before:

SIR ANTHONY HART (Chairman)

MR DAVID LANE

MS GERALDINE DOHERTY

held at
Banbridge Court House
Banbridge

on Monday, 19th October 2015

commencing at 10.00 am

(Day 151)

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

1 Monday, 19th October 2015

2 (10.00 am)

3 CHAIRMAN: Good morning, ladies and gentlemen. As always,
4 may I remind you that if anyone has a mobile phone,
5 please ensure that it's turned off, and although this
6 morning Ms Smith will be opening this part of the
7 module, it may be that someone's name is mentioned. If
8 that is the case, you don't need me I hope by now to
9 remind you that no names that are mentioned may be used
10 outside the chamber, and although I don't suppose
11 anybody will want to photograph us after all this period
12 of time, no photography is allowed in the chamber or
13 elsewhere in the building, since we have no witnesses
14 today.

15 Yes, Ms Smith.

16 Opening speech by COUNSEL TO THE INQUIRY

17 MS SMITH: Good morning, Chairman, Panel Members, ladies and
18 gentlemen. This morning we move on to look at the three
19 remaining juvenile justice institutions the Inquiry has
20 said it would investigate: Rathgael, Lisnevin and
21 Hydebank. I have already made some remarks about the
22 history and setting up of these institutions in my
23 general opening to this module of evidence at the start
24 of September and do not propose to repeat what I said
25 then. I have also outlined the development and the

1 enactment of those legislative provisions relevant to
2 the operation of these institutions.

3 In addition to witness statements the Inquiry has
4 received a vast number of pages of documentary evidence
5 from a variety of sources: the Public Records Office of
6 Northern Ireland, the Department of Justice, the
7 Department of Health, Social Services & Public Safety,
8 the police and the Health & Social Care Board. Three
9 bundles have been created, one for each of the
10 institutions, although it is fair to say that a number
11 of documents are common to Rathgael and Lisnevin in
12 particular, and have simply been replicated in those
13 bundles.

14 In addition, other material has been received from
15 the Department of Justice in relation to both Rathgael
16 and Lisnevin that, as yet, has not been added to the
17 bundle. The Inquiry has been advised that documentation
18 relating to Hydebank that has not been disclosed was, in
19 fact, destroyed in accordance with the departmental
20 policies on destruction.

21 In terms of volume as of last week the Rathgael
22 bundle contained over 36,500 pages of material,
23 including witness statements; the Lisnevin bundle
24 contained almost 8000 pages; and the Hydebank bundle
25 contains over 6500 pages. I will make reference to all

1 three bundles in these remarks.

2 Today I will look in a little more detail at each of
3 the institutions and how they operated. Before doing so
4 I want to say something about the Black Report and the
5 training schools. In this module we have received
6 a vast amount of documentation relating both to the
7 setting-up of the Black Committee and to events after
8 the Black Report has published. This includes
9 correspondence, submissions and minutes of meetings that
10 the Northern Ireland Office had with, including others,
11 the Department of Health and Social Services, the
12 Catholic bishops, the Probation Service and
13 representatives of training schools.

14 For example, at RGL20193 through to 20375 we can
15 find the minutes and working papers of the
16 Interdepartmental Liaison Group, which was set up to
17 implement the recommendations of the Black Report. The
18 Black Report recommended, among other things, the
19 closure of training schools. Not surprisingly, you may
20 think, this was strenuously resisted by the training
21 schools. There is a letter of Catholic bishops at
22 RGL20215 to 16 setting out their opposition, and at
23 RGL20210 we can see Mr Sterling's memo to the Secretary
24 of State, which records strong opposition from the
25 Management Board of Rathgael and Whiteabbey. RGL20389

1 is a summary of comment and reaction by training school
2 staffs to the report.

3 The Inquiry has heard before about the Prior
4 Compromise. In this module we have received
5 documentation relating to that. At RGL20599 we see that
6 there was a joint submission to the Secretary of State
7 from four of the management boards of training schools.
8 Meetings and correspondence between the training schools
9 and the Secretary of State took place throughout 1993.
10 It is in the bundle at RGL2052 -- sorry -- 20578 to
11 20629.

12 Then at RGL20493 there is a report of a meeting with
13 the Secretary of State, James Prior, and representatives
14 of the training schools, the Department of Health and
15 Social Services, the Department of Education and the
16 Northern Ireland Office. This seems to be the start of
17 arriving at a compromise with the training schools, and
18 there are then records of meetings held on 21st December
19 1983, which is at RGL20499, and on 25th January 1984 at
20 RGL20517. Compromise was reached in July 1984 and
21 a report of the meeting at which it was reached is at
22 RGL21043 to 21053.

23 From RGL20634 to 20931 there are documentation --
24 documents from 1985 about the cost of implementing Black
25 and what the Prior Compromise was costing. Some of this

1 material is enlightening, as it shows what the per
2 capita costs per school were in 1984/1985, and we might
3 look briefly at that, please. That's 20712. If we can
4 scroll down, please, through that to the next page and
5 the next. I am not going to pull out the figures, but
6 if we can just have a cursory glance. If we can just
7 scroll on to the next page, please, 20713, you will see,
8 if we can just pause there just at the top, it shows
9 that the average daily population in each of the four
10 training schools, St. Patrick's, Rathgael, St. Joseph's,
11 and Lisnevin, and the average weekly cost per pupil is
12 recorded there. It is quite clear that Lisnevin is the
13 most expensive in terms of the average cost per pupil
14 being over double what it was costing to look after
15 a pupil in St. Patrick's. Those figures go through on
16 to 20714. If we can scroll on down. I think the bundle
17 is slightly slow to operate this morning. There's --
18 you can see that of the average cost of a place at
19 St. Patrick's and Rathgael combined was £16,474 -- ...76
20 based on the average daily rate of 2... -- average daily
21 population -- I beg your pardon -- of 220. That figure
22 is reduced to £15,111 when the capital works element is
23 removed from the figures whereas the average cost of
24 a place at Lisnevin based on the average daily
25 population of 28 is 29,666, which reduces to £28,975

1 when the capital works element of the calculation is
2 removed from it.

3 In 1986 the government was still trying to implement
4 Black and was still meeting with resistance. As the
5 Inquiry has learned, and as the joint statement of
6 Ms Karen Pearson for the Department of Justice and
7 Dr Hilary Harrison for the Department of Health, Social
8 Services and Public Safety confirms at RGL1345, the
9 formal split between facilities for juvenile offenders
10 and children in need of care was not effected until the
11 Children (Northern Ireland) Order came into effect in
12 November 1996.

13 The core participants to this module have provided
14 statements addressing a number of issues and the Inquiry
15 has already heard from some witnesses in respect of the
16 St. Patrick's section of this module.

17 The Department of Justice has provided a helpful
18 statement from Mr Alan Shannon, a retired senior civil
19 servant, that can be found at LSN254. Mr Shannon
20 addresses a number of matters relating to the running of
21 training schools in Northern Ireland. I would highlight
22 the following from his statement, which I suggest will
23 be helpful to bear in mind when considering the
24 evidence. Perhaps please if we could just go to LSN254.
25 Without reading directly from the statement as we go

1 through it -- we can scroll to various paragraphs -- but
2 essentially he says that the Training School Branch in
3 the Northern Ireland Office exercised a general
4 oversight role of training schools, including budgetary
5 control, the application of rules and guidance and the
6 promotion of good governance at paragraph 3.

7 At paragraph 7 he says that the numbers of children
8 resident in training schools probably peaked in the
9 early 1970s. Rathgael and Lisnevin were fully funded by
10 the Northern Ireland Office. The schools were delegated
11 spending limits and then required approval for excess
12 expenditure. The 1952 Training School Rules were relied
13 upon for governance and the Northern Ireland Office
14 scrutinised the Board of Management minutes.

15 Social Services Inspectorate and the Schools
16 Inspectorate of the Department of Education for Northern
17 Ireland carried out inspections every four years. There
18 were some unannounced inspections and some themed
19 inspections. For example, there was an inspection into
20 Lisnevin and Shamrock House at Rathgael. A report into
21 Shamrock House, which was the close observation unit at
22 Rathgael, is in the bundle at RGL23799 to 23833. The
23 inspection was carried out following the publication of
24 the report into the pin down experiences in England in
25 1991.

1 Mr Shannon points out that there was regular contact
2 between the Northern Ireland Office and the training
3 schools. Paragraph 19 at LSN257 of his statement
4 outlines the responsibilities of the Boards of
5 Management, and at paragraph 19 he states that they were
6 responsible for ensuring the effective discharge of the
7 responsibilities of the schools. They employed the
8 staff, approved expenditure, set direction, oversaw the
9 care of the children and ensured that problems were
10 dealt with in accordance with the rules and best
11 practice. Board members paid formal visits to the
12 schools on a monthly rotation, making themselves
13 available to staff and children and made reports.

14 The Boards of Management of Rathgael were appointed
15 by Ministers and selected in accordance with the rules
16 for public appointment. Lisnevin's Board was compiled
17 from members of the Boards of Management of the other
18 four training schools. The Board of Management, as has
19 been said, met monthly, as did its subcommittees, for
20 example, the Staff Committee and the Finance and
21 Property Committees.

22 Institutions had procedures for dealing with
23 complaints. Paragraph 24, if we can scroll to that,
24 please. It is 258, LSN258. He said:

25 "Directors were required as appropriate to

1 investigate, to notify the police, to suspend staff and
2 to notify the Northern Ireland Office. Management
3 boards monitored complaints and Board members were
4 sometimes involved in investigations."

