

Executive Summary

The Commission to Inquire into Child Abuse was established in 2000 with functions including the investigation of abuse of children in institutions in the State. It was dependent on people giving evidence which they did in large numbers. The Commission expresses its gratitude to all those who participated and contributed with their testimony and documents. The witnesses who came to the Confidential and the Investigation Committees ensured that the Inquiry had sufficient information to investigate the difficult issues that it was mandated to explore. The Commission was impressed by the dignity, courage and fortitude of witnesses who endeavoured to recall events that had happened many years ago.

This Report should give rise to debate and reflection. Although institutional care belongs to a different era, many of the lessons to be learned from what happened have contemporary applications for the protection of vulnerable people in our society.

The expression “abuse” is defined in section 1(i) of the Principal Act, as amended by section 3 of the 2005 Act, as:-

- (a) *the wilful, reckless or negligent infliction of physical injury on, or failure to prevent such injury to, the child,*
- (b) *the use of the child by a person for sexual arousal or sexual gratification of that person or another person,*
- (c) *failure to care for the child which results, or could reasonably be expected to result, in serious impairment of the physical or mental or development of the child or serious adverse effects on his or her behaviour or welfare, or*
- (d) *any other act or omission towards the child which results, or could reasonably be expected to result, in serious impairment of the physical or mental health or development of the child or serious adverse effects on his behaviour or welfare,*
and cognate words shall be construed accordingly.

The Commission Report

The Commission Report consists of 5 Volumes:

- | | |
|-------------------|--|
| Volumes I and II: | The Investigation Committee Report on Institutions |
| Volume III: | The Confidential Committee Report |
| Volume IV: | The Department of Education; Finance; Society and the Schools; Development of Childcare Policy in Ireland since 1970; Report on Witnesses Attending for Interview; Conclusions and Recommendations |
| Volume V: | The ISPCC, Expert Reports, Commission Personnel and Legislation |

Volume I

Chapter 1 contains a general introduction to the Commission and its terms of reference. It explains the task it was required to do and how it set about doing it.

Chapters 2 and 3 trace the historical background to the Industrial and Reformatory school system. They describe a Victorian model of childcare that failed to adapt to Twentieth Century conditions and did not prioritise the needs of children. Children were committed by the Courts using procedures with the trappings of the criminal law. The authorities were unwilling to address the failings in the system or consider alternatives.

Chapter 4 sets out the Rules and Regulations for Certified Industrial Schools, which detailed what the Schools were required to do in terms of physical care for the children. These rules set out standards in respect of accommodation, clothing, diet, education and industrial training. They also set down strict guidelines for punishment that could be imposed by the Managers of residential schools.

This chapter also sets out fully the Department of Education Rules and Regulations regarding corporal punishment, which were contained in the 1933 Rules and Regulations and in various circulars issued by the Department over the years. They all emphasised that physical punishment was to be a last resort and that it should be kept to a minimum.

The Investigation Committee Report on Institutions

The period covered by the Investigation Committee Inquiry, ‘the relevant period’, is from 1936 to the present. However, the complaints come mostly from a period during which large scale institutionalisation was the norm, which was, in effect, the period between the Cussen Report (1936) and the Kennedy report (1970).

In early 2004, the Investigation Committee engaged in a process of consultation with religious congregations, complainants and legal representatives seeking to establish procedures that would enable it to complete its work within a reasonable time.

Investigations were conducted into all institutions where the number of complainants was more than 20.

Chapter 5 outlines some preliminary issues with regard to the Investigation Committee Report, including the ways in which the investigation was conducted and the oral hearings were organised. This chapter also deals with the possible contamination of evidence and the impact of factors such as lobby groups, Statute of Limitation amendments and length of time had on the investigation.

On the question of anonymity, the Commission took the decision to give pseudonyms to all respondents and potential respondents in the Report, including respondents who had been found guilty of offences in criminal trials. The identity of all complainants was also protected by the use of pseudonyms and by removing any identifiable biographical details.

Chapters 6 to 13 contain the reports on the Institutions owned and managed by the Congregation of the Christian Brothers. This Congregation was the largest provider of residential care for boys in the country and more allegations were made against this organisation than all of the other male Orders combined.

Chapter 6 gives an overview of the Congregation, including its foundation, its organisation and management and its funding. It also looks at the vows taken by religious Brothers and the impact of these vows on the care they gave to children in their Schools. The Chapter examines the

Congregation's own Rules regarding corporal punishment and discipline in its schools and outlines the strict limitations imposed by the Authorities on its members in the way they could administer punishments in their schools.

This Chapter also looks at the attitude of the Congregation to allegations of abuse and the apologies it issued. These apologies acknowledged that some abuse had taken place but failed to accept any Congregational responsibility for such abuse. Finally, this chapter examines the Congregation's engagement with this Commission which was co-operative in terms of production of documents but defensive in the way it responded to complaints. Chapter Six covers a number of issues that were common to all of the Christian Brothers' Institutions that were examined in Chapters 7 to 13 of Volume I.

Each of the individual school chapters follows a similar format. The School is described in general terms outlining its size, physical buildings, numbers of boys' resident, and numbers of staff. The chapters then go on to look at allegations under the headings of Physical, Sexual, Neglect and Emotional abuse. The report firstly examines the documented cases of abuse that were discovered to the Committee by the Congregation and then looks at the allegations made by complainants to the Committee.

Chapter 7 deals with Artane Industrial School in Dublin. Artane was founded in 1870 and was certified for 830 boys. This was almost four times the size of any other school in the State. The size of Artane and the regimentation and military-style discipline required to run it were persistent complaints by ex-pupils and ex-staff members alike. The numbers led to problems of supervision and control, and children were left feeling powerless and defenceless in the face of bullying and abuse by staff and fellow pupils. Although physical care was better than in some schools, it was still poorly provided and so imbued with the harshness of the underlying regime that children constantly felt under threat and fearful.

All of the witnesses who made allegations against Artane complained of physical abuse. This abuse is outlined in full both from the documents and the evidence of witnesses. Conclusions on physical abuse are contained at Paragraph 7.311 of Volume I and state that physical punishment of boys in Artane was excessive and pervasive and, because of its arbitrary nature, led to a climate of fear amongst the boys.

Paragraphs 7.312 to 7.548, investigate sexual abuse. Many of the details of this abuse were contained in the Congregations' own records that became known as the 'Rome Files'. This chapter looks at these allegations and how they were handled in respect of Brothers who had been assigned to Artane at any time during the relevant period. The Committee heard evidence from ex-residents who alleged abuse and from Brothers and ex-Brothers, some of whom admitted sexual abuse.

The Conclusions on sexual abuse which are outlined at Paragraph 7.549 were that sexual abuse of boys in Artane by Brothers was a chronic problem. Complaints were not handled properly and the steps taken by the Congregation to avoid scandal and publicity protected perpetrators of abuse. The safety of children was not a priority at any time during the relevant period.

Neglect and emotional abuse were also found to have been features of Artane. The numbers of children made it impossible for any child to receive an adequate standard of care.

The chapter on Artane contains an analysis of a 1962 Report written by Fr Henry Moore who was a chaplain in Artane in the 1960s. Fr Moore gave evidence to the Committee and much of it confirmed evidence of complainants who were pupils there.

A report by Mr Ciaran Fahy, consulting engineer, is appended to the Artane chapter and describes the physical layout and structures of the Institution and contains some photographic records of the school.

Chapter 8 deals with another Christian Brothers' school, Letterfrack, County Galway. The school in Letterfrack was founded in 1885 and was situated in a remote hillside location in Connemara, miles away from Galway or from public transport. The remoteness of Letterfrack was a common theme of complainants and of Brothers who had worked there. It was an inhospitable, bleak, isolated institution accessible only by car or bicycle and out of reach for family or friends of boys incarcerated there.

Physical punishment was severe, excessive and pervasive and by being administered in public or within earshot of other children it was used as a means of engendering fear and ensuring control.

Sexual abuse was a chronic problem. For two thirds of the relevant period there was at least one sexual abuser in the school, for almost one third of the period there were two abusers in the school and at times there were three abusers working in Letterfrack at the same time. Two abusers were present for periods of 14 years each and the Congregation could offer no explanation as to how these Brothers could have remained in the School for so long undetected and unreported. Conclusions on Sexual Abuse in Letterfrack are outlined at Paragraph 8.461 of the Report.

A decision in 1954 to reduce numbers in Letterfrack to a bare minimum had serious repercussions for the physical welfare of the boys. Children were emotionally and physically neglected throughout the relevant period and those children who could have benefited from family contact were deprived of this because of the remoteness of Letterfrack's location. This isolation impacted on boys and Brothers who were posted there.

Chapter 9 contains the report into St Joseph's Industrial School, Tralee, Co Kerry. This School was established in 1862 and was certified for 145 boys. Serious allegations were outlined both in documents and in oral testimony about a Brother who was violent and dangerous over a number of years (Paragraph 9.46). This Brother was moved from a day school because his violence towards children was causing severe problems with their parents, and was moved to Tralee Industrial School. Such a move displayed a callous disregard for the safety of children in care. He went on to terrorise children in Tralee for over seven years.

Children were left unprotected and vulnerable to bullying by older boys and this was stated to be a particular problem in Tralee both in terms of physical and sexual abuse.

Sexual abuse by staff was not as persistent a problem in Tralee as in Artane or Letterfrack, although one Brother was cited by complainants and by Brothers who had been on the staff in Tralee as 'behaving inappropriately' with the boys. He was on the staff for 20 years and his behaviour was known to at least three Superiors who did not attempt to stop it.

One ex-Brother, Professor Tom Dunne, gave evidence about his experience of Tralee and he described a cold hostile culture where the boys were treated with harshness: 'It was a secret enclosed world, run on fear'.

Chapter 10 deals with Carriglea Park Industrial School in Dun Laoghaire, Co Dublin. This School was established in 1894 and closed in 1954. The Investigation Committee did not receive many complaints about this school which had closed early in the relevant period but the documents and the limited evidence from complainants and ex-staff members give an important insight into management practices within the Christian Brothers. A period of near-anarchy was tackled by the imposition of a harsh punitive regime which was facilitated by the transfer of Brothers with a known

propensity for severe punishment to the school. There was some evidence of a more enlightened approach towards education and aftercare in Carriglea particularly in the preparation of boys for Post Office examinations. There were substantial surplus funds in the School accounts when this School closed in 1954.

Chapters 11 and 12 deal with Glin and with Salthill Industrial Schools respectively. Both schools were the subject of a documentary investigation by the Investigation Committee but were not included in the Schools designated for oral hearings by the Committee.

Glin was a large Industrial School in Co Limerick with a population of over 200 boys during a substantial part of the relevant period. It was the subject of two detailed reports commissioned by the Christian Brothers and these were used to provide background information about the school. The documents revealed that a system of harsh and pervasive punishment existed in Glin during the relevant period. The documents also revealed that Brothers with a known propensity for sexual abuse were transferred to Glin indicating a serious indifference to the safety of children.

Salthill in Co Galway was the only Christian Brothers' Industrial School to survive beyond the mid-1970s. The Congregation handed over management of the School to the Western Health Board in 1995. The documents showed that violent Brothers who were moved around from one school to another continued their violent behaviour. In Salthill, one Brother, who had been described as cruel in Letterfrack, continued his severe treatment of boys in Salthill and another continued his harshness in schools he was assigned to after Salthill. Internal Christian Brothers' Reports identified a 'severity in attitude' towards the boys in the 1950s and the records would indicate a concern with six Brothers who had served in Salthill with regard to physical punishment.

The documents implicated five Brothers, one care worker who was a former resident, and another ex-resident who returned after discharge, in sexual abuse allegations. In particular, the Salthill report deals with a relatively recent allegation of sexual abuse against a Brother who had been transferred from Salthill 'following a grave indiscretion with one of the boys' in the early 1960s (Paragraph 12.63). The treatment of a boy who alleged sexual abuse against this Brother some twenty years later by Congregational Authorities was shameful and disturbing.

Chapter 13 deals with the final Christian Brothers' School investigated by the Committee, St Joseph's School for the Deaf, in Cabra. This was not an Industrial School but was a residential school for boys from the age of eight who were profoundly or partially deaf. This school was also investigated on a document only basis. It was the subject of Eastern Health Board Investigations in the 1980s which revealed disturbing levels of sexual abuse and peer sexual activity amongst boys who were resident there. These documents reveal a persistent failure on the part of school Authorities to protect children from bullying and abuse.

In addition, the documents revealed that physical punishment of these children continued into the mid-1990s and that staff were protected by management when physical abuse was discovered.

It is significant that the Industrial Schools owned and managed by the Christian Brothers did not keep a Punishment Book as was required by the Rules.

Chapter 14 looks at the career of a serial sexual and physical abuser, given the name of Mr John Brander, who taught children in the primary and secondary school sector in Ireland for 40 years. He was eventually convicted of sexual abuse in the 1980s.

He began his career as a Christian Brother and after three separate incidents of sexual abuse of boys, he was granted dispensation from his vows. This chapter goes on to describe this man's progress through six different schools where he physically terrorised and sexually abused children

in his classroom. At various times during his career, parents attempted to challenge his behaviour but he was persistently protected by diocesan and school authorities and moved from school to school. Complaints to the Department of Education were ignored. The Committee received a large number of complaints from individual national schools and the investigation conducted into the career of Mr Brander, apart from being shocking in itself, also illustrates the ease with which sexual predators could operate within the educational system of the State without fear of disclosure or sanction.

Chapter 15 reports on Daingean Reformatory, Co Offaly. This was the only boys' reformatory in the State for most of the relevant period and was managed by but not owned by the Oblates of Mary Immaculate.

The physical abuse of boys in Daingean was extreme. Floggings which were ritualised beatings should not have been tolerated in any institution and they were inflicted even for minor transgressions. Children who passed through Daingean were brutalised by the experience and some were damaged by it.

Apart from a cruel regime of punishment, Daingean was an anarchic Institution. It was run by gangs of boys who imposed their rules on the others and the supervision by the religious Brothers and Priests was minimal and ineffectual.

Serious questions were raised about two Brothers who were in the school for long periods but in general allegations of sexual abuse were concentrated on abuse by older boys. The gangland culture fostered the development of protective relationships between the boys and these relationships sometimes developed a sexual aspect. The boy seeking the protection had little option but to comply with the demands of the older boy and the authorities were dismissive of any complaints.

Chapter 16 deals with Marlborough House Detention Centre in Dublin. Boys were remanded to Marlborough House either pending sentencing or whilst waiting for transfer to an Industrial School or Reformatory. The boys were left for long hours with no recreation facilities, no schooling and no proper supervision. It was managed by the Department of Education who appointed a lay supervisor to the role of Manager.

Volume II

Volume II continues the Investigation Committee Report into individual institutions and begins with an investigation into the two institutions owned and managed by the Rosminian Order.

Chapter 1 looks at the founding and organisation of the Rosminian Order and its involvement in residential care in Ireland. The Rosminians adopted a different approach to the Commission than other Congregations. They sought to understand abuse, in contrast to other Congregations who sought to explain it. They accepted that abuse had occurred in their Institutions, that the Institutions in themselves were abusive and that the Order itself must bear responsibility for what occurred.

Chapter 2 deals with St Patrick's Industrial School in Upton, County Cork which was certified for 200 boys. Included in the documents discovered by the Rosminians were two Punishment Books for this school. One related to the 1889-1893 period and the other related to the period 1952 – 1963. This latter book contained clear documentary evidence of a harsh regime in Upton. The Order conceded that punishment was abusive and at times brutal.

The issue of sexual abuse in this institution emerged most strikingly through material that came to the Investigation Committee's attention following a search by the Order of material in their archive in Rome, which disclosed a considerable number of documents, 68 in all, dating from 1936 to 1968. They dealt with, among other things, 7 sexual abusers who worked in Upton. These documents provided a valuable contemporary account of how sexual abuse was dealt with.

Chapter 3 covers Ferryhouse, Clonmel, Co Tipperary, which was the second Industrial School owned and managed by the Rosminian Order. It opened in 1885 and was certified for 200 boys. There was no punishment book made available in respect of Ferryhouse and no documented evidence as to the severity of the regime there, although the Order have conceded that there was excessive and severe punishment in the Institution. Complainants spoke of a climate of fear and of harsh and at times brutal punishments.

The extent of sexual abuse in this institution was as serious and disturbing as in Upton. Two religious members of the Rosminian Order and one layman were convicted of sexual abuse of boys in Ferryhouse. Another religious who served in Ferryhouse was convicted of a crime committed elsewhere on a boy who had previously been a resident of Ferryhouse and who was then living in another Rosminian institution. These three religious offenders served in senior positions in Ferryhouse and the layman was a volunteer there for different periods of years between 1968 and 1988.

During almost all of the period covered by the inquiry, there was at least one sexual abuser present in Ferryhouse.

The living conditions in both schools were poor, inadequate and overcrowded although conditions in Ferryhouse did improve from the late 1970s. Children were underfed and badly clothed and received poor education and training.

Chapter 4 deals with Greenmount Industrial School, Co Cork, which was owned and managed by the Presentation Brothers. This school was founded in 1874 and closed in 1959 and was certified for 235 boys.

For some specific periods during its history, Greenmount operated a harsh and severe regime. The level of corporal punishment tolerated depended on the attitude of management at the time. Some Resident Managers were more severe than others.

The report into Greenmount contains a detailed analysis of an investigation into allegations of sexual abuse against two Brothers who were on the staff at the time. This matter was dealt with inadequately at the time and one of the Brothers went on to abuse in other schools he was assigned to.

Food clothing and accommodation were poor in Greenmount and education and aftercare were badly provided.

Chapter 5 deals with Lota which was a residential school for boys with special needs run by the Brothers of Charity in Glanmire, Co Cork.

The significant element in the account of Lota was the deeply disturbing accounts of sexual abuse of vulnerable children by religious staff. In addition, the indifference of the Congregational Authorities in addressing the issue facilitated the abuse in Lota for many years. In one case, a Brother who was known by the Congregation to have abused in England and was known to the police there, was brought back to Ireland and assigned a teaching position in Lota, where he worked for over 30 years. This Brother admitted to multiple sexual assaults of boys in the school. The circumstances of his return to Ireland and the handling of allegations against him whilst in Lota are a serious indictment of the Brothers of Charity. The Brothers have admitted that abuse took place but, as in the case of other Orders, they have not accepted Congregational responsibility for it.

Chapters 6 to 16 of Volume II cover 8 Industrial Schools run by Orders of nuns which catered mainly for girls, and boys under eight years. The largest providers of care to these children were the Sisters of Mercy, who ran a total of 26 Industrial Schools in the State during most of the relevant period.

Chapter 6 looks at the foundation and organisation of the Sisters of Mercy and looks at the personal vows taken by Sisters and the impact these had on the standard of care provided to children. It is a feature of the structure of this organisation that during the relevant period it was not a homogenous body but was made up of a number of separate convents each of which was independent of the other. It did not become a unified Congregation until the 1980s.

Chapter 7 deals with Goldenbridge Industrial School which was located in Inchicore in Dublin and was certified for 150 girls. Boys under eight were admitted in the late 1960s. Goldenbridge was a controversial institution and had been the subject of television and media discussion from 1995 onwards when the 'Dear Daughter' programme had been broadcast on RTE. Allegations of a severe, cruel regime were made where discipline was unrelenting and severe.

Unlike the Christian Brothers and to a lesser extent the Rosminians, the Sisters of Mercy retained almost no records of complaints or allegations against the School, or even any reports of internal inspections or reviews. The Goldenbridge report relies heavily on the oral testimony of witnesses both complainants and ex-staff members.

A high level of physical abuse was perpetrated by Religious and lay staff in Goldenbridge. The method of inflicting punishments and the implements used were cruel and excessive and physical punishment was an immediate response to even minor infractions. Children were in constant fear of beatings and in many cases were beaten for no apparent reason. A feature of this school was a rosary bead industry that was operated from the school. This industry was conducted in a way that imposed impossible standards on children and caused great suffering to many of them. It was a school that was characterised by a regime of extreme drudgery, both in terms of the rosary bead making and the daily workload of the children.

Goldenbridge was an emotionally abusive institution. Girls were humiliated and belittled on a regular basis and treated with contempt by some staff members. It was characterised by an absence of kindness or sympathy for the children.

Chapter 8 considers Cappoquin Industrial School, County Waterford which was owned and managed by the Sisters of Mercy. It was certified for 75 boys up to the age of ten. From 1970, it was allowed take girls as well as boys.

This institution was identified by the Department of Education Inspector as being particularly neglectful of the children in its care in the 1940s. Children were described as malnourished and underweight.

Cappoquin adapted to the Group Home system in the 1970s but it was marred by highly dysfunctional management throughout the 1970s and 1980s. Alcohol abuse and inappropriate relationships between senior personnel interfered significantly with the standard of care provided to the children. This period was marked by indifference on the part of the Community of Sisters in the convent attached to the school, which allowed a dangerous and neglectful situation to continue.

This chapter also deals with Passage West Industrial School Co Cork, in the context of an allegation of sexual abuse against a lay care worker who worked in both Institutions and who was subsequently convicted of abuse of children in Cappoquin.

Chapter 9 deals with Clifden, another Sisters of Mercy Industrial School in Co. Galway. It was certified as an Industrial School in 1872 and catered for up to 140 children..

Clifden was an institution that was strongly affected by the personality of the Resident Manager who was in office from 1936 to 1969. She was described by complainants and respondent witnesses as a strict, harsh woman who ruled and dominated all aspects of life in the institution. She treated the school as her personal domain and worked a punishing schedule with little help or support. She was unable to give the children the care they needed and used harsh physical punishment not just to correct misbehaviour, but also to enforce discipline and order. A significant feature of the evidence was the culture of detachment and lack of affection that was described by both respondent witnesses and complainants. Although there was a large community of nuns in the convent in the grounds of the industrial school, these Sisters had no contact with the children in care and appeared unable to help in the chronic under-staffing which was a problem in this school until the 1980s when numbers were reduced.

Chapters 10 deals with Newtownforbes, a Sisters of Mercy school located in County Longford that catered for up to 175 girls from infancy to 16 year olds. It repeated many of the problems identified in Clifden. It was consistently under-staffed with a heavy workload falling to the Resident Manager and much of the day to day work being done by the children themselves. Newtownforbes was severely criticised by Department of Education Inspections in the 1940s for serious neglect and abuse of children who were found with bruising that was not satisfactorily explained. Conditions improved into the 1950s and 1960s but it was a strictly regimented school that used corporal punishment to punish and to maintain order. There was a heavy emphasis on domestic chores and this together with childcare duties impeded the education of many children. Children were undermined and emotionally neglected by a regime that did not offer kindness or encouragement to children who had no-one else to look out for them.

Chapter 11 considers Dundalk Industrial School which was founded by the Sisters of Mercy in 1881 and was located in the centre of town of Dundalk in Co Louth. It was certified for 100 children but for most of the relevant period it had no more than 40 or 50 children and this had a

considerable impact on the atmosphere in the school. Although like other Sister of Mercy Schools, Dundalk came in for criticism in the 1940s, conditions improved in the 1950s and 1960s and significantly there was some evidence that it did not depend on physical punishment to maintain order. Indeed it appeared to keep corporal punishment to a minimum and although there were individual accounts of severe punishment, in general it was not an abusive institution. It was, however, seriously understaffed and supervision and physical care was affected by this lack of staffing. It was not an ideal institution but it was a more benign place than many other such schools.

Chapter 12 gives an outline of the foundation and organisation of the Sisters of Charity who ran two Industrial Schools in Kilkenny, St Patrick's and St Joseph's as well as a review of its response to allegations of abuse that have arisen.

Chapter 13 deals with St Patrick's Industrial School which was founded in 1879 and accommodated 186 boys up to the age of 10. A significant feature of this school was the very young ages of the children and the large group of them all being cared for by a small number of nuns. Because they were so young when they were there, witnesses tended to remember specific episodes rather than have overall memories of St Patrick's. Some of these incidents pointed to a regime that was harsh and unpredictable with corporal punishment the usual response to misbehaviour. Three male complainants described incidents of sexual abuse and the significant factor in each account was the child's inability to confide to the Sister who was caring for him. Men who were employed in the school appeared to have ready access to these small boys and there was no awareness of the risks posed by this.

Chapter 14 deals with St Joseph's Kilkenny which was founded in 1872 and catered for 130 children. The Sisters of Charity were unique in that they sought out training and guidance in childcare and introduced innovations into their two schools in Kilkenny that were unusual at the time. In particular, they recognised the value of the group system which they introduced to St Joseph's in the late 1940s.

In general this was a well run institution but it was dogged at two separate periods in its history by serious instances of sexual abuse and the Congregation did not deal with these appropriately or with the children's best interests in mind. In 1954, a handyman who had been employed in the school for the previous 30 years was discovered to have been grossly sexually abusing girls from as young as eight years old. An investigation which was conducted by the Department of Education, confirmed the abuse but the children concerned were offered no comfort and the perpetrator, although dismissed from the school, was not reported to the Gardai.

The second period in which sexual abuse arose in St Joseph's was during the 1970s after the school admitted boys, when two care workers who were sexually abusing boys were dismissed. Both men went on to abuse again after leaving St Joseph's and the failure of the Congregation to deal decisively with these men was a factor in this.

Chapters 15 and 16 are brief reviews of documentary evidence in relation to two schools that offered residential care to deaf girls: St Mary's Girls Cabra which was run by the Dominican Order of Nuns and Beechpark run by the Daughters of Liege. Oral hearings were not conducted into these schools and there was not a significant amount of documentary material discovered to the Committee. Most allegations of abuse referred to the harshness with which the policy of oralism was imposed on children who were deaf and who instinctively used sign language as well. Whilst the wisdom of imposing oralism was a separate matter and one which the Committee could not comment on, the methods of enforcing it were at times too severe.

In general however, the standard of care in these schools was good and particular efforts were made to ensure that the children received the best possible education.

In general, girls' schools were not as physically harsh as boys' schools and there was no persistent problem of sexual abuse in girls' schools although there was at best naïveté and at worst indifference in the way girls were sent out to foster families. A number of girls did experience sexual abuse at the hands of 'godfathers' which they were either unable to report or were disbelieved when they did report it.

There was a high level of emotional abuse in girls' schools, which was a consistent feature of these institutions.

Volume III

Confidential Committee Report

The Confidential Committee heard evidence from 1090 men and women who reported being abused as children in Irish institutions. Abuse was reported to the Committee in relation to 216 school and residential settings including Industrial and Reformatory Schools, Children's Homes, hospitals, national and secondary schools, day and residential special needs schools, foster care and a small number of other residential institutions, including laundries and hostels. 791 witnesses reported abuse to Industrial and Reformatory Schools and 259 witnesses reported abuse in the range of other institutions.

The 1090 witness reports relate to the period between 1914 and 2000, of which 23 refer to abuse experienced prior to 1930 or after 1990.

Chapter 2 describes the methodology used by the Committee. The majority of hearings were conducted in the CICA offices in Dublin. There were 166 hearings held in other locations in Ireland and overseas.. 396 witnesses lived overseas, of whom 328 travelled to hearings in Dublin. Witnesses who attended hearings with the Confidential Committee chose to give their evidence in confidence and their evidence was uncontested. The work of the Confidential Committee was bound by strict rules of confidentiality and the Committee's report does not identify or contain information that could lead to the identification of witnesses, or the persons against whom they made allegations or the institutions in which they alleged they were abused, or any other person.

The most frequently cited reasons given by witnesses for attending to give evidence to the Confidential Committee were to have the abuse they experienced as children officially recorded and to tell their story. Most witnesses expressed the hope that a formal record of their experiences would contribute to a greater understanding of the circumstances in which such abuse occurs and would assist in the future protection of children.

Chapter 3 addresses the social and demographic profile of witnesses from Industrial and Reformatory Schools.

Over 75% of witnesses to the Confidential Committee were from two-parent households; the remaining witnesses were the children of single mothers or had no information about their family of origin. Most witnesses had lived with their parents or extended family members for some period prior to their admission to out-of-home care and came from families where the average family size was 6 children. The majority of witnesses reported their parents' occupational status as unskilled.

77% of witnesses were aged over 50 years and 3% were under 30 years of age when they gave their evidence to the Confidential Committee. More than 50% of witnesses who were in out-of-home care placements for substantial periods of their childhood were first admitted when they were less than 5 years old and their average length of stay in out-of-home care was 9 years.

Chapters 7, 9 and 13 to 18 set out the Confidential Committee abuse reports.

Witnesses reported being physically, sexually and emotionally abused, and neglected by religious and lay adults who had responsibility for their care, and by others in the absence of adequate care and supervision. Many of the 216 named settings were the subject of repeated reports of abuse. In excess of 800 individuals were identified as physically and/or sexually abusing the witnesses as children in those settings. Neglect and emotional abuse were often described as endemic within institutions where there was a systemic failure to provide for children's safety and welfare.

Witnesses gave evidence of abuse they directly experienced and also of abuse to others which they witnessed. A number of witnesses stated that they wished to report abuse in senior schools only as they had general but no detailed recall of abuse in their junior schools. Other witnesses wished only to report memories of extreme abuse.

Physical abuse

More than 90% of all witnesses who gave evidence to the Confidential Committee reported being physically abused while in schools or out-of-home care. Physical abuse was a component of the vast majority of abuse reported in all decades and institutions and witnesses described pervasive abuse as part of their daily lives. They frequently described casual, random physical abuse but many wished to report only the times when the frequency and severity were such that they were injured or in fear for their lives. In addition to being hit and beaten, witnesses described other forms of abuse such as being flogged, kicked and otherwise physically assaulted, scalded, burned and held under water. Witnesses reported being beaten in front of other staff, residents, patients and pupils as well as in private. Physical abuse was reported to have been perpetrated by religious and lay staff, older residents and others who were associated with the schools and institutions. There were many reports of injuries as a result of physical abuse, including broken bones, lacerations and bruising.

Sexual abuse

Sexual abuse was reported by approximately half of all the Confidential Committee witnesses. Acute and chronic contact and non-contact sexual abuse was reported, including vaginal and anal rape, molestation and voyeurism in both isolated assaults and on a regular basis over long periods of time. The secret nature of sexual abuse was repeatedly emphasised as facilitating its occurrence. Witnesses reported being sexually abused by religious and lay staff in the schools and institutions and by co-residents and others, including professionals, both within and external to the institutions. They also reported being sexually abused by members of the general public, including volunteer workers, visitors, work placement employers, foster parents, and others who had unsupervised contact with residents in the course of everyday activities. Witnesses reported being sexually abused when they were taken away for excursions, holidays or to work for others. Some witnesses who disclosed sexual abuse were subjected to severe reproach by those who had responsibility for their care and protection. Female witnesses in particular described, at times, being told they were responsible for the sexual abuse they experienced, by both their abuser and those to whom they disclosed abuse.

Neglect

Neglect was frequently described by witnesses in the context of physical, sexual and emotional abuse in addition to accounts of inadequate heating, food, clothing and personal care. Neglect of a child's care and welfare occurred both by actions and inactions by those who had a responsibility and a duty of care to protect and nurture them. Witnesses reported that the failure to provide for their safety, education, development and aftercare had implications for their health, employment, social and economic status in later life. The neglect reported by witnesses referred to the actions and omissions of individual staff and the organisations within which they operated. Untreated injuries and medical conditions were reported to have caused permanent impairment.

Emotional abuse

Emotional abuse was reported by witnesses in the form of lack of attachment and affection, loss of identity, deprivation of family contact, humiliation, constant criticism, personal denigration, exposure to fear and the threat of harm. A frequently identified area of emotional abuse was the separation from siblings and loss of family contact. Witnesses were incorrectly told their parents were dead and were given false information about their siblings and family members. Many witnesses recalled the devastating emotional impact and feeling of powerlessness associated with

observing their co-residents, siblings or others being abused. This trauma was acute for those who were forced to participate in such incidents. Witnesses believed emotional abuse contributed to difficulties in their social, psychological and physical well-being at the time and in the subsequent course of their lives.

Knowledge and disclosure

Parents, relatives and others knew that children were being abused as a result of disclosures and their observation of marks and injuries. Witnesses believed that awareness of the abuse of children in schools and institutions existed within society at both official and unofficial levels. Professionals and others including Government Inspectors, Gardai, general practitioners, and teachers had a role in relation to various aspects of children's welfare while they were in schools and institutions. Local people were employed in most of the residential facilities as professional, care and ancillary staff. In addition, members of the public had contact with children in out-of-home care in the course of providing services to the institutions both at a formal and informal level. Witnesses commented that while many of those people were aware that life for children in the schools and institutions was difficult they failed to take action to protect them.

Contemporary complaints were made to the School authorities, the Gardai, the Department of Education, Health Boards, priests of the parish and others by witnesses, their parents and relatives. Witnesses reported that at times protective action was taken following complaints being made. In other instances complaints were ignored, witnesses were punished, or pressure was brought to bear on the child and family to deny the complaint and/or to remain silent. Witnesses reported that their sense of shame, the power of the abuser, the culture of secrecy and isolation and the fear of physical punishment inhibited them in disclosing abuse.

Children with special needs

Children with learning disability, physical and sensory impairments and children who had no known family contact were especially vulnerable in institutional settings. They described being powerless against adults who abused them, especially when those adults were in positions of authority and trust. Impaired mobility and communication deficits made it impossible to inform others of their abuse or to resist it. Children who were unable to hear, see, speak, move or adequately express themselves were at a complete disadvantage in environments that did not recognise or facilitate their right to be heard.

Chapter 11 and Sections of Chapters 13 to 18 deal with the effects of abuse on later life. The Confidential Committee heard evidence both of childhood abuse and the continuing effects of such abuse on witnesses. The enduring impact of childhood abuse was described by many witnesses who, while reporting that as adults they enjoyed good relationships and successful careers, had learned to live with their traumatic memories. Many other witnesses reported that their adult lives were blighted by childhood memories of fear and abuse. They gave accounts of troubled relationships and loss of contact with their siblings and extended families. Witnesses described parenting difficulties ranging from being over-protective to being harsh and commented on the intergenerational sequelae of their childhood abuse. Approximately half of the witnesses reported having attended counselling services, either currently or in the past.

Witnesses also described lives marked by poverty, social isolation, alcoholism, mental illness, sleep disturbance, aggressive behaviour and self harm. Approximately 30% of the witnesses described a constellation of ongoing, debilitating mental health concerns for example; suicidal behaviour, depression, alcohol and substance abuse and eating disorders, which required treatment including psychiatric admission, medication and counselling.