5 At paragraph 26 he outlines the systems in Rathgael
6 designed to safeguard against abuse and he says that:

7 "Each young person had access to a key worker,
8 a teacher, a team leader, a chaplain, a member of the
9 resident medical staff, readily available senior staff
10 and members of the Board. A policy of active night
11 supervision was felt to have saved lives, and each young
12 person had an individual assessment treatment profile
13 reviewed monthly."

14 It will be for the Inquiry to determine in the light
15 of any findings on the evidence whether these systems
16 were sufficient, but Mr Shannon states that the Social
17 Services Inspectorate inspections reported on
18 effectiveness of procedures and provided reassurance.

19 Lisnevin, as a closed unit, had a much more
20 controlled regime, and he also makes the point that
21 Boards were responsible for employing staff, but the
22 numbers were controlled by the Northern Ireland Office.

23 In this part of the module we will hear from 18
24 people who were in Rathgael. Two of those were also in
25 Lisnevin, one of whom was also in Hydebank. Two other

1 people will come to speak about Lisnevin, one of whom
2 also spent time in Hydebank. Only one person came to
3 speak about Hydebank alone, and you will recall that
4 some of those who have spoken to the Inquiry about their
5 time in St. Patrick's Training School have also spoken
6 of their time in either Lisnevin or Hydebank.

7 A total of nine people have spoken to the Inquiry
8 about their time in Lisnevin. In addition to those from
9 whom you have heard already, three will give evidence in
10 the coming weeks.

11 Five people have spoken about their time in Hydebank
12 and you will hear from three of them in this part of the
13 module.

14 I am going to say something more now about each of
15 the institutions to be considered in this part of the
16 module, dealing firstly with Rathgael.

17 Rathgael, you will recall, had its origins in the
18 two industrial and reformatory schools of Balmoral and
19 Malone. The two amalgamated in the 1950s and Rathgael
20 opened its doors in 1968 in Bangor. The names given to
21 the houses in Rathgael reflect its history. For
22 example, house 3 was also known as Malone and house 4 as
23 Fox Lodge.

24 Before going on to consider events at Rathgael I do
25 wish to refer to one major event in the history of one

1 of its predecessor schools. In 1949 standards in
2 Balmoral Industrial School had been the subject of
3 adverse comment as a result of complaints by two members
4 of staff. The entire file relating to this can be found
5 at RGL101343 to 101552. I will simply outline a few
6 matters.

7 The first complaint came from the matron of the
8 school in a letter to the Chairman of the Children Act
9 Committee on 31st January 1940. This can be seen at
10 RGL101488 to 101490. If we just have a brief look at
11 that, please. It is 101488. You see that it is
12 addressed to Councillor Bell, who was Chairman of the
13 Children Act Committee, and it says:

14 "Dear sir,

15 I regret having to submit this report but from my
16 experience during the past five years as matron of
17 Balmoral boys' school I feel that the interests of the
18 boys -- in the interests of the boys it is my duty to
19 draw attention in what I consider to be irregularities
20 and laxity in the general management of the school."

21 She then goes on to describe that the boys were
22 taken out of school time to go potato picking and
23 weeding and by watching the numbers at dinner each day
24 she was able to arrive fairly accurately at the number
25 of boys who were engaged in potato picking and attached

1 a list of the numbers covering the period from June '48
2 to December 1948. There was payment being made for this
3 work that the boys were engaged in, which appears then
4 to have been -- if we can just scroll on down, if that's
5 possible -- essentially she says that there were large
6 sums of money being received from the potato picking and
7 the boys did not receive any benefit from those monies.
8 She then sets out she knows the number of boys who were
9 below school leaving age were absent for lengthy periods
10 for the purpose and considered that to be irregular.

11 She also then goes on to discuss the issue of
12 discipline, which is:

13 "... the punishment of the boys, which I consider to
14 be unnecessarily severe, and to which I have drawn the
15 manager's attention on several occasions but without
16 result. For example, I saw the gym instructor punishing
17 a boy on 6th October 1948. This boy is mentally
18 backward and in my opinion should not have been punished
19 as he was. I have the same boy engaged -- I have seen
20 the same boy engaged in fighting with another boy with
21 boxing gloves, his nose bleeding profusely in the
22 present of the gym instructor, who encouraged him to
23 continue fighting."

24 There is then a letter of 28th March 1949 from
25 a teacher at the school to Alderman Harry Midgley in

1 Belfast Corporation reporting certain irregularities and
2 malpractices obtaining in the school, which can be seen
3 at RGL101538 to 101542. 538. Still the letter on the
4 screen is that of the matron to the school, who was also
5 complaining about the stocks and equipment that was
6 provided. This is RG 205 , the schoolteacher's
7 letter, who says that he is:

8 "... a schoolmaster at Balmoral boys' school, and
9 after careful consideration I feel it is my duty to
10 report certain irregularities and malpractices obtaining
11 in the school. During my ten months in office I have
12 made many attempts to have some of the faults rectified,
13 but without avail, and I feel I have a duty to the boys.
14 The following report is submitted in the hope that the
15 various matters may be thoroughly investigated."

16 Just scrolling on down, he talks about the quality
17 of food and method of serving it being unhygienic. He
18 gives details of that.

19 If we can scroll on down to the next page. Sorry.
20 If we can just -- I think that has been inadvertently
21 inserted. Then if we can go to 1... -- the next page
22 down, which is 15... -- 101540, it should be
23 a continuation of the letter. Yes. He talks about the
24 hygiene, with lavatories in a disgraceful state and the
25 sheets and teeth. He says:

1 "Boys have not cleaned their teeth for years.

2 Toothbrushes were issued months ago but toothpaste has
3 not been issued I am sure for years."

4 If we scroll on down, he talks about vermin and the
5 clothing. If we can scroll on down to the next page.

6 It is 105... -- 101541. He talks about the leisure
7 hours and the condition of the poor equipment, which is
8 beyond repair.

9 He talks about employment and boys being taken from
10 class for useful employment in the school regardless of
11 their age or attainment, and he talks about -- again
12 about potato picking.

13 If we can scroll on down to the next page. This is
14 proving somewhat difficult with our technology this
15 morning. It is 101542. 101542. Clearly the technology
16 is not working as we might have hoped this morning, but
17 the second part of that or the final part of that letter
18 is on that page at 101542.

19 Interestingly there is a medical report just one
20 week later on 4th April 1949, which states that
21 an inspection was carried out on the very day that

22 **RG 205** was writing to the alderman, which paints an
23 altogether different picture. I am obviously reluctant
24 to try to call it up, but it can be seen at RGL101549.

25 An explanation for the difference might be found in

1 a paragraph of RG 205 's letter, where he suggests
2 that the manager of the school sought to keep up
3 appearances before the doctor. That paragraph is at
4 101541.

5 Due to adverse press publicity and questions being
6 asked in Parliament in Northern Ireland, the Ministry of
7 Home Affairs set up an Inquiry into the school,
8 appointing a retired Air Commodore Churchman as
9 an Assistant Inspector of Reformatory and Industrial
10 Schools to carry out the investigation, and his warrant
11 of appointment is at RGL10146.

12 His report dated 17th September 1979 can be found at
13 RGL101437 through to 101452. Now I had hoped to look at
14 that, but it is a detailed report, and at the end of it,
15 even though his terms of reference did not require him
16 to make recommendations, Alderman -- Air Commodore
17 Churchman nonetheless -- Churchman nonetheless did.
18 This, of course, all occurred before the passage into
19 law of the 1950 Children and Young Persons Act (Northern
20 Ireland) and the 1952 Training Schools, both of which
21 helped to transform the way in which children in these
22 institutions were cared for. Indeed, Air Commodore
23 Churchman made recommendations in his report in relation
24 to the Ministry that the new Children Act, as he
25 described it, should provide for adequate inspection,

1 and that's at 101447.

2 Moving forward in time to Rathgael, in the bundle
3 are a number of documents that explain the origins of
4 and give details about Rathgael, its layout, development
5 and operation over the period of time we will be hearing
6 about. I do not propose to open all of these, but there
7 is a booklet called "Roots of Rathgael" at RGL22202
8 through to 22246. This gives a detailed history of the
9 development of Rathgael from its origins as a training
10 ship in 1872.

11 There are some newspaper clippings from 1978 which
12 show aspects of the school, and I am not sure if we can
13 see these, because they do show some photographs, which
14 it might be useful to pull up at this stage. RGL27467.
15 Can we see that at all? 27467, RGL. Yes. If we can
16 just highlight -- you can see "Rathgael -- springboard
17 to a new life". I am not going to read the newspaper
18 article, but I am just showing the photograph of the
19 type of building that the people we will hear speak
20 about were housed in. You will see that it is very much
21 a building of the 1960s with a flat roof.

22 There is also -- if it is possible to scroll
23 backwards to the preceding page, that's 27466, this is
24 a photograph of the Mayor of Bangor at the heated indoor
25 swimming pool at Rathgael School.

1 Then if we can go to a later photograph showing
2 a playbus project undertaken by the residents of
3 Rathgael. That's at 27469. You see that would appear
4 to be somewhat later, given the hairstyles; perhaps in
5 the 1970s.

6 At 25403 there is a 1987 information booklet, which
7 was prepared by Rathgael. There is then a 1989 SSI
8 report, which is entitled "Residential Childcare: The
9 Training Schools" at RGL25927 through to 26012, which
10 includes a history of Rathgael at paragraph 1.8. Now
11 this report was the result of the first SSI inspection
12 of training schools undertaken between May 1987 and
13 April 1988. I will return to say something more about
14 that in due course.

15 At 25465 there is a corporal strategy plan covering
16 the years 1991 to 1996, which was prepared by management
17 consultants at Coopers & Lybrand Deloitte.

18 The Inquiry has also received some site maps and
19 a layout drawing, which can be seen, if possible, at
20 RGL102394.

21 EPE OPERATOR: Can you just say that number again?

22 MS SMITH: 102394. If we can perhaps invert -- can we turn
23 that round to 45 degrees? Yes. You will see this is
24 the site plan. Then I am not sure if we are going to be
25 able to scroll down through the next three pages.

1 That's 102395. This is a hand-drawn document setting
2 out the layout of the buildings at Rathgael. You will
3 see that it quite clearly shows that the original
4 reception, which became Shamrock House, was demolished
5 when Lakewood was built at a later date, which will be
6 outside the terms of reference for the Inquiry, but
7 there was garden -- greenhouses, later demolished, used
8 for agriculture -- horticulture. Sorry. You will see
9 there is an education block. The house numbers are
10 recorded there: 7, 6, 5, 8 and 4 on the left-hand side.
11 You will see that M denotes a maisonette, which was
12 usually separate from the house unit and was used by
13 staff, but later incorporated into the house unit.

14 You will see that there was a fence erected when
15 care and justice were separated, which we know was
16 effected in the '80s by way of the Prior Compromise.
17 Then there were workshops. It indicates -- there is
18 a legend at the bottom there indicating that houses 1,
19 2, 3 were all care and then 4, 5, 6, 7 and 8, whose
20 names are recorded there, would have been youth
21 treatment. Gibraltar was youth treatment and certainly
22 Fox Lodge was also.

23 There is another couple of site maps in the next
24 couple of pages, but I don't think we need to look at
25 them at this point in time, but these will be of help

1 when the witnesses speak about their time in Rathgael.

2 Of those witnesses who will do so six were there in
3 the 1970s. Four of those complain of physical abuse by
4 both care staff and teachers as well as bullying by
5 other children. One person also complains about sexual
6 abuse by a member of staff. In addition to those who
7 have complained to the Inquiry the material that has
8 been received from police shows that a further six
9 people complained to them about their time in Rathgael
10 in the 1970s.

11 Six people speak to the -- have spoken to the
12 Inquiry about Rathgael in the 1980s. All allege
13 physical abuse by members of care and teaching staff and
14 two also complain of sexual abuse by staff. A further
15 ten people spoke to the police about this period.

16 Six people complained about the 1990s. All complain
17 of either physical abuse or excessive methods of
18 restraint, something I shall say more about later, and
19 three complain about sexual abuse. A further 13 people
20 complain to police about their time in Rathgael in the
21 1990s.

22 Of those 18 people who spoke to the Inquiry, six
23 have also spoken to the police, and the police also
24 received one complaint about Rathgael in the 1960s from
25 someone who has not spoken to the Inquiry.

1 The Inquiry has as yet been unable to ascertain the
2 total numbers resident in Rathgael over the years, so it
3 is not possible to give any idea of what percentage of
4 the residents in the home these complaints represent.
5 If annual returns can be found, then it will, of course,
6 be possible to work this out. It would appear that the
7 highest number resident seems to have been 195 in 1976
8 and the lowest 72, which was also in the 1970s.

9 We do know there have been six civil claims between
10 2013 and now relating to Rathgael and two of these are
11 by applicants to the Inquiry.

12 The Inquiry has received a statement from
13 Mr Campbell Whyte, who was employed in Rathgael from
14 1973 to 1996, rising through the ranks during that time
15 until eventually he became Director in 1989. His
16 statement is at RGL1714 to 1768. If we could look at
17 that, please. That's 1714. Mr Whyte deals with
18 a number of issues that the Inquiry has looked at in
19 respect of other institutions, such as funding,
20 training, inspections, peer abuse and bullying as well
21 as the issue of absconding and how it was addressed in
22 Rathgael, and he addresses those matters at
23 paragraphs 52 to 55, but he sets out the background to
24 Rathgael here in paragraphs 4 through to 17.

25 He then at paragraphs 18 onwards at 1717 outlines

1 the services provided by the training school. One issue
2 that he makes reference -- to which he makes reference
3 is the closure of Whiteabbey Training School in 1985 and
4 the transfer of girls to Rathgael. If we could look at
5 paragraph 40, please. That's 1722. 1722, if we could
6 scroll down to that, please. He says that:

7 "A fire had been started in Whiteabbey Training
8 School in 1985 by some of the residents and it was
9 fortunate that no-one was seriously injured or killed.
10 This triggered the closure of the training school, with
11 Rathgael and Whiteabbey being amalgamated.

12 I had pressed for a phasing out of Whiteabbey with
13 girls being allowed to leave from there when appropriate
14 and new residents being sent to Rathgael so that they
15 had no previous experience of Whiteabbey. However, the
16 decision was made by the Rathgael/Whiteabbey joint
17 management board and sanctioned by the Northern Ireland
18 Office to immediately close Whiteabbey and transfer the
19 girls to Rathgael. This resulted in a culture change
20 for the girls, boys and staff alike that was initially
21 difficult to manage.

22 There was limited time to prepare for the arrival of
23 the girls and they did not want to be there. The girls
24 were initially put together in one unit, but this proved
25 to be a mistake and resulted in some very disruptive and

1 challenging behaviour. They probably felt that they had
2 been forced to go there and may well have been scared.
3 Everyone had to adjust, which took a long time, and it
4 is my opinion that it should have been planned better."

5 Now the Inquiry will hear evidence from some of
6 those girls who were transferred and hear the complaints
7 they make. The Inquiry will have to consider the view
8 expressed by Mr Whyte that the move should have been
9 planned better, and whether the failure to properly plan
10 for this move was a systems failure which led to the
11 abuse of children.

12 It may well be aware that Mr Whyte was unaware of
13 what planning had taken place, because in the bundle at
14 RGL20482 to 20569 there are minutes of meetings about
15 the closure of Whiteabbey and the transfer to Rathgael.
16 These show that in 1981/1982 the Whiteabbey school was
17 operating at about half capacity and the per capita
18 costs were well in excess of the other training schools.
19 There is an entry to that effect at RGL20487. Documents
20 show that the Board set up a working party on
21 rationalisation and that proposals for amalgamation and
22 rationalisation were discussed throughout 1984. For
23 example, there are minutes of the Board of Management at
24 RGL20525 from 10th February 1984, where it is recorded
25 that the working party reported to the Board on the

1 issue. The report, which is at RGL21414 to 21452, was
2 also forwarded to the Secretary of State, and in
3 a letter at RGL21412 on 16th April 1984 the Board of
4 Management stated that it felt it crucial the transfer
5 be approached in a way that allowed for careful
6 planning.

7 A 6th January 1985 minute of a Board of Management
8 meeting shows that they were planning to close
9 Whiteabbey by 30th April 1985 at the latest. At
10 RGL21547 approval -- the letters at RGL21547, and
11 approval for this was sought and obtained from the
12 Northern Ireland Office at RGL21556.

13 An information booklet was prepared in May 1985 to
14 inform people of the changes brought about by the
15 amalgamation of the two schools and attaching
16 explanatory leaflets from each of the deputy directors.
17 They are at RGL21684 to 21710.

18 The Inquiry has received complaints of inappropriate
19 behaviour by male staff and the sexual abuse of girls in
20 their care. Such complaints have also been made to the
21 police. At RGL22932 on 19th September 1985, not long
22 after girls transferred, there is a record of a staff
23 member becoming emotionally involved with and writing to
24 a girl resident. After admitting writing the letters he
25 was warned not to have any contact and was transferred

1 to the boys' section.

2 The issue of peer abuse is something that the
3 Inquiry has had to consider in the course of its work,
4 and at RGL22284 we can see Home Office Circular 200 of
5 1952 dealing with indecent practices in approved schools
6 for boys. In the joint departmental statement of
7 Ms Pearson and Dr Harrison it is stated that there is no
8 evidence that this came to the attention of the Northern
9 Ireland authorities and that's at RGL1617,
10 paragraphs 2.7 and 2.8. It said:

11 "With further reference to knowledge about the
12 potential for abuse of children around the time and
13 shortly after certain allegations were made, the DoJ and
14 DHSSPS have noted that the evidence received by both
15 departments from the Inquiry in respect of Module 7
16 included two circulars issued in 1950 and 1952
17 respectively by the UK Home Office to correspondents and
18 to headmasters and headmistresses of approved schools"
19 -- if we can scroll down -- "in England and Wales. The
20 1950 circular contained -- concerned the 'investigation
21 and hearing of complaints against members of staff of
22 approved schools' and the 1952 document dealt with
23 'indecent practices in approved schools for boys and
24 criminal offences involving the interests of boys or
25 girls detained in approved schools'.