Many witnesses stated that their childhood experience of abuse and emotional deprivation inhibited their capacity to form stable, secure and nurturing relationships in adult life. They

described a continuing sense of isolation and inability to trust others. However, a high proportion of male and female witnesses described marriages or long-term relationships that endured despite often severe interpersonal difficulties.

70% of witnesses received no second-level education and, while many witnesses reported having successful careers in business and professional fields, the majority of witnesses seen by the Committee reported being in manual and unskilled occupations for their entire working lives.

Chapter 10 and **Sections of Chapters 13 to 18** deal with positive experiences. Among the positive experiences reported by witnesses was the kindness of some religious and lay staff in the schools and institutions, including a number who provided support in times of difficulty after they were discharged. Many emphasised the enormous difference that just a kind word or gesture made to their daily lives. Family contact was greatly valued. Friendships and contact with kind ‘holiday’ families sustained some witnesses at the time and in later life.

In conclusion, the Confidential Committee heard evidence that children were severely abused and neglected by those with responsibility for their safety and welfare. Those in care without family contact and with special needs were most at risk. Witnesses reported that the abuse experienced in childhood had an enduring impact on their lives.

Volume IV

Chapter 1 The Department of Education

The Department of Education had legal responsibility under the Children Act 1908 for all children committed to the Industrial and Reformatory Schools. The Minister had the power to grant and withdraw certification, and when certified the institution had to accept the Rules and Regulations set out by the Department. They defined the standards that were acceptable for accommodation, clothing, diet, instruction, training, visits by family and home visits, and the time of discharge. The Department's inspectors had the duty of ensuring these regulations were complied with.

The Minister also determined the amount of money paid for the upkeep of the children. The amount was negotiated periodically with the Congregations.

This chapter examines the extent to which the Department ensured its Rules and Regulations were upheld by the institutions, and the basic standards set for the children taken into the care of the State were being met.

The Department had too little information because the inspections were too few and too limited in scope. If the Department had been in possession of better information about the Schools, it would have been in a stronger position to exercise control. The officials were aware that abuse occurred in the Schools and they knew the education was inadequate and the industrial training was outdated.

The Department of Education should have exercised more of its ample legal powers over the Schools in the interests of the children. The power to remove a Manager given to the Department in 1941 should have been exercised or even threatened on more than the handful of occasions when it was invoked, which would have emphasised the State's right to intervene on behalf of children in its care.

The Department was lacking in ideas about policy. It made no attempt to impose changes that would have improved the lot of the detained children. Indeed, it never thought about changing the system.

The failures by the Department that are catalogued in the chapters on the schools can also be seen as tacit acknowledgment by the State of the ascendancy of the Congregations and their ownership of the system. The Departments' Secretary General, at a public hearing, told the Investigation Committee that the Department had shown a 'very significant deference' towards the religious Congregations. This deference impeded change, and it took an independent intervention in the form of the Kennedy Report in 1970 to dismantle a long out-dated system.

Chapter 2 Finance

It was the responsibility of the Department of Education to ensure adequate funding for the provision of minimum standards of care for children in the care of the State. This chapter examines the system for funding the schools, the sufficiency of funding, the way the funding was administered and it looks at the relationship between the Department of Education, the Resident Managers and the Department of Finance.

The system was based on the capitation grant, with the State paying a sum for each child in an institution. An important question is why this capitation system persisted in Ireland long after its abandonment in England after it was shown that a budget system was more efficient and of greater benefit to the children.

The adequacy of funding to provide for the care of children to the standard required by the regulations is examined in the Mazars' Report, prepared for the Investigation Committee, and in the responses to it by the Congregations.

Broadly, the Committee concluded that large, mainly boys' schools with big productive farms, industrial training geared to the needs of the school and sufficient numbers to allow economies of scale to apply, were well resourced. These schools should have been able to provide a good standard of care. However, the evidence indicates that the children in these schools were some of the most poorly provided for.

The Committee also concluded that some schools struggled valiantly to survive, some did not, yet the negotiations with the Department of Education made no distinction and the larger boys' schools dominated the debate. The Department of Finance could see that not all schools were the same and sought to distinguish those in genuine need. The Resident Managers Association, however, did not co-operate and thereby condemned many children in the less well resourced Institutions to needless poverty.

Chapter 3 Society and the Schools.

This chapter by Prof David Gwynn Morgan of University College Cork, discusses the social, economic and family background of children in the schools; other institutions for children in care; facts and figures about the system; independent monitoring; family links and the closure of the schools.

Chapter 4 Residential Child Welfare in Ireland 1965 - 2008

Dr Eoin O'Sullivan of Trinity College Dublin, prepared a report outlining the policy, legislation and practice in residential child welfare in Ireland, from the Kennedy Report to the present day.

This paper provides a review of the evolution of policy, legislation and practice in relation to child welfare, with a particular emphasis on residential childcare from the mid-1960s to the present. It delineates a number of the key shifts in the organisation of child welfare in Ireland that have led to the current configuration of services. The paper focuses on the specifics of residential childcare and by utilising the archival records of the Government Departments centrally concerned with this area of public policy, the Departments of Health and Education, supplemented by a secondary literature, outlines the intent and shifting concerns of policy makers, policy activists and service providers during the period under review, in particular the period between 1965 and 1975.

Chapter 5 Report on Interviews

A large number of witnesses who did not proceed to oral hearing were interviewed by members of the Investigation Committee legal team and their untested evidence has been summarised in this section of the Report. Apart from Industrial Schools and Reformatories, evidence was heard in relation to orphanages, hospitals, national schools, special schools and other institutions that provided out of home care for children.

Chapter 6 Conclusions of the Commission

These Conclusions are included at the end of this Executive Summary.

Chapter 7 Recommendations of the Commission

These Recommendations are included at the end of this Executive Summary.

Volume V

The Irish Society for the Prevention of Cruelty to Children (ISPCC)

The primary purpose of the ISPCC was the protection of children. Two of its basic duties were:

- To prevent the public and private wrongs to children, and the corruption of their morals.
- To take action for the enforcement of the laws for their protection.

Throughout most of the relevant period the Society appointed inspectors, usually recruited from retired police and army officers, who were answerable to a local committee of volunteers. Known colloquially as ‘cruelty men’, they dealt with problems in their area arising from social and environmental deprivation.

The Committee examined the evidence for the allegation that too many children were sent needlessly to the Industrial Schools by the ISPCC. It concluded:

The extent of the ISPCC involvement in committing children to industrial schools cannot be accurately ascertained but it can be stated as significant.

The lack of documentation available has rendered it impossible to determine precisely the numbers of children who were committed to Industrial Schools by the Society.

The stated philosophy of the Society was to keep families together and committal to an industrial school was seen as a last resort, but there was no proper monitoring or supervision of Inspectors, so Inspectors may have been overly zealous in sending children to industrial schools.

The Psychological Adjustment of Adult Survivors of Institutional Abuse in Ireland

This Part contains the report on the research survey on institutional abuse that was announced at the first public meeting of the Commission in June 2000 and was carried out by Prof Alan Carr and his team from University College Dublin.

Gateways to the Institutions

This Part presents statistical information and analysis in relation to the committal of children to Industrial and Reformatory Schools researched by Prof David Gwynn Morgan of University College Cork

Health Records of Children in Institutions

This Part is a research paper by Prof Anthony Staines of Dublin City University and his team into health records of children in Institutions and it is followed by responding submissions.

Review of Issues of Historical Context.

This Part is a review by Prof Diarmuid Ferriter, University College Dublin that considers the issue of institutional abuse from a historical perspective.

Residential Childcare in England, 1948 – 1975: A History and Report.

A review of developments in England in relation to residential childcare by Mr Richard Rollinson.

The remaining parts of the volume list the Commission Personnel 2004 – 2009 and the Commission to Inquire into Child Abuse Acts 2000 – 2005.

Conclusions

- 1.** Physical and emotional abuse and neglect were features of the institutions. Sexual abuse occurred in many of them, particularly boys' institutions. Schools were run in a severe, regimented manner that imposed unreasonable and oppressive discipline on children and even on staff.
- 2.** The system of large-scale institutionalisation was a response to a nineteenth century social problem, which was outdated and incapable of meeting the needs of individual children. The defects of the system were exacerbated by the way it was operated by the Congregations that owned and managed the schools. This failure led to the institutional abuse of children where their developmental, emotional and educational needs were not met.
- 3.** The deferential and submissive attitude of the Department of Education towards the Congregations compromised its ability to carry out its statutory duty of inspection and monitoring of the schools. The Reformatory and Industrial Schools Section of the Department was accorded a low status within the Department and generally saw itself as facilitating the Congregations and the Resident Managers.
- 4.** The capital and financial commitment made by the religious Congregations was a major factor in prolonging the system of institutional care of children in the State. From the mid 1920s in England, smaller more family-like settings were established and they were seen as providing a better standard of care for children in need. In Ireland, however, the Industrial School system thrived.
- 5.** The system of funding through capitation grants led to demands by Managers for children to be committed to Industrial Schools for reasons of economic viability of the institutions.
- 6.** The system of inspection by the Department of Education was fundamentally flawed and incapable of being effective.

The Inspector was not supported by a regulatory authority with the power to insist on changes being made.

There were no uniform, objective standards of care applicable to all institutions on which the inspections could be based.

The Inspector's position was compromised by lack of independence from the Department.

Inspections were limited to the standard of physical care of the children and did not extend to their emotional needs. The type of inspection carried out made it difficult to ascertain the emotional state of the children.

The statutory obligation to inspect more than 50 residential schools was too much for one person.

Inspections were not random or unannounced: School Managers were alerted in advance that an inspection was due. As a result, the Inspector did not get an accurate picture of conditions in the schools.

The Inspector did not ensure that punishment books were kept and made available for inspection even though they were required by the regulations.

The Inspector rarely spoke to the children in the institutions.

7. Many witnesses who complained of abuse nevertheless expressed some positive memories: small gestures of kindness were vividly recalled. A word of consideration or encouragement, or an act of sympathy or understanding had a profound effect. Adults in their sixties and seventies recalled seemingly insignificant events that had remained with them all their lives. Often the act of kindness recalled in such a positive light arose from the simple fact that the staff member had not given a beating when one was expected.

8. More kindness and humanity would have gone far to make up for poor standards of care.

Physical abuse

9. The Rules and Regulations governing the use of corporal punishment were disregarded with the knowledge of the Department of Education.

The legislation and the Department of Education guidelines were unambiguous in the restrictions placed on corporal punishment. These limits however, were not observed in any of the schools investigated. Complaints of physical abuse were frequent enough for the Department of Education to be aware that they referred to more than acts of sporadic violence by some individuals. The Department knew that violence and beatings were endemic within the system itself.

10. The Reformatory and Industrial Schools depended on rigid control by means of severe corporal punishment and the fear of such punishment.

The harshness of the regime was inculcated into the culture of the schools by successive generations of Brothers, priests and nuns. It was systemic and not the result of individual breaches by persons who operated outside lawful and acceptable boundaries. Excesses of punishment generated the fear that the school authorities believed to be essential for the maintenance of order. In many schools, staff considered themselves to be custodians rather than carers.

11. A climate of fear, created by pervasive, excessive and arbitrary punishment, permeated most of the institutions and all those run for boys. Children lived with the daily terror of not knowing where the next beating was coming from.

Seeing or hearing other children being beaten was a frightening experience that stayed with many complainants all their lives.

12. Children who ran away were subjected to extremely severe punishment.

Absconders were severely beaten, at times publicly. Some had their heads shaved and were humiliated. Details were not reported to the Department, which did not insist on receiving information about the causes of absconding. Neither the Department nor the school management investigated the reasons why children absconded even when schools had a particularly high rate of absconding. Cases of absconding associated with chronic sexual or physical abuse therefore remained undiscovered. In some instances all the children in a school were punished because a child ran away which meant that the child was then a target for mistreatment by other children as well as the staff.

13. Complaints by parents and others made to the Department were not properly investigated.

Punishments outside the permitted guidelines were ignored and even condoned by the Department of Education. The Department did not apply the standards in the rules and their own guidelines when investigating complaints but sought to protect and defend the religious Congregations and the schools.

- 14. The boys' schools investigated revealed a pervasive use of severe corporal punishment.**
Corporal punishment was the option of first resort for breaches of discipline. Extreme punishment was a feature of the boys' schools. Prolonged, excessive beatings with implements intended to cause maximum pain occurred with the knowledge of staff management.
- 15. There was little variation in the use of physical beating from region to region, from decade to decade, or from Congregation to Congregation.**
This would indicate a cultural understanding within the system that beating boys was acceptable and appropriate. Individual Brothers, priests or lay staff who were extreme in their punishments were tolerated by management and their behaviour was rarely challenged.
- 16. Corporal punishment in girls' schools was pervasive, severe, arbitrary and unpredictable and this led to a climate of fear amongst the children.**
The regulations imposed greater restrictions on the use of corporal punishment for girls. Schools varied as to the level of corporal punishment that was tolerated on a day-to-day basis. In some schools a high level of ritualised beating was routine whilst in other schools lower levels of corporal punishment were used. The degree of reliance on corporal punishment depended on the Resident Manager, who could be a force for good or ill, but almost all institutions employed fear of punishment as a means of discipline. Some Managers administered excessive punishment themselves or permitted excesses by religious and lay staff. Girls were struck with implements designed to maximise pain and were struck on all parts of the body. The prohibition on corporal punishment for girls over 15 years was generally not observed.
- 17. Corporal punishment was often administered in a way calculated to increase anguish and humiliation for girls.**
One way of doing this was for children to be left waiting for long periods to be beaten. Another was when it was accompanied by denigrating or humiliating language. Some beatings were more distressing when administered in front of other children and staff.

Sexual abuse

- 18. Sexual abuse was endemic in boys' institutions. The situation in girls' institutions was different. Although girls were subjected to predatory sexual abuse by male employees or visitors or in outside placements, sexual abuse was not systemic in girls' schools.**
- 19. It is impossible to determine the full extent of sexual abuse committed in boys' schools. The schools investigated revealed a substantial level of sexual abuse of boys in care that extended over a range from improper touching and fondling to rape with violence. Perpetrators of abuse were able to operate undetected for long periods at the core of institutions.**
- 20. Cases of sexual abuse were managed with a view to minimising the risk of public disclosure and consequent damage to the institution and the Congregation. This policy resulted in the protection of the perpetrator. When lay people were discovered to have sexually abused, they were generally reported to the Gardai. When a member of a Congregation was found to be abusing, it was dealt with internally and was not reported to the Gardai.**

The damage to the children affected and the danger to others were disregarded. The difference in treatment of lay and religious abusers points to an awareness on the part of Congregational authorities of the seriousness of the offence, yet there was a reluctance to confront religious who offended in this way. The desire to protect the reputation of the Congregation and institution was paramount. Congregations asserted that knowledge of sexual abuse was not available in society

at the time and that it was seen as a moral failing on the part of the Brother or priest. This assertion, however, ignores the fact that sexual abuse of children was a criminal offence.

21. The recidivist nature of sexual abuse was known to religious authorities.

The documents revealed that sexual abusers were often long-term offenders who repeatedly abused children wherever they were working. Contrary to the Congregations' claims that the recidivist nature of sexual offending was not understood, it is clear from the documented cases that they were aware of the propensity for abusers to re-abuse. The risk, however, was seen by the Congregations in terms of the potential for scandal and bad publicity should the abuse be disclosed. The danger to children was not taken into account.

22. When confronted with evidence of sexual abuse, the response of the religious authorities was to transfer the offender to another location where, in many instances, he was free to abuse again. Permitting an offender to obtain dispensation from vows often enabled him to continue working as a lay teacher.

Men who were discovered to be sexual abusers were allowed to take dispensation rather than incur the opprobrium of dismissal from the Order. There was evidence that such men took up teaching positions sometimes within days of receiving dispensations because of serious allegations or admissions of sexual abuse. The safety of children in general was not a consideration.

23. Sexual abuse was known to religious authorities to be a persistent problem in male religious organisations throughout the relevant period.

Nevertheless, each instance of sexual abuse was treated in isolation and in secrecy by the authorities and there was no attempt to address the underlying systemic nature of the problem. There were no protocols or guidelines put in place that would have protected children from predatory behaviour. The management did not listen to or believe children when they complained of the activities of some of the men who had responsibility for their care. At best, the abusers were moved, but nothing was done about the harm done to the child. At worst, the child was blamed and seen as corrupted by the sexual activity, and was punished severely.

24. In the exceptional circumstances where opportunities for disclosing abuse arose, the number of sexual abusers identified increased significantly.

For a brief period in the 1940s, boys felt able to speak about sexual abuse in confidence at a sodality that met in one school. Brothers were identified by the boys as sexual abusers and were removed as a result. The sodality was discontinued. In another school, one Brother embarked on a campaign to uncover sexual activity in the school and identified a number of religious who were sexual abusers. This indicated that the level of sexual abuse in boys' institutions was much higher than was revealed by the records or could be discovered by this investigation. Authoritarian management systems prevented disclosures by staff and served to perpetuate abuse.

25. The Congregational authorities did not listen to or believe people who complained of sexual abuse that occurred in the past, notwithstanding the extensive evidence that emerged from Garda investigations, criminal convictions and witness accounts.

Some Congregations remained defensive and disbelieving of much of the evidence heard by the Investigation Committee in respect of sexual abuse in institutions, even in cases where men had been convicted in court and admitted to such behaviour at the hearings.

26. In general, male religious Congregations were not prepared to accept their responsibility for the sexual abuse that their members perpetrated.

Congregational loyalty enjoyed priority over other considerations including safety and protection of children.

- 27. Older boys sexually abused younger boys and the system did not offer protection from bullying of this kind.**

There was evidence that boys who were victims of sexual abuse were physically punished as severely as the perpetrator when the abuse was reported or discovered. Inevitably, boys learned to suffer in silence rather than report the abuse and face punishment.

- 28. Sexual abuse of girls was generally taken seriously by the Sisters in charge and lay staff were dismissed when their activities were discovered. However, nuns' attitudes and mores made it difficult for them to deal with such cases candidly and openly and victims of sexual assault felt shame and fear of reporting sexual abuse.**

Girls who were abused reported that it happened most often when they were sent to host families for weekend, work or holiday placements. They did not feel able to report abusive behaviour to the Sisters in charge of the schools for fear of disbelief and punishment if they did.

- 29. Sexual abuse by members of religious Orders was seldom brought to the attention of the Department of Education by religious authorities because of a culture of silence about the issue.**

When religious staff abused, the matter tended to be dealt with using internal disciplinary procedures and Canon Law. The Gardaí were not informed. On the rare occasions when the Department was informed, it colluded in the silence. There was a lack of transparency in how the matter of sexual abuse was dealt with between the Congregations, dioceses and the Department. Men with histories of sexual abuse when they were members of religious Orders continued their teaching careers as lay teachers in State schools.

- 30. The Department of Education dealt inadequately with complaints about sexual abuse. These complaints were generally dismissed or ignored. A full investigation of the extent of the abuse should have been carried out in all cases.**

All such complaints should have been directed to the Gardai for investigation.

The Department, however, gave the impression that it had a function in relation to investigating allegations of abuse but actually failed to do so and delayed the involvement of the proper authority. The Department neglected to advise parents and complainants appropriately of the limitations of their role in respect of these complaints.

Neglect

- 31. Poor standards of physical care were reported by most male and female complainants.**

Schools varied as to the standard of physical care provided to the children and while there was evidence from many complainants that conditions improved in the late 1960s, in general no school provided an adequate standard of care across all the categories.

- 32. Children were frequently hungry and food was inadequate, inedible and badly prepared in many schools.**

Witnesses spoke of scavenging for food from waste bins and animal feed.

In boys' schools there was so little supervision at meal times that bullying was widespread and smaller, weaker boys were often deprived of food.

The Inspector found that malnourishment was a serious problem in schools run by nuns in the 1940s and, although improvements were made, the food provided in many of these schools continued to be meagre and basic.

33. Witnesses recalled being cold because of inadequate clothing, particularly when engaged in outdoor activities.

Clothing was a particular problem in boys' schools where children often worked for long hours outdoors on farms. In addition, boys were often left in their soiled and wet work clothes throughout the day and wore them for long periods.

Clothing was better in girls' schools and some individual Resident Managers made particular efforts in this regard but in general girls were obliged to wear inadequate ill-fitting clothes that were often threadbare and worn.

In all schools up until the 1960s clothes stigmatised the children as Industrial School residents.

34. Accommodation was cold, spartan and bleak. Sanitary provision was primitive in most boys' schools and general hygiene facilities were poor.

Children slept in large unheated dormitories with inadequate bedding, which was a particular problem for children with enuresis.

Sanitary protection for menstruation was generally inadequate for girls.

35. The Cussen Report recommended in 1936 that Industrial School children should be integrated into the community and be educated in outside national schools. Until the late 1960s, this was not done in any of the boys' schools investigated and in only in a small number of girls' schools.

36. Where Industrial School children were educated in internal national schools, the standard was consistently poorer than that in outside schools.

National school education was available to all children in the State and those in Industrial Schools were entitled to at least the same standard as that available in the country generally. Internal national schools were funded by a national school grant and teachers were paid in the same way as in ordinary national schools. The evidence was however that the standard of education in these schools was poor.

There was evidence particularly in girls' schools that children were removed from their classes in order to perform domestic chores or work in the institution during the school day. In general, Industrial School children did not receive the same standard of national school education as would have been available to them in the local community. This lack of educational opportunity condemned many of them to a life of low-paying jobs and was a commonly expressed loss among witnesses.

37. Academic education was not seen as a priority for industrial school children.

When discharged, boys were generally placed in manual or unskilled jobs and girls in positions as domestic servants. There were exceptions, and particularly in girls' schools in the later years, some girls received the opportunity of a secretarial or nursing qualification. Education usually ceased in 6th class, after which children were involved in industrial trades, farming and domestic work with very limited education thereafter. Even where religious Congregations operated secondary schools beside industrial schools, children from the Industrial Schools were very rarely given the opportunity of pursuing secondary school education.

- 38.** Industrial Schools were intended to provide basic industrial training to young people to enable them to take up positions of employment as young adults. In reality, the industrial training afforded by all schools was of a nature that served the needs of the institution rather than the needs of the child.

This was a problem that had been pointed out by the Cussen Commission in 1936 and continued to be a feature of industrial training in these schools throughout the relevant period. Child labour on farms and in workshops was used to reduce the costs of running the Industrial Schools and in many cases to produce a profit. Clothing and footwear were often made on the premises and bakeries and laundries provided facilities to the school and in some cases to the general public. The cleaning and upkeep of girls' Industrial Schools was largely done by the girls themselves. Some of these chores were heavy and arduous and exacting standards were imposed that were difficult for young children to meet. In girls' schools also, older residents were expected to care for young children and babies on a 24-hour basis. Large nurseries were supervised and staffed by older residents with only minimal supervision by adults.

Emotional abuse

- 39.** A disturbing element of the evidence before the Commission was the level of emotional abuse that disadvantaged, neglected and abandoned children were subjected to generally by religious and lay staff in institutions.

Witnesses spoke of being belittled and ridiculed on a daily basis. Humiliating practices such as underwear inspections and displaying soiled or wet sheets were conducted throughout the Industrial School system. Private matters such as bodily functions and personal hygiene were used as opportunities for degradation and humiliation. Personal and family denigration was widespread, particularly in girls' schools. There was constant criticism and verbal abuse and children were told they were worthless. The pervasiveness of emotional abuse of children in care throughout the relevant period points to damaging cultural attitudes of many who taught in and operated these schools.

- 40.** The system as managed by the Congregations made it difficult for individual religious who tried to respond to the emotional needs of the children in their care.

Witnesses from the religious Congregations described the conflict they experienced in fulfilling their religious vows, whilst at the same time providing care and affection to children. Authoritarian management in all schools meant that staff members were afraid to question the practices of managers and disciplinarians.

- 41.** Witnessing abuse of co-residents, including seeing other children being beaten or hearing their cries, witnessing the humiliation of siblings and others and being forced to participate in beatings, had a powerful and distressing impact.

Many witnesses spoke of being constantly fearful or terrified, which impeded their emotional development and impacted on every aspect of their life in the institution. The psychological damage caused by these experiences continued into adulthood for many witnesses.

- 42.** Separating siblings and restrictions on family contact were profoundly damaging for family relationships. Some children lost their sense of identity and kinship, which was never recovered.

Sending children to isolated locations increased the sense of loss and made it almost impossible for family contact to be maintained. Management did not recognise the rights of children to have contact with family members and failed to acknowledge the value of family relationships.

43. The Confidential Committee heard evidence in relation to 161 settings other than Industrial and Reformatory Schools, including primary and second-level schools, Children's Homes, foster care, hospitals and services for children with special needs, hostels, and other residential settings. The majority of witnesses reported abuse and neglect, in some instances up to the year 2000. Many common features emerged about failures of care and protection of children in all of these institutions and services.

Witnesses reported severe physical abuse in primary schools, foster care, Children's Homes and other residential settings where those responsible neglected their duty of care to children.

The predatory nature of sexual abuse including the selection and grooming of socially disadvantaged and vulnerable children was a feature of the witness reports in relation to special needs services, Children's homes, hospitals and primary and second-level schools. Children with impairments of sight, hearing and learning were particularly vulnerable to sexual abuse.

Witnesses reported neglect of their education, health and aftercare in all residential settings and foster care. No priority was given to the special care needs of children who were placed away from their families.

Children in isolated foster care placements were abused in the absence of supervision by external authorities. They were placed with foster parents who had no training, support or supervision. The suitability of those selected as foster parents was repeatedly questioned by witnesses who were physically and sexually abused.

Many witnesses described losing their sense of family and identity when placed in out-of-home care, they reported that separation from siblings and deprivation of family contact was abusive and contributed to difficulties reintegrating with their family of origin when they left care. Witnesses reported emotional abuse in institutions, foster care and schools when they were deprived of affection, secure relationships and were exposed to personal denigration, fear and threats of harm.

When witnesses left care the failure to provide them with personal and family records contributed to disadvantage in later life. Many witnesses spent years searching for information to establish their identity.

The failure of authorities to inspect and supervise the care provided to children in hospitals and special needs services was noted as contributing to abuse which occurred in those facilities. The absence of structures for making complaints or investigating abuse allowed abuse to continue.

When opportunities were provided for children to disclose abuse they did so.

Witnesses reported that the power of the abuser, the culture of secrecy, isolation and the fear of physical punishment inhibited them in disclosing abuse.

Recommendations

1. Arising from the findings of its investigations and the conclusions that were reached, the Commission was required to make recommendations under two headings:

- (i) To alleviate or otherwise address the effects of the abuse on those who suffered
- (ii) To prevent where possible and reduce the incidence of abuse of children in institutions and to protect children from such abuse

(i) To alleviate or otherwise address the effects of the abuse on those who suffered

2. A memorial should be erected.

The following words of the special statement made by the Taoiseach in May 1999 should be inscribed on a memorial to victims of abuse in institutions as a permanent public acknowledgement of their experiences. It is important for the alleviation of the effects of childhood abuse that the State's formal recognition of the abuse that occurred and the suffering of the victims should be preserved in a permanent place:

On behalf of the State and of all citizens of the State, the Government wishes to make a sincere and long overdue apology to the victims of childhood abuse for our collective failure to intervene, to detect their pain, to come to their rescue.

3. The lessons of the past should be learned.

For the State, it is important to admit that abuse of children occurred because of failures of systems and policy, of management and administration, as well as of senior personnel who were concerned with Industrial and Reformatory Schools. This admission is, however, the beginning of a process. Further steps require internal departmental analysis and understanding of how these failures came about so that steps can be taken to reduce the risk of repeating them.

The Congregations need to examine how their ideals became debased by systemic abuse. They must ask themselves how they came to tolerate breaches of their own rules and, when sexual and physical abuse was discovered, how they responded to it, and to those who perpetrated it. They must examine their attitude to neglect and emotional abuse and, more generally, how the interests of the institutions and the Congregations came to be placed ahead those of the children who were in their care.

An important aspect of this process of exploration, acceptance and understanding by the State and the Congregations is the acknowledgement of the fact that the system failed the children, not just that children were abused because occasional individual lapses occurred.

4. Counselling and educational services should be available.

Counselling and mental health services have a significant role in alleviating the effects of childhood abuse and its legacy on following generations. These services should continue to be provided to ex-residents and their families. Educational services to help alleviate the disadvantages experienced by children in care are also essential.

5. Family tracing services should be continued.

Family tracing services to assist individuals who were deprived of their family identities in the process of being placed in care should be continued. The right of access to personal documents and information must be recognised and afforded to ex-residents of institutions.

(ii) To prevent where possible and reduce the incidence of abuse of children in institutions and to protect children from such abuse

6. Childcare policy should be child-centred. The needs of the child should be paramount.

The overall policy of childcare should respect the rights and dignity of the child and have as its primary focus their safe care and welfare. Services should be tailored to the developmental, educational and health needs of the particular child. Adults entrusted with the care of children must prioritise the well-being and protection of those children above personal, professional or institutional loyalty.

7. National childcare policy should be clearly articulated and reviewed on a regular basis.

It is essential that the aims and objectives of national childcare policy and planning should be stated as clearly and simply as possible. The State and Congregations lost sight of the purpose for which the institutions were established, which was to provide children with a safe and secure environment and an opportunity of acquiring education and training. In the absence of an articulated, coherent policy, organisational interests became prioritised over those of the children in care. In order to prevent this happening again childcare services must have focused objectives that are centred on the needs of the child rather than the systems or organisations providing those services.

8. A method of evaluating the extent to which services meet the aims and objectives of the national childcare policy should be devised.

Evaluating the success or failure of childcare services in the context of a clearly articulated national childcare policy will ensure that the evolving needs of children will remain the focus of service providers.

9. The provision of childcare services should be reviewed on a regular basis.

Out-of-home care services should be reviewed on a regular basis with reference to best international practice and evidence-based research. This review should be the responsibility of the Department of Health and Children and should be co-ordinated to ensure that consistent standards are maintained nationally. The Department should also maintain a central database containing information relevant to childcare in the State while protecting anonymity. Included in such a database should be the social and demographic profile of children in care, their health and educational needs, the range of preventative services available and interventions used. In addition, there should be a record of what happens to children when they leave care in order to inform future policy and planning of services. A review of legislation, policies and programmes relating to children in care should be carried out at regular intervals.

10. It is important that rules and regulations be enforced, breaches be reported and sanctions applied.

The failures that occurred in all the schools cannot be explained by the absence of rules or any difficulty in interpreting what they meant. The problem lay in the implementation of the regulatory framework. The rules were ignored and treated as though they set some aspirational and unachievable standard that had no application to the particular circumstances of running the institution. Not only did the individual carers disregard the rules and precepts about punishment, but their superiors did not enforce the rules or impose any disciplinary measures for breaches. Neither did the Department of Education

11. A culture of respecting and implementing rules and regulations and of observing codes of conduct should be developed.

Managers and those supervising and inspecting the services must ensure regularly that standards are observed.

12.

Independent inspections are essential.

All services for children should be subject to regular inspections in respect of all aspects of their care. The requirements of a system of inspection include the following:

- There is a sufficient number of inspectors.
- The inspectors must be independent.
- The inspectors should talk with and listen to the children.
- There should be objective national standards for inspection of all settings where children are placed.
- Unannounced inspection should take place.
- Complaints to an inspector should be recorded and followed up.
- Inspectors should have power to ensure that inadequate standards are addressed without delay.

13.

Management at all levels should be accountable for the quality of services and care.

Performance should be assessed by the quality of care delivered. The manager of an institution should be responsible for:

- Making the best use of the available resources
- Vetting of staff and volunteers
- Ensuring that staff are well trained, matched to the nature of the work to be undertaken and progressively trained so as to be kept up to date
- Ensuring on-going supervision, support and advice for all staff
- Regularly reviewing the system to identify problem areas for both staff and children
- Ensuring rules and regulations are adhered to
- Establishing whether system failures caused or contributed to instances of abuse
- Putting procedures in place to enable staff and others to make complaints and raise matters of concern without fear of adverse consequences.

14.

Children in care should be able to communicate concerns without fear.

Children in care are often isolated with their concerns, without an adult to whom they can talk. Children communicate best when they feel they have a protective figure in whom they can confide.

The Department of Health and Children must examine international best practice to establish the most appropriate method of giving effect to this recommendation.

15.

Childcare services depend on good communication.

Every childcare facility depends for its efficient functioning on good communication between all the departments and agencies responsible. It requires more than meetings and case conferences. It should involve professionals and others communicating concerns and suspicions so that they can act in the best interests of the child. Overall responsibility for this process should rest with a designated official.

16.

Children in care need a consistent care figure.

Continuity of care should be an objective wherever possible. Children in care should have a consistent professional figure with overall responsibility.

The supervising social worker should have a detailed care plan the implementation of which should be regularly reviewed, and there should be the power to direct that changes be made to ensure standards are met. The child, and where possible the family, should be involved in developing and reviewing the care plan.

- 17. Children who have been in State care should have access to support services.**
Aftercare services should be provided to give young adults a support structure they can rely on. In a similar way to families, childcare services should continue contact with young people after they have left care as minors.
- 18. Children who have been in childcare facilities are in a good position to identify failings and deficiencies in the system, and should be consulted.**
Continued contact makes it possible to evaluate whether the needs of children are being met and to identify positive and negative aspects of experience of care.
- 19. Children in care should not, save in exceptional circumstances, be cut off from their families.**
Priority should be given to supporting ongoing contact with family members for the benefit of the child.
- 20. The full personal records of children in care must be maintained.**
Reports, files and records essential to validate the child's identity and their social, family and educational history must be retained. These records need to be kept secure and up to date. Details should be kept of all children who go missing from care. The privacy of such records must be respected.
- 21. 'Children First: The National Guidelines for the Protection and Welfare of Children' should be uniformly and consistently implemented throughout the State in dealing with allegations of abuse.**

Chapter 1

Establishment of the Commission to Inquire into Child Abuse (CICA)

1.01 On the 11th May 1999, the Government apologised to victims of child abuse and the Taoiseach, Mr. Ahern, announced the establishment of a commission of inquiry and other measures. In the course of a special statement, he said:

On behalf of the State and of all citizens of the State, the Government wishes to make a sincere and long overdue apology to the victims of childhood abuse for our collective failure to intervene, to detect their pain, to come to their rescue.