1 Reference is made to the latter in the closing
2 submission of the Health & Social Care Board to the
3 Inquiry in respect of Module 3, although the Health
4 & Social Care Board did not at that time have access to
5 a copy of the relevant document. These circulars
6 obviously constituted important guidance issued by the
7 Home Office during an early period when offences
8 committed by staff and the sexual abuse of children in
9 institutions by staff or peers were from today's
10 perspective understood to be unthought-of and generally
11 unknown. The circulars indicate that there was
12 an awareness in the Home Office at the very least of the
13 potential for staff to abuse children and for peer abuse
14 to occur. The guidance in each of the circulars is
15 unambiguous in terms of the requirement to report to the
16 police any information which gives reason to suspect
17 that a criminal offence may have taken place and for
18 managers of schools themselves not to undertake any form
19 of Inquiry as this might 'impinge on the functions of
20 the police and prejudice subsequent court proceedings'.

21 The above circulars were obtained by the DHSSPS in
22 the case of the 1950 circular from the UK National
23 Archives in February/March 2015, and in the case of the
24 1952 circular from the personal papers of
25 a Mr R. Rollinson in January 2015, a contributory author

1 to the report of the Ryan Commission. The DoJ and the
2 DHSSPS have not to date found any evidence to suggest
3 that the existence of these documents was known to the
4 Ministry of Home Affairs, the responsible Northern
5 Ireland Government department at the time, nor are we
6 aware of any similar guidance having been issued at that
7 time to training schools here. With regard to the
8 situation in England Rollinson noted, 'Once circulated,
9 this guidance seems to have sunk without a trace, only
10 to be "discovered" over forty years later by David
11 Berridge during his own research into abuse in
12 residential care."

13 Now the Inquiry may wonder why this documentation
14 was not either forwarded to the Northern Ireland
15 Government or indeed, if it was forwarded, why it was
16 not then disseminated to training schools in Northern
17 Ireland when in the same month in 1952 the memorandum by
18 the Home Office on the conduct of children's homes that
19 we have looked at in previous modules so obviously did
20 make its way to Northern Ireland and was disseminated to
21 the children's homes in Northern Ireland. Was this
22 simply because Northern Ireland did not have any
23 approved schools, as they were constituted in England?

24 The Inquiry has heard evidence that it was not until
25 thirty years later that this issue came on to the radar

1 for those charged with the care of children in
2 residential homes and may wish to know whether this was
3 the same for the training schools. We have already
4 heard some evidence from the staff witnesses from
5 St. Patrick's that they seemed to know that this could
6 be an issue.

7 I am going to turn now to say something more about
8 some specific allegations relating to Rathgael. At
9 paragraphs 82 to 87 at 1729 of his statement, that's
10 RGL1729, Mr Whyte refers to those allegations made
11 against members of staff that he can recall and how they
12 were dealt with. I am not going to go through those,
13 but you will see that the names are recorded there about
14 the people against whom he received allegations, but he
15 says that he consistently maintained that all
16 allegations of abuse would be treated formally in lines
17 with policies and procedures and I think he went on to
18 say that they were reported to the police.

19 The Inquiry has also received a statement from
20 Gary Wardrup of the DoJ regarding the papers it holds
21 into investigations into Rathgael and into St. Patrick's
22 and the approach that was taken by the Northern Ireland
23 Office. This statement can be found at RGL1801 to 1870
24 and has been adopted by Ms Pearson when she gave
25 evidence last week.

1 The first of these is an investigation following
2 an article published in the Sunday World in 1987.
3 That's at 1807 to -- covering 1807 and 1808. I can see
4 we are having problems with the technology, but the
5 article made allegations about behaviour of staff in
6 staff houses on site and an investigation was carried
7 out which led to a staff member being found to be in
8 breach of the conditions of occupation of the property
9 and then being told to vacate it in February 1987.
10 That's at 1815. He was not dismissed, as the statement
11 asserts.

12 In October 1989 there was an incident regarding
13 sexual activity between residents and the night
14 supervisor's report about this can be found at 1825
15 through to 1828.

16 In December 1989 an anonymous letter was sent to the
17 Northern Health & Social Services Board. That can be
18 seen at RGL26218, and these are the complaints referred
19 to in Mr Wardrup's statement at RGL1303 to 1804.

20 Documents at 26217 -- can we see if we can perhaps
21 scroll back up -- show that this anonymous letter which
22 is on the screen was received by the Northern Health &
23 Social Services Board, and **DL 518** of the
24 Board contacted the Northern Ireland Office and Rathgael
25 and other Health & Social Services Boards.

1 If we can look, please, at 26215 -- the documents
2 are going backwards -- you will see that this is
3 a document from The Child and Social Policy Division of
4 the Northern Ireland Office, and it says -- it's:

5 "Allegations of sexual activities at Rathgael
6 Training School.

7 This note records the information which I reported
8 verbally to you late last night and this morning.

9 Late yesterday evening I learned that:

10 DL 518 had contacted Mr Wilson by phone about
11 certain allegations about sexual activities at Rathgael.
12 He wanted to know the appropriate Assistant Secretary.

13 Mr McElpatrick had received that afternoon a copy of
14 an anonymous letter from 'a very worried mother' of
15 a boy at Rathgael.

16 The anonymous letter made three allegations based on
17 information given to the mother by her son at Rathgael.
18 They are:

19 (a) Some months ago a young girl was stripped and
20 assaulted by other girls while on a trip to the Outdoor
21 Pursuits Centre (this is presumably Runkerry). Where
22 the former Director of Rathgael and the girl's house
23 mistress wanted to call in -- while the former Director
24 of Rathgael and the girl's house mistress wanted to call
25 in the police, a senior member of staff (who was named)

1 would not allow them to do so, because he said it would
2 give the school a bad name.

3 (b) A few weeks ago some boys were able to keep
4 runaway girls in their unit all night and have sex with
5 them. The police knew about this incident.

6 (c) A senior member of staff has been taking boys
7 on their own to a local health club and having showers
8 and saunas with them. A particular boy was named as
9 going most often and it is alleged that it is the talk
10 of the whole school that some sexual acts take place.

11 The letter had been sent to each director and to
12 other people who were not named, asking that something
13 be done to help and protect the children since 'Northern
14 Ireland does not need another Kincora'.

15 My immediate concern was to ensure that the Northern
16 Ireland Office knew of the allegations and that
17 investigation of them was being undertaken by Rathgael.
18 Following urgent discussions, I phoned the Northern
19 Ireland Office and Mr McClelland explained that:

20 "The Northern Ireland's Information Office were
21 approached by the Sunday Life on Tuesday of this week.
22 Their reporter claimed to have a copy of the letter, but
23 would not release it or divulge the name of the member
24 of staff."

25 I think this then goes backwards. If we can look at

1 26213. I think that's what we had. Sorry. 26212.

2 This is Mr Harbinson's reply to Mr Kearney, thanking him
3 for his minutes. He is relieved about the outcome of
4 the internal investigation completed by the Rathgael
5 Board.

6 "The system for responding to such allegations
7 appears to have operated satisfactorily and I take it
8 that there are no lessons which we or the NIO should
9 learn from the experience of handling such a situation.

10 The importance of comprehensive records being held
11 in such establishments as Rathgael has been emphasised.
12 The vulnerability of staff working in these homes to
13 anonymous letters is also clear."

14 I think if we look -- go back to the -- sorry --
15 26211, if we can scroll backwards, this is the state of
16 play with the enquiries that were made at Rathgael into
17 the allegations:

18 "Three boys were identified as being off campus with
19 the member of staff complained about. All three were
20 interviewed.

21 One boy admitted that he had been at Bloomfield with
22 the member of staff but always in the presence of
23 another staff member.

24 A second boy admitted having gone jogging with the
25 member of staff but he did not know where the place was

1 that the allegations were about.

2 The third admitted having been at that place but
3 totally denied any sexual activities. Claimed that in
4 the sauna there were always other people and they were
5 covered with towels. When confronted with the
6 allegations, he was angry and described them as a pack
7 of lies.

8 Rathgael have confirmed from their records that all
9 the jogging trips, etc, were logged, as was a meal that
10 the member of staff had with one boy. The named boy's
11 records show that staff, including Social Services,
12 identified his need for a father figure as a role model
13 and this member of staff was identified as the
14 appropriate person because the boy had a good rapport
15 with him."

16 The NIO authorised Rathgael to proceed to interview
17 the member of staff. A final report was to be available
18 later that week.

19 Then I think if we can scroll back to 262110 --
20 sorry -- ...10, the outcome into the -- of the enquiries
21 into the allegations against the member of staff is
22 that:

23 "Rathgael is satisfied on the basis of the enquiries
24 made that the allegations are unfounded.

25 A special meeting of the Management Board is to be

1 held.

2 The precautionary suspension was to be lifted.

3 In the light of this outcome the school has not
4 involved the police.

5 Mr McClelland will now write to Directors of Social
6 Services to let them know the outcome in view of
7 a letter to him from **DL 518** asking that the Boards
8 be kept informed."

9 There is police material at 26591. In fact, it is
10 at 26589 through to 91, and at 26560 a letter to the
11 Northern Ireland Office. If we can look at that,
12 please, 26560, this is a letter which sets out the
13 internal investigations that were carried out at
14 Rathgael. It is at 26560. Yes. This is:

15 "Allegation 1."

16 This was in relation to -- if we can scroll down,
17 please -- the investigation into what had occurred at
18 Runkerry, and said:

19 "The comprehensive report on this incident which was
20 handed to Mr McClelland (Northern Ireland Office) on
21 Friday, 8th December clearly establishes that:

22 The matter was reported to the police and dealt with
23 by them.

24 The member of staff who was alleged to have said
25 that it shouldn't be reported was not involved in the

1 decision-making process."