1.02 Mr Ahern went on to outline a number of measures, including the setting up of a Commission to Inquire into Childhood Abuse, chaired by Ms Justice Mary Laffoy, Judge of the High Court. Other measures that were announced included the establishment of a national counselling service for victims of childhood abuse, and the amendment of the Statute of Limitations, to enable victims of childhood sexual abuse to make claims for compensation in certain circumstances.

1.03 The Commission was initially established on a non-statutory, administrative footing, with broad terms of reference given to it by the Government, which had as its primary focus the provision of a sympathetic and experienced forum in which victims could recount the abuse they had suffered. The Commission was required to identify and report on the causes, nature and extent of physical and sexual abuse, with a view to making recommendations for the present and future.

1.04 The Commission made two reports to the Government, in September¹ and October² 1999, outlining how these terms of reference could be implemented, and its recommendations were embodied in the Commission to Inquire into Child Abuse Bill, 2000 which was published in February of that year. The Commission was established on 23rd May 2000 pursuant to the Commission to Inquire into Child Abuse Act, 2000 as an independent statutory body. This Act was subsequently amended by the Commission to Inquire into Child Abuse (Amendment) Act, 2005 (the Act of 2005).³ The Act of 2000 is referred to as the ‘Principal Act’.

1.05 The principal functions conferred on the Commission, as laid down in section 4(1) of the Principal Act of 2000 and as amended by section 4 of the 2005 Act, were:

- (1) (a) to provide, for persons who have suffered abuse in childhood in institutions during the relevant period, an opportunity to recount the abuse, and make submissions, to a Committee,
- (b) through a Committee—
 - (i) to inquire into the abuse of children in institutions during the relevant period,

¹ Commission to Inquire into Child Abuse, Initial Report on Terms of Reference, 7th September 1999.

² Commission to Inquire into Child Abuse, Report on Terms of Reference, 14th October 1999.

³ Amendments were also made by the Residential Institutions Redress Act, 2002: See Section 32.

- (ia) to inquire into the manner in which children were placed in, and the circumstances in which they continued to be resident in, institutions during the relevant period,
 - (ii) to determine the causes, nature, circumstances and extent of such abuse, and
 - (iii) without prejudice to the generality of any of the foregoing, to determine the extent to which—
 - (I) the institutions themselves in which such abuse occurred,
 - (II) the systems of management, administration, operation, supervision, inspection and regulation of such institutions, and
 - (III) the manner in which those functions were performed by the persons or bodies in whom they were vested,
- contributed to the occurrence or incidence of such abuse,

and

- (c) to prepare and publish reports pursuant to section 5.

(2) Subject to the provisions of this Act, the inquiry under subsection (1) shall be conducted in such manner and by such means as the Commission considers appropriate.

(3) The Commission shall have all such powers as are necessary or expedient for the performance of its functions.

- (4) (a) The Government may, if they so think fit, after consultation with the Commission, by order confer on the Commission and the Committees such additional functions or powers connected with their functions and powers for the time being as they consider appropriate.
- (b) The Government may, if they so think fit, after consultation with the Commission, amend or revoke an order under this subsection.
- (c) Where an order is proposed to be made under this subsection, a draft of the order shall be laid before each House of the Oireachtas and the order shall not be made unless a resolution approving of the draft has been passed by each such House.

(5) The Commission may invite and receive oral or written submissions.

(6) In performing its functions the Commission shall bear in mind the need of persons who have suffered abuse in childhood to recount to others such abuse, their difficulties in so doing and the potential beneficial effect on them of so doing and, accordingly, the Commission and the Confidential Committee shall endeavour to ensure that meeting of the Confidential Committee at which evidence is given are conducted

- (a) so as to afford to persons who have suffered such abuse in institutions during the relevant period an opportunity to recount in full the abuse suffered by them in an atmosphere that is sympathetic to, and understanding of, them, and
- (b) as informally as is possible in the circumstances.

1.06

The term ‘abuse’ was defined by the legislation:⁴

- (a) the wilful, reckless or negligent infliction of physical injury on, or failure to prevent such injury to, the child,
- (b) the use of the child by a person for sexual arousal or sexual gratification of that person or another person,

⁴ Section 1 of the Principal Act, as amended by section 3 of the 2005 Act.

- (c) failure to care for the child which results, or could reasonably be expected to result, in serious impairment of the physical or mental health or development of the child or serious adverse effects on his or her behaviour or welfare, or
- (d) any other act or omission towards the child which results, or could reasonably be expected to result, in serious impairment of the physical or mental health or development of the child or serious adverse effects on his or her behaviour or welfare.

The legislation governing the Commission is set out in the Appendices at Vol V.

The structure of the Commission

- 1.07** The Commission comprised two separate and distinct Committees which were required to report separately to the Commission as a whole: the Confidential Committee, and the Investigation Committee. Members of the Commission were assigned to one or other Committee. They could not be members of both.
- 1.08** The principal functions of the Confidential Committee,⁵ as laid down in section 15(1) in the Principal Act as amended by section 10 of the 2005 Act, were:
- (a) to provide, for persons who have suffered abuse in childhood in institutions during the relevant period and who do not wish to have that abuse inquired into by the Investigation Committee, an opportunity to recount the abuse, and make submissions, in confidence to the Committee,
 - (b) to receive evidence of such abuse,
 - (c) to make proposals of a general nature with a view to their being considered by the Commission in deciding what recommendations to make and
 - (d) to prepare and furnish reports.⁶
- 1.09** The specific mandate of the Confidential Committee was to hear the evidence of those survivors of childhood institutional abuse who wished to report their experiences in a confidential setting. The legislation provided for the hearings of the Confidential Committee to be conducted in an atmosphere that was as informal and as sympathetic to, and understanding of, the witnesses as was possible in the circumstances.⁷
- 1.10** The Confidential Committee heard from 1,090 witnesses who applied to give oral evidence of abuse they experienced in Irish institutions. Volume III contains the part of the Report that is based on evidence received by the Confidential Committee.
- 1.11** The principal functions of the Investigation Committee,⁸ as laid down in section 12 of the Principal Act, which was amended by section 7 of the Act of 2005, were:
- (a) to provide, as far as is reasonably practicable, for persons who have suffered abuse in childhood in institutions during the relevant period, an opportunity to recount the abuse and other relevant experiences undergone by them in institutions,
 - (aa) to inquire into the manner in which children were placed in, and the circumstances in which they continued to be resident in, institutions during the relevant period,
 - (b) to inquire into the abuse of children in institutions during the relevant period,
 - (c) to determine the causes, nature, circumstances and extent of such abuse, and

⁵ Section 15(1) of the Principal Act, as amended by section 10 of the 2005 Act.

⁶ Section 16 of the Principal Act as amended by section 11 of the 2005 Act.

⁷ Section 4(6) as substituted by section 4 of the 2005 Act.

⁸ Section 12(1) of the Principal Act, as amended by section 7 of the 2005 Act.

- (d) without prejudice to the generality of any of the foregoing, to determine the extent to which—
- (i) the institutions themselves in which such abuse occurred,
 - (ii) the systems of management, administration, operation, supervision and regulation of such institutions, and
 - (iii) the manner in which any of the things referred to in subparagraph (ii) was done,⁹ contributed to the occurrence or incidents of such abuse,
- and
- (e) to prepare and furnish reports pursuant to section 13.

1.12 The powers of the Investigation Committee¹⁰ were, inter alia:

- to direct the attendance of witnesses,¹¹
- to direct the production of documents,¹² and
- to give such other directions that appear to be reasonable, just and necessary.¹³

1.13 The Investigation Committee also had the power:

- to require the discovery of documents,¹⁴
- to furnish interrogatories (or questions) which must be replied to,¹⁵ and
- to require parties to admit facts, statements and documents.¹⁶

1.14 The evidence obtained was presumed to be *prima facie* evidence of the matters to which it related.¹⁷ Finally, the Investigation Committee also had the power to take evidence of a person's conviction for abuse of a child as evidence before the Committee of that abuse.¹⁸

1.15 The Principal Act also provided penalties, similar to those applying to contempt of court provisions, for failure to comply with directions of the Committee.¹⁹

1.16 Section 13 of the Principal Act, as amended by section 8 of the 2005 Act, dealt with the report of the Investigation Committee, and provided that the report:

- (a) may contain findings that abuse of children, or abuse of children during a particular period, occurred in a particular institution and may identify—
 - (i) the institution where the abuse took place, and
 - (ii) the person or, as the case may be, each person who committed the abuse but only if he or she has been convicted of an offence in respect of abuse,
- (b) may contain findings in relation to the management, administration, operation, supervision and regulation, direct or indirect, of an institution referred to in paragraph (a), and
- (c) shall not contain findings in relation to particular instances of alleged abuse of children.

⁹ Section 12(1)(d)(iii), as amended by section 7(c) of the 2005 Act.

¹⁰ Section 14, as amended by section 9 of the 2005 Act.

¹¹ Section 14(1)(a) of the Principal Act.

¹² Section 14(1)(b)–(d) of the Principal Act.

¹³ Section 14(1)(e) of the Principal Act.

¹⁴ Section 14(8) of the Principal Act, as inserted by section 9 of the 2005 Act.

¹⁵ Section 14(9) of the Principal Act, as inserted by section 9 of the 2005 Act.

¹⁶ Section 14(11) of the Principal Act, as inserted by section 9 of the 2005 Act.

¹⁷ Section 14(10) of the Principal Act, as amended by section 9 of the 2005 Act.

¹⁸ Section 14(14) of the Principal Act, as inserted by section 9 of the 2005 Act.

¹⁹ Section 14 of the Principal Act, as amended by section 9 of the 2005 Act.

1.17 The importance of the 2005 Act was that it amended Section 13²⁰ of the Principal Act so that the Investigation Committee could no longer identify a person it believed had committed abuse unless that person had been convicted by a court.

1.18 The term ‘institution’ was defined by the legislation to include:

a school, an industrial school, a reformatory school, an orphanage, a hospital, a children’s home and any other place where children are cared for other than as members of their families.²¹

1.19 The ‘relevant period’ of the inquiry was from 1940 to 1999, but the Commission had power to extend it in either direction. The Commission exercised this power for the Investigation Committee by extending the beginning of the period back to 1936, by a decision of 26th November 2002. The relevant period for the Confidential Committee was determined to be between 1914 and 2000, being the earliest date of admission and the latest date of discharge of those applicants who applied to give evidence of abuse to that Committee.

1.20 The Third Interim Report set out the history of the Commission from its inception as a statutory body in 2000 to the suspension of the operations of the Investigation Committee and the resignation of Ms Justice Laffoy which was announced in September 2003. Ms Justice Laffoy stood down on 12th January 2004 (see Appendix II).

Appointment of new chairperson to the Commission

1.21 On 26th September 2003, the Minister for Education and Science announced the appointment of Mr Sean Ryan S.C. as chairperson designate of the Commission to succeed Ms Justice Laffoy. The Government requested Mr Ryan to undertake his own independent review of the Commission and to make all necessary recommendations having regard to:

- the interests of victims of abuse
- the requirement to complete the Commission’s work within a reasonable timeframe, which would be consistent with the needs of a proper investigation so as to avoid exorbitant costs.

1.22 Mr Justice Ryan furnished his review of the workings and procedures of the Commission in November 2003.

1.23 In summary, he concluded that there were major problems facing the Investigation Committee. If it were to continue unchanged, there would be no prospect of its work being completed within a reasonable time and at an acceptable cost. He suggested a number of changes that were needed to overcome the problems:

- (a) Amendments to the 2000 Act so as to focus the Investigation Committee on its core function, which was to inquire into abuse of children in institutions.
- (b) Changes to procedures which would enable allegations to be heard in logical units for hearings (Modules).
- (c) Publication of interim reports as the work proceeded.
- (d) Establishment of ‘trust’ between the parties as to the fairness of the hearings.

1.24 The work of the Investigation Committee was suspended from September 2003 until March 2004. Judgment was awaited in a High Court action brought by the Christian Brothers. This case sought

²⁰ Section 13 of the Principal Act, as amended by section 8 of the 2005 Act.

²¹ Section 1(1) of the Principal Act.

judicial determination, inter alia, of the constitutionality of the Investigation Committee's approach to making findings of abuse against elderly or deceased Brothers or those who could not properly answer the allegations.

- 1.25** The work of the Confidential Committee continued throughout this time.

The work of the Investigation Committee post-2003

- 1.26** The Investigation Committee began in March 2004 to engage in widespread consultations, to see if an agreed way forward could be found. The aim was to accommodate the 1,712 complainants who had come forward by that time, together with respondent witnesses, within a reasonable timeframe.
- 1.27** The Investigation Committee's legal team met with representatives of over 20 special interest groups representing complainants, and no consensus emerged.
- 1.28** The legal team explained to the groups the practical and logistical problems the Investigation Committee would face if every single person who complained to it were to be heard. The representatives were opposed to any form of selection of witnesses, even though they had no solution to the problems that the requirement to hear every witness imposed.
- 1.29** The Investigation Committee also met the solicitors representing complainants. A further complicating factor was that not all firms of solicitors were willing to communicate with the legal team as a collective group. This may give some idea of the difficulties that the Investigation Committee faced in trying to get the Inquiry restarted.
- 1.30** The Committee also had meetings with different groups representing respondents against whom allegations of abuse had been made, to apprise them of the situation, to seek agreement, and to invite their suggestions.
- 1.31** There was no agreement or any realistic proposal acceptable to all of the stakeholders as to how to proceed. However, these meetings revealed a general acknowledgement of the difficulties that had to be overcome. There was consensus as to the problems, even if the solutions were elusive. The various stakeholders expressed goodwill towards the Committee and its efforts to make progress. They were, in addition, reconciled to the fact that they were not going to achieve all that they wanted, and that the Investigation Committee would be obliged to decide on a way forward if no agreement emerged. The majority of the representatives recognised that the Committee had gone to considerable lengths to explore possible solutions and agreement on how to proceed with the Inquiry.

The Investigation Committee Policy Paper – May 2004

- 1.32** At a public meeting held in the Shelbourne Hotel in Dublin, on 7th May 2004, the Investigation Committee announced its intention to make significant changes to deal with the obstacles to its work. The chairperson set out proposals for hearing selected witnesses in the investigation of institutions that had the largest number of complaints made against them; however, the larger institutions had far more complainants wishing to give evidence.
- 1.33** At that point in May 2004, the length and form that the hearings would take was difficult to assess. It was not known what, if any, objections were going to be raised. These uncertainties gave rise to some concern in the Investigation Committee, particularly in relation to larger institutions, and whether all hearings could be completed within a reasonable time. This would leave other potential witnesses out of the investigative process.

1.34 For most of the smaller institutions (i.e. those against whom a small number of complaints had been made), the Investigation Committee believed it could hear all those who had notified the Committee of their intention to give evidence and who had then followed up with statements.

1.35 At the meeting on 7th May 2004, the Committee published and circulated a position paper on the question of ‘naming and shaming’ abusers, which stated that the Inquiry was not going to be able to complete its work if it proceeded on the basis of naming abusers. The document suggested that, because of difficulties of proof, there would probably be many abusers in respect of whom the evidence fell short. There were risks that people not guilty of abuse could be named. A further point was the disparity that would exist between people who were named – necessarily, a limited number – and the larger cohort of people who had indeed committed abuse (as a matter of probability) but who were not named. These and other points were made in proposing the policy that the Investigation Committee would not name abusers in the report, and would proceed with the investigation on that basis.

1.36 Time was allowed for submissions to be made, and all parties were asked to assist the Investigation Committee with suggestions that would allow the process to move forward. No substantial submissions were received in respect of the policies outlined above.

1.37 At a further meeting in June 2004, the Committee announced its decision to proceed on the basis of selection of witnesses for the hearings. This applied only to the larger institutions, which were Artane, Letterfrack, Ferryhouse, Upton and Daingean. The policy of not naming abusers was applied generally.

1.38 The Commission sought amendments to the legislation to incorporate these changes, and these were set down in the Act of 2005.

1.39 The Investigation Committee at this time wrote to all complainants/solicitors to ascertain the number of complainants who wished to proceed with their application to be heard. As a result of this, 143 complainants withdrew their request to give evidence to the Investigation Committee, while 174 other complainants transferred to the Confidential Committee.

1.40 The Investigation Committee then proceeded with the work of the Inquiry.

The Emergence hearings

1.41 The Emergence hearings began in June 2004. They were held in public at the Distillery Building, Church Street, Dublin 7. The function of these hearings was:

- to re-commence the work of the Investigation Committee,
- to place the work of the Investigation Committee in historical context,
- to understand the reasoning behind the Government’s public apology,
- to understand the Government’s decision to institute a Scheme of Redress,
- to understand the reason why the Religious Congregations came to contribute to the Redress Scheme, and why some of them had also issued public apologies,
- to understand the reasons why support/survivor groups were set up, and how they were organised.

1.42 The Commission wanted to assure the public and the various stakeholders that the work of the Commission was resuming in full. The hearings were scheduled for June and July 2004, and took place over a period of about four weeks.

1.43 In advance of the Emergence hearings, the Investigation Committee's legal team wrote to representatives of the State institutions, the Religious Congregations, and to survivor groups, setting out the types of questions that the Investigation Committee wished to explore. In the case of the State and Religious Congregations, the Investigation Committee asked questions on the following issues:

- (a) insofar as the body concerned has ever issued a public apology in respect of child abuse, the reasons for issuing such an apology;
- (b) the reasons why the body contributed to the Redress Fund;
- (c) the timing and manner in which allegations of child abuse emerged as an issue in respect of institutions under the management or regulatory control of the body;
- (d) a brief account of the protocols or procedures, which were in place from time to time within the body which were designed to prevent, investigate or deal with allegations of child abuse;
- (e) the extent to which the body made enquiries as to how other similar institutions, whether in Ireland or abroad, dealt with such matters and, if so, the result of such enquiries; and
- (f) the extent to which any enquiries carried out within the organisation (concerning whether there was child abuse within the institutions managed or regulated by it) led to it forming a view that such abuse did occur, together with the extent to which any such view may have contributed to (a) and (b) above.

1.44 In the case of the survivor groups, the Investigation Committee asked questions on the following issues:

- (a) the timing and manner in which allegations of and knowledge of child abuse emerged as an issue in Ireland;
- (b) how the group was formed;
- (c) by whom the group was formed;
- (d) when the group was formed;
- (e) who were the group's members (in general terms without any individuals being named);
- (f) how did the group's members come to join the group;
- (g) what the group had done since its formation; and
- (h) how the group was funded.

1.45 There was a very positive response to these questionnaires, and the Committee received comprehensive statements from the various State agencies, the Religious Congregations, and the survivor groups. Statements were received from the Department of An Taoiseach, the Department of Finance, the Department of Justice, Equality and Law Reform, the Department of Education and Science, and the Department of Health and Children. Statements were received from all of the 18 Religious Congregations that contributed to the Redress Fund, and statements were received from 10 survivor groups.

1.46 In order to place the emergence of child abuse as an issue in Irish society in its historical context, the Investigation Committee invited Dr Eoin O'Sullivan, Senior Lecturer in Social Policy at the Department of Social Work and Social Policy, Trinity College, Dublin, to give evidence, and this is included in the historical overview.

State evidence

1.47 In order to explore the State's response to the emergence of child abuse as an issue, the Committee called the Taoiseach, Government Ministers and senior department officials to give evidence.

1.48 In his evidence at the Emergence hearings, Mr Tom Boland, who was then Head of Legal Affairs at the Department of Education and Science, provided a chronological account of the manner in which the issue of child abuse was dealt with in his Department from 1998 to 2002. He stated that institutional abuse first came to the attention of the Department of Education and Science as an issue that they would have to deal with, as a result of the increase in the number of legal cases being taken against the Department. There was also an increase in the number of Freedom of Information requests coming into the Department from former residents seeking access to their records. More generally, the Department was also aware of the fact that institutional abuse had become a major public issue, following the broadcast of television programmes such as 'Dear Daughter'²² and 'States of Fear'.²³

1.49 Mr Boland said that the then Minister for Education and Science, Mr Micheál Martin, brought the issue of institutional child abuse to Cabinet for the first time on 31st March 1998, and the issue of litigation by former residents of reformatories and industrial schools. There was a general discussion at that meeting as to how the State might best respond to the emerging question of institutional child abuse. There was some discussion of the possibility of dealing with the issue through a Commission process, but at that stage the focus was on establishing a scheme that would provide counselling for the victims of abuse. The matter was not significantly progressed during 1998, but it was raised informally at a number of Cabinet meetings throughout that year.

1.50 In December 1998, the Government decided to establish a Cabinet Sub-Committee to deal with the issue of child abuse in institutions. The Committee was chaired by the Minister for Education and Science and was composed of the Tánaiste, the Ministers for the Marine and Natural Resources, Health and Children, Social, Community and Family Affairs, Justice Equality and Law Reform, the Attorney General, and the Minister of State at the Department of Justice, Equality and Law Reform.

1.51 Mr Boland said that the Cabinet Sub-Committee's remit '*was to bring forward proposals to Government on how to deal with the issue of sexual abuse*'. However, according to Mr Micheál Martin, the then Minister for Education and Science, its remit was wider and '*not just sexual abuse, but the, I suppose, the broad abuse of children*'.

1.52 The Cabinet Sub-Committee immediately established a Working Group composed of the Secretaries General and related officials from all of the Departments involved. It furnished its report to the Cabinet Sub-Committee on 28th April 1999. The report was entitled 'Measures to Assist Victims of Childhood Abuse'. On 10th May 1999, the Government agreed the following proposals:

- Establish a Commission to Inquire into Child Abuse.
- Legislate within the then Dail session to extend the concept of disability under the Statute of Limitations to victims of child sexual abuse who, because of that abuse, were unable to bring claims within the normal limitation period.

²² 'Dear Daughter' was a dramatised programme broadcast in 1996 by RTE which featured Goldenbridge Industrial School.

²³ There were three programmes broadcast by RTE in 1999 in the 'States of Fear' series: 'Industrial Schools and Reformatories from the 1940s–1980s', 'The Legacy of Industrial Schools', and 'Sick and Disabled Children in Institutions'.

- Immediately refer the issue of limitation periods as they applied to non-sexual childhood abuse to the Law Reform Commission.
- Establish, over as short a timescale as practical, a dedicated professional counselling service.
- Provide for an effective programme of publicity for these services.
- Prepare and publish as soon as possible a White Paper on mandatory reporting of sexual abuse of children.
- Prepare the legislation for the establishment of a sex offenders' register as a matter of high priority.
- Apologise to victims of childhood abuse.
- The Cabinet Sub-Committee to meet regularly, to review the implementation of the different elements of this decision.
- Accept the principle of the Labour Party Private Member's Bill to amend the Statute of Limitations, but in the context that the Government was progressing its own comprehensive programme of measures, including legislation, in relation to child sexual abuse.

1.53 Mr Boland explained the policy basis for the various child abuse measures adopted by the Working Group:

A point had come where there was a general acceptance in political and administrative circles that that process was not acceptable anymore, and that society and Government needed to engage with this problem in a much more proactive way. In the interests of the survivors of abuse themselves very definitely, but also in the interest of Irish society, that the boil of past abuse, if you like, would be lanced and we would find some answers as to what happened and explanation as to what happened.

1.54 He said that this view was informed by '*a folk memory, if I could use that word, that industrial and reformatory schools were very harsh places*', and also by the report of the Kennedy Committee, the media and, in particular, the 'Dear Daughter' RTE television programme. Mr Boland's view was further informed by meetings with former residents and, to a limited degree, the work done by Dr Gerry Cronin, a social historian appointed by Minister Martin to review the Department's files.

1.55 On 11th May 1999, the Taoiseach, Mr Ahern, announced the Government measures relating to childhood abuse, as set out above. At the same time, he stated that '*the starting point for this is simple, but fundamental. We must start by apologising*'.

1.56 In his evidence to the Investigation Committee, the Taoiseach described the thinking behind the apology:

Well, it was the State has let you down, the State should have done better. There were reasons why it didn't, but they weren't in our view justifiable. While times were different and it is never a good thing to try to put policy today to what policy would have been on another day, we still felt in this case that we had left a section of our community, who were vulnerable, exposed in a way that would affect their lives. While all of the other measures in the report were measures of guidance, help, assistance and therapeutic and all of the rest, that sympathy wasn't just the only thing we could do, we actually had to express it in a way that the State does not normally do. These were our people, these were issues that were perpetrated against them and while not giving a judgment on any of the institutions or what people in the institutions were trying or trying not to do, obviously there were circumstances, circumstances of staff and resources and God knows what, and mentality of people. The reality is we were dealing with a group of victims who were

decent honourable people, who had suffered and deserved the State's best apology the State could give. The best way of doing that, whether it is always accepted or not in life, is to do what you do in your own life, you would say sorry, and that is what we set out to do.

1.57 Mr Micheál Martin, the Minister for Education and Science at the time, said:

Basically, I felt at the time that if we stopped short of issuing an apology from the perspective of the survivors it would have been a devastating blow. The package for a lot of them would have been meaningless if there wasn't that State recognition that what was done to us was wrong and do you please believe us.

1.58 The Taoiseach, Mr Ahern, told the Investigation Committee that the apology was his and Minister Martin's idea:

Yes, in fairness to the Working Group, I don't think they ever discussed the issue of the apology. The apology, Chairman, I remember how the apology [came] around very clearly, because while all of the issues that we were talking about; professional help and caring and trying to assist these people back who had been badly dealt with by the State in our view, the hurt was not going to be removed unless you said sorry. It was my view and Minister Martin's view, we made the decision.

1.59 This was borne out by the evidence of Mr Tim Dalton, former Secretary General to the Department of Justice, Equality and Law Reform. Mr Dalton said that the apology did not emanate from the Working Group, it was a political decision:

It emanated at Cabinet level subsequently ... While the apology was very much in line with what the working group was saying the apology, as a matter of fact, arose later. Yes.

1.60 He continued:

I mean the Committee's working group's report emphasized the need for what was described as a proactive approach, a sympathetic approach, and an apology would have been very much in line with that. Although as a matter of fact the apology came up subsequently.

1.61 The Taoiseach and Minister Martin described meetings they had with former residents of reformatory and industrial schools at this time. The Taoiseach told the Investigation Committee:

I had met a number of the individuals, individuals who lived in my own constituency and elsewhere as you travel around who made me aware of what they hoped and the concerns they had and, obviously, wanted to see us taking action, and I think were happy to see that we had set up a Cabinet Committee and that we had set up a Working Group that was representative of our most senior public servants ... They wanted to see a Government do something about it, they wanted a forum where they could express themselves if they wished to do, some of them did, some of them didn't, and where they would be able to put forward what had happened in their lives, what had happened in institutions that they were sent to, as they saw it, totally as a matter of State action. They wanted to see us do something about correcting the hurt that they suffered.

1.62 He continued:

I met a number of these groups and met a number of individuals. I think I can say without exception, they struck me as being entirely genuine, entirely trustworthy and asking me for help, asking for assistance and wanting us to do it because many of them, it had been a long time since they left these institutions and their lives had been affected. Even those of them who had moved on and where their life was together, they believed that this was a hurt that had not been corrected and they were urging us to deal with it comprehensively.

1.63 Minister Martin said that he first became aware of the issue of institutional abuse in his ministerial capacity in early 1998. Prior to his appointment, he had watched the two television programmes ‘Dear Daughter’ and ‘States of Fear’, and these programmes, particularly ‘States of Fear’, had a profound impact on him. He told the Committee that, having viewed this programme, ‘... *I was left with the view they can't all be wrong, they can't all be false stories*’.

1.64 Mr Boland explained the factors that led to the establishment of the Commission to Inquire into Child Abuse in 1999:

First of all, I think of primary concern for the sub committee would always have been the victims themselves. The objective of a Commission would be that it would provide a place where they could tell the account of their lives to a sympathetic panel. That element of having a sympathetic panel was always very important in the whole process of the Commission. The hope was that in this way victims of abuse could be reassured that the abuse they suffered was wrong and was utterly condemned by Irish society. There was a very strong demand for that kind of listening forum from the victims themselves.

In addition then it was felt that a Commission could begin a process for victims of abuse whereby they would feel more able to approach the institutions that were there for professional help so that they could work through their pain and trauma.

For Irish society the idea was – and this is rather like a truth Commission – that it would establish for Irish society precisely what happened and establish as complete a picture as possible of the causes, nature and extent of childhood abuse including why it happened and also who was responsible. It was very much an important factor that the Commission would establish at least at an institutional level what institutions were responsible for what happened. It was also felt that this kind of process would help Irish society to come to terms with a very negative, very black period in our history. And it would also give to those who were involved in running the institutions, primarily the religious congregations, an opportunity to put their side of the case and show that in some cases, and maybe even in many cases – that is a judgment for the Commission – that in fact they did good service for the State too.

Perhaps this might have been a bit naive, but nevertheless it was an opportunity for perpetrators of abuse, particularly those who felt appalled by what they had done, to come forward and to give them an opportunity to relieve themselves of their burden. Very, very importantly then a Commission would make recommendations for the future as to how to prevent this happening again and what to do for victims of abuse going on into the future.

1.65 Later in his evidence, Mr Boland went on to discuss how the issue of compensation came into consideration. He said that ‘*a compensation scheme was very much in policy minds from a very early time*’, but the Government had taken the view that they would deal with it once the Commission had concluded its work. On 20th July 2000, the chairperson of the Commission informed the Department of Education and Science that a number of solicitors representing clients who alleged having suffered abuse as children had adopted a position, whereby they would advise their clients not to cooperate with the Commission until the issue of compensation was dealt with. The chairperson expressed the view that this would have serious implications for the Commission’s ability to carry out its task, and asked the Government to make a decision in principle in relation to the setting-up of a compensation scheme as quickly as possible. On 27th September 2000, the chairperson criticised the lack of action in relation to the issue of compensation at a public sitting of the Commission. On 3rd October 2000, the Government decided to agree in principle:

- to set up a compensation scheme,
- that the definition of abuse for the purposes of the scheme would be the same as in the Commission legislation,

- that compensation would be paid on an ex-gratia basis, without establishing liability on the part of State bodies, but subject to the claimant establishing to the satisfaction of the body that he or she had suffered abuse and resulting injury, and
- that the amount of compensation would be broadly similar to that which would be awarded to a claimant had he or she pursued successfully a claim for damages in the courts.

1.66 Mr Boland outlined the policy basis for the compensation scheme:

I suppose there were a number of reasons ... Allowing cases to proceed to litigation from a survivor's point of view and from a social point of view was simply the wrong thing to do in the view of Government. It would negate any real sense of meaning from the apology on behalf of the Irish Nation if then people who wanted to get compensation for the abuse they had suffered had to go through an extraordinarily lengthy process in the High Court. There was also of course the fact that many of those cases would fail not because they didn't suffer injury and not because they had not been injured, but because of what might be regarded as technical rules of evidence. And that was not acceptable to Government either. There was a pure operational issue for the courts. 800 cases at that stage, maybe a couple of thousand. Now we think maybe a few thousand. The effect it would have had on the administration of justice or from the court system would be enormous.

1.67 Mr Boland pointed out that, in developing a policy on the compensation scheme, the Government carried out a comprehensive review of the practice in other jurisdictions.

1.68 Following a consultation process, the Minister for Education and Science returned to Government with a set of proposals for legislation, which subsequently became the Residential Institutions Redress Act, 2002 (the Act of 2002).

1.69 Mr Boland discussed the indemnity agreement²⁴ with Religious Congregations and issues of apportionment of liability. He said that the Government's action in setting up the scheme was not motivated to any significant extent by considerations of legal liability or culpability:

the Government determined upon a redress scheme with an approach that said this was to be done regardless of the involvement of anybody else. And it was to be done by the State paying for full compensation. This was seen as an issue for Irish society. It was an issue that had to be dealt with fully and firmly for once and for all. Therefore, the most effective way in which Government could achieve that was that to take responsibility for it, and that is what it did. So the scheme was to be fully funded by the State. That was the starting position. And full awards were to be paid.

1.70 He explained to the Committee how the Congregations became involved in making a contribution to the scheme:

Clearly there would always be a difficulty in the minds of many people, not least those who had suffered abuse, if the Congregations had no involvement at all in the compensation scheme. Therefore it was felt as a policy objective desirable that they would be involved. And in fairness to them they said quite early on that they would like to make a meaningful contribution to the scheme. That was finally decided with them and Government made a decision on that basis. But the scheme was going ahead in any event.

²⁴ Under the terms of the indemnity agreement reached with the Religious Congregations on 5th June 2002, the Congregations agreed to make a contribution of €128 million towards the redress scheme. This was broken down as follows: cash contribution €41.14 million; provision of counselling services €10 million and property transfers €76.86 million.

1.71 The indemnity agreement between the State and CORI provided for the 18 Religious Congregations to make a contribution of €128 million to the Residential Institutions Redress Fund. In return, the Government agreed to grant an indemnity to the Religious Congregations that were parties to the agreement. However, the indemnity agreement of 5th June 2002 was not based on any apportionment of responsibility for abuse.

1.72 Dr Michael Woods was appointed Minister for Education and Science on 27th January 2000, at which stage the Taoiseach had issued his apology and the decision had been taken to establish the Commission to Inquire into Child Abuse. During his time as Minister for Education and Science, Dr Woods was responsible for bringing proposals to Government regarding the Redress Scheme, subsequently the Act of 2002 and the indemnity agreement with the Religious Congregations.

1.73 Dr Woods gave evidence at the Emergence hearings, where he noted that Mr Boland had dealt comprehensively with the Redress Scheme in his evidence but commented briefly on the matter himself. He told the Investigation Committee that the more he became involved in the process following his appointment as Minister for Education and Science, the more he became '*acutely aware of the issues and the problems which were faced by the victims*'. Dr Woods said '*that the early establishment of the scheme was seen as (a) greatly reducing the stress of survivors of abuse and, (b) it was to facilitate the progress of the Commission*'. He said that the involvement of the Congregations was seen by the State as a desirable policy objective but stressed:

as far as the State was concerned it was very firm in its decision that the State was going ahead in any event with the Redress Scheme. That it was the right way to go.

1.74 Dr Woods said that part of the Government's desire to get the Congregations to contribute was to bring about a situation where there was closure to the whole issue of past institutional abuse.

Religious Congregations' evidence

1.75 The two major topics for the Religious Congregations at the Emergence hearings were the contributions they made to the State Redress fund of compensation to victims and the apologies that many of them issued. Contributions to the State fund posed much less of an issue or a problem for them than the question of apology. They were largely in agreement on compensation. Negotiations were carried out on their behalf by the Conference of Religious of Ireland (CORI), which is an umbrella organisation for the various Religious Congregations in Ireland. The agreement reached was favourable to the Religious Congregations, but the Investigation Committee was not concerned with the wisdom or reasonableness of the agreement reached.

1.76 It might have been thought that Congregations who contributed to the fund were in effect conceding that there had been some abuse in their institutions. The agreement did not require them to do so, but the mere fact of payment into the fund, in return for an indemnity in respect of any actions that might be taken, could have been regarded as an expression of some kind of admission or acknowledgement, but it was said not to be the case.

1.77 The position with regard to apologies was more complicated. Some Congregations issued apologies and some did not. Those that issued apologies used a variety of different expressions. Through their spokespersons, they testified to the good intentions that lay behind the apologies. Some of the apologies were more effective than others in meeting the needs of survivor groups.

1.78 Congregations were fearful that what they said in order to assuage the feelings of victims of abuse might be used to damage them, as they saw it. Their words might be taken as concessions or admissions as to events that were alleged to have happened. The aims of acknowledging past wrongs and assuaging feelings of victims are at odds with the desire to avoid admissions and

concessions about abuse. Most of the apologies reflected tension between these objectives, and were largely unsatisfactory as a result.

1.79 The attitude of many of the Congregations was conditional. If their members committed abuse, they expressed regret for it. They did not accept Congregational responsibility for any abuse that happened. As to whether abuse had actually happened, they said they were leaving that to the Commission to establish, because that was the function of the Commission, and because they had contradictory information on the claims of complainants and in the responses of their own members.

1.80 On 31st January 2002, CORI issued a general apology on behalf of its members:

We accept that some children in residential institutions managed by our members suffered deprivation, physical and sexual abuse. We regret that, we apologise for it. We can never take away the pain experienced at the time by these children nor the shadow left over their adult lives. Today the congregations with the State are giving a concrete expression of their genuine desire to foster healing and reconciliation in the lives of former residents.

1.81 The Investigation Committee at the Emergence hearings heard evidence from representatives of the following Religious Congregations that had contributed to the Redress Fund:

1. The Rosminian Institute of Charity
2. The Dominican Order
3. The Sisters of Mercy
4. Our Lady of Charity of the Good Sheperd
5. The Presentation Brothers
6. The Religious Sisters of Charity
7. The Christian Brothers
8. The Daughters of Charity of St Vincent de Paul
9. The Sisters of Our Lady of Charity of Refuge
10. The Brothers of Charity
11. The Daughters of the Heart of Mary
12. The De La Salle Brothers
13. The Sisters of St Clare
14. The Presentation Sisters
15. The Sisters of St Louis
16. The Hospitaller Order of St John of God
17. The Sisters of Nazareth
18. The Oblates of Mary Immaculate.

1.82 These representatives were examined as to the reasons underpinning the decision taken by the Congregations to issue an apology, if they did so, and the reasons they contributed to the Redress Fund, if they did so. The Investigation Committee also heard evidence during the Emergence hearings from representatives of Congregations involved in the management, care and control of institutions that were not the subject of its investigations into individual institutions.

The Rosminian Institute of Charity

1.83 The Rosminian Order operated two industrial schools, one at Upton in County Cork and the other at Ferryhouse in County Tipperary, as well as a School for the Blind at Drumcondra in Dublin.

They had two post-primary schools, one in Omeath and one in Dublin. They also developed a retirement home for blind men in Drumcondra, and a centre in Cork for adults with learning disabilities.

1.84 In 1999, the Rosminians issued a public statement:

The members of the Rosminian Institute are saddened and shamed that young people in our care were abused by members of our Order. We deeply regret not only the abuse but also the shadow cast on the lives of those abused. We abhor all mistreatment of children and we wish to express our profound sorrow.

1.85 Fr Joseph O'Reilly, giving evidence on 30th June 2004, said that the Order made that statement because they felt it was the right thing to do:

Fundamentally we felt it was simply the right thing to do and it was something over which we had no option to do.

1.86 The Order was aware that children had been abused in at least one of their institutions in 1979:

That was one of the reasons why we obviously felt that we would have to apologise.

1.87 Fr O'Reilly told the Committee that the Order contributed to the Redress Fund because:

We believed it was the right thing to do, it was the just thing to do, it was the natural thing when you recognise that you have been part of something that has caused hurt and pain to people in the past, that's fairly inescapable. I think there was a recognition on our part that to go another route that seemed to be the only other route available at the time in terms of litigation and going to the High Court, we felt that that would be disastrous for all concerned.

1.88 He continued:

I mentioned that we felt that the option of going through the High Court and denying -- I am not sure of the technical word -- denying complaints against us and being involved in that process, we felt that would not be the right way to go and it would be disastrous for all concerned. We felt it would be a hurtful, harmful way for all concerned ... We were advised it would have meant years, maybe a lot more years than anybody knew at the time ... Years of having to appear in court and putting people through questioning and cross-examination, and trying to provide proof on this, that and the other ... From our end we don't have the personnel to do that. We didn't have the inclination to do that. We felt also that we didn't have the finances to do that in a way. We also felt that it would not be at all consistent with what we had said by way of apology. It would not be consistent with the type of relationship that we had with many past pupils. Not with all admittedly. We did not want people to have to suffer on through that type of system ... It seemed that it would have been cruel to consider those type of things. We wanted to be involved in the process and we perceived the Redress Board as process that would offer a degree of healing, you know. Because it offered the opportunity for things to be dealt with in a short enough period of time in comparison to other options, and in a process that wasn't adversarial. So we felt it offered much more of an opportunity for healing and, perhaps not reconciliation, but certainly we would have been guided by the maxim of do no more harm. Do no more harm.

1.89 The Rosminian Institute approached this issue, conscious of the obligations and of the difficulties, but also believing in the benefits that would accrue to victims, its own members and to the Order. In adopting this approach and pursuing it throughout the Inquiry, the Rosminian Institute was unique, and its senior management and its members deserve acknowledgment and appreciation in that respect.

The Dominican Order

- 1.90** The Dominican Fathers have a long tradition in education in Ireland. They operate a number of schools throughout the country. They had one institution, an orphanage at Dominic Street, Dublin known as St Xavier's Boys Home. It closed in 1993, and the Order received their first complaint in relation to this institution in 1995. Two further complaints emerged later that year and, in 2001, legal proceedings were instituted by six former residents.

- 1.91** The Dominicans did not make a formal apology:

No, we didn't make a formal apology ... We didn't feel that a kind of a general apology in terms of our small group of people would be of any great benefit, but if I were to meet them I would be more than happy to do so.

- 1.92** Despite their decision not to make a general apology, the Order contributed to the Redress Fund.

The Sisters of Mercy

- 1.93** The Sisters of Mercy played a significant role in the industrial school system, as they had been responsible for the management of 26 industrial schools. This is discussed fully in the General Chapter on the Sisters of Mercy. They were also involved in numerous primary and post-primary schools.

- 1.94** The Sisters of Mercy issued an apology in 1996, following the broadcast of the 'Dear Daughter' programme in 1995, which characterised a Sisters of Mercy Industrial School, Goldenbridge, as having been abusive. The apology was as follows:

In the light of recent revelations regarding the mistreatment of children in our institutions we the Mercy Sisters wish to take this opportunity to sincerely and unreservedly express our deep regret to those men and women who at any time or place in our care were hurt or harshly treated. The fact that most complaints relate to many years ago is not offered as an excuse. As a congregation we fully acknowledge our failures and ask for forgiveness.

Aware of the painful and lasting effect of such experiences we would like to hear from those who have suffered and we are putting in place an independent and confidential help line. This help line will be staffed by competent and professional counsellors who will listen sympathetically and who will be in the position to offer further help if required. In this way we would hope to redress the pain insofar as that is possible so that those who have suffered might experience some peace, healing and dignity.

Life in Ireland in the 40s and 50s was in general harsh for many people. This was reflected in orphanages, which were under funded, under staffed and under resourced. It was in this climate that many Sisters gave years of generous service to the education and care of children. However, we made mistakes and irrespective of the passage of time as a congregation we now openly acknowledge our failures and ask for forgiveness.

Regretfully we cannot change the past. As we continue our work of caring and education today we will constantly review and monitor our procedures, our personnel and our facilities. Working in close cooperation with other voluntary and statutory agencies we are committed to doing all in our power to ensure that people in our care have a protective and supportive environment.

We were founded to alleviate pain, want and misery. We have tried to do this through our work in health care, education, child care, social and pastoral work. Despite our evident failures which we deeply regret we are committed to continuing that work in partnership with many others in the years ahead.

- 1.95** Sr Breege O'Neill, then Congregational Leader of the Sisters of Mercy, told the Investigation Committee that the Congregation hoped that the apology would ease the pain and trauma of

former residents, and help to restore their relationship with the Congregation. She said that the apology was not successful, because it was perceived as being conditional or incomplete. After the apology, the amount of litigation involving the Congregation increased, and the Sisters felt that this inhibited them in their dealings with former residents.

- 1.96** On 5th May 2004, the Congregation issued a second apology, the circumstances of which are discussed in full in the General Chapter on the Sisters of Mercy.

- 1.97** Sr Breege O'Neill also discussed the reasons the Congregation became involved in the Redress Scheme:

Our decision to become involved in the Redress Scheme, it came out of, I think, all of what I have said up to now. Out of the experience for four years of trying to respond in the different arenas to what was coming to us. I am talking about the litigation. I am talking about the Commission. But also knowing that in some way those of themselves were not going to bring closure ... Our decision was also informed by a pragmatism in relation to the litigation. The sense that long drawn out litigation proceedings would be what we would be putting our energy into for years and years and years.

Our decision to become involved in the Redress was not informed by an assessment of the potential outcome of each individual case. It was a scheme the Government announced. They invited our contribution or our involvement in it and we welcomed that ... But it wasn't an easy decision for the Congregation to take at the time because there were many voices holding different views and we had to in some way come to our own place of resting with it as being the best way forward at this time. That we did. Out of that the decision was taken that we would contribute.

Our Lady of Charity of the Good Shepherd

- 1.98** The Good Shepherd Sisters had four industrial schools in Cork, Waterford, Limerick and Wexford, as well as a reformatory school in Limerick.

- 1.99** The Congregation did not issue a public apology:

We have not issued a public apology, no, but when we have met ex-residents and talking to them and listening to how it was for them and how they experienced it, you know, it has really saddened us a lot and we, like, we would always say, well, look, we are really sorry that these are your memories, that this is how it is, that this was your experience, we are really sorry about that.

- 1.100** The Congregation took the view that the public apology issued by CORI covered all of the 18 Congregations involved in CORI:

we agreed with the publication of the apology, as we see it as conveying our regret and our sorrow that those who were in our care have painful memories and have been upset by their time there.

- 1.101** The Congregation also contributed to the Redress Fund. Sr Claire O'Sullivan, a designated spokesperson for the Congregation, outlined the reasons why as follows:

Well, firstly, we decided in principle in October 2000 that we would make a contribution and, like, we did it for a few reasons. In response to the Government's invitation to Congregations to contribute to the scheme was one of the reasons. Also, it was a combination of our pastoral and practical considerations ... Practical considerations were because of the financial restraints. If we went down the road of litigation, it would have cost a huge amount of money and would have gone on for years, as we would see it ... Also, we just didn't want to get ourselves into confrontation with our ex residents at all.

There was also the practical thing, that it would lead to a better use of the resources that are available to us, resources that could otherwise be used to help us to assist former residents and for other charitable works, rather than expending resources on preparing for litigation, as I would have said there. It would also, instead of members being very much involved in court cases, it would free up people, our Sisters, to spend time assisting former residents and meeting with them and engaging in other charitable works. So that would have been another reason for us. Also, we were glad to be able to get the indemnity, that we could obtain indemnity from the State, as it is better to contribute to the scheme, rather than processing, as I would have said, down the very costly road of litigation.

The Presentation Brothers

- 1.102** The Presentation Brothers operated one industrial school, St Joseph's Industrial School, Greenmount in Cork. The Presentation Brothers are currently involved in numerous primary and post-primary schools in Ireland.
- 1.103** The Anglo-Irish Province of the Presentation Brothers has not issued a public apology, but the Congregation issued the following statement on its website, which was referred to at the Emergence hearings:

It was along the lines of, “we apologise for any wrongdoing or any abuse that occurred to any person while in our care”. That was done for two reasons. First of all to give our regret. Secondly, to encourage anybody out there who is hurting to come and make that complaint.

- 1.104** The Congregation also contributed to the Redress Fund:

Well, we were members of CORI and in 2000 when this came up first we were participating in the Faoiseamh²⁵ help line and we contributed to the Faoiseamh help line. We were a member of the 18 Congregations and when the question of the contribution came up we felt that especially because of our 1955 incident²⁶ that we would feel very exposed if all this went to litigation. We felt that it was prudent management to make a contribution to the Redress Board.

The Religious Sisters of Charity

- 1.105** The Sisters of Charity operated five industrial schools, including St Joseph's and St Patrick's in Kilkenny and a group home, Madonna House in Dublin. The Religious Sisters of Charity also operate 19 primary schools and eight post-primary schools, and provide special needs education to a small number of schools.
- 1.106** The Sisters of Charity have never issued a public apology in respect of child abuse. However, the Congregation has issued three specific apologies relating to the criminal convictions of three of its staff, one in Madonna House and two in St Joseph's, Kilkenny.
- 1.107** The apology in relation to Madonna House was issued in 1994 and read:

The Religious Sisters of Charity are deeply concerned and saddened by what has happened to the children at Madonna House. We offer our heartfelt apology to each and every person who has suffered in a situation where we tried to ensure that they would experience warmth, care and support.

²⁵ An organisation funded by the Congregations that provides counselling for persons who have been abused by religious Orders and Congregations.

²⁶ This is dealt with in full in the chapter on St Joseph's Industrial School, Greenmount.

- 1.108** The second apology was issued at the sentencing of a male childcare worker in St Joseph's in 1997, and Sr Úna O'Neill, Superior General of the Religious Sisters of Charity, stated in respect of it:

While other Orders might have found that the "States of Fear" programme or other publications or broadcasts was their moment of realisation, I think it was the criminal conviction of that childcare worker that was a very significant moment certainly for me and those other Sisters who attended and for the Congregation subsequently. For us it was a brutal initiation into the reality of sexual abuse of the most depraved kind. While I would have read the Garda statements that the children made against this childcare worker, it became very real when the boys were asked to speak in Court and they described a most horrific litany of terror and hurt and humiliation and pain and powerlessness. It was at that moment I think for us as a Congregation it became real. I am not saying we accepted it or understood it, but it became real for us then.

- 1.109** The third apology was issued when another childcare worker from St Joseph's, Kilkenny was convicted:

We are appalled that a care worker employed at St. Joseph's for 9 months from '76 to '77 abused children in his care and we are offering counselling services etc.

He came to St. Joseph's as a qualified care worker, had excellent references from his former employees in the UK, and was interviewed by representatives from St. Joseph's and from the Department of Education ...

Peter McNamara's²⁷ abuse of the children at St. Joseph's has caused untold misery for the men involved. Nothing can make up for what happened to them and we deeply regret their suffering.

- 1.110** Sr Úna O'Neill's evidence on the background to these apologies is dealt with in detail in the chapter on the Sisters of Charity.

- 1.111** Sr Úna O'Neill said that the Congregation contributed to the Redress Fund because:

we had a number of civil cases before the Court at that time ... We had had the experience, I had the experience of attending these court cases and I had seen what that process had done particularly to the men who had taken the cases against us. I had spoken to them about the experience with both of them. I saw what it did with both the volunteers and the staff who had to testify. There was a strong pastoral reason for us not subjecting anybody to that kind of process if we could avoid it.

We also felt the definition of abuse was so broad that it would invite many more cases against us and in fact that has proved to be the case. There has been a very, very significant increase in the number of cases that have come in from 2000 up to today, very significant increase for those that had come in beforehand.

We also felt that if we didn't contribute to the scheme, maybe we were wrong in this, we felt that perhaps the Redress scheme would give a partial payment to the children and then they would seek the rest from us through legal means and that would have been the same reason as I have given beforehand.

The Christian Brothers

- 1.112** The Christian Brothers were involved in six industrial schools and one residential school for deaf boys, as well as numerous primary and post-primary schools throughout the country. This is discussed fully in the General Chapter on the Christian Brothers.

²⁷ This is a pseudonym.

1.113 The apologies issued by the Christian Brothers are dealt with in full in the General Chapter on the Christian Brothers. On 29th March 1998, the Christian Brothers issued the following apology:

Over the past number of years we have received from some former pupils serious complaints of ill-treatment and abuse by some Christian Brothers in schools and residential centres. We the Christian Brothers in Ireland wish to express our deep regret to anyone who suffered ill-treatment while in our care and we say to you who have experienced physical or sexual abuse by a Christian Brother and to you who complained of abuse and were not listened to we are deeply sorry.

We want to do much more than say we are sorry. As an initial step we have already put in place a range of services to offer a practical response and further services will be provided as the needs become clearer.

1.114 The Christian Brothers told the Committee that they welcomed the establishment of the Redress Scheme. Br Gibson stated that:

We would have welcomed it because, I suppose, fundamentally we, ourselves, had tried to set up a mediation process and when the Government approached CORI and asked CORI would they be prepared to donate a sum to that fund, we were happy to be involved in doing that.

1.115 He continued:

And, of course, the most important thing, I suppose, was it was going to be set up on a statutory basis, which we hadn't been able to do. Maybe, just to say also we were aware that because of the serious nature of the complaints that had come, it was very difficult to make a judgment about these. The Redress Scheme was not going to make a judgment on those. We found particularly ourselves that a lot of the people being accused were dead ... And a lot of people that had complaints against them were denying them vigorously, Brothers were denying them vigorously. We were in the middle with an allegation and a person who was saying this did not happen. We had many Brothers who had spent, say, three or four years in institutions and then subsequently had spent, maybe, 30 to 40 years teaching outside the institutions. During their time in the schools, there had been no complaints against them, but subsequent to the apologies, allegations had come. So we felt that long drawn-out process of legal litigation would not help anyone. So because of that, we were quite happy to join with the Congregations in supporting the Government scheme. When the Taoiseach in October of 2000 announced in principle anyway that he was going to establish a body to compensate people, quite quickly we got an additional 380 complaints. By the time the Agreement was signed, we had roughly about 800 complaints, 791 potential complaints ... So we felt that the Redress Scheme was an opportunity to assist those who had been in institutions to come to closure in a difficult experience that they had had ... Also, that it wasn't making a judgment because – judging something that took place 40, 50, 60 years ago was very difficult to judge. So, in a sense, what we would feel is that from the very beginning of child abuse coming to our attention in 1990, we have tried to be proactive in setting in place structures that would assist people to come forward and would help them to come to terms with the experience of abuse that they have suffered. We also put in place supports for people who were accused of abuse, who were traumatised by the allegations of abuse and the fact of setting up independent advisory panels and child protection services helped us in doing that.

The Daughters of Charity of St Vincent de Paul

1.116 The Daughters of Charity of St Vincent de Paul operated one industrial school, four orphanages, five centres for people with intellectual disability, an orthopaedic residential children's hospital, and a mother and baby home.

1.117 Sr Catherine Mulligan, a former Provincial Leader of the Congregation, stated that the Congregation did not give a public apology for the following reason:

that was a considered stance on our part, again because of what we considered to be the lower number of cases against any particular institution and ... having gathered the information that we gathered, we could not say that we ran an abusive system.

1.118 However, the Congregation did contribute to the Redress Scheme, and Sr Mulligan gave reasons for this. She said:

I think there was a general feeling that we should become part of that insofar as we could. We were invited by the Government to become part of it and I don't think there was any sort of hesitancy about becoming part of it.

The Sisters of Our Lady of Charity of Refuge

1.119 The Sisters of Our Lady of Charity of Refuge operated an industrial school in Drumcondra in Dublin, and a reformatory school at St Anne's, Kilmacud, Dublin.

1.120 Sr Lucy Bruton gave evidence on behalf of the Congregation, and reiterated that they wanted to be associated with the CORI apology of January 2002, which stated:

We accept that some children in residential institutions managed by our members suffered deprivation, physical and sexual abuse. We regret that, we apologise for it. We can never take away the pain experienced at the time by these children nor the shadow left over their adult lives. Today the congregations with the State are giving a concrete expression of their genuine desire to foster healing and reconciliation in the lives of former residents.

1.121 She added that:

At that time this expressed for us the feeling we had for people, complainants, and for people who felt they had been abused or badly treated and we associate ourselves positively with that statement today. We also welcome the reconciliation aspect of the Commission and we hope that this would help us to move forward and move on.

1.122 Sr Bruton gave a number of reasons why the Congregation decided to be part of the Redress Scheme:

First of all, CORI invited us to be part of the group of 18 Religious Orders who were involved in childcare and the Government invited that group to participate and contribute to the Redress Fund and in solidarity we decided to participate in the scheme ...

We were conscious of the five litigation cases that were pending against us at that time and obviously we felt I suppose because there were some that we might hear of others. We felt that it would be easier and quicker and less adversarial than the court process. We would have indemnity following on the litigation which would mean that funds that would be contributed would be directed towards former residents rather than in legal costs and in long trials. We felt that it would give a measure of closure and that we would be enabled to move forward without the long process of legal trials which are hard to prove either way and particularly with so many of the people involved not actually being there.

The Brothers of Charity

1.123 The Brothers of Charity operated two schools for children with learning disabilities: Our Lady of Good Counsel, Lota in Cork, and Holy Family School in Renmore, County Galway. They also ran an adult psychiatric hospital in Belmont Park in Waterford, which included an adjacent service for adults with intellectual disabilities. A similar service for adults with learning disabilities was established in Clarinbridge in Galway, and another in Bawnmore in Limerick. Today, the Congregation is the largest provider of services for people with an intellectual disability in Ireland.

- 1.124** The Brothers issued a public apology in 1995. Br John O'Shea, the Regional Leader in the Congregation, gave evidence at the Emergence hearings:

We offered an apology and we offered counselling to people who had been abused while in our services, and we encouraged that other people who had been abused would go to their local Garda Station or whatever, and make their allegations known there ... I feel for us that 1995 was the watershed in the sense of our awareness that we had a fairly significant issue with abuse. I suppose because the thing came to light, there was obviously a public interest in it, and I think while I wouldn't have the exact wording for 1995, but the general sense that we had was look, this has happened. It was quite a shock to us really because it wasn't something we were prepared for, and certainly the individual incidents we would have known of previously didn't add up to a comprehensive picture, if you like, of widespread abuse. I think when we became aware of this and the fact that it was a significant issue, our apology and, again, as I say, it was in the context of maybe responding to what was at this stage in the public domain and, I suppose, maybe articulating our response to it, that was to be one where we wanted to be open about it, we wanted to encourage people who had complaints to make that it was better to get them out in the open and that there were proper channels for doing this, and we particularly encouraged people to report their allegations to the Gardaí. Because the service we provide would have resources in counselling and so on, we encouraged people that felt they needed that to look for support, if you like.

- 1.125** Explaining why the Congregation contributed to the Redress Scheme, he stated that, prior to the Redress Scheme, the Congregation was facing approximately 50 civil claims:

I suppose one of the things we felt if we were to go down a legal route, that it would be a very long and complex thing and very difficult, and maybe particularly again for people that were abused, it would be putting them through extra trauma and confrontation. Certainly our approach was that we wanted whatever we were doing to be as least confrontational as possible ... Redress would have provided an opening to us that would have many advantages that the legal route wouldn't have. I suppose taking the population that we are dealing with again, that it would be difficult for people with a disability to maybe articulate their case, particularly if it had been done in a confrontational setting ...

Redress offered the more acceptable forum, if you like, for dealing with the issues that we had to deal with. I suppose another issue would be where people are denying that any abuse took place, that it also affords the person making allegations, that if they feel that they are entitled to compensation for maybe the general institutional atmosphere that they lived in or whatever hardship or deprivation might go with that, where it mightn't be a specific allegation of a particular misdemeanour by anyone.

The Daughters of the Heart of Mary

- 1.126** The Daughters of the Heart of Mary operated one institution, St Joseph's Orphanage, Dun Laoghaire from 1860 to 1985. The Sisters also operated a school, a retreat house, and two guest houses for retired women.

- 1.127** The Congregation had not issued a public apology. Sr Anne Boland, Provincial of the Daughters of the Heart of Mary, gave evidence to the Emergence hearings that, in 1971, a resident of one of the schools disclosed to the Sisters that she had been sexually abused by a man who, along with his wife, took some of the girls out for weekends. The Sisters reported the matter to the Gardaí. In 1997, a former resident instituted legal proceedings alleging abuse against a visiting priest. The Sisters believe that this priest was convicted of charges relating to the abuse.

- 1.128** The Congregation contributed to the Redress Fund. Sr Boland stated:

when the Redress Scheme was being drawn up, at that time we had one set of allegations against us, and we also had a number of records or requests for records, small in number, asking for records. In view of the fact that we had over 2,000 children in our care down through the years, we felt more claims could come in. But I would have to say also we found there were very few. At that point, there was only one allegation. Since then, two other allegations have come to us and we felt the best way to compensate, even though we realise the care was good, and, you know, that would be from talking to the Sisters and, indeed, from the past children, that it was a place that they were happy in. But, nonetheless, we felt we could not meet their needs in a way that an ordinary family would. So in order to redress that or compensate, we felt it would be better to go down the line of entering the Redress Scheme. It would be less adversarial or conflictual to them and to us for them to have to come or to put a claim for money to us individually. So that is really why we entered the Redress Scheme.

The De La Salle Brothers

- 1.129** The De La Salle Brothers had significant experience of residential care in England. They first became involved in residential care in Ireland in 1972, when St Laurence's School in Finglas in Dublin was opened. They were involved in the school until 1994. The De La Salle Brothers also operate numerous primary and post-primary schools throughout the country.

- 1.130** The De La Salle Brothers considered issuing a public apology but decided against it, preferring instead to issue individual apologies. Br Pius McCarthy, the Provincial Secretary of the Order, gave evidence at the Emergence hearings:

After the Christian Brothers made their apology, we thought about something similar, we questioned whether we should do it or not, but we decided against it, we decided to deal with each case individually, because at the time there was the Garda investigation going on and we weren't quite sure what the outcome would be. We felt that by making an apology, we might be indicating or influencing one way or the other. So we have apologised in individual cases where somebody has come to us and said that they were abused. We just decided that it would be better not to go down the road of a public apology.

- 1.131** The Order contributed to the Redress Scheme for the following reasons:

In April 2001, we were invited by CORI to become part of the group of congregations who were then negotiating with the State with regard to making a contribution to the compensation scheme that had been announced in October 2000. The Congregations who were negotiating had agreed in principle to make a contribution to the scheme and details of the same were being discussed. We were approached, because there was at that time litigation in existence relating to Finglas Children's Centre, and even though we didn't own the centre nor did we manage it in the strict sense, the Resident Manager was a De La Salle Brother throughout the years and we had an involvement in administration and also De La Salle Brothers had worked in it ...

We were also aware that some of the complaints made were specifically directed towards members of the Congregation. At the time we were approached by CORI, we were aware of eight claims arising from the centre. Really we were made aware of them by CORI, they got the information for us. We were advised that any contribution made by the Congregations would be in consideration of an indemnity from the State and this would bring some certainty with regard to future litigation. We were also aware of the ongoing Garda investigation into St. Laurence's which began in 1995 ... Also, we had come into

the negotiations at a late stage and accordingly we were guided to some extent by what the other Congregations had done and we also wanted to show solidarity with them.

The Sisters of St Clare

1.132 The Sisters of St Clare, or the Poor Clares as they were also known, operated two institutions, an industrial school in Cavan and a private orphanage at Harold's Cross, with a primary school and a commercial school attached.

1.133 They did not issue a public apology. Sr Patricia Rogers, Congregational Leader, outlined the reasons for this as follows:

We have not issued a public apology, but we have associated ourselves with the CORI apology, because we would accept that for many years the daily routine in the institutions, they just didn't take account of the needs of children. The life was too regulated and too disciplined to allow for differences in their physical and emotional development. While Sisters and the lay staff who worked in the institutions made attempts to improve the physical surroundings in which the children lived, it seems clear that there was less understanding of the children's need for affection and emotional support ... The State provided very little at that time by way of support services, and access to psychologists and social workers was very limited. I think as a result of that, both the children and their carers suffered.

1.134 Sr Rogers stated that the Congregation contributed to the Redress Scheme for the following reasons:

... we felt that we would be assisting people who had been in our care during their childhood and who are now experiencing difficulties in their lives. We believe that the Redress Scheme presented an opportunity for ending litigation in a quicker and in a less adversarial manner than would be the case in court. We wanted at all costs to avoid a confrontation situation if that were possible.

We also believe that the money expended by the Congregation would go directly to the residents rather than be absorbed by legal fees.

We were aware that the Redress Scheme was going to have a far lower threshold of proof than the courts in that no blame was going to be apportioned to any individual or institution as a result of that.

The Presentation Sisters

1.135 The Presentation Sisters operated two industrial schools, St Francis's Industrial School, Cashel, County Tipperary, and St Bernard's Industrial School, Dundrum, County Tipperary, which later moved to Fethard in County Tipperary. The Presentation Sisters in Ireland continue to have strong links with both primary and post-primary schools.

1.136 Sr Claude Meagher, Provincial of the South East Province of the Congregation, informed the Committee that the Sisters decided to contribute to the Redress Scheme because:

CORI invited the Congregations to participate and, I suppose, there was quite a lot of discussion and reflection went into that, and we made a decision because we had those two industrial schools and we were aware that claims were now being initiated by former residents, those made over the phone and those who had looked for records. We were aware too that in one of the institutions certainly, the regime might have been described as harsh, but the building and all about it prior to 1954, it wouldn't meet present standards or anything near present standards, but renovation was done there in 1974. I suppose our own enquiries and reading records would lead us to believe that the School wasn't adequate, so we feel that people would have suffered there, they may have suffered ... I

suppose we believe too that protracted litigation isn't in anybody's interest and we know there would be huge difficulty, on the advice of our legal advisers, in following cases that are dating back to the past, particularly where the Sisters who may have been involved are dead and it is difficult to establish what happened. So in that sense we would feel it is important we would be part of the Government Redress Scheme. I suppose there would be considerable expenses involved in that, and that it is better to maybe direct the money to the Redress Scheme rather than maybe trying to pursue legal issues in court.

The Sisters of St Louis

1.137 The Sisters of St Louis operated one industrial school, St Martha's Industrial School in Bundoran, County Donegal. Sisters from the Congregation also worked at St Joseph's Orphanage in Bundoran, which was under diocesan management. The St Louis Sisters are involved in primary and post-primary education in Ireland.

1.138 The Sisters of St Louis have not issued a public apology.

1.139 Sr Noreen Shankey, Regional Leader for Ireland, outlined the reasons why the Congregation contributed to the Redress Scheme:

central to our participation in the Redress Scheme was a desire to prevent the ordeal of past residents and ourselves having to go through the courts. As I mentioned, we had no cases against us until after the Taoiseach's apology and the redress had been announced. We also felt that the way of redress was a more humane way and that it would lead in the direction of healing and reconciliation, and I welcome this emphasis with the present Commission and the approach you are taking.

We were also advised by our legal people of the difficulty of prosecuting cases of this nature before the courts, we could have long drawn out cases. Because the events happened so long ago and with the Statute of Limitations, most of the people are dead, in fact all except one person. We felt that the money would be better spent on redress than in legal fees.

There was also an element of support from the other congregations because these discussions were already underway when we joined in, there were already 12 Congregations, so we came in late in the day, but there was a supportive element being with the other Congregations as well as learning from their experience.

There was also the advantage that if people went to redress, we would be indemnified against other claims in the courts.

The Hospitaller Order of St John of God

1.140 The Order of St John of God operated a day and residential school for children with learning disabilities at St Augustine's in Blackrock, County Dublin and other institutions. In Ireland, the Order provides mental health services, care for older people, and services for children and adults with disabilities.

1.141 Fr Fintan Whitmore, Provincial of the Order, said that the Order had not issued a public apology:

No, no. We have not been able to establish as a fact that what was said has actually happened. Therefore, we have no way of corroborating that. There have been no convictions, there have been no proceedings that have arrived at any court processes and so on in relation to that, and nobody has come forward with a confession that these things have happened or that they were perpetrators of these acts within our own organisation.

What we would say though, and I think what we have said in most cases, in all cases I would say if it were true that abuse had taken place, then it is a most regrettable thing

and we would regret that any such happening could have happened or, indeed, that anything could have happened to people that would leave them disturbed as a result of being in treatment or in care with us or during their time with us.

- 1.142** However, the Order did contribute to the Redress Fund. Fr Whitmore outlined the reasons why, as follows:

There are a number of reasons. One is the way in which we felt a lot of this could go without something like the Redress Board was that it could get into litigation that would be an adversarial system, that the people who were coming forward with accusations were vulnerable people who had difficulties with life in general, and neither for themselves nor for ourselves or anyone else would a long process involving court appearances and denials and statements and so on and so forth have been beneficial to anybody, so we felt that a process which would try to ascertain the truth without going through what could have been very difficult processes for all concerned would have been a better way to go. We also felt that we should act in solidarity with other religions at the time. The indemnity was also an attractive proposition. They would be the principal reasons.

The Sisters of Nazareth

- 1.143** The Sisters of Nazareth provided services for children and the elderly in Ireland. The Sisters of Nazareth operated a residential home for boys and girls, called the Nazareth House, which was situated in County Sligo.
- 1.144** The Sisters of Nazareth have not issued a public apology.
- 1.145** Sr Cornelia Walsh, Sister Superior of the Congregation, outlined the reasons why the Congregation contributed to the Redress Scheme:

Yes, we did, we joined. As a congregation we are a member of CORI and have been for many years. And as such we were aware of and involved in the contacts between CORI and the government representatives, which culminated in the setting up of the scheme. As I said, we are one of the contributing Congregations. We welcome the Government's initiative and have been dismayed at the obvious pain felt by so many of the country's citizens recalling a period in their lives when the pain of poverty, abandonment and loss was worsened. We consider that the Government's initiative in recognising the shared involvement of the State and those who sought to supplement and provide care which the State could not, was a very worthy one, particularly as it offered a non-adversarial and speedy avenue for those seeking and needing redress. We felt that the desire to heal and provide help was defeated by the necessary rigours of the adversarial process which was neither in the interests of the genuinely hurt and also the elderly and sick Sisters who would have been required to attend hearings. And it is for that reason that we joined the scheme.