2 Then allegation 2, which is about the boys having
3 sex with girls, runaway girls:

4 "The unit referred to is an independence flat
5 attached to house unit 3, which normally houses three
6 boys who are working during the day out of the centre
7 and which aims to afford them a more independent living
8 experience before they leave the centre. Because of
9 this facility staff supervision is not as intensive as
10 in the ordinary open house units. However, the reports
11 of the incident which occurred in October that were
12 handed to Mr McClelland show that staff visited the unit
13 on three occasions between midnight -- sorry -- noon on
14 30th -- 13th to 7.50 am on 14th. The police were
15 informed immediately and the matter is at present being
16 investigated.

17 Following this incident the independence flat was
18 closed immediately."

19 Then it goes on to relate the investigations that
20 were carried out about the member of staff taking boys
21 on their own to the local health club. I am not sure if
22 that can be scrolled down to the next page.

23 There are also documents -- yes. It says:

24 "A thorough investigation of the boy's records show
25 that he is a very disturbed young boy greatly affected

1 by his father's imprisonment."

2 It goes on to talk about the records relating to
3 that boy and what they show.

4 CHAIRMAN: Yes. I think I should just remind everybody
5 these documents are not yet redacted and clearly the
6 names that are mentioned of the boys and members of the
7 staff should not be used outside the chamber in any
8 circumstances.

9 MS SMITH: Thank you, Chairman.

10 As I say, there are also documents relating to the
11 incident at Runkerry, which are at 23,000. I don't know
12 if you can see that. This is a report of what happened
13 in the early morning of Tuesday, 9th May 1989. I am
14 just going to scroll on down that. I don't think I need
15 to open the details out from that, but this was a matter
16 that was -- despite the girl who was the victim of the
17 behaviour that is described in these pages not wishing
18 to pursue matters, the matter was nonetheless reported
19 to police by Rathgael.

20 Now aside from the allegations that the Inquiry will
21 hear about through the testimony of those witnesses who
22 will give evidence over the coming days, the Inquiry is
23 aware of other investigations involving Rathgael which
24 are addressed in the joint statement of Karen Pearson
25 and Hilary Harrison at RGL1621 to 1622.

1 At 1622 paragraph 6.1 refers to an incident in 1993
2 which led to the dismissal of a staff member. You will
3 see there that it records that:

4 "In June 1993 the Rathgael and Whiteabbey Schools
5 Management Board terminated the employment of a member
6 of staff who was a temporary, unqualified residential
7 social worker at Rathgael Training School. Whilst off
8 duty the member of staff had been seen in the company of
9 a 16-year-old girl who was a resident of the Rathgael
10 Centre at the time. The girl subsequently returned to
11 the school late from a period of home leave. A full
12 investigation conducted by the head of care at the
13 school concluded that although nothing untoward had
14 happened, the member of staff had acted in a highly
15 unprofessional manner. The School's Management Board
16 accepted the Head of Care's recommendation that his
17 employment should be terminated on the basis of gross
18 misbehaviour and the Chief Inspector of the Social
19 Services Inspectorate, Dr McCoy, was advised of the
20 decision on 24th June 1993."

21 There is further detail in the material -- in
22 material in the bundle at RGL26632 to 26657 about this
23 and in particular there's Mr Donnell's report to
24 Mr McElpatrick, which is at 26655. We can see that
25 there had been some contact between this member of staff

1 and the girl in question and it was decided that there
2 was not to be any contact. I am not going to go through
3 these documents that are on the screen at the moment,
4 but the bundle also contains other material relevant to
5 the work of the Inquiry.

6 In 1982 there is a note of a recent incident
7 involving two boys. It appears that following this,
8 details about which we do not know, a special meeting of
9 the Board was held on 10th February 1989 -- '82. Sorry.
10 This led to a guideline on how to deal with such
11 incidents. The guideline was designed to cover what the
12 Board has termed "sexual deviancy". It can be seen,
13 please, at RGL22915. It goes right through 2291...
14 22920.

15 CHAIRMAN: I just wonder, Ms Smith, might this be
16 an appropriate point to take a short break?

17 MS SMITH: Yes, indeed, Chairman.

18 CHAIRMAN: We will rise for ten minutes or so.

19 (11.15 am)

20 (Short break)

21 (11.25 am)

22 MS SMITH: Chairman, just to confirm we are having some
23 technological difficulties this morning, which means
24 that the system will run rather slowly than it usually
25 does. I will try not to call up too many documents, if

1 possible, but I did want to look at -- I think we did
2 have it on the screen -- the guideline that was designed
3 to cover what the Board has termed "sexual deviancy",
4 which is at RGL22915.

5 CHAIRMAN: Yes. Just while that's coming up we will, of
6 course, be going back to all of these documents at
7 a later stage.

8 MS SMITH: Yes.

9 CHAIRMAN: So they will be examined in greater detail.

10 MS SMITH: Thank you, Chairman.

11 You see there that it's -- there's handwriting.
12 It's "Development of policy on sexual deviancy", which
13 is a special meeting held on 10th February 1982:

14 "The Chairman referred to the recent incident at
15 Rathgael, which could lead to a boy being charged with
16 gross indecency against another boy, and advised that
17 they consider that the Board should draw up guidelines
18 for similar instances in the future.

19 It was agreed that such instances would fall into
20 one of four categories, viz:

- 21 1. Those involving a member of staff and a boy.
- 22 2. Those involving a boy and an outsider.
- 23 3. Those involving two boys.
- 24 4. Those involving two members of staff."

25 Then it goes on to set out what should be done in

1 respect of any of those eventualities. I am not going
2 to go through it, but it goes right through to 22920.
3 You will, of course, appreciate that this was at the
4 time of the investigations into homes and hostels
5 following the revelations about Kinchora. So it is
6 perhaps not surprising that this was on the radar of the
7 training school at that time and, given that there was
8 some incident in the training school, they decided to
9 lay down a more formal procedure than might otherwise
10 have been the case.

11 In March 1984 there is a record from a Staff
12 Committee meeting of an incident where a staff member
13 had put a boy who refused to be showered into a shower
14 fully clothed. That's at RGL22926 through to 22928.

15 Another entry in the minutes of the Staff Committee
16 shows that in September 1984 a child who had absconded
17 had been in a staff member's home. That staff member
18 subsequently lied about the matter and then resigned.
19 That's at RGL22929 through to 22930.

20 The Department of Justice have provided a bundle of
21 documents which it describes as "1987-1995: a selection
22 of incidents and how they were resolved". That can be
23 found in the bundle at RGL22976 to 232... -- sorry --
24 23023. As this material is extracted from other
25 material, an entire picture of what happened is not

1 available and therefore some of this does not actually
2 record how things were resolved.

3 At RGL22982 there is a record of an incident whereby
4 a member of staff went to Dungannon to collect a boy
5 from the police station, presumably an absconder, but
6 that is not stated, and from a letter to Mr Orr from the
7 member of staff it would appear that bruises were
8 discovered on the boy and the member of staff in this
9 letter, which is on the screen, gives an explanation as
10 to how they got there. This is the only document
11 relating to that incident and it is not clear whether
12 any further steps were taken or whether this letter was
13 simply an end of the matter.

14 At RGL22985 to 22992 there are papers relating to an
15 allegation of assault against the same member of staff
16 by a boy who was absconding. The next day matron
17 examined the child and detected nothing abnormal.
18 That's at 22986. The staff member gave his account of
19 what occurred at 22987. The boy withdrew the complaint,
20 but he still maintained that he was punched and kicked.
21 That's at 22991. I have asked the Department whether
22 anything else was done with regard to this incident or
23 if matters concluded because the complaint was
24 withdrawn.

25 At RGL22971 it is recorded that in 1987 a member of

1 staff received a final warning after an incident where
2 he had been found to have taken an under age resident to
3 the pub.

4 In April 1988 at RGL22984 there is a report of
5 an injury to boys who refused to engage in sexual
6 activity with peers. As the Inquiry only has this one
7 page, it is impossible to know whether any further steps
8 were taken in relation to this.

9 At pages 22993 to 22998 an incident of an
10 altercation between a member of staff and a boy that
11 escalated is reported. This resulted in the staff
12 member having to go to hospital and the boy accepts
13 responsibility for starting the incident.

14 At 23022, if we could look at that, please, there is
15 a letter from a child psychologist to the Director of
16 Rathgael in 1996, but -- sorry. I think this is the --
17 that's the response. There's a letter in December 1995
18 about an allegation. It may be that it is on the
19 preceding page at 23022, but it is certainly in around
20 there. Sorry. ...21. It was an allegation of assault
21 disclosed in the session that the psychologist was
22 having with the child, and it is recorded that the child
23 felt he could not complain, as other staff would treat
24 him differently. The child was speaking to the
25 psychologist in the company of a member of staff from

1 Rathgael, who confirmed what the child was alleging, and
2 the Director referred the matter to police. The Inquiry
3 does not appear to have received a police file in
4 relation to this. However, there are complaints made by
5 that boy when he is interviewed as part of Operation
6 Damson in 1999.

7 Now there is a substantial volume of police material
8 relating to investigations into Rathgael and these can
9 be found in the bundle from 30001 to 37231. These
10 include allegations against other residents, staff
11 members, both care and teaching staff, and there are
12 allegations of sexual and physical abuse.

13 Aside from investigations into individual
14 complaints, there have been two major police
15 investigations into Rathgael. The first occurred when
16 two members of staff complained about Rathgael to
17 Dr McCoy of the Social Services Inspectorate. Two
18 Social Services Inspectors, Victor McElpatrick and
19 Marion Reynolds, interviewed them in December 1998 about
20 events which occurred between 1990 -- sorry -- 1989 and
21 1998, and the record of that interview is at RGL26143 to
22 26150.

23 This matter is referred to in the joint departmental
24 statement at paragraph 5.2 and that's at RGL1621. There
25 is material in the bundle from 26023 to 26205 that

1 includes minutes of strategy meetings between
2 representatives of the police, Rathgael, the Northern
3 Ireland Office and the Social Services Inspectorate.

4 Ultimately no prosecutions were directed in 2000,
5 and I would refer the Inquiry to a review of the police
6 investigation by Ronnie Orr, who was a Social Services
7 Inspectorate, which is split in the bundle and can be
8 found at RGL26023 to 26029 and then at 26733 to 26738.

9 Now if we can just look at the page that is on the
10 screen and scroll down it, it indicates that the remit
11 undertaken by the SSI was:

12 "To study the investigation material from the
13 follow-up of allegations at Rathgael Juvenile Justice
14 Centre (formerly Rathgael Training School) to ascertain
15 whether or not there are:

16 Any aspects of the inquiry that have child
17 protection implications to influence future practice.

18 Any aspects which indicate the need for disciplinary
19 proceedings.

20 Any learning points to influence policy and
21 procedures.

22 Any issues for management arrangements at both
23 Rathgael and the NIO.

24 Any concerns regarding employees, past and present,
25 which require notification of the pre-employment

1 register.

2 Action was seen to be necessary in the cases of
3 alleged abuse in Rathgael in order to:

4 Provide former residents and staff who may have
5 child protection concerns with full opportunity to have
6 their experiences examined.

7 Identify and deal with any staff shortcomings and
8 abuse in order to prevent unsuitable people working with
9 children ..."

10 If we can -- I don't know if we can scroll down, but
11 at 26064 -- well, we see here the summary of concerns
12 arising from the review of the police investigation
13 statements. The following have been identified as in
14 need of further consideration. I am not going to go
15 through these, but if we can just scroll down through
16 this page, please, you will see that these relate to the
17 period 1994 to '96 with the handwritten note on the side
18 there.

19 It also goes on. If we can just scroll on down,
20 these were concerns that were identified by this joint
21 strategy body as causing concern, but it is clear that
22 Mr Orr felt that the matter ought not to rest with the
23 police investigation, and at 26018 to 26022 we see what
24 course was actually taken in relation to matters by the
25 Joint Working Party and essentially it afforded those

1 people who were resident in the home to -- it looked
2 at -- it shortlisted six cases. If we can just scroll
3 on down there, you will see:

4 "Attempts should be made to trace the complainant",
5 and the result -- the various -- they were carrying
6 out further investigations as a result of what they felt
7 had not been done in the course of the police
8 investigation and they also then, if we can scroll on
9 down, if it's possible -- scroll right down to the
10 "Options":

11 "In relation to the six areas a discussion took
12 place using the two options in Ronnie's paper."

13 That's Mr Orr's paper.

14 "It was acknowledged that the police investigation
15 had been thorough but that no criminal prosecution had
16 materialised. Therefore that investigation was now
17 closed. However, working on the balance of
18 probabilities, concern remained regarding the care and
19 treatment of young people in the juvenile justice system
20 prior to 1996. The discussion centred around taking
21 a universal approach versus a selective approach and to
22 be reactive or proactive. It was recognised that points
23 3, 4 and 5 did give rise to ongoing concerns while the
24 other points were either dealt with or were relatively
25 minor in nature. It was also noted that significant

1 publicity had surrounded the initial inquiry, which may
2 have given an opportunity for a wider group of
3 ex-residents to come forward."

4 It then -- what appeared to happen was that they
5 sent out a letter to people asking them if they wished
6 to speak to anyone about the matter.

7 The Inquiry may wish to consider in light of all it
8 hears and sees in this module whether the assessment in
9 Mr Orr's report, which is at 26205, and I quote from
10 that, that:

11 "There appear to have been breaches of child
12 protection policy and practice and that management
13 failed to monitor and remedy vulnerability to children
14 and take remedial action where necessary",

15 whether that was a fair assessment and whether this
16 extended beyond the matters that were being investigated
17 by the police in 1999.

18 The second major police investigation into Rathgael
19 is known as Operation Damson. This began in 2013
20 following articles that appeared in the press in
21 January 2013 and is still ongoing. Much of the
22 investigation relates to events outside the Inquiry's
23 terms of reference, but some of those who complained to
24 the police complained about events occurring prior to
25 the end of 1995 and that therefore fall within the terms

1 of reference.

2 One example of such complaint is the boy I mentioned
3 who made a disclosure to his psychologist. He has
4 spoken to police investigating Operation Damson.

5 In the course of that investigation police
6 interviewed over 170 people, mainly former members of
7 staff. There were twenty complainants, of whom six have
8 spoken to the Inquiry, as well as seventeen others about
9 whom, as the police put it, concerns have been
10 expressed. In total 35 suspects were identified, some
11 of whom the Inquiry will hear about and from. To date
12 none of the police investigations have resulted in
13 prosecution of any members of staff for any allegations.

14 I want to move on to say something about the
15 inspection regime that operated in respect of Rathgael.
16 There is documentation in the bundle about different
17 inspections. For example, we can see extracts from the
18 Board of Management meetings about inspections by Board
19 members at RGL22715 to 22771 and 23573 -- ...78 to 23597
20 recording monthly visits by Board members in the years
21 1st March '68 through to 5th June '89, and although
22 these are incomplete, they do suggest that visiting
23 Board members saw boys and engaged with them. For
24 example, at 22723, an entry of 14th February 1976, there
25 is an entry where the visitor records having played

1 chess with the boys.

2 A pro forma was devised in later years in order to
3 try to ensure that visits of Board members were
4 standardised. These can be seen at RGL23574 to 23576,
5 and we see examples of its use in 1991 at RGL23771.
6 There was a visiting rota set up for Board members.

7 Others visited Rathgael, including inspectors from
8 the Ministry of Education, Ministers of State,
9 politicians and members of the judiciary as well as
10 members of the Eastern Health & Social Services Board;
11 for example, 23568 and 23588. There is a record of
12 a visit by the Minister of Home Affairs accompanied by
13 Miss Forrest on 2nd March 1970, which can be found at
14 RGL22719.

15 Now in 1987 the Social Services Inspectorate carried
16 out an inspection of Rathgael and the report into
17 that -- of that inspection can be seen at 23626 to
18 23752. I am not sure if we can look at that. That's
19 23626. If we can scroll down, please, if it's possible
20 -- it may not be -- but at 23644 section 3 of the report
21 deals with the issue of management and staffing and at
22 the paragraph 2 -- sorry -- 3.32 there, if we can scroll
23 down that page, it talks about staff effectiveness and
24 it records:

25 "In general the inspectors were impressed by the

1 staff's professionalism and commitment to their work.
2 However, it was also apparent that some of them were
3 experiencing difficulty in accepting new policies and
4 innovative practices which had been introduced to the
5 centre over the past two years. They still subscribe to
6 an older, more rigid practice framework and have
7 a cynical attitude to colleagues who have accepted new
8 challenges with enthusiasm. This can confuse the
9 residents and may also affect their behaviour and could
10 be described as counterproductive. It is recommended
11 that management monitors this situation carefully and
12 takes whatever action necessary to find a remedy."

13 Section 5 of the report deals with the short-term
14 assessment units at Rathgael. 23651 at paragraph 2.5
15 describes the type of children who were being placed in
16 Rathgael, and then at 2 -- 5.25 it records that there
17 was blanket censorship of mail occurring in Rathgael at
18 this time.

19 Section 5 also covers issues such as discipline,
20 family visits, pocket money and holidays. 5.36 records
21 that the only complaints that children had was about the
22 food. 5.0... -- sorry -- ...40 deals with
23 record-keeping, and 5.73 deals with the role of the
24 child's field social worker.

25 Section 6 deals with adolescent care units and 6.7

1 addresses the issue of integrating boys and girls. It
2 says that girl offenders were not separated from the
3 care girls, if I can describe them like that. That is
4 at 6.11. It gives examples of children in the care
5 units at 6.12.

6 It also records that girls in house 1, which is also
7 known as Ballysillan, seemed to be manipulating staff.
8 The atmosphere in house 2, Lislea, is talked about at
9 6.16 and it is described as a mixed group with a better
10 atmosphere and it is held up as an example of good
11 practice. House 3, Malone, was a boys' only house with
12 all male staff and it is described very much as "old
13 school". That is 6.19. 6.21 deals with the Close
14 Supervision Unit or Shamrock House and it describes it
15 in need of urgent attention. It describes the bedrooms
16 and refers to it as depressing. It also goes on in the
17 same section to describe referrals to Shamrock and gives
18 examples of the children there.

19 At 6.40 the practice of locking children in bedrooms
20 as punishment is reported on. At 6.45 it records that
21 daily life included a morning service, which is
22 something that one of the witnesses to the Inquiry has
23 commented upon. There was a policy on smoking. It
24 talks about shopping for clothing and children being
25 accompanied by staff.