The Oblates of Mary Immaculate

- 1.146** The Oblate Order operated Daingean Reformatory School in County Offaly [formerly Glencree] and a detention centre at Scoil Ard-Mhuire in Lusk, County Dublin.
- 1.147** The Oblates issued a press statement following the broadcast of 'States of Fear' on 28th April 1999. It read:

We are asked to comment on the programme "States of Fear". We would firstly say that the abuse of young people is always abhorrent and abuse of young people in confinement is doubly so. The Oblates of Mary Immaculate deeply regret that any young man was mistreated while in their care and offer sincerest apologies.

At the same time we cannot accept certain of the assertions made by the programme particularly in relation to funding. However, before commenting further, a more detailed study of the available records would be required. We are glad the point was made that many boys did experience kindness. This programme has lifted a veil on the way that disadvantaged children have been treated in Irish Society. Hopefully it will prove to be a step in a continuing work of research and healing.

- 1.148** Fr Tom Murphy, a member of the Order, said that the Oblates contributed to the Redress Scheme because:

We felt that the redress procedure was best for the claimants and that it was better that the money should go to them rather than for legal expenses. We also felt very strongly that this would be and should be a pastoral reaction, a pastoral action if you like, in relation to the whole question of abuse. We also saw a certain value in being one in solidarity with other religious Congregations who were supporting the contribution. It would also save surviving members, now elderly, and staff members from the trauma of maybe long, litigious lawsuits. And it would also sort of avoid any excessively adversarial modes of civil courts which would give rise to further alienation of claimants. In addition we hope that it would speed up and facilitate a process of closure around this whole question. We also needed to justify pledging funds that we held for our mission for this special purpose of contributing, and after legal advice which we felt we had to have, we made the contribution.

Evidence from representatives of the survivor groups

- 1.149** Ten groups representing survivors of child abuse were invited to attend the Emergence hearings. These were:

- (1) The Irish Deaf Society
- (2) Irish SOCA
- (3) SOCA UK
- (4) Right to Peace
- (5) One in Four
- (6) Right of Place
- (7) Alliance Victim Support
- (8) Irish Survivors of Institutional Abuse International
- (9) The Aislinn Centre
- (10) The London Irish Women's Group.

The Irish Deaf Society

- 1.150** Mr Kevin Stanley gave evidence on behalf of the Irish Deaf Society, a representative body which has a number of umbrella groups within its organisation; one of these is for survivors of abuse who are deaf. This was set up following the broadcast of 'States of Fear' and was designed to '*give deaf people an opportunity to discuss things, their experiences and really to assist in part of the healing process, healing from the pain that they would have experienced*'.

- 1.151** The long-term objectives of the Society are to raise awareness that abuse has taken place in schools for the deaf, which they believe was directly linked with the introduction of oralism and the banning of sign language, that led to physical abuse, emotional abuse and neglect.

Irish SOCA

1.152 Mr Patrick Walsh is a member of a survivor group known as Irish SOCA (Survivors of Child Abuse), and he was nominated to represent it for the purpose of the Emergence hearings. After the Taoiseach's statement of 11th May 1999, a number of firms of solicitors placed advertisements in various newspapers in the UK and Ireland, and public meetings were organised. SOCA (Survivors of Child Abuse) was established at a meeting in London on 19th June 1999. Soon afterwards, SOCA split into two groups, Irish SOCA and SOCA UK. The two groups were not mutually exclusive, and many of SOCA's members belonged to both organisations.

1.153 Mr Walsh said that the purpose of the group was to act as a support group for survivors, so that they could make representations to the Irish Government on the proposed Commission to Inquire into Child Abuse and Residential Institutions Redress legislation. It has also participated in various consultative processes and made submissions to the Law Reform Commission during its work on the Statute of Limitations. The group also assists its members in seeking access to information and operates a legal referral service.

1.154 Mr Walsh said that Irish SOCA is funded from '*the personal resources of the executive members of Irish SOCA*'. He said it is not funded by the State, the Roman Catholic Church, or membership fees.

SOCA UK

1.155 Mr Michael Waters gave evidence on behalf of SOCA UK (Survivors of Child Abuse – UK). He traced the origins of the group to meetings that he used to have with other former residents of Artane at social occasions. These meetings were initially very informal and in the nature of an Artane Old Boys School.

1.156 In the early years, there were three to four meetings a year. They wrote to everybody they thought might be able to help. The broadcast of 'Dear Daughter' in the mid-1990s marked a watershed for them:

This without doubt was groundbreaking stuff ... This was the flagship overall, this was the one that now had brought it all mainstream ...

1.157 He said that it had a major impact on his members:

It certainly did because although we were supporting each other and coming up into the mid-90s now you had a mixed group of people. It was no longer a sort of -- although it still had a title until into the mid-90's, the Artane Old Boys, but that was really redundant, that was defunct as such because there was women that was involved as well that had been in the institutes.

1.158 The first big meeting was in Coventry in 1998, and this venue was chosen to facilitate members travelling from all over the UK. They advertised the meeting in the *Irish Post*, and the meeting was attended by approximately 100 people. That meeting was followed by more meetings in Coventry and in Birmingham. Numbers had grown to over 500, and the idea to form a group was emerging. Eventually, a meeting was held on 19th June 1999 in London, and SOCA was launched at this meeting. A constitution was adopted on 27th June 1999.

1.159 Mr Waters explained that his organisation has made representations to the Commission to Inquire into Child Abuse and the Redress Board. They also worked towards developing an independent counselling service, as many of their members did not wish to avail of the counselling provided by the Religious Orders. SOCA UK continued to have regular meetings and assist their members in tracing their family of origin, and they also refer people for legal advice.

1.160 The group is funded by the Department of Education and Science.

Right to Peace

1.161 Mr Michael O'Brien gave evidence on behalf of 'Right to Peace'. He said that the origins of his group could be traced back to 1999, when a lady named Josephine Baker organised a meeting to discuss institutional abuse for people who had attended Ferryhouse Industrial School. Following the meeting, a group of approximately 13 former residents of Ferryhouse decided to establish a group '*to see what we could do about the abuse that we suffered while children, sexual, physical, traumatic and verbal abuse in an institution where we were sent to be cared for, in an institution where we were supposed to be taught, cleaned, looked after and fed*'. After the meeting, Mr O'Brien said that he tried to promote his group in the media by placing advertisements in newspapers and giving interviews on local radio. He said that the group has approximately 300 members and its aim:

was to get the State to do something about this abuse. Why? That it would never again happen in this country that any child would be abused again in this country. That was our main aim. Every obstacle that you can think of was put in our way, no help from nobody.

1.162 He continued:

That's why we set up our group to see can we get our rights back, to see can we get redress for what happened for those of us who didn't do so well after coming out.

1.163 Mr O'Brien said that Right to Peace engages in counselling, giving advice and holding meetings. The group is funded by the Department of Education and Science.

One in Four

1.164 'One in Four' is a service-based, non-profit organisation and a registered charity that provides support to men and women who have suffered sexual violence or sexual abuse. It was founded by Mr Colm O'Gorman in the UK in 1999. Mr O'Gorman outlined the background to its establishment and its early development as follows:

The charity was originally founded in the UK in 1999 ... It became a registered charity in the year 2000 and it launched its services then. In Ireland I had been personally involved in the making of a documentary with BBC television in relation to clerical sexual abuse. When that documentary aired we found that our office in London was being inundated with calls from Irish people, people both living in Ireland and in the UK, talking about their own experiences of sexual violence.

1.165 He continued:

We subsequently in late April 2002 had a meeting with officials of the Department of An Taoiseach. As a result of that meeting we felt very encouraged to perhaps proceed more speedily than we had first anticipated towards the establishment of an organisation. We submitted proposals to Government and were told to go ahead with the establishment of the Irish organisation. We secured offices in November 2002 and started to see the first clients of the service in about February 2003.

1.166 The organisation provides a psychotherapy programme and an advocacy programme. Mr O'Gorman said that the organisation is funded through a variety of means, including grants from the Department of Health and Children and by fundraising.

Right of Place

1.167 Mr Eugene Tracey gave evidence on behalf of ‘Right of Place’, an organisation established on 10th July 1999 to help survivors of institutional abuse. Following the Taoiseach’s apology, he and another man decided to place an advertisement in the *Cork Examiner*, inviting former residents of St Patrick’s Industrial School, Upton to a meeting in Cork on 10th July 1999. At this meeting, a committee was elected and it was mandated to approach the Government:

with a view to securing primarily education because a lot of us people were lacking in education through no fault of our own. A lot of us needed counselling and we didn't know how to access it, and it was literally nonexistent. Housing, social housing situations – people were living, including myself at the time, in rat-infested bedsits. We took all of these sort of situations on board.

1.168 They met with the Minister for Education and Science, Mr Micheál Martin, and a number of officials from his Department, and they had discussions about how their aim of providing education and improving conditions for survivors could be achieved. To assist them in their objectives, premises were secured in Cork and leased by the Department on behalf of the group. The premises was used by the group to hold meetings, so as to keep their members informed, and it was also used to provide evening classes and literacy classes for its members. They worked in conjunction with the CORK VEC,²⁸ who provided them with an educational facilitator. The six staff in the building were paid by FÁS.²⁹

1.169 Mr Tracey told the Committee that the education programme had been a great success and had provided courses for many people in schools and universities and trades.

1.170 The group also became aware that many people who came to give evidence to the Commission needed somewhere to stay before and after they had given their evidence. Having identified this need, the organisation obtained a house with the assistance of the Department of Health and Children, and this can accommodate around 30 people. This house is also used for short-term stays for members awaiting housing. In addition, the group received a grant from the Department of Environment, Heritage and Local Government, to build 10 apartments for the repatriation of former residents who were living outside Ireland.

1.171 The organisation was initially funded by the Department of Education and Science, but it is now funded by the Department of Health and Children.

Alliance Victim Support

1.172 Mr Tom Hayes gave evidence on behalf of Alliance Victim Support. They are a voluntary organisation. They provide support to survivors in Ireland, particularly those who live in isolated areas. The type of support consists of establishing the living conditions of these people and putting them in touch with professional help and advising them of their statutory entitlements.

1.173 They receive some funding from the Department of Education and Science.

Irish Survivors of Institutional Abuse International

1.174 Mr Tom Cronin gave evidence on behalf of this group. They were established in the UK as a result of a split with another group in 2002. He identified a number of issues that they would like the Commission to consider, such as State financing of industrial schools and how the money was spent, the role of medical personnel within the industrial school system, and the role of the ISPCC.

²⁸ Cork VEC – Cork Vocational Education Committees.

²⁹ FÁS – Training and employment authority.

1.175 The group do not receive any funding.

The Aislinn Centre

1.176 Ms Christine Buckley, who is the Director of the Aislinn Centre, gave evidence to the Investigation Committee. She described how, following the broadcast of the programme ‘Dear Daughter’, she and two fellow survivors organised an event in the Royal Dublin Society called ‘A Happy Day’ in April 1996. The purpose of this event was to put former residents in contact with each other, and to enable them to get in touch with siblings with whom they had lost contact. The event was attended by 550 people. She spent the next few years raising awareness of the issue of child abuse. After the Taoiseach’s apology in 1999, the Aislinn Centre was established. She said that the Centre operates an ‘*open door policy*’, where membership is not required. She insisted that they do not operate on a membership basis, but acknowledged that they had assisted approximately 3,500 individuals who had made contact with the Centre.

1.177 The work of the Centre is to promote healing through a variety of ways: counselling, education, and activities which help with self-development. They offer courses in art, music, creative writing, swimming lessons, driving lessons, financial advice through the Money Advice Budgetary Service (MABS), computers, and drama, all with a view to confidence building.

1.178 The group receives some funding from the Government.

The London Irish Women’s Group

1.179 Ms Sally Mulready gave evidence on behalf of the London Irish Women’s Group. The group emerged from SOCA UK, where many of the women who attended these meetings wanted to meet and talk and share experiences that were personal to them as women, mothers and grandmothers. It was set up in November 1999 and is not a rival group, and many of the members are members of other organisations. They have a mailing list of 380 women and hold monthly meetings. The group was involved in negotiations that led to the setting-up of outreach services for survivors in the UK, which is funded by the Department of Education and Science.

1.180 The organisation does not receive any Government funding.

Experts and their assignments

1.181 The Commission engaged experts to assist in the investigation and to report on a number of areas as outlined below.

Physical surroundings – Ciaran Fahy

1.182 The Commission appointed Mr Ciaran Fahy, Consulting Engineer, to report on the physical environment in which the children resided. His brief was to examine the physical surrounding with particular reference to the buildings in Artane, Clifden and Ferryhouse Industrial Schools as well as Daingean Reformatory School. His reports are annexed to the chapters dealing with those institutions.

Finance – Mazars

1.183 At the Emergence hearings in July 2004, it was clear that the Congregations would be making the case that they had not been provided with adequate funds to enable them to look after the children properly. Although the representations by the State at the Emergence hearings, and in later submissions, seemed to accept that there was inadequate financial provision for the institutions, the Committee wished to have this matter explored to try to assess to what extent the lack of finance caused or contributed to failures of care in the system.

1.184 The firm of Mazars, Chartered Accountants, was engaged to report on funding. Mazars' brief was to examine the accounts of a number of specific institutions: Artane, Goldenbridge, Ferryhouse and Daingean, and also to consider the question of funding more generally, and to review the adequacy or otherwise of the capitation payments made in respect of children in industrial and reformatory schools.

1.185 Because of the general importance of the issue of finance to the investigation of the institutions, and specifically in respect of those that Mazars examined, a full discussion of this topic is contained in Vol IV, Chapter 2 of the report, where the Mazars Report is annexed, together with all the submissions that were made in response to the first draft of the report that was circulated.

Health records – Professor Anthony Staines

1.186 The Committee appointed Dr Anthony Staines, formerly of UCD, now Professor of Public Health Medicine in Dublin City University, to lead a small group of researchers in a project to examine health records relating to the children in institutions. It became clear that it was impossible in any reliable way to study the health of children in the institutions on the basis of the limited and variable records that were available.

1.187 The Committee has not taken the results of this study into account in its analysis of individual institutions, but it recognises and appreciates the assistance that it has received from Professor Staines and his team in their examination of the available material. The study undertaken by Professor Staines and his team is annexed at Vol V of this report.

Dr Eoin O’Sullivan

1.188 Dr Eoin O’Sullivan, Senior Lecturer in Social Policy at the Department of Social Work and Social Policy, Trinity College Dublin, gave valuable assistance to the Commission in two areas. First, he gave evidence at the opening of the Emergence hearings on 21st June 2004, where he outlined the history of industrial and reformatory schools in Ireland and helped to establish the historical context of the institutions.

1.189 The second task undertaken by Dr O’Sullivan was to report on developments in the area of child protection and care in the State, from the time of the Kennedy Committee Report in 1970 to the present day. Dr O’Sullivan’s report is contained in Vol IV of this report.

Dr Diarmaid Ferriter

1.190 Prior to the Phase III hearings, a firm of solicitors representing a large number of complainants commissioned Dr Diarmaid Ferriter, Senior Lecturer in Irish History at St Patrick’s College, Dublin City University, to produce a report.

1.191 Dr Ferriter set out to:

attempt to put more historical context on the events discussed in the public hearings by drawing attention to issues of class, gender and sexuality generally in Irish society, and more specifically, sexual abuse in relation to the State and the legal system, as well as looking at the manner in which information emerged, and was sometimes suppressed. By extension, it will also touch on the institution of the family, emigration and how the State and the Catholic Church perceived its role in relation to the moral welfare of Irish Catholics.

1.192 Because Dr Ferriter had already been engaged, the Investigation Committee received his report as a useful document containing expert research and opinion.

1.193 Dr Ferriter's report is of interest and value, but the Investigation Committee was aware that, because it deals with many of the questions that are at the very core of the Inquiry itself it could not be used as the basis of making conclusions. Recognising the value of the work, the Commission took over as sponsor, and it also is annexed to Vol IV of this report.

Mr Richard Rollinson

1.194 Mr Richard Rollinson is a retired Director of the Mulberry Care Centre in Oxford. He is an expert in the field of residential childcare in the United Kingdom. The Committee asked him to furnish a brief history of residential childcare in England, as it developed in the later part of the twentieth century, and the report he furnished covers the period 1948 to 1975. Mr Rollinson's report provides valuable comparative and contextual information on the English system, and is annexed to Vol IV of this report.

Professor David Gwynn Morgan

1.195 Professor Morgan is a Professor of Law at University College, Cork. He provided enormous assistance to the Committee in research and analysis that extended over a wide area of interest to the Committee and the Commission. His work did not extend to the individual chapters on institutions, nor to the investigation of abuse in them. His particular contributions are reflected in the chapters entitled History of Industrial Schools and Reformatories, Gateways and the Department of Education. Professor Morgan conducted original research into material that would have been very difficult to access without the assistance of Mr Jimmy Maloney of the Department of Education and Science, whose contribution is acknowledged.

Research project – Professor Alan Carr

1.196 In its Opening Statement and at the Second Public Sitting on 20th July 2000, the Commission announced its intention to conduct a research project. The Third Interim Report outlined the proposed project.³⁰ Difficulties were encountered in setting up the project, and the Commission under Mr Justice Sean Ryan revised the scheme in consultation with Professor Alan Carr of the Department of Psychology, University College Dublin. It was undertaken in 2005 and 2006. There were 247 residents of institutions who gave evidence to the Commission and were interviewed by Professor Carr's research team. The report containing the results of the research study is published in full in Volume IV of this report.

1.197 The 'research study' stands alone and separate from the work of the Commission, and its conclusions were not taken into account in the reports submitted by the two Committees to the Commission. The 'research study' comprises original research which adds to the knowledge of this field of study.

³⁰ See Third Interim Report, chapter 4.

Chapter 1

Institute of Charity: St Patrick's, Upton, and St Joseph's, Ferryhouse

Introduction

A history of the Rosminians and their involvement in industrial schools

- 1.01** The Institute of Charity was founded by Antonio Rosmini-Serbati in 1828 at Calvario in Italy. It received the approbation of the Holy See on 20th December 1838 and was given the status of a religious Order. It was a society that included religious members, who took the vows of poverty, chastity and obedience, and also lay members who shared the special objectives of the Institute. Rosmini believed in a ‘principle of passivity’, based on the consciousness of humanity’s ‘nothingness’, or its inability on its own to achieve lasting good. He had a conviction that God’s Providence guides by means of his Church and the needs of people. By remaining open, or having an attitude of ‘indifference’, as Rosmini put it, as to what work of charity was undertaken by them, the Rosminians, as they came to be known, were being guided by Divine Providence to doing lasting good for their neighbours.
- 1.02** In 1835, Luigi Gentili founded a Novitiate in England and set up further missions across England and Wales in the two following decades. The Institute of Charity continued to grow and became an international organisation with four major provinces: the Italian province, which included the regions of India and Venezuela; the English province, which included New Zealand; the Irish province, which included the vice province of Africa; and the province of the United States. Until 1931, the Institute of Charity in Ireland came under the jurisdiction of the English province.
- 1.03** In 1860, the Institute, which had experience of running a Reformatory School in North East Yorkshire, was invited to run the proposed new Reformatory School at Upton, County Cork, which became the first Rosminian Community established in Ireland. Upton Reformatory operated for 29 years and closed in 1889, to reopen five days later as Danesfort Industrial School, certified for the reception of 300 boys.
- 1.04** In 1884, the Rosminian Institute took charge of a second establishment, the Clonmel Industrial School for Roman Catholic Boys, which received a certificate to receive 150 boys the following year. Count Arthur Moore, the MP for Clonmel, had approached them to manage and run the school that he had built for orphaned and abandoned children at the cost of £10,000, a considerable sum in those days. It was situated about four kilometres east of the town of Clonmel, in the townland of Ferryhouse, on the northern bank of the River Suir. The 3.6 hectares of land it was built on was soon expanded to 16 hectares, and ultimately to 32 or more hectares of farmland.
- 1.05** In 1901, the Institute of Charity acquired Ballyoonan House, Omeath, situated on 14 acres of land, to serve as its Novitiate. It was given the name of St Michael’s, becoming a Scholasticate in 1935, until 1945, when it again became a Juniorate for 28 students. In 1931, a new Novitiate was established in Kilmurry House, Kilworth, County Cork. In 1954, St Michael’s applied to be

recognised as a secondary school, taking in students who did not necessarily want to become members of the Institute of Charity.

- 1.06** The Rosminians operated two industrial schools: St Patrick's Industrial School, Upton, County Cork; and St Joseph's Industrial School, Ferryhouse, Clonmel, County Tipperary. In addition, the Order had other establishments primarily concerned with the education and religious formation of boys and young men intending to be ordained (as priests) or professed (as Brothers). Both the priests and Brothers would be members of the Institute. Those institutions were at Omeath, County Louth; Kilmurry, County Cork; and Glencomeragh, County Tipperary. The Rosminians were principally a missionary Order, and most of the young men trained in their houses of formation were destined for work in their missions.

Committee's investigation into Upton and Ferryhouse

- 1.07** The Investigation Committee carried out a detailed examination into the industrial schools at Upton and Ferryhouse. In June 2004, at the Emergence Hearings, the Institute began by outlining at a public hearing how the issue of child abuse in their schools emerged. Then they gave evidence at public introductory hearings (Phase I) into Ferryhouse, which took place from 6th to 9th September 2004, and into Upton, which took place on 26th October 2004.
- 1.08** Between 14th September and 17th November 2004, witnesses from Ferryhouse were heard in private, and between 18th November and 16th December 2004, witnesses who were in Upton gave evidence. Finally, a public hearing in Phase III was held on 9th May 2006, at which Fr Joseph O'Reilly, the Provincial Superior of the Rosminian Institute of Charity in Ireland, dealt with general issues in both institutions that had arisen in the course of the Phase II hearings.
- 1.09** The Institute furnished written statements in advance of the hearings and also provided Submissions following the private hearings.
- 1.10** The figures for Upton were as follows: 11 complainant witnesses gave evidence, out of a total of 13 who were invited. Three respondent witnesses testified.
- 1.11** The figures for Ferryhouse were as follows: 29 complainant witnesses gave evidence, out of a total of 39 who were invited to do so. Nine respondent witnesses gave evidence.
- 1.12** The hearings into Ferryhouse and Upton differed from other hearings, because the Rosminians adopted a markedly different position on the role of industrial schools generally, a position which affected the way they responded to the complaints that were made. The attitude of the Order to the complainants is dealt with in the sections relating to the individual schools, but something can briefly be said here about the position that the Order.
- 1.13** Giving evidence on behalf of the Rosminian Institute on 9th May 2006, at the Phase III public hearing, Fr O'Reilly said that he had '*no doubt that there were many areas in which we failed and I have no doubt that the entire system was a failure*'. He said that they were given the task of trying to manage an apparently unmanageable system, and that control was the first priority. He acknowledged that there was pressure to keep up numbers, so as to maximise income from the capitation payment system, and that the numbers themselves presented a problem in caring for children:

... that's why it was a trap, it was trap for us, if we didn't have an adequate number of children then we didn't get a sufficient income. If we had children well in excess of any number, or whatever number it was, then we were into the position of finding that it was more difficult to manage the whole thing. It was a trap. How do you deal with that?

1.14 Fr O'Reilly said that it was not even clear that children were better off in industrial schools than they had been in their previous circumstances:

I think that children were often taken from fairly hopeless situations and they were handed over to despair in a way. Because I am not too sure that we can say definitely that the situation that they found themselves in was an awful lot better than the situation that they had come from. They got some things and there are other things that they didn't get. Frying pan into the fire.

1.15 The industrial school system, he said, was fundamentally flawed and was not capable of fulfilling the needs of children. He did not think that there was any clear objective, or that anybody had a sense of what was going on, or that anybody was really giving direction to it. He was not sure that such strategic thinking existed, even in more recent decades.

1.16 Unlike other Orders, the Rosminians did not seek solace in the contents of the Inspection Reports of the Department of Education. These reports found the schools to be more or less satisfactory, but identified continuously a need for improvement. Fr O'Reilly stated that the approach to industrial schools '*was just making do*'. He added:

Unfortunately, some things can't be done on a just enough basis, you have just enough of this or you have just enough of that, some things need more than just enough. But I think that we had just enough of this, that and the other and we made do.

1.17 The stance adopted by the Rosminians on the very nature of the industrial schools system was unusual. They were also unusual, if not unique, in that they had begun looking back critically, as long ago as 1990, on the operation of these schools. On 11th May 1990, at the opening of a new development at Ferryhouse Industrial School, the then Provincial, Fr James Flynn, apologised for the abuse that children had suffered in the past in the Institution and then said:

Like any human institution, old Ferryhouse had its bad points as well as its good points, its weaknesses as well as its strengths. It damaged some boys and those have looked back in bitterness and anger to their time here. For many of them, this was the only home that they ever knew and sadly they did not find it a good one. Let me say that a lot of that anger is justified ... The greatest guilt has to be borne by those of us who utilised or condoned or ignored the extreme severity, even brutality which characterised at times the regime at old Ferryhouse. An occasion like this is an opportunity for me on behalf of the Rosminians to publicly acknowledge this fact and to ask forgiveness of those who were ill-treated or hurt. We have sinned against justice and against the dignity of the person in the past and we always need to be on our guard that we do not do the same today in more subtle or equally hideous ways.

1.18 Fr O'Reilly at the public hearing referred to this apology:

When we opened the new Ferryhouse we started off by drawing attention to the fact that many of the children who went through the school over the previous hundred years or so suffered, suffered greatly, suffered from fear and suffered ... he spoke about brutality. He spoke about people who condoned or ignored extreme severity, even brutality that characterised the old regime.

1.19 The Rosminians sought to understand abuse, in contrast to other Orders who sought to explain it. They accepted that abuse had occurred in their institutions, and that the institutions in themselves were abusive.

1.20 The biggest contrast between the Rosminians' position and other Orders was in its acceptance of responsibility for what happened in their industrial schools. Even when factors such as inadequate resources were involved, they took responsibility for tolerating them and doing nothing about it.

Sources of information: the Rome archive

- 1.21** The Investigation Committee had at its disposal discovery documentation furnished by the Department of Education and Science, the Department of Justice, Garda Discovery, Bishop's Discovery and the Rosminians.
- 1.22** The Rosminian Order originally believed that the only documentary material it was able to produce on the use of physical punishment consisted of two punishment books for Upton, one dating from the nineteenth century and the other dealing with part of the relevant period, from 1952 to 1963. The latter is incomplete and deficient in some other respects, but is nevertheless a valuable source of information about punishment in Upton.
- 1.23** There also appeared to be a dearth of written information on sexual abuse in their schools before 1979, when the issue first came to the notice of the management of the Institute at that time. This belief, that no documentation existed, was reflected in a General Statement submitted by Fr Matthew Gaffney to the Investigation Committee on 3rd May 2002.
- 1.24** The position changed with the discovery of an archive of correspondence in Rome, containing letters between the Irish Province and the Superior General about members of the Irish Province. The documents concerned Brothers who had been suspected of, or who had admitted to, or who were found to have engaged in, the sexual abuse of children. The Institute discovered this material to the Investigation Committee in May 2004.
- 1.25** The Rome archive consisted of 68 letters written between 20th October 1936 and 11th January 1980. They reveal how the Rosminians dealt with cases of sexual abuse and also reveal the career details of those who had committed such abuse in Upton and Ferryhouse, and these are dealt with in the appropriate sections of this chapter.
- 1.26** Sexual abuse was a recurring problem for the managers of Upton and Ferryhouse and for their Provincial. On the basis of these records and the other confirmed cases, it is apparent that there was a sexual abuser present in each of the institutions for much of the period being inquired into, and there were multiple abusers present for significant periods of time.
- 1.27** These documents showed how the Rosminians handled cases of sexual abuse perpetrated by staff, and they are also relevant in attempting to establish how much more sexual abuse took place in Upton and Ferryhouse than has been alleged by complainants.
- 1.28** The Rome archive also revealed how other members of the Irish Province were dealt with when it was discovered that they had perpetrated child sexual abuse. The Provincial, who for most of the period of our inquiry resided at Upton, was the head of the Irish-American Province, with the two countries operating as a unit. The English Province was separate, and reported separately to Headquarters in Rome. The correspondence discloses that two members of the Institute who served in the USA were found to have abused children in that branch of the Irish-American Province. Neither of the offenders served in Upton or Ferryhouse, but their histories are relevant in considering the attitude of the Institute and of the Irish Province to the matter of sexual abuse and its management.

The management system and staffing

- 1.29** The Provincialate of the Irish Province of Rosminians was located at Upton, and the Provincial had his residence there in St Patrick's. Each of the schools, Ferryhouse and Upton, was under the control of a Resident Manager, who was appointed by the Provincial.

1.30 The Religious Community in Ferryhouse comprised between 10 and 12 members, made up of both priests and Brothers, each with a separate area of responsibility. The Rector of the Community also held the post of Resident Manager and was responsible for the day-to-day management of the School.

1.31 All of the Resident Managers appointed were ordained members of the Institute of Charity. Fr O'Reilly told the Investigation Committee that the post was not one '*regarded as a reward for long service*'. He stated most of the priests who were appointed managers '*would have worked at some stage on the ground as a Prefect in either St. Patrick's Upton, or St. Joseph's*'.

1.32 Fr O'Reilly spoke about the calibre of the Resident Managers in Ferryhouse:

... certainly most of the Managers that I know about and have come to know about would seem to have been people who were quite suited to it and who were keen for the position and keen to do something with the work that was there and they were people, I would say, who had a degree of vision at the time, for the most part.

1.33 A Spiritual Director assisted the Resident Manager in his management duties in Ferryhouse.

The Prefect

1.34 One of the most important staff positions to be held in Ferryhouse and Upton was that of the Prefect. Fr Stefano,¹ former Resident Manager in Ferryhouse stated, '*there was a manager ... and the next people ... on the care side were the Prefects*'. While the Resident Manager had responsibility for the running of the Industrial School itself, the Prefect was in charge of the day-to-day care of the children. As one witness explained, '*The Prefect was in charge right through the day and right through the night, you know*'.

1.35 Ferryhouse and Upton each had two Prefects, one for the senior group and one for the junior group. Until the 1940s, the Prefect would have been a priest. However, this changed and, from the 1940s, Brothers were appointed Prefects. Each Prefect had sole responsibility for his group, which at times could consist of more than 100 boys. This responsibility was for 24 hours a day throughout the whole year, with little respite or additional help from his fellow Brothers.

1.36 Fr O'Reilly told the Investigation Committee:

I would say that most of the responsibility fell on the Prefect. Only occasionally could he call on others, who had their own duties to go on with. So if a Prefect was – for example, it wouldn't have been uncommon that the Prefect, one of the Prefects who was on, would have to leave to go and look for a child who had run away or go to a Garda station to pick up a child who had been picked up by the Gardai, and so all the responsibility rested on the shoulders of the Prefect who remained behind and, indeed, it wasn't uncommon for a Prefect to have to leave a dormitory of children in the middle of the night to go to pick up a child. They, obviously, relied on the other Prefect primarily, you know, to look after the situation. He'd have been made aware of things, as would the Manager.

1.37 Fr O'Reilly explained that Prefects' responsibilities covered everything to do with the children:

From the time that they got up in the morning, getting children up, sorting out what had to be sorted out, making sure that they were all in place, getting them down to Mass, getting them back up, to breakfast, making sure they got out to school – when they got out to school, okay, the school had responsibility then, but almost inevitably, you know, you have a child who is sick or a child who has cut himself or who has got in trouble in

¹ This is a pseudonym.

school, and a Prefect who has to pick up the pieces. I mean, I have seen that in my own time working in St. Joseph's, Ferryhouse.

1.38 During non-school hours the Prefect would also have to be constantly vigilant, especially at mealtimes in the School. He would have to manage the dining area where over 150 boys would be eating their meals. Bullying at mealtimes was common: older boys would take the food of younger boys, and these younger boys had to be protected. As a result, the dining hall area was '*a highly charged situation ... where any number of things could happen*'.

1.39 The Prefects were mainly responsible for administering corporal punishment in the School. Boys who badly misbehaved were generally sent to the Prefect's office to receive their punishment.

1.40 The Prefect was answerable to the Resident Manager in all matters. Among the Resident Manager's numerous duties and responsibilities was overseeing the performance of duties by the Prefects. Fr O'Reilly spoke of this requirement:

The Manager, although he had other responsibilities, would have obviously had to keep an eye on what was happening. I think the Manager would know on a very regular basis what was going on in the place because, although this might not be a term that everybody would agree with, there would have developed a certain sort of family atmosphere insofar as when you live in a place for 24 hours a day, seven days a week, 52 weeks of the year and there is not an awful lot of change in life, you know, you soon become quite acquainted with everybody who is in the place.

Selection and training of the Prefect

1.41 Every September, the Rosminian Provincial would decree assignments to the priests and Brothers. If a vacancy for a Prefect arose in either of the Rosminian Industrial Schools, it was the Provincial who selected the person to fill this role. During the 1940s, the appointment was usually a priest, but later it was normally a Brother who was appointed.

1.42 Prefects were the younger men of the Order, who were able to manage the task of being in charge of a large group of young, active boys. They would have ordinarily worked as teachers or Prefects in other schools. Fr O'Reilly stated that the new Prefects would have seen it as a very responsible post, and would have been proud of being appointed, but he added, a few of them would not have been very happy at being selected. He explained:

Now there were some men who didn't like being Prefects and I know that one or two would have seen it as – I am not too sure what the word is now ... yeah, hell is a good word all right ... A punishment posting. Well, I know, for example, one man has often recounted to me how he was regarded as difficult by his superiors so they appointed him as Prefect.

1.43 Training for a newly appointed Prefect was minimal. The previous holder of the position would initially help the new trainee. However, the period of overlap of the experienced Brother Prefect and his trainee replacement was short, with a week being the norm. Very often, the new Prefect would initially be sent to Woodstown Summer camp to obtain some experience with a smaller number of boys before returning to Ferryhouse or Upton.