1 Then section 7 deals with the youth treatment side
2 of Rathgael. It talks about staff attitudes at 7.8.
3 7.12, house 4 was Fox Lodge and that was a secure unit,
4 which was in the process of being refurbished at the
5 time of the inspection. The reception for youth
6 treatment was house 5, known as Gibraltar. House 6 was
7 Grampian. House 7 -- houses 7 and 8 provided
8 accommodation for younger boys aged from 13 to 15.
9 Daily life in the youth treatment section is described
10 at 7.28, and at 7.49 the comment is made that there are
11 some old institutional practices still in evidence.

12 Section 8 dealt with the community care team and
13 describes the functions and roles, and it also makes
14 reference to the East Side Project, which was
15 a community project, an outreach project, from Rathgael.
16 There is further material on this in the bundle at 24489
17 to 24497.

18 Section 9 dealt with the educational and vocational
19 training. Section 10 covered diet and kitchen. It was
20 felt that overall there were things that needed to be
21 improved in that regard. Healthcare arrangements are
22 described in section 11, and at 11.10 it talks about the
23 sick parade and the humiliation of girls who had to go
24 to receive the contraceptive pill. At section 12
25 there's discussion of religion. Section 13 talks about

1 the official visitors to the school. At section 13.4
2 SSI identify a need for a formal system of monitoring
3 akin to that used by the Health & Social Services Board.

4 It talks about official records at section 14 and at
5 14.2 notes that no admissions and discharge register for
6 the entire school is kept, which is obviously contrary
7 to the training school rules.

8 It talks about the psychiatric and psychological
9 services afforded by the school at section 15. It talks
10 about integration within the community, volunteering at
11 section 17. A home finding scheme that was operated in
12 conjunction with Barnardo's is talked about at
13 section 18, and the conclusions are recorded at
14 section 19. At 19.5 the report says that it was
15 impressed with many features of the centre and
16 section 20 is the recommendations.

17 I want to mention some other material in the
18 bundle that is of relevance to Rathgael. I do not
19 propose to open this material, which I am sure the
20 technology will be happy to hear, but I merely highlight
21 the bundle pages.

22 There is documentation about the relationship
23 between the Northern Ireland Office and training schools
24 from 23025 to 23079. It appears from that documentation
25 that the Northern Ireland Office was trying to remove

1 itself from too much involvement in the daily management
2 of training schools in 1987 and that Boards of
3 Management were not operating as had been intended.

4 There is documentation from 1987/1988 regarding
5 finance and this shows meetings between the Northern
6 Ireland Office and the Board of Management, and there
7 are letters at 23040 and 23039 about a reduction in the
8 budget and the implication for staffing.

9 Finally, at RGL23424 there are extracts from
10 directors' reports in 1991 which speak about assaults on
11 staff and stress levels. It speaks about the client
12 group becoming increasingly more disturbed and difficult
13 and records that:

14 "20% of staff members are off on long-term sick
15 leave."

16 There are many more pages of documents in the bundle
17 relating to Rathgael, which the Inquiry will consider
18 over the next few weeks.

19 I am now going to move on to say something about
20 Lisnevin. You will recall that Lisnevin was set up as
21 a response to the need for a secure unit in Northern
22 Ireland, as the existing four training schools were all
23 open units. It opened in 1973. It was
24 non-denominational and its Board of Management was made
25 up from members of the boards of other four training

1 schools.

2 The Inquiry has received a statement from
3 Dr Bill Lockhart specifically about Lisnevin, which is
4 at LSN1227 to 1250, with exhibits on the pages after
5 that. If it is possible to look at that, please.
6 That's 1227, LSN.

7 At paragraphs 3 to 13 of his statement he gives
8 a description of Lisnevin when it was situated in
9 Newtownards. He speaks about the services offered at
10 Lisnevin at paragraphs 14 to 16. He talks about the
11 special unit, and at paragraphs 17 to 18 he talks about
12 the assessment unit. At paragraph 19 -- it doesn't look
13 as though we are going to be able to see the statement
14 on the screen. However, I will try to summarise it as
15 best I can. At paragraph 19 Lisnevin was recommending
16 community disposal when it assessed children who went to
17 the assessment unit whereas the training schools were
18 advocating for Training School Orders to be made in
19 respect of the same children.

20 Paragraphs 20 to 29 covers medical and dental care,
21 food and clothing, staff training, rewards and
22 disciplinary systems, corporal punishment and
23 complaints. I had hoped to read paragraph 28, where he
24 speaks about the issue of complaints.

25 In the joint departmental statement at paragraph 8

1 at RGL1623 it is recorded that following up -- following
2 the set-up of an independent representation scheme for
3 children in Lisnevin in 1991, which was operated by
4 NIACRO, there were eleven verbal or physical -- eleven
5 complaints of verbal or physical abuse by staff during
6 the 1994/'95 period. It is not known how these were
7 dealt with or indeed the details of same.

8 Dr Lockhart states at paragraphs 30 to 32 of his
9 statement that there were difficulties with the location
10 of Lisnevin. There is a document at RGL22491 which
11 shows that local residents objected to the location of
12 Lisnevin at the Kiltonga site in Newtownards, and
13 following a Public Inquiry, which initially ruled in
14 favour of the Department, the Secretary of State gave
15 an assurance that the use of the Newtownards site would
16 be temporary, and documents the Inquiry has seen show
17 what alternatives were considered, including building on
18 the ground at Lisnevin -- sorry -- at Rathgael. You
19 will have seen from the site maps that I called up
20 earlier there was substantial acreage at the Rathgael
21 site.

22 At paragraph 32 of his statement Dr Lockhart says
23 that while Lisnevin was situated in Newtownards, the
24 interdenominational character of the school did not
25 cause any problems, but that there was friction when the

1 school moved to Millisle. Those who have complained to
2 the Inquiry about sectarian abuse were in Lisnevin in
3 the late 1980s and 1990s after it had moved to Millisle.

4 Dr Lockhart describes how staff was recruited for
5 Lisnevin at paragraphs 35 to 39 and he goes on to speak
6 about governance issues, including inspections, at
7 paragraphs 40 to 42 -- ...4.

8 At paragraph 41 he describes the difficulties caused
9 by the composition of the Board of Management. I had
10 hoped to read it, but from recollection what he says is
11 that the training school representatives essentially
12 were competing against each other in respect of their
13 own school rather than dealing with what was appropriate
14 for Lisnevin, and I hope I haven't misstated what is in
15 that paragraph.

16 Paragraphs 45 to 52 of his statement address the
17 matter of the move to Millisle and there are papers
18 about the move at RGL22419 to 22497. The move to
19 Millisle took place on 23rd June 1980.

20 Dr Lockhart's view is that the move was disastrous
21 for the staff and children alike. I think I had hoped
22 to read those paragraphs from 45 to 52 where he sets out
23 the reasons for that.

24 At paragraphs 53 to 55 he describes the building,
25 and there are aerial photographs, which we might be able

1 to see, of Millisle at RGL22442 and 22443. If we can
2 maybe just scroll down through that, please, as I say,
3 it shows the layout of Millisle, which the Inquiry will
4 be aware was formerly the borstal accommodation for boys
5 in Northern Ireland. It was once that borstal closed
6 with the opening of Hydebank that Millisle became
7 available for the move by Lisnevin.

8 Staffing issues are discussed by Dr Lockhart at
9 paragraphs 56 to 58 and his view of Lisnevin is summed
10 up in paragraph 60. In paragraph 65 he says that:

11 "Inspections of Lisnevin were critical of the regime
12 and its ability to protect the children in its care."

13 He speaks about the operation of the APRU and the
14 relationship with the Northern Ireland Office.

15 At RGL25969, which is the SSI report on training
16 schools after their inspections carried out in
17 1987/1988, the history of Lisnevin is set out here at
18 paragraph 6.19, and at 25972 it is recorded that
19 Lisnevin has had a number of major incidents when
20 substantial damage was caused. At the moment it is
21 unclear what these were, but the Inquiry is soon to
22 receive the unit log books from Lisnevin, which may shed
23 some light on this.

24 An analysis of the police material provided to the
25 Inquiry regarding complaints involving Lisnevin shows

1 that two of those who spoke to the Inquiry also
2 complained to police, one alleging physical abuse, the
3 other sexual abuse. One other person spoke to police
4 and alleged sexual abuse.

5 In 1986 a resident of Lisnevin pleaded guilty to the
6 attempted rape and indecent assault of a nurse who was
7 doing holiday relief work in Lisnevin.

8 There have been no civil claims relating to
9 Lisnevin.

10 I will now say something about Hydebank Wood, the
11 Young Offenders Centre. The Inquiry has received
12 a statement from Mr Max Murray, a trained prison
13 officer, who was employed in Hydebank from 1984 to 1987
14 first as Deputy Governor and then as Governor. I am not
15 sure if we can call up this, but the statement and
16 exhibits thereto are at HYD469 to 1671. I don't believe
17 we are going to be able to look at that. I had hoped to
18 read paragraph 2 of the statement at 471, HYD471, which
19 details the background to and the layout of the -- ah,
20 we have got it! That's good -- and the layout of
21 Hydebank there at 2.1. It says:

22 "The Young Offenders Centre was built on the
23 outskirts of Belfast some four miles from the city
24 centre and opened in 1979 to replace the borstal" --
25 sorry -- "closed borstal at Millisle. As I recollect,

1 the open borstal transferred to Hydebank and closed in
2 1980. At that time male young offenders under the age
3 of 21 who were serving custodial periods of less than
4 three years were sentenced to a period of detention in
5 a Young Offenders Centre as opposed to a period of
6 imprisonment. At some stage during the early 1980s the
7 Juvenile Remand Unit, which was previously accommodated
8 in D Wing annexe at Belfast Prison" -- that was on the
9 Crumlin Road -- "also transferred to Hydebank and was
10 accommodated on a third floor landing of Elm House. The
11 landing could accommodate up to twenty boys aged
12 I believe 14-17 years of age."

13 The centre operated, as Mr Murray makes clear, in
14 accordance with the Young Offenders Centre Rules
15 (Northern Ireland) 1979, which took effect from
16 1st June 1979 and are in the bundle at HYD521 to 4... --
17 sorry -- 548. These were superseded by the Young
18 Offenders Rules (Northern Ireland) 1982 from
19 1st September 1982.

20 At paragraph 3 of his statement Mr Murray describes
21 the general regime at Hydebank and says that its
22 emphasis was on discipline and participation in
23 activities, personal hygiene and cleanliness. The daily
24 regime is described in paragraph 4, and he says that
25 inmates could gain special privileges for good

1 behaviour.

2 At paragraph 5 Mr Murray speaks about discipline and
3 control and says that normal disciplinary procedures
4 were covered by the YOC rules, but in cases of
5 particularly disruptive behaviour an inmate could be
6 temporarily confined to a room until he calmed down, in
7 accordance with the prison rules, and if the inmate
8 could not be managed in the general population of the
9 centre, the governor could award removal from
10 association for 24 hours.

11 Paragraph 6 addresses the use of minimum force to
12 maintain order, and Mr Murray says at paragraph 6.3 that
13 the emphasis for staff was on the requirement to develop
14 working relationships and a working rapport with
15 inmates.

16 Control and restraint was introduced in the
17 mid-1980s, and I will say something more about this
18 later, and at 6.7 Mr Murray states that there was
19 a difference of approach taken to working with
20 paramilitary prisoners and other young offenders.

21 Paragraph 7 talks about the daily regime in the
22 centre, and paragraph 8 deals with how inmates could
23 make complaints. If we could look at that, please,
24 that's HYD483. It says:

25 "Upon committal, inmates were advised that they had

1 the right to see a governor on request, a member of the
2 visiting committee or a visiting representative of the
3 Secretary of State in compliance with Rule 42. Inmates
4 received a copy of the 'Guidance to Prisoners on
5 Committal'. The governor -- as highlighted in
6 paragraph 42 of the YOC rules, the governor shall at
7 a convenient hour every day other than Saturdays,
8 Sundays and public holidays see all inmates who had made
9 a request to him. That was delegated to junior governor
10 grades depending on their areas of responsibility.

11 In addition to the management being visible
12 throughout the centre, other staff, including chaplains,
13 probation, teachers, counsellors and administration
14 staff also had access throughout all areas of the
15 centre."

16 He goes on to talk here at 3... -- sorry -- 8.3
17 about the fact that:

18 "Inmates could make a request to see a member of the
19 visiting committee or an official of the Northern
20 Ireland Office at the next visit. Those would be made
21 directly with the class officer, who would record the
22 request and refer to the visiting committee clerk, who
23 would enter it into the visiting committee journal, and
24 any member of the visiting committee on their next visit
25 would be required to see the inmate. Separately inmates

1 could directly approach members of the visiting
2 committee who visited throughout the centre without
3 referral to the prison staff.

4 All inmates were entitled to write a petition to the
5 Northern Ireland Office, the content of which could not
6 be censored by the establishment."

7 If we can scroll on down possibly to the next page:

8 "The petition would include any representations
9 which the inmate wished to make with an explanation from
10 the governor. Petitions comprised a four-sided
11 document, which included two pages inside, one for the
12 inmate to outline the complaint and the other for the
13 management response, and they were usually used as
14 a form of appeal against a decision taken within the
15 centre.

16 Inmates were also entitled to make direct
17 representation to Members of Parliament in accordance
18 with standing order section 5."

19 Notes for guidance were given to prisoners about
20 that.

21 "Inmates also had the right to send a letter to the
22 Parliamentary Commissioner on Administration."

23 Again there was guidance, which included the
24 address, given to prisoners.

25 Now there was scrutiny of the work in Hydebank by

1 the Director of Prisoner Operations and the Northern
2 Ireland Office Treatment of Offenders Branch oversaw the
3 operation of Hydebank and members of the branch visited
4 regularly. In addition, Her Majesty's Chief Inspector
5 of Prisons inspected the centre.

6 There was an independent body of individuals
7 appointed by the Secretary of State, known as the
8 Visiting Committee, who could visit at any time, but met
9 once a month at the centre, and who submitted an annual
10 report to the Secretary of State, and, as is clear, the
11 inmates were made aware that they could complain to the
12 Visiting Committee.

13 He also says that each governor kept a daily
14 journal, as described in paragraph 14, and he refers to
15 his journal at paragraph 20 and the allegations made
16 against staff members that he recorded therein in 1986.
17 If we could look at that, that's 495 through to 498,
18 HYD. It may not be possible to get that. There are
19 a number of allegations that were made therein and
20 recorded by Mr Murray in his journal in 1986. It is
21 unclear whether any of the allegations were made by
22 persons under the age of 18, which would then bring them
23 within the Inquiry's terms of reference. Sorry. If we
24 can just scroll on down, please. It is the bottom of
25 the page. It is unlikely that the complaints that he

1 records in his journal do cover children who were under
2 the age of 18, as material received by the Inquiry from
3 the police does not show that anyone complained to the
4 RUC or PSNI about his time in Hydebank in that age
5 group.

6 There have been eight civil claims relating to
7 Hydebank, only one of which is live. The others have
8 either been withdrawn, abandoned or become
9 statute-barred.

10 In his statement Mr Murray spoke about the
11 introduction of the practice of control and restraint
12 into the prison regime. As a number of people in
13 Rathgael in particular complained about how they were
14 restrained by staff, the Inquiry asked the Department of
15 Justice to address the issue of the restraint of
16 children, and in response the Inquiry has received two
17 statements.

18 The first is a statement with exhibits dated 25th
19 September 2015, which can be found at RGL1871 to 1917,
20 and it is also at LSN878, but I refer to the RGL
21 numbering. In that statement Ms Karen Pearson for the
22 Department outlines what the Department understands to
23 have been the position in respect of Rathgael, Lisnevin
24 and St. Patrick's. It is clear that each training
25 school evolved policies differently until the mid-1990s,

1 when training took place for staff at Rathgael and
2 Lisnevin. The policies prior to that are set out in
3 paragraphs 3 and 4 of this statement for Lisnevin and 4
4 to 8 for Rathgael. Ms Pearson records that both schools
5 also made use of the time out room for those residents
6 completely out of control and as a last resort -- sorry
7 -- for those residents completely out of control and as
8 a last resort. The Inquiry will hear complaints about
9 the use of this room from former residents and at
10 paragraph 12 Ms Pearson records that in 1995 there was
11 concern about the frequent use of the room at Rathgael.

12 Paragraphs 15 to 27 of her statement from page
13 RGL1875 discuss the position on training in respect of
14 both Rathgael and Lisnevin, and it would appear that,
15 following an incident in December 1986, the nature of
16 which I have not been able to find information in the
17 bundle, Lisnevin sought to have prison officers train
18 staff in the use of riot equipment.

19 This did not happen, and the Department considered
20 introducing training in child management techniques in
21 the hope of preventing confrontation and raising staff
22 confidence was more appropriate. If we look at
23 paragraphs 15 to 24, that is addressed in Ms Pearson's
24 statement. This approach was eventually adopted, with
25 training commencing in September 1994 for Lisnevin and

1 then Rathgael.

2 Paragraphs 29 to 30 of Ms Pearson's statement at
3 1877 to 1878 outlines examples of when children were
4 restrained.

5 From the foregoing it can be seen that methods of
6 restraining children were not standardised in the
7 training schools until the mid-1990s, although, as the
8 1992 SSI report into Shamrock House at Rathgael makes
9 clear, there was guidance for staff there in a staff
10 handbook.

11 At RLG23081 (sic) there are extracts of minutes of
12 team leaders' meetings in Rathgael about control and
13 restraint between 1992 and 1996. One minute of 16th
14 June 1993 at 23081 records that there had been a number
15 of complaints against certain members of staff and that
16 some persistent absconders indicated that their reason
17 for absconding was staff mishandling of them.

18 The second statement on this issue is that of
19 David Dowds, which is in the Rathgael bundle. His
20 statement and exhibits, which include three manuals on
21 control and restraint, can be found at RGL3128 to 4198.

22 Chairman, Panel Members, ladies and gentlemen,
23 I have said all I wish to say about the three
24 institutions that we will be hearing evidence about in
25 the coming weeks, and before concluding I should once

1 again like to thank all those members of the Inquiry
2 team, both the lawyers and the administrative staff, who
3 make it possible for Mr Aiken and I to present evidence
4 in this module, and just to say that their help is very
5 greatly appreciated by us both.

6 CHAIRMAN: Thank you. Well, we will adjourn now and we will
7 resume tomorrow morning when we will hear the first
8 witnesses.

9 MS SMITH: Thank you, Chairman.

10 CHAIRMAN: Thank you very much.

11 (12.20 pm)

12 (Inquiry adjourned until 10.00 am tomorrow morning)

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Opening speech by COUNSEL TO THE2
INQUIRY