1.44 The young men appointed Prefects had themselves only left school a small number of years previously. A number of the Rosminian Prefects would have completed their secondary education in the Rosminian secondary school, St Michael's, Omeath. Priests who held the position would have completed their third level education. The Rosminians accept that this education '*wouldn't have been particularly useful for childcare*'.

1.45

Fr O'Reilly explained:

You learnt by the tradition, you know. You were told as a Prefect that this is what you do and you get in there and you sink or you swim. The tradition was useful for a period and then it wasn't useful any longer.

1.46

It was an extraordinarily demanding job. Fr O'Reilly told the Investigation Committee:

It was unnatural what was asked of them, really, and utterly unfair. Quite obviously in retrospect, you know, it was truly unfair what was asked of them. Like, where do you begin with comparisons? I mean, the School that had two Prefects looking after 200 children now has, you know, 35 or 36 children in the school and there are probably in the range of, maybe, 60 to 70 who were childcare workers, you know. In addition, probably another 30 to 40 staff who have auxiliary roles.

The evidence of former Prefects to the Investigation Committee

1.47

One former Prefect recounted what he had been told prior to his starting as a Prefect at the age of 22:

The advice I was given when I went over there first, make sure they know who is boss and your job was to keep control. There was very little support, I might add.

1.48

He went on to explain why he and his colleagues used physical punishment on a regular basis:

Hindsight is a wonderful thing, but I suppose the lack of support for ourselves. There was the big numbers and a small amount of staff, there was only three staff at that time. [The absence of training] was a disaster ... you were only going on instinct at that time.

1.49

Another former Prefect, who worked in Ferryhouse for periods during the 1960s and 1970s, complained about the long hours required for the job. He was exclusively in charge of 100 boys, for 24 hours a day, and had limited time on his own. He had just reached his twentieth birthday and had been appointed straight into Ferryhouse in the 1960s as a Prefect. He found his experience of being Prefect 'difficult to cope with'. He agreed that trying to control 100 boys made him feel 'like a sheepdog'. He had no previous experience of any kind in relation to boys in care. When asked how he was trained for the role of Prefect, he replied:

Well, you would have just learned from Br Benito.² He was there before me and, you know, you would have fed into a system in some sense. Albeit there was never any written, any programme as such, you know, of what you should or shouldn't do, like ... Yeah. It was learned on the job, really, I suppose, yeah.

1.50

One Prefect, Fr Antonio,³ spoke about the difficulty he encountered when he was appointed Prefect when he was a young member of the Rosminian Order. A small number of Prefects were required to look after a large number of boys for 24 hours a day. He stated that this system was never questioned by any of them:

I don't think we had the courage to do it or the maturity to do it, personally speaking I wouldn't have had the maturity to do it at the time to even question it. Your work was your prayer and you did what you were told to do, you were told you would get religious if you did all your work.

² This is a pseudonym.

³ This is a pseudonym.

1.51 He explained that the pressure could lead to excesses of punishment:

[Was there] physical abuse and that kind of stuff? I'm sure there would be because the frustration would have been there, if you are going to lose control, fear comes in. As time went on things would have improved a lot, but things would have got out of hand, certainly.

The Rosminian approach to allegations of abuse in Ferryhouse and Upton

1.52 The Order, in its Submissions and in its evidence to the Commission, accepted that the abuse of children in its various forms, including physical and sexual abuse, had occurred in both Ferryhouse and Upton during the period under investigation.

1.53 In the course of a Submission to the Investigation Committee, dated 17th June 2004, Fr O'Reilly referred to, and quoted from, the apology expressed in 1999, at a time when three former members of the Rosminian Institute had been convicted of sexually abusing children in its care:

The members of the Rosminian Institute are saddened and shamed that young people in our care were abused by members of our Order. We deeply regret not only the abuse, but also the shadow cast on the lives of those abused. We abhor all mistreatment of children and we wish to express our profound sorrow.

1.54 Fr O'Reilly again acknowledged on behalf of his Order that the use of corporal punishment had led to physical abuse in its schools. He also accepted that children had been sexually abused, although he submitted that, amongst those in authority in recent times, there was not any knowledge of sexual abuse prior to the late 1970s. He added that, in the course of working for the Commission, the Rosminian Institute had become aware that sexual abuse had in fact occurred earlier than previously believed. He said that, while the Rosminians did not know by what standard to criticise their predecessors, they did not disassociate themselves from them. In giving evidence to the Commission, they intended to assume responsibility for the past, to account for it, to bear criticism for it and to learn from it.

1.55 Fr O'Reilly, in his Submission to the Investigation Committee, outlined the approach taken by the Order in its response to individual complaints made through the Commission:

In our individual responses to the Commission, we have apologised and we have intended that our co-operation with the Commission should be seen as an act of apology.

In some instances, our apologies have been qualified. In this, we have been fearful of betrayal of our members and shocked by allegations. But we do not challenge the accounts of survivors where we have no good evidence to do so, and we have resolved, where people have been injured in the past, to do no further harm by denial. We have witnessed and read of the courage and trauma of survivors, and it has affected us. We are determined that errors of the past should not be compounded by our conduct in the present.

1.56 During a preliminary hearing held in public on 18th June 2004, counsel for the Order focused on the approach to complaints being taken by the Order:

We have resolutely declined to deny a case in which we have no evidence for denial. That is a reversal of all of the established legal procedures ... it has been a difficult task, but it has been, I have to say, a most emphatic decision of the Rosminian Order.

1.57 According to Fr O'Reilly, this decision was implemented even in situations where the Order found itself in a dilemma. There were instances where a complainant said that he was hurt or abused whilst in the care of a member of the Institute, and the complaints related to a member of the Institute against whom there was no objective evidence, and whose general reputation was that

of a hard-working and respected member of the community. The decision was implemented even though it created a difficulty for the member concerned, or for his family.

- 1.58** Fr O'Reilly explained that the Rosminian Institute had decided to take this approach because of the ethos of the Order. They also desired to avoid an adversarial approach to the resolution of conflicts before the Commission. He said that in the past, the Order's responsibility was to work for those who were in their care and that part of their job was to advocate for them before other bodies, before the Department and society in general. That was their ethos, and that was what the Rosminian Institute was about. For that reason, he said:

We are not going to contradict that type of approach that we have had throughout our lives unless there is extremely good reason to do so.

- 1.59** He added that the avoidance of an adversarial approach was also driven by a desire to do no further harm. This was an objective promoted in the course of inquiries into abuse in other countries, such as Canada.⁴ Nevertheless, he explained, the avoidance of an adversarial approach presented its own difficulties and dangers when seeking to determine the extent to which abuse occurred.

- 1.60** The Rosminian Institute had taken the view that a strictly adversarial approach was unnecessary and inappropriate, and that it could create a distracting polarisation of views and obscure the truth. It believed that many of the individual allegations and complaints were beyond proving or disproving, and that such investigation was unnecessary, as the faults and limitations of the schools being inquired into would become apparent without the need to pursue every conflict of evidence.

- 1.61** This issue was revisited in the course of written Submissions furnished by the Rosminian Institute at the conclusion of hearings. They wrote:

Many aspects are visible through time without confronting uncertainties of memory, or raising the divisive issue of recollection distorted by feeling or shared experiences. These points have some relevance, but can create a distracting polarisation of views and obscure the truth.

For some allegations of serious or wilful abuse, this approach may seem like indifference to the truth, or to the reputation of our members. But there is a greater danger in thinking that any length of inquiry could prove or disprove many of the individual cases. We believe we must live with the uncertainty, and deal with matters as a whole.

- 1.62** The Rosminian Institute asserted that the confrontation of evidence in an adversarial way was also unnecessary because, in many instances, the complainants' accounts of hardship, deprivation or neglect were not necessarily contradictory to the evidence given by members of the Order, who described trying to cope with conditions which were brought about by a shortage of staffing, training, and of resources that ought have been in place to facilitate the provision of proper care for the children in their charge. Both sides were describing essentially the same thing, viewed from different perspectives: on the one hand, the former resident was describing a deprived and neglected childhood, with real needs not being addressed; while, on the other hand, the overworked and under-resourced priest or Brother was describing their very real struggle to provide, despite inadequate resources, good care for the children in their schools.

- 1.63** At the first public hearing, counsel for the Rosminian Institute outlined their legal position. He submitted that whether boys resident in Ferryhouse were sexually abused was not in dispute, as it is accepted that such abuse did occur. What had to be addressed by the Investigation Committee

⁴ Law Commission of Canada: + Institutional Child Abuse – Restoring Dignity Pt II Responses 'Guiding Principles' at p 7.

was how pervasive sexual abuse was in the School, and the extent of that abuse during the time under investigation. In their statements of complaint, former residents from every era had made allegations of such abuse. While, in general, allegations of sexual abuse were not expressly denied in the Rosminian Statements, such allegations were not admitted either. For this reason it was submitted it would not be appropriate for the Investigation Committee to take the view that the absence of a denial should be deemed to be an admission of the truth of allegations, as may be the case in civil proceedings.

1.64 In an inquiry into an institution, the Rosminians submitted, it was not necessary or appropriate to decide on the validity of each complaint on an individual basis, but it was necessary to determine how widespread abuse was during the history of the Institution. He pointed out that a reasonable insight might be gained by looking elsewhere, beyond the allegations and counter-allegations, to see what was known at the time.

1.65 Part of the reason for taking this approach was to avoid causing further distress to the former residents of Ferryhouse and Upton. During the hearings, counsel for the Order examined witnesses sympathetically, and, even when evidence was being challenged, it was done with courtesy and care. The Investigation Committee was impressed by the number of apologies that were made. The following are examples:

- *we have learned since your statement to the Commission came in that Br Lazarro⁵ did sexually abuse boys, I hope you will accept the Rosminian's apology if that happened to you. We haven't ever suspected it of [the other Brother] and I am sorry to ask you questions about it.*
- *I am ashamed to ask you questions about what you describe about Br Valerio⁶ (the questioning that followed was solely to elucidate how contact was made after the boy had left the school).*
- *I don't want to ask you much at all because the hardship you have described deserves not to be investigated in any way or questioned.*
- *We accept what you have said, we trust the truth of it completely. There is one very big thing, which you have done today. [Your evidence] is a testament to the pain you suffered and others with you.*

1.66 While many witnesses found it hard to accept the apologies made by the Rosminians for the pain and hardship they had suffered, it may have helped them to find that their evidence was treated by the Order in such a sympathetic way.

1.67 This approach facilitated investigation. Counsel for the Rosminians often brought out details that might have been missed. He elicited facts about school routines, practices and conditions, in order to gain as much information as possible from witnesses. Sometimes, they were asked to fill in gaps in the knowledge available to the Order. The Rosminians were correct in their submission following the Phase II hearings by stating that:

the faults and limitations of the Schools become apparent without pursuing every conflict of evidence.

The leather straps

1.68 The official instrument used to administer corporal punishment was the leather strap. There were two kinds: one was a single piece of leather a $\frac{1}{4}$ of an inch thick (0.63cm). It was about 19 inches long (48.2cm), and $2\frac{1}{2}$ inches wide (6.3cm), with one end shaped to form a handle. It was used to slap the palm of the hand. It weighed 5oz (147grms).

⁵ This is a pseudonym.

⁶ This is a pseudonym.

1.69 The second kind was a 'doubler'. It was made in the shoemaker's shop from two layers of leather approximately $2\frac{1}{2}$ inches wide (6.3cm) and 22 inches long (55.8cm). The two strips were sewn together and, again, one end was shaped to form a handle. Br Antonio, who worked in Ferryhouse, confirmed that coins were sometimes inserted between the two layers of leather when this strap was being assembled. He told the Investigation Committee:

And they are right what they say, because I opened the leather myself and saw there were coins in the leather strap, which were stitched in the shoe shop.

1.70 Without coins, the strap weighed 11oz (311grms).

1.71 It is likely that different straps were in use from time to time, and it is not certain that all of them contained metal or coins within them. One witness described the effectiveness of these two kinds of straps:

If you are out in the yard – they carry their own straps, some of them, and it is only a small one. You wouldn't even feel it.

1.72 The Brothers carried the leather straps on them. The heavier strap was kept in the Prefect's office.

Finance

1.73 The Investigation Committee commissioned chartered accountants, Mazars, to examine the accounts of Upton and Ferryhouse with a view to assessing the application of state funding to the institutions, and the financial consequences for the relevant institutions as a result of caring for the children over the period 1939 to 1969. The Mazars report is in Volume IV.

1.74 Limited financial information was available. No accounts had survived from the 1940s, in respect of Upton or the Irish Province of the Institute of Charity, and only two years' accounts, 1941 and 1947, were available for Ferryhouse. No accounts were available between 1954 and 1960 for either of the schools or for the Irish Province. The 1960s had better records for all three bodies.

1.75 It is impossible, therefore, to assess the actual day-to-day costs of running the industrial schools. Mazars' analysis of the capitation grant, by reference to Household Income and Unemployment Assistance, would indicate that funding was adequate for both schools in the 1940s and 1950s, although Upton would have been more financially challenged because of the fall of numbers in the early 1950s. In Ferryhouse, high numbers and a farm of good-quality land should have ensured a reasonably good basic standard of living for the boys.

1.76 Once numbers of residents began to fall in the 1960s, financial problems would have arisen and, indeed, this led to the closure of Upton in 1966. By the time the Kennedy Committee reported in 1970, the capitation grant as a system of funding, which depended on high rates of committals, was clearly inadequate, and alternatives had to be found. In the case of Ferryhouse, these alternatives were not finally put in place until the early 1980s, when an annual budget based on submitted estimates was agreed with the Department of Finance. During the 1970s, however, significant increases in the State grant alleviated the position for those institutions like Ferryhouse that continued to operate.

Part 1

Chapter 1

Introduction

1.01

The Commission to Inquire into Child Abuse (the Commission) was established in May 2000 pursuant to the Commission to Inquire into Child Abuse Act, 2000 as subsequently amended by the Commission to Inquire into Child Abuse (Amendment) Act, 2005 (the Acts).¹ The Commission was initially established on a non-statutory basis following a public apology on 11th May 1999 by the Taoiseach to those abused as children in Irish institutions over previous decades. High-profile media coverage of the experiences of children in Irish institutions was widely broadcast at this time.

1.02

The non-statutory Commission, which comprised three members, made recommendations to the Oireachtas, including that the Commission should be put on a statutory basis. The Commission to Inquire into Child Abuse Act (the Act) was enacted on 26th April 2000 and the Statutory Commission was established on 23rd May 2000, pursuant to the Act. The Act, as amended, governs the functions, powers and procedures of the Commission. The Commission as established under the Acts consists of a Chairperson, who is a Judge of the High Court, and ordinary members known as Commissioners.

1.03

The remit of the Commission under the Acts was to hear evidence from witnesses about childhood abuse in Irish institutions, as defined by the Acts, and who were less than 18 years at the time.

Functions of the Commission

1.04

The Commission was given four distinct functions:

- To hear evidence of abuse from persons who allege they suffered abuse in childhood in institutions during the ‘relevant period’²
- To conduct an inquiry into abuse of children in institutions during that period and to determine the causes, nature, circumstances and extent of such abuse
- To inquire into the manner in which children were placed in, and the circumstances in which they continued to be resident in, institutions during the relevant period
- To prepare and publish reports on the results of the inquiry and on its recommendations in relation to dealing with the effects of such abuse and to prevent where possible and reduce the incidence of abuse of children in institutions and to protect children from such abuse.³

¹ See Appendix 1 and 1A for copies of these Acts. All further references in the Confidential Committee’s Report to sections of the 2000 Act shall refer solely to the section and not name the Act, e.g. section 1 of the ‘2000 Act’ shall be referred to as ‘section 1’. All references to sections in other Acts shall contain details of the section and the Act. The Commission to Inquire into Child Abuse (Amendment) Act, 2005 shall be referred to as the ‘2005 Act’.

² For the Confidential Committee this ‘relevant period’ was from 1914-2000.

³ Sections 4 and 5 as amended by sections 4 and 5 of the 2005 Act.

1.05 The legislation provided for the establishment of two committees of the Commission, the Confidential Committee and the Investigation Committee. Details of the members of the Confidential Committee, both past and present, are set out in Appendix Two. The Commission's functions of hearing evidence of, and inquiring into, abuse were performed through the Confidential Committee and the Investigation Committee. Members of the Commission were assigned to one or other Committee; they could not be members of both. Persons who wished to give evidence about abuse had to choose to give their evidence either to the Confidential Committee or the Investigation Committee. The Commission and its Committees were independent in the performance of their functions.⁴

Confidential Committee

1.06 This is the final Report of the work of the Confidential Committee (the Committee), provided for in section 16 of the Commission to Inquire into Child Abuse Act, 2000, as amended.⁵ This Report presents the oral evidence recounted by 1,090 witnesses who attended hearings with the Committee between 2000 and 2006. This report also includes information contained in the 3rd Interim Report dated December 2003.

1.07 The principal functions of the Confidential Committee were:

- To provide a forum for persons who have suffered abuse in institutions during their childhood, and who did not wish to have that abuse enquired into by the Investigation Committee to recount their experiences and make submissions in confidence
- To receive evidence of such abuse
- To make proposals of a general nature with a view to their being considered by the Commission in deciding what recommendations to make⁶
- To prepare and furnish reports.⁷

1.08 The mandate of the Committee was to hear the evidence of those who wished to report their experiences in institutions in a confidential setting, as defined in the legislation. The legislation provided that the Confidential Committee was to endeavour to ensure that meetings of the Committee at which evidence was being given were conducted so as to afford to witnesses an opportunity to recount in full the abuse suffered by them in an atmosphere that was sympathetic to, and understanding of, them, and as informally as was possible in the circumstances.⁸

Defined categories of abuse

1.09 The Committee was required to hear the evidence of witnesses⁹ who wished to report four types of abuse as defined by the Acts. The definitions changed in the 2005 Act and the changes made by the 2005 Act are highlighted in bold below:

Physical abuse:

The wilful, reckless or negligent infliction of physical injury on, or failure to prevent such injury to, the child.

⁴ Section 3(3).

⁵ Section 11 of the 2005 Act.

⁶ Section 15(1) as amended by section 10 of the 2005 Act.

⁷ Section 16 as amended by section 11 of the 2005 Act.

⁸ Section 4(6) as substituted by section 4 of the 2005 Act.

⁹ In the Confidential Committee Report the evidence of witnesses is generally referred to as 'reports'.

Sexual abuse:

The use of the child by a person for sexual arousal or sexual gratification of that person or another person.

Neglect:

Failure to care for the child which results, **or could reasonably be expected to result**, in serious impairment of the physical or mental health or development of the child or serious adverse effects on his or her behaviour or welfare.

Emotional abuse:

Any other act or omission towards the child which results, **or could reasonably be expected to result**, in serious impairment of the physical or mental health or development of the child or serious adverse effects on his or her behaviour or welfare.¹⁰

- 1.10** The Committee classified all reports of abuse under one of the above types, as defined by the Acts. Witness reports of abuse included all four types, and combinations of those types of abuse. The definition of abuse includes acts that occurred to children, as well as acts of omission, such as medical, social, educational or emotional neglect that ‘results, or could reasonably be expected to result’¹¹ in having serious adverse effects on them both at the time and afterwards.
- 1.11** Individuals applied to give evidence of the abuse suffered by them in a range of Irish institutions. The definition in the 2000 Act of ‘institutions’ includes ‘a school, an industrial school, a reformatory school, an orphanage, a hospital, a children’s home and any other place where children are cared for other than as members of their families’.¹² Many witnesses were admitted to more than one institution and may have reported abuse in one or more institutions. The majority of witnesses reported more than one type of abuse.

Defined institutions

- 1.12** Industrial and Reformatory Schools were residential institutions that admitted boys and girls during their time of operation. There were 60 certified Industrial or Reformatory Schools in Ireland during the period covered by this Report. The Schools were gender segregated with the exception of 12 industrial schools that were designated as mixed, admitting both boys and girls.
- 1.13** For the purposes of this Report ‘Other Institutions’ is the collective term used to refer to all institutions apart from Industrial or Reformatory Schools that fell within the definition of institutions. Such ‘Other Institutions’ included: general, specialist and rehabilitation hospitals, foster homes, primary and second-level schools, Children’s Homes, laundries, Noviciates, hostels and special needs schools (both day and residential) that provided care and education for children with intellectual, visual, hearing or speech impairments, and others.
- 1.14** The evidence heard by the Confidential Committee regarding Industrial and Reformatory Schools and ‘Other Institutions’ are presented separately in this Report.

Evidence

- 1.15** The Report contains information given in evidence to the Committee on the demographic and social circumstances of witnesses before their admission to the institutions, their experiences and reports of abuse while in the institutions and their life following discharge from the institutions. Less detailed information was obtained in relation to the social circumstances of

¹⁰ Section 1(1) as amended by section 3 of the 2005 Act.

¹¹ Section 1(1) as amended by section 3 of the 2005 Act.

¹² Section 1(1) as amended by section 3 of the 2005 Act.

witnesses who, while attending ‘Other Institutions’, had remained in the care of their own family, for example witnesses who reported abuse in primary or second-level schools.

1.16 The Committee was required to hear witness accounts of abuse that occurred in the past during a ‘relevant period’ as defined by the Acts.¹³ The Committee determined the relevant period as between 1914 and 2000, being the earliest date of admission to out-of-home care and the latest date of discharge of those applicants who sought to give evidence to the Committee¹⁴.

1.17 Witness evidence included reports of both single incidents and multiple episodes of abuse over a length of time in institutional care for each individual. This Report is a comprehensive account of the information provided by witnesses about incidents and details of abuse they were able to recall and wished to report to the Committee.

1.18 The Report is structured as follows:

- Part 1
 - Chapters 1–5: Introduction, methodology and overview
 - Chapters 6–9: Record of abuse and experiences in Industrial and Reformatory Schools
 - Chapter 10: Positive memories
 - Chapter 11: Current circumstances
- Part 2
 - Chapter 12: Introduction to Part 2
 - Chapters 13–18: Record of abuse and experiences in ‘Other Institutions’
 - Chapter 19: Concluding comments

¹³ Section 1(1).

¹⁴ This includes both Industrial and Reformatory Schools and ‘Other Institutions’.

Chapter 1

Department of Education

Part 1 The functions of the Department

Introduction

- 1.01** The Department of Education had overall responsibility for the Reformatory and Industrial School System and for Marlborough House detention centre. The Department provided finance to the schools and oversaw their operation, leaving day-to-day control to the Congregations and Orders that operated them. The Department had a duty to ensure that the rules and regulations were observed, that finances were correctly utilised and that reasonable standards were maintained. The principal method of monitoring the schools was the inspection system, which was carried out by members of the Department's Reformatory and Industrial Schools Branch.
- 1.02** The timeframe of this investigation falls between the publication of the Cussen Commission's Report into Reformatories and Industrial Schools in 1936 and the Kennedy Report on the Schools in 1970. The Cussen Report endorsed the system contingent upon the implementation of its 51 principal conclusions and recommendations, but the implementation of these recommendations by the Department of Education was inconsistent and intermittent. Consequently, the system continued largely unchanged until the late 1960s. By the time the Kennedy Report was published in 1970, the system had greatly declined and the report itself was more of an obituary than a death sentence. The events that led to the ending of the system had little to do with policy decisions by the Department of Education, and that also is part of the story. Consideration of the Department's role is thus largely confined to the 34 years between these two reports.
- 1.03** The Secretary of the Department of Education in evidence to the Investigation Committee in June 2006 admitted that there had been 'significant failings' by the Department:
- As Secretary General of the Department of Education and Science I wish to state publicly here today that there were significant failings in relation to the Department's responsibility to the children in care in these institutions and that the Department deeply regrets this.
- Children were sent to industrial and reformatory schools by the State acting through the courts. While the institutions to whose care they were committed were privately owned and operated the State had a clear responsibility to ensure that the care they received was appropriate to their needs. Responsibility for ensuring this lay with the Department of Education, whose role it was to approve, regulate, inspect and fund these institutions. It was clear that the Department was not effective in ensuring a satisfactory level of care. Indeed, the very need to establish a Commission of Inquiry testifies this.
- 1.04** This chapter deals with general topics: particular events and the Department's role in them are discussed in the chapters on individual schools.
- 1.05** The Minister for Education had legal responsibility in respect of schools. Under the Children Act 1908, children could only be committed to a school that was certified. The Minister held the crucial

legal power of certification (1908 Act, sections 45, 58 and 91). Certification was granted for an indefinite period, not on an annual basis. The Minister had the power under section 47 to withdraw certification from schools; certification was intended to be the means by which the Minister could control many significant features of the schools. However once a school had been certified, there were heavy pressures against the use of derecognition and there are no cases of its actually being done.

- 1.06** When certified, schools were furnished with a document that stated the name of the school, geographical location, date of certification, conditions of admission, the number of children for which the school was certified and the name of the agency running the school. The document was signed and dated by the Minister for Education and by the manager of the school.
- 1.07** Certification of a school was contingent upon acceptance by the school's management of the entire 'Rules and Regulations for the Certification of an Institution as an Industrial School', and these rules were listed in the certification document. It was a seven-page document that set out the legal framework for almost every aspect of a resident's circumstances, including accommodation, clothing, diet, instruction, conditions on which children may attend National Schools, industrial education, inspection, religious exercises and worship, discipline, punishments, recreation, visits from friends and relatives, children placed out on licence or on apprenticeships, treasury grants, discharge, visitors to the school, timetables, journals, the medial officer, inquests and returns to the Department. However, there were no regulations governing the ratio of staff to children.
- 1.08** The Rules remained in practically the same form throughout the history of Industrial Schools. They were in signed standardised form in 1933 but they were still signed in the same way by the institution and the State.
- 1.09** The Minister for Education derived further powers from the Children Act 1908, sections 54-84, which included the authority to:
- determine the amount of the government contributions towards the expenses of children;
 - sanction alterations in buildings;
 - discharge (with or without conditions) or transfer inmates;
 - allow the removal of a child by emigration; or
 - remit payments towards the child's maintenance ordered to be made by the parent.
- 1.10** The Children (Amendment) Act 1941 gave the Minister the power to direct the removal of a Resident Manager. This power which was very occasionally invoked to bring pressure to bear on the management of the schools to remove the Manager.

Part 2 The structure of the Department of Education

The Reformatory and Industrial School Branch

- 1.11** Throughout the period under consideration, the unit dealing with schools was the Reformatory and Industrial Schools Branch or RISB. This division was responsible for overseeing the certified school system and was also responsible for the administration of the detention centre in Marlborough House. This Branch predated independence and changed little following the establishment of the Free State.
- 1.12** The RISB occupied a lowly place in the Department's hierarchy. Supervising the RISB and the primary schools unit, as well as other units, was an Assistant Secretary, who was subject only to

the Secretary of the Department, but it is likely that the RISB received little of his attention. Again, compared with other branches, for instance the Primary Schools unit, which had a Principal Officer as their head, the head of the RISB was, until the reform of 1971, a relatively junior official. During the period 1941-65, he was usually at or about Assistant Principal level. The only other figure in the RISB at even a medium level was the Medical Inspector, an important and central position held during the 1940-64 period by Dr Anna McCabe.

- 1.13** An increased workload for the branch was brought about by the changes created by the Children Act 1941. For instance: a medical inspection was established; capitation grants were to be paid for under-sixes, teachers of literacy subjects in the schools had to be assessed in order to receive recognition as national teachers; and the Department had to allocate half of parental contributions to local authorities instead of sending the entire amount to the Exchequer. Thus the workload increased and, consequently, the level of clerical assistance had to be augmented. As of 1943 (and after 1943 there were no changes until the early 1970s), the RISB's establishment was as follows:

- Inspector (Assistant Principal);
- Medical Inspector (a qualified doctor);
- Staff Officer Grade I (approximately equivalent to a higher executive officer);
- Clerical Officers (two);
- Writing Assistants (two);
- Stenographer;
- Part-time Parental Money Collectors (two).

- 1.14** According to a 1960 organisation and management survey of the RISB, carried out in 1959, by P Ó Maitiú, a principal in the Department, during the period 1943-59, 85 percent of the RISB's time was spent on five main routine clerical tasks:

Collecting and accounting for parental monies	25%
Filing and registration	20%
Applications for release of children	20%
Check of county council accounts	10%
Preparation of annual report	10%

- 1.15** Mr R MacConchradha, a Higher Executive Officer in prisons administration but formerly in the Department of Education, wrote on 20th April 1968 to Mr McCarthy, his superior in the Department for Justice. Mr MacConchradha expresses his views frankly:

Even at the risk of breaking confidence, may I say that the Industrial School system has been centrally administrated in a very plodding way, with little sympathetic involvement or thought for the children. Finances have been ungenerous for years and what forward thinking there was, came from individuals in the conducting communities. The lot of the children, especially the boys, is very sad and there is an unbelievably entrenched 'status quo' to be overcome, not least in the Department of Education, if there is to be any change for the better.

- 1.16** Further evidence of the unimportance assigned to this field is the lack of written information regarding its role within the Department; for instance:

Despite a number of institutional histories of the Department of Education, to date none have explored the role of the Department in relation to reformatory and Industrial Schools. Nor does O'Connor, a former secretary of the Department of Education mention reformatory or industrial schools in his personal reflections on his role in that Department between 1957 and 1968. Likewise renewed histories of the Department of Local

Government and Public Health and from 1947, onwards the Department of Health (now Health and Children) and Department of Local Government (now Environmental and Local Government), do not explore the child welfare dimension of their work.

- 1.17** However following the publication of the Kennedy Report, the RISB became the fulcrum for instituting the changes recommended in the Report and it underwent restructuring. The section was renamed 'Special Education (2)' in 1972 and a review of the staffing structure in the Special Education Section was undertaken in November 1973. The review concluded that the staffing situation was inadequate and that the inspection system was hampered by this staff shortage. In 1975, the post of Child Care Advisor was created.
- 1.18** In general, the Department of Education was regarded as a conservative Department producing little by way of policy. Even on the wider fronts of primary and secondary education, its main concern lay with curricular content rather than wider social justice issues, such as what today would be called access to education. Further, the Department 'enjoyed a reputation for secrecy' and this secrecy would have had the effect of rendering it difficult for any countervailing pressure to that of the Church, even had there been any, to assert itself.
- 1.19** In the case of Reformatory and Industrial Schools the conservative tendency was exacerbated by the fact that the unit with full-time responsibility for the schools was located at such a low level in the Department hierarchy.
- 1.20** The unit did not initiate reform and did not confront the vested interests that reform would have stirred up.

Schools' dominance over the Department

- 1.21** The Department had the power of fixing the capitation fee and in theory this power gave it considerable control over the institutions. However, the Department did not use such increases as an opportunity to impose changes of policy on the schools. When the Department succeeded in providing increased funding for the schools, it communicated in non-specific terms its wish to see improvements made in the standard of care provided to the children in the schools. For instance the Departmental circulars to Resident Managers announcing the increases in 1947, 1951, 1952 and 1958 stated the Minister's expectation that, with the improved financial position, schools would effect, without delay, substantial improvements in the standard of diet, clothing and maintenance of the children. There is no evidence to show that these broad admonitions were followed up by attempts to verify that these substantial improvements had actually materialised. Few circulars were as specific as the following (Circular 1/1952 (10th March 1952)):

The Minister trusts that consequent on the improvements in the financial position of the schools as a result of the increase of 5/- weekly in 1951 and of this increase of 6/- weekly in the amount of the Capitation Grants that the Managers of the Schools will be in a position to effect substantial all round improvements where necessary. Each child should get as a minimum one pint of milk daily, the full ration of butter and sugar, and 4 to 6 ozs of meat at each meal at which meat is served. It is desirable, that the children's breakfast should include an egg, sausage, rasher, tomato or other suitable relish and that the dinner should be a substantial meal consisting of soup (where practicable), meat, vegetables (including potatoes) to be followed by a dessert such as pudding, jelly stewed or raw fruit, cereal.

- 1.22** The circular met a polite but prompt rebuff in the form of a message from a meeting of the Managers' Association (letter from Chairman to Department, 31st March 1952), which said that, given the prices, this 'recommendation' was not 'practical'. Indeed as the Department of Education submitted;

Evidence provided to the Commission by Mr Granville also underlines the dominant role that school authorities continued to play [into the 1980s] in the operation of residential homes and special schools post-Kennedy. The religious orders, it is clear, remained the ultimate decision-makers.

- 1.23** The real authority lay with the schools and the religious, because they owned and managed the institutions, and their constant claim was that the State under-resourced the Congregations in carrying out the State's duty. One example of what a later generation would call 'agency capture', where a regulatory body is effectively controlled by the body it is supposed to regulate, may be seen in the way in which the Resident Managers' Association looked confidently to the Department to champion them against third-party criticisms. For instance, the Association asked to meet the Minister for Education to discuss:

(2) The extract, from Circular Letter No. 7/52 issued by the Department of Health, which reads —

'It is generally agreed that the institution is a bad substitute for the normal home life for children. It is recognised in the existing Regulations, which prescribe that Public Assistance Authorities shall not send a child to a certified school if the child can be suitably boarded out. Every effort should therefore be made to have children placed in suitable foster homes before having recourse to their maintenance in an institution.'

(3) The uncalled for and offensive remarks regarding Industrial and Reformatory Schools made by some District Justices and published in the newspapers.

- 1.24** In response to this letter the Minister 'promised to do everything he could to help these Schools'.

- 1.25** The schools' control over the Department can be seen in the way decisions were made in the early 1950s about mixing offenders and non-offenders in Industrial Schools. The question whether children who had been convicted of offending seriously or repeatedly should live in the same school as those in need of care should have been a key policy issue for the Department of Education.

- 1.26** What happened in practice was that the matter was decided by the Christian Brothers. In a letter to the Minister of Education dated 19th March 1954, the Provincial advised the Minister for Education that, in future, Letterfrack, County Galway, would be reserved for boys who were offenders; whilst the Christian Brother Industrial Schools at Artane, Glin, Tralee and Salthill would no longer accept boys who were offenders.

- 1.27** Two District Justices expressed opposition to this move. In a letter dated 30th July 1954, District Justice J J O'Hora advised the Secretary of the Department that the arrangement involving Letterfrack would cause serious difficulties for the Children's Court in Limerick. The Justice requested that the Minister make representations to the Brother Provincial of the Christian Brothers to have either Glin or Tralee appointed for the reception of cases in which offences had been proved. However the Department had earlier consulted with the Christian Brothers requesting that it reconsider its decision regarding Letterfrack but the Order's position remained unchanged.

- 1.28** Secondly, District Justice McCarthy, Children's Court Judge in Dublin from 1941-57, stated in 1954 in open court, that he would not be prepared to send to Letterfrack the type of boy for whom the school was supposed to be reserved henceforth, until such time as the 'non-offenders' at present in the school were transferred to other schools. As a result, a conference was convened on 14th May 1954 and, attended by the District Justice, the Department's Secretary and Assistant Secretary (Micheal O'Siocfradha) and Br O'Hanluain, the Provincial of the Order. The compromise reached was that the Manger of Letterfrack would transfer all the boys sent by local authorities

and a number of non-offenders committed by the courts until the total number at Letterfrack was 85. They would be sent to Salthill, mainly, and to Artane and other schools.

- 1.29** These diverse opinions illustrate that the question of whether offenders and non-offenders should be held in the same institution was an issue on which informed opinion could differ. The Department ought to have developed a considered policy in consultation with the schools and ought then to have ensured that the schools observed it. Instead, it appears to have simply allowed the question to be decided by the Congregation. For example, in 1954 the Department noted resignedly:

The Provincial (of the Christian Brothers) has informed the Department that his Council have decided to introduce into the Industrial Schools conducted by their congregation a measure of segregation. They have, accordingly, arranged that the Industrial School in Letterfrack is to be reserved for boys brought before the court and found guilty of an offence. All such boys, if committed to an industrial school will not now be accepted into their schools by the resident managers of the Artane, Salthill, Tralee and Glin Industrial School. The Industrial Schools for senior boys at Upton, Clonmel and Greenmount [non-Christian Brother School] will continue to accept boys as heretofore.

- 1.30** When addressing this question, before CICA, the Department of Education simply stated:

The policy regarding the category of child admitted to and detained within a particular school was a matter for the Religious Order concerned and the Department had no role in the committal process. While the courts ordered the detention of a child, the Resident Manager of a School could exercise his/her power to refuse to accept this child into the school. Similarly the Religious Order could decide to change the category of child being admitted to a school.

The essential question, however, is broader than the legalities involved. For the schools to work properly the system needed an authoritative overseer. If the Department declined to play such a role then there was no one to do so.

Part 3 Departments of Health and Justice

Differences in attitude between the Departments of Education and Health – ‘boarding out’

- 1.31** One noteworthy aspect of the State's approach to childcare was the difference between the policies and approaches of the two Government Departments with responsibility in the area of childcare.

- 1.32** They had divergent attitudes to boarding out as an alternative to the schools for dealing with needy children. The Department of Health's general policy, repeatedly stated, was that maintaining children in their families of origin should be encouraged and, if this was not possible, foster care rather than institutional care should be provided. In sharp contrast, the Department of Education believed firmly that institutional care offered many benefits and in March 1946 went so far as expressly to prohibit the boarding out of children from Industrial Schools.

- 1.33** Reflecting on this divergence, a Department of Education memo, written in 1964, stated.

It seems strange that two Government departments should be at variance on such a fundamental issue. I spoke to an official of the Department of Health and apparently that Department considers that a home, even a disrupted home, is preferable to an institution however good...Industrial school managers are not in the most favourable position for supervising the treatment of boarded out children and this Department has no officers for

that kind of work. On the other hand the Department of Health has its own Inspectors for inspecting foster homes etc...

If the practice of boarding out children becomes widespread the industrial schools could very well become uneconomic but it is submitted that to keep children in institutions for the sake of the institutions would be inverted thinking. Modern thinking as practised by Department of Health and abroad, regards institutionalism as a dehumanising factor and instead favours a home environment as a proper place for a child to develop its personality. Moreover the decision of this Department to prohibit boarding out from industrial schools was taken at a time when economic conditions were very bad (immediately post-war) and was based on fear of an inquiry rather than on what was best for a child.

- 1.34** The enthusiasm of the Department of Health for 'boarding out' and the reluctance of some health authorities to implement this policy is apparent in a note of September 1964 from M Division of the Department of Health, which states:

Art 4 of the Boarding Out Regs, 1954 provides that 'a health authority shall not send a child to a school approved by the Minister under Section 55 of the Act unless such child cannot be suitably and adequately assisted by being boarded-out'. Health Authorities do not always comply with this provision of the Regulations and it is normal departmental procedure to challenge the continued maintenance of children in institutions who would seem to be suitable for boarding-out. Such action is taken on the recommendations of the Inspector who is supplied with a list of all children in institutions under Section 55 of the Health Act, 1953, on the occasion of her bi-annual visit to the health authority offices.

Reasons for the different attitudes of Health and Education

- 1.35** The different attitudes between two Departments of State are not easy to explain. Education had neither access to, nor direct knowledge of, boarding out and its legislative powers were confined to supervising the school authorities. By contrast, boarding out was and always had been organised by way of local boards of health, the Department of Health being the central Department for these agencies. Thus, the Department of Health had access to the information obtained by the boards of health as well as information gathered by its own inspectors whose responsibility extended to both boarding out and the Industrial Schools. In short, Health had a more informed view, whereas, short of major legislative changes, which no one in the Department contemplated, it would have been impossible for Education to get any children boarded out or to acquire knowledge of the subject.

- 1.36** The Department of Health took more individual interest in each child than Education. For example, by way of a Department of Health circular, health authorities were requested to establish arrangements between the health authority and the Manager of the school whereby a child could be visited at any reasonable time and at regular intervals, by an authorised officer of the health authority or of the Department of Health. The reason given for this decision was to ascertain if any children were suitable for transfer to relatives or to foster homes. Likewise the Department of Health, or the health authorities, kept track of family circumstances and there are files in which it is evident that the return of a child to his or her family was initiated by Health, rather than being, as in Education, a reaction to a parental request to the Minister to grant early discharge.

The Department of Justice

- 1.37** The only responsibilities that the Department of Justice had as regards the detention of persons under the age of 16 years were

- (a) if they were certified unruly or depraved by a court under sections 97 and 102 of the Children Act 1908, they could be detained in an adult prison and

- (b) the Department had responsibility for certifying places of detention for children (i) arrested in connection with an offence held pending an appearance before court or (ii) remanded in custody by the court pending trial (as ‘the police authority’) under section 108 of the Children Act 1908. There was also the possibility under section 106 for a child to be sentenced to such a place of detention for a period not exceeding one month. The Department of Education was responsible for the inspection of such places of detention pursuant to section 109(3).

1.38 Justice was mainly involved by way of its responsibility for the District Court and the Gardaí, who were the major channel by which children were committed to the schools. In addition, Justice was responsible for places of detention including St Patrick’s and Shanganagh Institutions, in other words, institutions exclusively for delinquent juveniles.

1.39 However, the public and sometimes even officials did not appreciate that the Industrial and Reformatory Schools were not primarily for delinquent children and consequently, it was often assumed that the Minister for Justice was responsible for them. The Minister for Justice, in the 1960s and afterwards, on a number of occasions, indicated disquiet at the Department of Education’s performance or made an attempt to urge that Department into reforms. A letter dated October 1963, addressed to the Minister for Education, Patrick Hillery, was drafted for the Minister for Justice, Charles J Haughey. It stated:

...I hope that the Inter-Departmental Committee’s recommendations in relation to Marlborough House and the Industrial School system will find ready acceptance, the more so as the recommendations are subscribed to by the expert from Education on the Committee. In particular I should like to see some action taken to establish Visiting Committees and After-care Committees for the Industrial Schools. Contrary to views held earlier in your Department it has now become apparent that the Managers of schools, such as Artane, are not opposed to such a development.

1.40 A civil servant had written at the top of this letter ‘Minister, Unless somebody prods the Department of Education the Committee’s work will go for nought, to a large extent.’ A second copy of the letter is scored through and endorsed: ‘Letter need not issue – I have spoken to Dr Hillary [sic].’

1.41 Evidence of confusion as to who was responsible for the schools system also came from members of the public addressing complaints regarding the schools to the Department of Justice. For instance, in 1953, an ex-resident, wrote to Justice to complain about his experiences in Baltimore, who passed on his letter to Education; and a former night watchman at Glin wrote both to Department of Education and Minister for Justice. Justice dealt with criminal justice, including the courts and prisons. In the public mind, it followed that Justice was involved with the schools.

1.42 Marlborough House Detention Centre was administered by the Department of Education, notwithstanding its repeated attempts to transfer responsibility to the Department of Justice. See the discussion of this matter in Volume I Chapter 16

Part 4 The Cussen Commission

1.43 It seems that the impetus for the establishment of the Cussen Commission came from a desire to evaluate the entire schools system prior to the long overdue amendment of the 1908 Act. The Minister for Education, in his speech at a public session, to open the Cussen Commission (*The Irish Times*, 8th May 1934; DD vol 151, vol 1621, 11th April 1934) identified as among the reasons why the system called for examination: the training provided by the schools might be out of date in terms of the gradual disappearance of village tailor, shoemaker and carpenter; the fact that some of the children were ‘mentally deficient’; and the increase in juvenile offenders. The Minister also stated that the legislation that created the system in the first place was predicated on the

assumption that it would deal primarily with delinquent children, whereas by 1934 the institutions catered primarily for poor and neglected children.

1.44 Despite this encouraging launch, contemporary press and Oireachtas reaction to Cussen, who published the Report on 17th August 1936, was slight. There appears to have been no press report on Cussen. The absence of political interest can be measured by the lack of debate that the report received in the Oireachtas. There were only six Dáil questions dealing with the recommendations. These questions were spread out over several years and centred on the monetary aspects of the Cussen proposals, including a question on whether or not teachers of literacy subjects in Industrial Schools were to be paid for by the State, and whether or not the Summerhill detention home should be closed. However, no other specific aspect received any parliamentary notice.

1.45 Overall, the Cussen Report endorsed the existing schools system, though subject to the implementation of its 51 principal recommendations and conclusions:

As a result of our investigations we are satisfied that subject to the introduction of various changes which we have indicated...the present system of Reformatory and Industrial Schools affords the most suitable method of dealing with children suffering from the disabilities to which we have referred, and we recommend its continuance.

1.46 The primary response to these recommendations came in the form of the Children Act 1941 which amended the Children Act of 1908. Although some recommendations did get a green light to a greater or lesser extent, it is revealing to examine the recommendations that were overlooked. While the non-implementation of some recommendations can be explained by way of fiscal limitations and structural deficiencies within the Department, others are more difficult to explain. Full implementation would have involved a greater role for the Department and this may have been viewed at the time as an encroachment into the Church's domain.

1.47 One objective of the Cussen Committee was to help remove negative stereotypes and criminal connotations associated with the children in the certified school system. It was the firm belief of the Commission 'that in the main the problem is one not of criminal tendencies, but of poverty'. Cussen encouraged a change in terminology to aid in the reduction of the stigma associated with certified schools: for example recommendation number 11 suggested replacing the term 'committal order' with the term 'admission order', and similarly the terms 'Industrial School' and 'Reformatory' were to be replaced with 'National Boarding Schools' and 'Approved Schools' respectively. Furthermore Cussen stated that these titles should be for administrative purposes and each school should have its own individual name, which would include any classification denoting its status. Cussen ultimately believed that neither the schools nor the public should view children in reformatories as criminals;

Although the young persons committed to the Reformatories have been found guilty of offences it is the case that the percentage of them who subsequently make a further appearance in the Courts is negligible. It follows, we suggest that such young persons cannot in any sense fairly be looked upon as criminals

1.48 In line with this proposal, Cussen wished to remove other aspects of the committal proceedings that could contribute to the idea of criminality, such as:

- the Children's Court should be separated from the District Court;
- judges should not wear robes in Children's Court;
- Gardaí should not wear uniforms in court nor when they were bringing the children to the schools.

1.49 This child-centred approach of the Cussen Report also manifested itself in a desire to maintain each child's identity and family connection. It was the belief of the Commission that school Managers were to be fully aware of all of the children under their care. Therefore, Cussen recommended that more detailed information about each child be provided to the schools upon committal. This information was to include a birth or baptismal certificate and a synopsis of each child's history including comments from Justices where appropriate. This information was to remain confidential. In addition children were to be committed to Industrial Schools as near to their homes whenever practicable – subject to the discretion of the Justices – so as to allow parents easier access to their child and thus preserve familial ties.

Cussen on Resident Manager

1.50 The functions to be performed by the Resident Manager of an Industrial School included the ability to manage all staff, control discipline within the school and, primarily, to be fully knowledgeable of the circumstances of each child in their care:

The success attained by these schools depends in large measure on the personality and fitness for office of the Managers – their capacity in directing their staffs, their power to make every pupil feel that the Manager is his guardian and his friend, while maintaining an ever vigilant but unobtrusive discipline.

1.51 The Department's concern as to the age of certain Resident Managers was a recurring theme

1.52 The Cussen Commission considered the role to be one which required 'qualifications and gifts that might not be considered indispensable in ordinary schools'. Consequently, the choice of person to fulfil this role was regarded as a most important decision and it was recommended that ultimate approval for this post should rest with the Minister for Education. The Report went further to state that the Minister for Education should also have the power to remove Resident Managers who were derelict in their duties. The report maintained 'that it should be within the competence of the Minister to report to his or her Superior, with a view to replacement, a Manager who is found unsatisfactory'.

1.53 The response to this recommendation came in the form of section 5 of the 1941 Act, which gave the Minister the power, for the first time, to direct the removal of the Resident Manager.

If the Minister is satisfied that the Resident Manager of a certified school has failed or neglected to discharge efficiently the duties of his position or that he is unsuitable or unfit to discharge those duties, the Minister may request the managers of the school to remove such Resident Manager from his position and the managers shall comply with such requests (unless withdrawn) within one month after receipt thereof.

1.54 Crucially, however, the Act did not allow the Minister for Education the power of veto over the selection of a Manager or approve appointees to the role as recommended by Cussen, though this had been part of the Bill as introduced in the Dáil. The Resident Managers' Association was against this change and protested to the Department and also lobbied the Opposition party who supported their protests. The Government withdrew the provision at committee stage in the Dáil and substituted a new section 5, which gave the Minister no power at the appointment stage and merely provided that the Minister had to be notified of the appointment within 10 days of its occurring. Following the appointment of a Resident Manager a Departmental form known as ACA 1 was completed by the new Resident Manager and by the representative of the Managers of the school and returned to the Department in accordance with the legislation.

1.55 The Department of Education was reluctant to exercise its power of removal. There are only two known occasions where the Department invoked this power: the removal of the Resident Managers from Lenaboy, Industrial School, Galway and St Michael's Cappoquin in Waterford.

Lenaboy Girls Industrial School, Sisters of Mercy Salthill, Galway

- 1.56** In 1942 an internal Department of Education memo discussed the findings of Dr Anna McCabe's inspection of Lenaboy Industrial School. The inspection report expressed grave unease at the actions of the Resident Manager.

The produce of the garden was sold. The old sister in charge of the kitchen protested against the starvation of the children – she and another old sister were removed and replaced by two young novices who dare not challenge the Superior's orders. It is rumoured that the tea ration is also sold. (It is certain that the children have not been getting it.) The suggestion made by Dr McCabe last year that skipping ropes and a net ball should be provided evoked the remark If she thinks I'm going to throw away my money on skipping ropes, she's mad.

- 1.57** The memorandum reiterates Dr McCabe's concerns

The Resident Manager is a miserly, ruthless old woman of 70 years who has as her objective the reduction of the debt on the institution. She has been hardened by age and a lifetime spent in Magdalene Homes. She has no experience of children and has no sympathy with them. Her forte is finance and farming. She set about obtaining her end with cold thoroughness.

- 1.58** An official at the Department of Education stated in a memo that Lenaboy represented a 'clear case for action under section 5(4) of the 1941 Act'. On 14th September 1943, the Department wrote to the Mother Superior stating that the Minister felt the Resident Manager of Lenaboy was unsuitable for the role and asked that she be removed from that position and a more suitable person be appointed in her place. Over one week later on 23rd September 1943 the Mother Superior of the Order replied to the Department to say that a new Resident Manager had been appointed.

St Michael's Cappoquin, Sisters of Mercy, Waterford

- 1.59** As with Lenaboy, the removal of the Resident Manager was precipitated by an inspection by Dr Anna McCabe in 1943. Dr McCabe found the children to be undernourished, where 61 out of the 75 boys in the school were under the normal weight for their age-height groups. An internal Department of Education memorandum referred to St Michael's as 'another school run by the Sisters of Mercy' with 'a long record of semi-starvation'. After much bitter correspondence the Department was forced to issue a statutory request for the removal of the Resident Manager whom Dr McCabe described as a 'ruthless domineering person who resents any criticism and challenges advice'. After much wrangling, a new Resident Manager was eventually installed.

- 1.60** This incident is an excellent illustration of the relationship between the religious Orders and the State. The requests for the improvement in diet in the school had begun in December 1943 following an inspection report. The removal of the Resident Manager was requested under statute by the Minister in September 1944 but only came about in November 1944. The lack of urgency following a statutory request by the Minister of Education and the language used by the school in the correspondence with the Department is further evidence of the timidity of the Department in dealing with the school. For instance in response to the statutory request to remove the Resident Manager the reverend mother replied a week later 'I am looking into the matter and will communicate with you later'.

- 1.61** On the other hand, these cases demonstrate that, when the Department was prepared to insist and to invoke the statutory power, the religious authorities responded.

Smaller schools

1.62

The Cussen Report also recommended that schools should have no more than 250 children at one time which would permit the Manager ‘to make every pupil feel that the Manager is his guardian and friend’. With this in mind the Report advocated the division of Artane, which at that time was home to over 800 boys. The Report recommended that Artane be subdivided into four separate schools, each with its own Manager, segregating the children according to age and attainments. However the Christian Brothers argued against the division of Artane in their submission to the Cussen Committee;

Again it is said: ‘Artane is too large’. We reply that nevertheless it has exceeded beyond all expectations. We would go further and say that in its largeness lies its chief merit and advantage; for it is size and its multiplicity of activities that afford exercise to those following the various trades, etc within its own precincts...We hold that its great educative value is due to its size, and accompanying circumstances; for if a boy has only moderate intelligence, it must develop owing to the thousand and one influences to which he is subject.

1.63

This recommendation of the Cussen Commission was never implemented by the Department of Education and, as preferred by the Christian Brothers, Artane remained as a single institution.

Lack of educational qualifications

1.64

Until the changes brought about by the Kennedy Report in the 1970s, the staff of the schools seldom if ever had any education or training for their exacting role in childcare. The view seems to have been taken by the Department that the training and development of religious and lay staff in the institutions was largely a matter for the religious Orders.

1.65

This lack had been perceived by the Cussen Commission, which sent questionnaires to school Managers regarding the qualifications and numbers of teaching staff within their schools. The information received showed a large deficit in the numbers of qualified literary teachers. The schools which completed the questionnaire disclosed that in the girls schools there were 81 teachers of literary subjects of whom only six were trained; the equivalent for senior boys schools was 73 literary teachers of whom 38 were trained. Reformatory Schools’ educational standards were deemed to be of an even lower standard than Industrial Schools: Cussen commented that ‘the standard of teaching and qualifications of the teachers in Reformatories are not high’.

1.66

It was also the case that there was a lack of fully trained teachers because, commencing in 1932, on the basis of a request from the Christian Brothers, it became the policy of the Department of Education to allow Brothers to interrupt and defer completion of the required two-year teacher training after one year and to work in schools, with a view to completing their training within three years. In 1943 the Department agreed to extend this to a period of five years. Upon completion of their first year of teacher training the Brothers then became known as untrained assistants, who under the Rules and Regulations for National Schools, were allowed to teach in a temporary capacity for up to five years. This relaxation was extended to the other Orders in 1943 and came to an end only in 1962-63.

Education in the Reformatories and Industrial Schools

1.67

Subject to the requirement of industrial training, the same pattern of education, including the same external exams, applied in principle to residents of the Industrial Schools as to the general population.

- 1.68** The Cussen Commission was mandated to examine the:
... (2) the care, education and training of children and young persons in Reformatories and Industrial Schools, and their aftercare and supervision when discharged from these institutions.
- 1.69** Recommendations 20-29 of the Cussen Report addressed these issues.
- Literary instruction**
- 1.70** Each Industrial School signed a commitment that, in view of receiving the grant for literary teachers, out of the Vote for Primary Education, it would comply with the Rules and Regulations for National Schools. Rule 7 of the 1933 Rules and Regulations for the Certification of an Institution as an Industrial School provided that all children should be instructed in accordance with the programme prescribed for National School and, in this regard, children under 14 years of age (juniors) were required to have literary instruction and study not less than four and a half hours, five days a week.
- 1.71** The literary instruction included: Irish, English, Maths, History, Geography, Needlework, Music, Rural Science or Nature Study, Drawing and Physical Education. The Industrial Training, which was particular to the Industrial and Reformatory Schools, included: Cookery, Laundry Work or Domestic Economy (girls), Manual Instruction (boys). At the other stage, Seniors (children over 14) were to have literacy instruction, not less than three hours, five days a week.
- 1.72** Departmental inspectors' reports, prior to the Cussen Inquiry, described the educational standard of certified schools as satisfactory in general; however the Cussen Report concluded that, 'in some of the schools the work done is rather mediocre' and the teaching staff were of 'slender qualifications'. Artane was specifically mentioned for providing only the minimum standard of literary education. Cussen suggested a number of reasons for the disparity between educational standards in National Schools and Reformatory and Industrial Schools, one being that the school Managers were under no obligation to employ teachers trained to National Schools standard.
- 1.73** The lack of standardised teacher qualifications within the system led the Report to recommend that teachers in both Reformatories and Industrial Schools should have the same qualifications as teachers in National Schools. It was also recommended that teachers in certified schools should receive the same pay and conditions as National Schools teachers. This, Cussen argued, would attract qualified teachers and remove the stigma associated with working within this system. The financing for this was to come from the Vote for Primary Education.
- 1.74** Upon publication of these recommendations the Department of Education began the process of examining their feasibility. In 1939 a number of inspections took place in certified schools in order to examine the qualifications of the teachers and establish the basis for state grants. The reports from the inspectors show that although the Cussen recommendations stated that certified school teachers must be as qualified as National Schools teachers, in practice exceptions were made for teachers who, although not technically as qualified as National Schools teachers, were deemed to deserve the same recognition. Indeed Rule 73 of both 1932 and 1946 Rules and Regulations for National Schools provided for the recognition of 'untrained' teachers as National Schools teachers also. It was not until 1946 that a Department of Education circular sent to all Reformatories and Industrial Schools, stated that all religious staff must be qualified under the terms of Rule 85(6) of the Rules and Regulations for National Schools.
- 1.75** In February 1943, following the shift to payment of literary teachers, the Department of Education issued revised instructions to inspectors in relation to Industrial Schools. It was made clear to the inspectors that the programme of instruction in all Industrial National Schools was the ordinary National School programme, except for the Domestic Economy subjects. In furnishing a report on

a teacher the inspector was to bear in mind the circumstances in which many of them had been exceptionally recognised, and thus make allowances before deciding whether to rate a teacher as non-efficient. For those teachers whose teaching efficiency was deemed unsatisfactory, the Department approved the recommendation that these unqualified lay teachers should be given other duties or retired with a pension, the cost of which was to be defrayed by the school Managers.

1.76 The Cussen Commission included a number of further recommendations with regard to education, including sending children within the system to local National Schools where possible. This policy of sending children to local schools allowed for greater contact with other children. At the time of the Report, the Commission estimated that approximately 33 percent of the schools did send their students to National Schools. This figure did not increase substantially until the 1970s.

1.77 Cussen also recommended recognising Industrial Schools as National Schools when local National Schools were unable to accommodate the children from Industrial Schools. The object was to attract more teachers into the Industrial Schools, as there was a stigma associated with working in them. The full implementation of this recommendation did not occur until 1945 when a Department of Education submission to the Government made clear the Department's objection to the persistent inequality between National Schools and certified schools.

Differing needs of the residents: children with intellectual disabilities

1.78 A number of recommendations in the Cussen Report refer to the problem of the appropriate care and education of children with intellectual disabilities. Figures provided by the Resident Managers to the Cussen Commission show that in August 1934 there were 56 intellectually disabled children (10 boys and 46 girls) in certified schools and an additional 46 children with physical disabilities (26 boys and 20 girls). However other figures show that this may have been a gross underestimation.

1.79 The Cussen Report makes reference to the general absence of legislation regarding the care and treatment of people with intellectually disabilities in Ireland and the consequent difficulty in effectively dealing with the issue within the certified school system. Overall the Report was against the idea of sending intellectually and physically disabled children to Industrial Schools. The amalgamation of children with differing educational needs was recognised as unsatisfactory and the benefits of educating these children separately was emphasised in the report.

1.80 Recommendation 33 advocated the establishment of an institution specifically for the care of intellectually disabled children with separate departments for the physically disabled under the auspices of the Department of Education. The Report also recommended that, pending a medical report, judges be empowered to send these children to specialised institutions instead of the schools:

If it is found from the report of the examining doctor that the child is physically or mentally abnormal or if the doctor is unable to form a definite opinion the justice should, if the case is one calling for detention in a school, order the child to be sent to the institution especially certified for such cases.

1.81 The Secretary General of the Department of Education and Science told the Investigation Committee that 'the Government decided...that it shouldn't be made mandatory to have an assessment, I think that was in 1956...'. The number of intellectually and physically disabled children within the Reformatory and Industrial School system is unknown. No medical or psychological research material exists to support the figures supplied by the Cussen Report. The Kennedy Committee established that there was a significant level of educational disadvantage in the schools and there were no remedial resources available.

1.82 Br Burcet was both a teacher (1954-55) and a principal (1956-69) in Artane Industrial School. In his evidence he describes the large numbers of physically and mentally disabled children in Artane during his tenure and contends that there was a change in the type of boy sent to Artane in the late 1950s and early 60s. It is his belief that with the development of social welfare services in Ireland the demographic of the resident population of Artane began to change 'I had a sense that more disturbed children were coming into us in the 1960s, certainly in the 1960s.'

1.83 Br Burcet attempted to introduce a special needs programme within the school. He described the resistance from the Department of Education in relation to any deviation from the National Schools curriculum. His belief was that the physical welfare of the children was the primary concern of the Department

So, if you are asking me how did the Department see Artane, they were looking at it from a physical care philosophy. I would say they were quite happy.

Post-primary education in Industrial Schools

1.84 From the 1950s, the Department's annual reports indicated a concern that secondary education should be provided to children who would be able to benefit from it. For example, the Report of 1954-55 stated that: 'every effort is being made to make post-primary education available to those pupils suited to such' but the evidence is that it happened in few cases.

1.85 The annual report of 1932-33 noted that 'a few schools have afforded promising girls special opportunities for higher education' and this trend continued in the following years. But a 1952 document, noted that St Joseph's, Tralee was the only boys Industrial School to send its children to secondary school. With regards to the numbers of children, approximately 250 Industrial School pupils were in post-primary education, either in secondary tops, secondary schools, and vocational schools or in vocational classes confined to Industrial School pupils. The gender breakdown is striking: 11 percent of the girls (i.e. 180) against $4\frac{1}{2}$ percent of the boys (i.e. 70).

1.86 The proportion of Industrial School pupils receiving post-primary education was always very low, and negligible in the case of Reformatories. As of 1963, out of the seven schools for senior boys, only two sent boys out to local secondary or vocational schools and only one provided a full vocational course within the institution. Conversely, almost all the girl schools, with only one or two exceptions, had pupils attending outside secondary or vocational schools. In some cases the secondary school was conducted by the religious community and was located beside the Industrial School; generally, however, the girls in full-time post-primary education were receiving it outside the institutions.

1.87 It is not until 1950-51 that the Department's annual reports started to provide data on the numbers who obtained an Intermediate Certificate or Leaving Certificate:

Year	Boys/Inter	Girls/Inter	Boys/Leaving	Girls/Leaving
1951	0	5	0	2
1952	0	11	0	1
1953	Unknown	Unknown	Unknown	Unknown
1954	Unknown	Unknown	Unknown	Unknown
1955	4	21	0	5
1956	1	13	0	4
1957	1	18	2	2
1958	1	20	0	3

Applications for extension of detention

1.88

The Cussen Report noted that in some schools children were retained beyond the age of 16 years (the age of discharge) so as to enable them to derive benefit from a special course of training, and that such training was undertaken at the sole expense of the school. The Report advised that the Minister be given power, where he was satisfied the circumstances so warrant, to authorise a resident to remain in a school up to the age of 17 years, subject to the payment of an appropriate grant and this proposal was implemented by the Childrens Act 1941. For the remainder of the 1940s, applications were very small, ranging from two to seven per year. The numbers of successful applications rose slightly in the 1950s, peaking at 23 a year, in a school system then catering for 4,000 or so children. The reasons for the extensions, according to annual reports for the period, were to pursue secondary, vocational or commercial courses and occasionally to sit the civil service examinations or attend nursing training.

Cussen recommendations on training

1.89

A number of the Cussen Report recommendations with regard to training came from a report entitled 'Report on the Occupational Training provided in the Senior Boy's Industrial Schools and in Glencree Reformatory', which was compiled by four Departmental inspectors as part of the Cussen Committee's Inquiry and was published as Appendix H of their Report.

1.90

The Commission was largely dissatisfied with the provision of training in the certified schools. The relevance of certain trades and the validity of the instruction provided were questioned, noting that there was a 'complete absence of fully qualified instructors'. With regard to agricultural training the Commission found that 'The training in farming is unsatisfactory, the work being unorganised with no systematic instruction in field or in the classroom'. The Commission also feared that the children were being treated as unpaid labourers and received no educational value for their time on the farm. Cussen consequently recommended the employment of a full-time farm manager with sufficient expertise allowing him to act as instructor. Cussen (para 57) advocated a wage to be held in trust for those children working in the schools, stating that:

as the labour of the inmates is of some value to them it should be provided that a special portion of the cash value of the work of the girls for whom grants have been paid should be placed to their credit and made available for them on leaving.

1.91

The implementation of this recommendation did not occur. No record of a discussion of it within the Department has been discovered.

1.92

As with agricultural training, the motivation for training children in a number of technical disciplines seemed to be predicated upon the interests of the schools. The Report stated (at para 111) 'It appears to us that in the majority of the schools the trades taught – many of which are obsolescent – have in view the needs of the institution rather than the future of the boys'.

1.93

Cussen recommended (para 23) therefore that more suitable and relevant crafts should be introduced in agricultural districts such as woodwork, thatching and harness making. Geographical proximity in relation to training was considered very important

Schools in the vicinity of cities and industrial centres should be set aside for the teaching of special trades, and pupils in other Industrial Schools where similar facilities are not available should be transferred to these schools, if they are considered likely to benefit by a course of industrial training.

1.94

In the case of agricultural instruction, Cussen recommended the careful selection of tradesmen to train the children. and that the Department establish special courses to train instructors in the methods of teaching. In order to ensure that the training received by the pupils was both

worthwhile and relevant the Cussen Report advocated regular occupational training inspections by inspectors of the Technical Instruction Branch of the Department.

Post-Cussen

1.95

After the Cussen Report, consistent criticism of the schools' training can be seen in the annual reports of the Department of Education. These reports observed once again 'the work turned out is principally for the use of the schools. The annual reports from this time also show that there was a continuing difficulty in placing the boys in employment following their training. The visitation report for Artane, 8-13th December 1952, took a rather different approach to this subject, remarking happily: 'Our institutions owe a great deal to those boys who work full time at their trades. Their work is of great financial advantage to each establishment.'

1.96

In 1946 the Minister for Education enquired as to the suitability of the trades taught. He questioned that a pupil in Artane Industrial School was being taught gardening, which he felt 'was not a suitable occupation in this day and age'. He requested that the matter of teaching trades in general be looked into. A Departmental memorandum was compiled in response to the Minister's request, outlining the challenges facing the Resident Managers in this area, not least of which was finding suitable employment for the children. The memo went on to warn that if the Department 'interferes much in the matter there might be a danger of the Managers trying to transfer their responsibility to the Department'. The memo also alluded to the severe criticism the Department had faced in 1952 from the Committee on Youth Unemployment for its failure to implement the recommendation of the Cussen Report with regard to industrial training. The author of the memo recommended that enquiries be made to the schools regarding:

- what trades were taught in the years 1943, 1944, 1945;
- the numbers of boys released into the trades taught; and
- the number of boys who were sent into different trades to the ones taught.

1.97

Significantly, the Artane statistics collected in response to these inquiries indicated that all, or nearly all, the boys went to employment in the trades in which they were trained. The gardening and tailoring figures for Greenmount, Carriglea and Clonmel, however, show that a significant number of boys did not end up in the trades in which they had been trained after they left their school.

1.98

In February 1955, the Joint Committee of Women's Societies and Social Workers wrote to the Department recommending that qualified teachers should be provided to train the children in trades. Over a decade later, the situation appears to have remained unaltered. In 1966 a delegation from the Junior Chamber of Commerce was sent to Artane Industrial School to ascertain what could be done to help. Their report identified difficulties with the industrial training provided, specifically that the workshops and equipment were out of date. The authors of the report considered the training the boys received was not adequate and would not allow them to achieve employment in their craft. It also commented that, even if a boy became proficient in a trade, his training would not be recognised by a trade union.

1.99

About the same time, a letter of 10th February 1966 by Department of Education, replying to a letter from Joint Committee of Women's Societies and Social Workers, stated:

In the matter, however, of entry of industrial school pupils to Coláiste Mhuire, Cathal Brugha Street, an Agricultural School or College, Commercial School or the Civil Service, it would be extremely unusual for any person to enter any of these before at the very least seventeen years of age. The normal entry to them would be at about eighteen years of age. On the other hand, it is unusual for children to remain in industrial schools after sixteen, which is the statutory term of their committal.

There is, however, another reason why it would be unlikely that children from industrial schools should enter such institutions as you mention. It is that entry is by competition, usually on the basis of a written examination and that the great majority of children in industrial schools are there on the grounds of 'lack of proper guardianship'. This means that they come from unsettled homes; from which most of them have not been regular attendees at school and so are educationally retarded. Their chances at a competitive examination are therefore small indeed and so, as far as I know, there are none of them at the institution mentioned.

1.100 In earlier decades, some individual trade unions seem to have had a policy of preventing employers from recognising such training, or counting it as part of apprenticeship, and giving jobs on the basis of it, thus in large measure rendering it pointless (Cussen Report, para 123). The trade unions were presumably protecting their members by upholding the traditional means of entry. However in 1968 the Department of Education was advised by the Department of Labour that the Irish Congress of Trade Unions was concerned that career guidance and apprenticeship training did not appear to be receiving sufficient attention in the schools judging by the attainments of the ex-pupils of Industrial Schools in later life. They recommended the establishment of fully trained career guidance officers and the re-assessment of apprenticeship training.

1.101 • Cussen had stated that the whole system of training had needed revision. What followed, however, in terms of Departmental policy was a piecemeal set of circulars, and advisory actions which resulted in little change. In a statement to the Commission in 2006 the Department acknowledges that it did not give this matter 'sufficient attention'.

The Cussen recommendations on aftercare

1.102 The Cussen Commission were deeply unhappy with the schools' provision of aftercare, which was intended to support the placing of children in trades and occupations for which they have received training in the schools. The Christian Brothers were cited as particularly negligent in their duties:

We are not satisfied as to the adequacy of the methods of supervision and aftercare of children discharged from these schools, particularly in the case of boys leaving the Industrial Schools which are under the management of the Christian Brothers.

1.103 Figures taken from the Cussen Report for the years 1932-33 illustrate what happened to both boys and girls who left Reformatories and Industrial Schools after their periods of detention:

Table 1 Boys

Occurrence after discharge	Industrial Schools	Reformatories
Returned home	191	39
Sent to employment	623	12
Retained awaiting employment	8	0
Recalled by Manager	26	0
Returned of own accord	44	4
Could not be traced	4	4
Total	822	51

Source: Cussen Report

Table 2 Girls

Occurrence after discharge	Industrial Schools	Reformatories
Returned home	148	14
Sent to employment	552	5
Retained awaiting employment	30	0
Recalled by Manager	26	0
Returned of own accord	39	4
Could not be traced	2	4
Total	730	19

Source: Cussen Report

1.104 Both of these tables show that a quarter of boys and a quarter of girls did not move from the schools into employment, with a large proportion returning home at the end of their detention. Aftercare was deemed especially important by the Cussen Commission as it was seen as a way of assisting the boys and girls who received poor occupational training.

1.105 The Report acknowledged the difficulties in securing employment in the skilled trades even for children who did not attend Industrial Schools and commented on the large numbers of Industrial Schools boys who gained work as agricultural or farm labourers regardless of their trade. Consequently Cussen advocated the payment of a capitation grant by the State towards the cost of apprenticeship. Several reasons were put forward as to why this system was so disorganised, including the idea that Managers did not fully appreciate their responsibilities in this area. Cussen suggested that school Managers take a more proactive role in securing employment for their students. This included establishing communication with the local labour exchange to determine what types of trade were in demand. In addition it was suggested that the Manager should explain to the children that if they faced any difficulties during the statutory period of aftercare they were entitled to return to the school in seek of help or advice.

Post-Cussen

1.106 In 1952 at a meeting with representatives of the Department of Education and Justice McCarthy of the Dublin Metropolitan District Court, Fr Reidy, Resident Manager of Daingean, stated the there was 'Not much done in aftercare' and expressed his views as to why the boys had difficulty securing employment:

Lads now are much lasier [sic] and more apathetic to work than 20 years ago. This problem is partly a result of social welfare schemes. (It is) important therefore to get them to work at anything at all.

1.107 In response Justice McCarthy suggested that it was this thinking, i.e. that 'getting them work at 'anything' was perhaps to some extent the cause of the trouble'. Justice McCarthy also suggested the establishment of a hostel for the boys to enable them to adjust to life after the institution. However Fr Reidy disagreed, saying that it was a better option to break up the association amongst the boys after they left Daingean.

1.108 In August, 1966, a letter to the Minister for Education from Minister for Justice, stated

...I am suggesting that you, coming to the problems with a fresh mind, might have a look at the industrial schools system. I have no doubt that the lack of proper after-care is a grievous fault in the system and that there are ample resources of voluntary assistance only waiting to be harnessed and guided. I think that a vigorous approach to the managers

of the industrial schools – individually or collectively would make it extremely difficult for them to maintain a negative attitude.

1.109 The file shows a reply from the Minister for Education stating that he would have a good look at the Industrial School system and would be in touch. A few months later, the Kennedy Committee was set up, by the Minister for Education.

1.110 Thirty years after the publication of the Cussen Report, a Department of Education memo to the Minister of Finance highlighted the lack of progress in the area of aftercare stated, ‘In general, with the exception of Artane, they (the schools) lack any kind of aftercare or organisation’.

Part 5 The inspection system

1.111 From the late 1920s until the mid 1960s there were three types of inspection. Firstly, there was the educational inspection, which was concerned with education in the National School. Secondly, there was a medical inspection performed by the Medical Inspector. Thirdly, there were general inspections to ascertain the quality of residential care provided for the children, which were sometimes carried out by the official in charge of the Reformatory and Industrial School Branch, but were generally done by the Medical Inspector at the same times as the medical inspection. While there were occasions, particularly in the early 1940s, where general and medical inspections were held separately, a trend developed over time where both would be carried out simultaneously in the one visit by the same Department inspector. The Department’s archive of medical and general inspections shows that, from 1939 to 1965, Dr McCabe carried out the medical inspections and the majority of the general inspections of the Industrial and Reformatory Schools.

1.112 Following Dr McCabe’s retirement in 1965 the Department of Education left the post of Medical Inspector unfilled until the appointment of Mr Graham Granville in 1976. In the intervening decade a number of changes took place. In the absence of a dedicated Medical Inspector, inspections were initially augmented by, and then replaced with, medical reports by medical officers retained by each individual school. From 1961 to 1963, these medical reports were submitted to the Department on a quarterly basis. From 1963 to 1978, the medical reports were submitted on a twice-yearly basis.

General inspections

1.113 The benchmarks for standards of residential care were set out in the Rules and Regulations that were issued to school Managers by the Department on certification. Department circulars were issued from time to time to supplement them.

1.114 The general inspection covered premises including playground, dormitory, kitchen; living conditions generally such as clothing or diet; as well as staff and accounts. The report was based in part on a printed checklist with entries for accommodation, equipment, sanitation, health, food and diet, clothing, recreation facilities and precautions against fire. The reports were impressionistic in character – they were structured so as to give a general account of conditions within a school, dealing generally with the quality of residential care provided and the condition of the children. They left out everyday treatment, including corporal punishment. They did not give detailed information and did not deal with policy matters.

1.115 The inspectors’ reports were not published. If a school was satisfactory, the inspection would result in only a short record. After the particular headings, there was a section for general observations and suggestions, which might be as brief as ‘well-run school’. On the other hand, where there was something wrong, these observations could run for several pages. Comments in inspection reports under the various headings ranged from excellent to fair to poor. Where

standards fell below what was expected (e.g. inadequate diet) the Department wrote to the Resident Manager in the school with a view to having this rectified, though with mixed success.

Medical inspections

1.116 The Cussen Report (para 86) was critical of the inspection system operated by the Department of Education up to that point. Cussen described as 'unsatisfactory' the system of medical inspection in schools and urged that, in addition to the medical examination of children on admission, a periodic medical examination should be carried out by a doctor 'specially trained in the diagnosis of children's diseases, physical and mental'. In response, Dr Anna McCabe was appointed in April 1939. One part of the medical report was a checklist focussed on the health of individual children, with headings such as teeth, thyroid, nail biters, stammer, eyesight.

1.117 The principal duties of the Medical Inspector were:

- (1) protecting the health of the children;
- (2) making arrangements for the children when they are sick or when they need some medical attention such as for eyes, teeth etc.;
- (3) general health considerations – food and clothing, sleeping facilities, conditions of work and so on;
- (4) evaluating the medical services to schools, i.e. care provided to children by the school doctor, including:
 - (a) keeping a record of the medical examination given to a child when committed;
 - (b) the medical examination the school doctor performs on the children when he/she visits the school from time to time.

1.118 Dr McCabe's appointment coincided with efforts to revise the system used for recording medical information on pupils and the issue was the subject of two Department circulars between 1940 and 1943. The first of these, Circular 205/39, issued to Resident Managers on 5th June 1940, announced the introduction of a 'standardised' form, which would give both the particulars of the medical examination on admission and the subsequent medical history of the child while in the school. Such a record, which was the responsibility of the Manager, had the advantage of easy reference and was intended to be forwarded with the child on transfer to another school. In terms of medical history, the form included a record of illness section, under which was entered any treatment a child received in either the school infirmary or external hospital. A quarterly reading of height and weight was also to be entered on the form. It was evident from the documentation available that the Department placed great importance on the physical health of the children and wrote to the schools following Dr McCabe's suggestions regarding referrals for treatment and dietary recommendations. A continuous reduction in weight would raise concerns in relation to adequacy of diet.

1.119 A second circular was issued on 28th September 1943 to remind Resident Managers of their responsibilities in the matter of the 'safeguarding' of the health of the children. They were also advised that the Minister attached the 'utmost importance' to the punctilious observance of Rule 22 of the Rules and Regulations for Certified Schools, which required the appointment of a medical officer for the school who would issue quarterly medical reports on the sanitary state of the school and the health of the children. The circular continued:

It frequently happens that the Quarterly Medical Return furnished by a School to this Department states that no children, or merely a small number, are suffering from disease, while the inspection by the Department's Medical Inspector carried out at the end of the quarter in question, reveals that a much larger number of children are suffering from diseases. It should be clearly understood that the primary responsibility for the health of a School rests on the Resident Manager and on the School Medical Officer. The function

of the Department's Medical Inspector in this matter is to satisfy herself that their arrangements for keeping a watch on the children's health and providing medical attention where required are working satisfactorily.

- 1.120** The annual reports of the Department of Education frequently refer to the fact that the medical inspector had viewed the quarterly medical reports kept by school Managers in consultation with the local medical officers. Furthermore, despite what appears as initial resistance to their use by some school Managers, Dr McCabe was able to cite evidence from medical records as proof of underfeeding in schools in the mid 1940s.

Frequency of inspections

- 1.121** Not all schools were inspected each year, as required by the legislation. The frequency of school inspection varied from school to school and from year to year and some schools were visited more frequently than others.
- 1.122** For example, Baltimore school was subject to three inspections in one year (1947), while Artane went three years without any inspection (1950-52). The records did not reveal why some schools were inspected more often than others. In certain cases complaints or issues of a serious nature were brought to the Department's attention and a special inspection of a school was ordered. Geography and accessibility may also have been a factor. In 1949, for example, no Industrial School in either Connacht or Ulster received a visit from a Department inspector. In the same year, the inspectors had five contact days (days where the inspector was present in a school to conduct a general or medical inspection or both) with Dublin's seven Industrial and Reformatory Schools; seven contact days with the 12 schools in the rest of Leinster; and five contact days with the Munster schools. The following year, 1950, the number of contact days between the Department and the various schools revealed the following regional spread: Connacht (1); Dublin (1); Leinster (9); Ulster (2); and Munster (3).

Table 3 Frequency of inspections 1940s

Province	No of schools	Total no of inspections	Average inspections per school per year
Connacht	10	86	.86
Dublin	7	82	1.17
Leinster	12	129	1.07
Munster	23	212	.92
Ulster	2	16	.8
Total	54	525	.97

Table 4 Frequency of inspections 1950s

Province	No of schools	Total no of inspections	Average inspections per school per year
Connacht*	10	118	1.18
Dublin	7	112	1.6
Leinster*	12	229	1.91
Munster*	22	235	1.07
Ulster	2	26	1.3
Total	53	720	1.36

Table 5 Frequency of Inspections 1960s

Province	No of schools	Total no of inspections	Average inspections per school per year
Connacht	9	74	.82
Dublin	6	43	.72
Leinster	12	112	.93
Munster	21	146	.70
Ulster	2	14	.70
Total	50	389	.78

Note that 12 schools closed between 1965 and 1969 and all are included in the above list.

- 1.123** With regard to the rate of inspections Dr McCabe wrote in 1943:

I agree that these institutions should be subject to frequent inspection – my practice at present is to pay a visit at least once a year to such institutions and if there is any need I revisit them within three or four months to find if my instructions have been carried out.

- 1.124** The figures show that in the 1950s the average number of inspections increased significantly. By the 1960s the number of inspections fell again, to below 1940s levels. There were on average 0.78 inspections per school per year during the 1960s, although the number of schools decreased steadily in the second half of the decade as a result of closures. Another reason for the decline in inspections at this time was the retirement in the mid-1960s and non-replacement of Dr Anna McCabe as Medical Inspector.

- 1.125** 144 inspections for 32 schools were carried out during the 1970s, representing an average of 0.45 inspections per school per year. The lowest point was 1975, when the Department inspected no residential or special school.

Other limitation on the inspections

- 1.126** A significant limitation that runs through the school system was that the Department's inspectors were in no position to promise or provide additional resources to schools to enable them to address shortcomings and bring about improvements. Inspections and action taken on the basis thereof were pursued within the context of the available resources at the relevant time. The focus was confined to material and physical aspects of residential care and, until the establishment of the Child Care Advisor, was without reference to the developmental and emotional needs of children. It would appear that, in the main, schools were given advance notice of inspector's visits and residents have described how, as a result, proper blankets, eiderdowns, dishes – never otherwise used etc. – were all on display. However, unannounced visits were not uncommon and were used on occasion to check on schools where concerns had arisen. The Resident Manager of Letterfrack, for example, protested that Dr McCabe periodically visited the school unannounced.

- 1.127** Instances of abuse would not normally be brought to the attention of inspectors during the course of a routine inspection of a school. Occasionally, as in Newtownforbes in 1940, inspectors identified evidence of mistreatment, and in this case the threat of censure was mooted: 'I was not satisfied in finding so many of the girls in the infirmary suffering from bruises on their bodies', Dr McCabe informed the Resident Manager in a letter: 'I wish particularly to draw attention to the latter as under no circumstances can the Department tolerate treatment of this nature and you being responsible for the care of these children will have some difficulty in avoiding censure.'

- 1.128** However, most of the abuse cases were not discovered as a result of normal school inspections.

1.129 Official concern at conditions in the school – and also the incomplete character of the information available and perhaps a feeling of helplessness – was apparent from the response of the senior childcare officer in the Department of Health to the medical report of the death of a child in St Joseph's Ferryhouse. She wrote:

This shocking report confirms some unofficial information that I have had over the years concerning Ferryhouse...from what I have heard the ill treatment of the boys could do with investigation also. One person who spoke to me about this matter was an inspector of the ISPCC. It is scandalous that only the death of one of the boys has led to the conditions there coming to light.

One-off inspections

1.130 Sometimes particular complaints or episodes were serious enough to lead to an inspector's being sent to make a more wide-ranging investigation than the usual regular visit. The following are examples from the Department's records.

1.131 In Rathdrum in December 1947 a child of three was put in to a very hot bath and died a few days later from his injuries. Dr McCabe was sent to inquire and discovered that at the time the victim was in the care of a 14½-year-old laundry maid. The school was inadequately staffed, partly because the 14 nuns in the Rathdrum Convent were old and incapable. The next month Dr McCabe returned to see what improvements had been made and wrote the following internal report:

I informed the Resident Manager that I did not consider she had sufficient staff at present and that she should employ at least two extra helpers immediately, one religious if possible and the other a capable woman with experience of children. She told me she accepted this suggestion and would try to meet my requirements. She then informed me that she expected a castigation since the school had been 'in the news' so often. I told her that the most recent episode amounted, in my opinion to criminal negligence...

I then informed her that I had given her one last chance to remedy her deficiencies and that if the school had any further complaints, which on investigation proved to be true that I would ask for her removal. Also I informed her that I would like to see the Mother-General in Carysfort and ask her aid in insisting on this Resident Manager carrying out her duties properly.

One facet of the resident manager I do not like is that she is inclined to be parsimonious and grasping about money and again on this occasion she said the grant was not adequate. I told her not to talk nonsense that schools catering for big boys 10-16 years could very well manage and that these boys eat far more than little boys and required more clothes! I consider it would be well to follow up my visit with a letter insisting on my suggestions being carried out and warning the resident manager that if she cannot cope with the situation she will have to be replaced.

1.132 In fact, the letter of 25th February from the Department to the Manager, which was issued on the basis of this internal report, recommended an increase of two staff but did not repeat any of the condemnations or threats that, according to Dr McCabe's memo of 14th February, she had made orally. These oral directions from Dr McCabe as to how the school should be improved were unusually specific.

1.133 An earlier visit to Rathdrum in October 1944 by the general inspector gave rise to an internal memo to the Assistant Secretary, prepared as part of the discussion as to whether to dismiss the Resident Manager (which did not in fact happen):

Since I was appointed to this branch I have frequently drawn attention to the fact that children in industrial schools are, in general, not properly fed...This is a serious indictment

of the system of management of industrial schools by nuns. If the children's parents subjected them to semi-starvation and lack of proper clothing and attention from which they suffer in some industrial schools, the parents would be prosecuted. No laywoman, for instance could treat children as the former resident manager of Lenaboy did and escape punishment. Evidence is not wanting that the public have a shrewd idea of the conditions in many of these schools and that the public conscience is stirring. Last February for instance, the Minister for Local Government and Public Health sent the Minister the following extract from a letter which he had received from Deputy B Butler: —

'A strong supporter of ours in the Ranelagh area – I think he is a sort of Probation Officer – asked me on Monday night to pass on the hint to you that the Labour Party are about to make capital out of the fact that the children in industrial schools are being literally starved through stoppage of supplies of oaten-meal and meat. I don't think this can be so, but he appeared very earnest and insistent.'

Dr McCabe and myself have conducted a strenuous campaign against this semi-starvation. On her inspections she has attacked it in every school where she found it ... I have followed up her reports in all such cases with official letters, generally in strong terms. We have before us the task of uprooting the old idea that industrial school children are a class apart who have not the same human needs and rights as other children. There may have been something to this idea in the last century, but the present position is that from a material point of view, running an industrial school on an aggregate grant of about 18s/3d per head per week is a business proposition and the community should get value for its money.

1.134 Nothing more was heard of the matter.

1.135 Another example of an effective inspection is described in an internal memo of 2nd December 1944 from Dr McCabe to the Assistant Secretary:

We arrived unexpectedly a short time before 12 and went straight to the refectory where the dinner was set out. Dinner consisted of one big slice of bread and jam for most of the children who come in and make short work of the bread together with a tin cupful of milk (about half a pint). We were told that the rice which, according to the dietary on the wall, should have been issued, did not arrive from Cork.

I took the whole up fairly strongly with the Resident Manager. She kept up appearances for a while and then confessed to me that everything I said was true that things were worse even than I thought. One of her remarks was that she thought the children so badly nourished that their little legs were hardly able to carry them and that she had warned her authorities that they would lose their certificate. At their suggestion I sent for the Revd Mother, and the secretary and myself warned her in strong terms that the situation which had existed there could not be tolerated any further. I pointed out that the two other schools run by the Order in Cork-Cobh and Kinsale – were at the very top of the list in the matter of food whereas Passage West had become a kind of a bye-word. The Revd. Mother assured us that arrangements had been made to bring the diet fully up to the required standard and that there would, in future, be no cause for complaint.

1.136 A letter from the Department to the Provincial of St Joseph's Clonmel in December 1944 began by thanking the Provincial for substituting a younger Manager at the behest of the Department and went on to describe conditions of considerable squalor:

Incidentally, I feel bound to say a word in defence of the inspectorial system. Admittedly an inspector who visits a school like yours for one day in the year cannot get a full and complete picture of the manner in which it is conducted. All we claim is that a lady like Dr. McCabe, who spends all her time at this work, acquires the ability to get a picture

satisfactory as a result of her reports. The system has its faults but is there a better alternative?

Dr. McCabe suggests that the dormitories should be washed out at least once each month, and that one sheet should be changed on each bed weekly. The sanitary annexe should be cleaned each day, and whitewashed and pointed as required. (On the occasion of her visit it was very dirty and the walls were defiled with excrement.) The trouble here and in kindred matters is, in her opinion, due to the failure of the widow and daughter in charge to do their work properly. Apparently they got a lot of help from the boys before the School was recognised as a national school. The boy's time is now more fully occupied by literary and trade training and apparently the cleaners have been letting things slide.

Kennedy on inspections

1.137 The Kennedy Report was especially critical of the inspection system. Criticism was made concerning the inspectors' failure to pay attention to the circumstances of individual children, the piecemeal character of the inspections and the missed opportunities. Its verdict was damning though it should perhaps be noted that Kennedy was reporting at a time when for personnel reasons the inspection system was in a trough. The Report was made between the retirement of Dr McCabe in the mid 1960s and the appointment of Mr Granville in the mid 1970s, in other words a period when the Department did not have an inspector with professional expertise. The Report concluded:

The system of inspection has, so far as we can judge, been totally ineffective. In other countries the Inspectorate acts as a link between those in the field and those in central authority. In this way the system ensures that no one school or centre is working in isolation, unaware of development in other regions. This has not been the position here. There is only one Inspector and he is, in fact, the Administrative head of the RISB of that Department. His time is, primarily, taken up with the administration of his Branch rather than the inspection of the schools.

We are satisfied that the statutory obligation to inspect these schools at least once a year has not always been fulfilled but, even if it had, this would not have been sufficient. There must, in addition, be meetings where ideas are exchanged and discussed – they should not be merely fault-finding missions.

We have been advised by those in other countries who operate such a system that, on the basis of the figures given of those at present in residential care, [a much lower figure than formerly] approximately five or six Inspectors would be required to operate a proper inspectorate based on a central authority. In this way, every school or Residential Home could be visited frequently. Every child's case history could be periodically reviewed. These visits might be made to inspect a particular aspect of the running of the home – on other occasions they could be 24-hour visits to study the ordinary routine of the home. Faults, grievances, suggestions and requests could be examined in a general context and the inevitable result would be an overall and continuing improvement in the system.

1.138 One of the results of the Kennedy Report was an overhaul of the inspection system and the appointment of Mr Graham Granville as Child Care Advisor in 1976. The difference between the previous inspection system and the post-Kennedy system was that the new Child Care Advisor's role was to inspect the schools while focusing on the individual child rather than the institution. Prior to Mr Granville's appointment, inspectors had adhered to a standardised checklist of conditions, but in 1976 a new form was introduced. This new basis for assessment was a departure from the old thinking and included enquiries into psychological services and individual child assessment. The welfare of the child was paramount. Mr Granville's inspection reports also referred to medical aspects of each school ensuring that appropriate health and medical services were available.

Diet and nutrition in the schools

1.139

The widespread underfeeding of children was of particular concern to Dr McCabe, who disagreed with the Cussen Report's findings of 1936 that had described the diet of these children as 'on the whole adequate.' Dr McCabe instituted a system of revised diet scales, nutritional education and comprehensive medical charts recording the weight and height of each child, which she used as evidence of underfeeding in the schools. In a letter sent from the Department of Education to the Department of Finance, recognition is given to the value of correct medical records and stated that these charts 'brought about a marked improvement'.

1.140

The Department did try to address the near-starvation level of diet during World War II. An attempt at serious thinking is shown in a letter of 13th January 1945 from the Assistant Secretary in the Department to the Minister for Finance.

The Medical Inspector has stated time and again that the general standard of nutrition is too low. This grave state of affairs is due, to a degree, which varies depending on the individual School, to:

1. Inability to provide adequate quantities of food owing to the rise in prices;
2. Failure to do so owing to parsimony; and
3. Failure to provide a properly balanced diet (even when the quantity is adequate) owing to lack of training in the management if institutions for children and ignorance of fundamental deictic principles.

As to (1), the payment of the State capitation grant on all committed children and the increase from 5s to 7s per week of the State and local authority grants for children under 6, (both changes took effect as from the 1st of July last), have done something to ease the schools' financial position. When pressed to improve diet, however, managers complain continually that they cannot afford to do so, or that they can do so only by economising elsewhere e.g. in clothing. The Association of Managers has applied for an emergency bonus of 5s per week per child. There is no doubt that the schools, particularly the smaller ones and those that have no farms or very small ones have a case for an emergency increase in their income if they are to be compelled to maintain, and in many cases, to improve upon, their pre-war standards of food and clothing.

As to (2), the strongest possible action has been taken in all cases where the Department was satisfied that parsimony was the predominant cause of gross malnutrition. Two resident managers have been removed from office at the request of the Minister for Education. Others have been solemnly warned and will be removed in due course if there is no adequate improvement. (in one such case in Co. Cork the warning was given personally by the Secretary of the Department accompanied by the Inspector of Reformatory and industrial Schools.)

As to (3), this is a contributory cause of malnutrition in all schools, particularly those conducted by nuns, and an effort to eradicate it is an essential part of the general attack on malnutrition. It is proposed to have a course in institutional management next summer and to invite the Sister or Sisters in charge of the catering in each of the 43 schools conducted by nuns to attend. The City of Dublin Vocational Committee will be asked to conduct the course in Coláiste Muire la Tigheas, Cathal Brugha Street, and to make available the services of professors on their staff who are highly skilled in those subjects. From preliminary discussions between officers of the Committee and the Department it has been ascertained that the course could be specially designed to suit the actual conditions existing in the schools. It would deal with fundamentals of institutional cookery as applied to industrial schools needs, on costing, storage, and preparation of foodstuff. In addition, the Department's Medical Inspector would avail of the opportunity to give some lecture on balance in diet, hygiene, etc. The course should last for four weeks.

Having regard to the background out of which this proposal emerges persistent pressure by the Department on the schools to spend more money on food and constant complaints from the schools that they cannot afford to do so it will be clear that the course must not involve the schools in any expense if there is to be a reasonable prospect of securing their cooperation. It is proposed to make a grant of £9 towards the expense of each nuns travelling expenses, £6 for four weeks hostel expenses in Dublin, and £1 for materials and part maintenance (they will eat the meals they prepare). Nuns from Dublin City schools would receive the grant of £1 only.

- 1.141** In a long memo of 25th November 1944 written by Dr McCabe to a senior colleague she enclosed height and weight charts as a background to her scientific account of her attempts to get the schools to feed the children appropriate and nourishing food. The following quotation gives the flavour:

For a considerable time past I have been carrying on a campaign for an improvement in the diet scales in the industrial and Reformatory Schools. Shortly after my appointment in 1939 I revised all the diet scales and advised individual schools as to deficiencies in the diet scale. On the whole I secured a measure of cooperation. I introduced many items of food to the school diet which were not then in use because they were unknown to the school managers. For a time all went well but that was in the halcyon days when food was plentiful and fairly cheap. The position on this regard cannot now be regarded as satisfactory.

Dr McCabe and the Managers

- 1.142** In the early part of her career Dr McCabe was vociferous in her demands for improvements in diet and conditions in the schools and was quick to inform the Managers of her dissatisfaction. In a memo sent by Dr McCabe to the Department on 25th November 1944, it is clear that her reforms were often met with resistance from the schools and only instituted when Departmental pressure was applied:

In the great majority of schools the children get a bare subsistence diet and nothing more. I have had abundant and convincing proof of this and have effected an improvement in conditions in some of the schools only after the strongest measures were used, e.g., Lenaboy and Passage West.

- 1.143** The Resident Managers often ascribed failings on their part with regard to the shelter and diet of the children to the inadequate funding received from the Department. The unavailability of funds was proffered as an excuse by both the Department of Education and the Resident Managers, in response to many of the weaknesses cited in the inspection reports. Consequently, Dr McCabe's work was hampered by the ongoing capitation negotiations between the Congregations and the Departments of Education and Finance. At the end of her period in office in 1964, she wrote:

I am constantly pressing for further improvements but I am met with the same query from all concerned 'Where is the money to come from'... This state of affairs puts me in a very invidious position as I am unable to have the further improvements envisaged by me implemented.

- 1.144** Following an inspection of Letterfrack in 1957, Dr McCabe described the difficulty she faced in attempting to improve conditions in the schools:

I would really like to see a number of improvements here- clothing, living conditions and cooking arrangements. I have often made suggestions but each time I feel up against a stone wall as always I am told increase the grant – give more money and of course I realize their difficulties – but all the same I will have to insist on better conditions for the boys. Br. Murphy the Resident Manager is very argumentative and difficult to persuade.

1.145 Dr McCabe advocated a strong response to Resident Managers who refused to implement recommendations: in striking contrast to the usual emollient words used by the Department, her correspondence with certain Resident Managers was often peppered with strong language and demands for improvements. One such letter to the reverend mother of Newtownforbes in 1940, in relation to unsanitary conditions and neglect of sick children, states: 'I cannot find any excuse which would exonerate you and your staff.' The inspector felt the best course of action was to hit the schools in their purses and threatened to reduce or remove state funding or certification if the Resident Managers did not comply. Nevertheless, the Department considered it 'impolitic' to withdraw the certificates of suitability. However, Dr McCabe did succeed in having two Resident Managers removed from their positions as a direct result of her inspection reports.

Corporal punishment

1.146 Ensuring that the children received adequate food appears to have been Dr McCabe's primary focus; the common use of excessive corporal punishment does not figure as prominently in her work. In her general report of 1964 she states:

Corporal punishment was very prevalent when I first visited the schools, beating of children being quite commonplace; in addition there was a form of sadism deplored by me the cutting of girls hair and the shaving of boys heads. All this has been virtually eliminated except for the unfortunate example of the nuns in Bundoran.

1.147 Yet, so far as one can make deductions from a negative, there exists little to suggest that Dr McCabe actively attempted to prevent the excessive physical punishment of boys. Where criticism did exist it was levelled mostly against the girls schools. In 1940, upon finding girls in the infirmary in Newtownforbes showing signs of physical abuse, Dr McCabe wrote a scathing letter to the Resident Manager, in which she wrote;

I was not satisfied in finding so many of the girls in the infirmary suffering from bruises on their bodies. Under no circumstances can the Department tolerate treatment of this nature and you being responsible for the care of these children will have some difficulty in avoiding censure.

1.148 Conversely in a boys' reformatory the punishment received by a number of the children appeared to contravene Department regulations, Dr McCabe is not recorded as having challenged the Resident Manager. In a report to the Department on the basis of a complaint from the father of a resident of Daingean concerning excessive corporal punishment, Dr McCabe wrote: 'I failed to discover any marks on any boy including ...'. She also made disparaging remarks about the boys in general, referring to them as 'terrorists' and stating that the boy whose father complained 'is an unpleasant type of boy'.

1.149 Despite the 1946 circular stating that principals could draw on the advice of the Department's Medical Inspector 'regarding any children who are specially troublesome or difficult to control', there is no evidence that Dr McCabe offered advice on how the troublesome boys could have been treated differently. The standard forms completed by Dr McCabe and the other inspectors did not contain references to issues of discipline or punishment until Mr Granville, Child Care Advisor to the Department, noted that corporal punishment was still in use in the schools.

Punishment book

1.150 The requirement to keep punishment books is provided for in Rule 12 of the Department's Rules and Regulations which states:

The Manager or his Deputy shall be authorised to punish the Children detained in the school in case of misconduct. All serious misconduct, and the Punishments inflicted for it, shall be entered in a book to be kept for that purpose, which shall be laid before the Inspector when he visits. The Manager must, however, remember that the more closely

the school is modelled on a principle of judicious family government the more salutary will be its discipline, and the fewer occasions will arise for resort to punishment.

- 1.151** Department files do not provide examples of these punishment books being kept by schools or 'laid before the Inspector'. The inspector did not refer to the checking of punishment books in her/his inspection report but would at times record that 'Records were well kept'. It is possible that schools kept these journals for a time and subsequently disposed of them when they were no longer needed. On 16th December 1970, the Minister for Education informed the Dáil that: 'No industrial school now keeps a punishment book'.

Dr McCabe's illness

- 1.152** In the early part of her career, Dr McCabe was heavily critical of the schools, reporting findings very different from the relatively favourable conclusions in the Cussen Report just a few years earlier. She stated that she was 'simply horrified at the conditions existing in the majority of the Schools'. However, her reports from the 1950s show a marked decline in detail with little of the critical commentary that had characterised the reports of the 1940s. While it is possible that improvements were made during her tenure, and that the schools were better resourced, it is also necessary to take into consideration the fact that from the late 1940s Dr McCabe was suffering from recurrent illness.

- 1.153** Although there is no definitive diagnosis of Dr McCabe's condition, it is evident from medical reports in her Departmental personnel file that she suffered from severe depression for much of the period during which she held the position of Medical Inspector with the Department. This illness seems to have commenced in the late 1940s, with a severe episode in 1951 requiring hospital therapy.

Unfortunately, over the following number of years Dr McCabe's health did not improve and began to deteriorate seriously in the mid-1960s. Dr McCabe resigned in 1965.

Part 6 Innovations and Improvements

Structural reforms

- 1.154** Before Kennedy, there was little thought given to a fundamental overhaul of the system. One of the few considerations of structural change is contained in the following brief statement. T O'R on 15th March 1967 wrote in an internal memo.

A new development in recent years in a number of the Industrial Schools has been the introduction of the Group System. Under this system it is claimed that the children feel a greater degree of security, become more alert, make better progress at school, are generally more friendly and more easily overcome their handicaps. The Minister would be glad if Managers would give consideration to this new development with a view to its introduction, where possible, into their schools. 4.12.24 noted that in a small number of schools, laudable efforts are being made to break the residential portion of the school into units and encouraged stronger efforts in this direction.

One line of approach to the problem of the Industrial Schools is the provision of a Prevention Centre. The importance of the Prevention Centre will lie not only in the turning back of the youngsters from their first steps in delinquency and the caring for innocent youngsters from broken homes, but also in that it will reduce considerably the number of children who will be committed to industrial schools.

This raises the question of the second line of approach. It is that the industrial schools will in future have to devote themselves more to rehabilitation type of work. This will mean that they will have to organise the children into smaller groups and so have to employ a

much larger staff of skilled personnel. The children will, learn by doing (as Senator Quinlan mentioned in the Seanad debate on 'Investment in Education').

It might be unwise to bring up the matter of industrial schools as we are in no position to defend our achievement as far as the size of grants goes.

- 1.155** Another rare example of this fundamental question being squarely addressed comes in a letter of response by the Department to criticisms put forward by the Joint Committee of Women's Societies and Social Workers in 1955.

The slogan that 'a poor home is better for a child than the best institution' is alright as a catch cry but is certainly not true if is meant by a poor home a home of squalor, hunger and malnutrition, vice and bad example. People before using such slogans should become familiar with bad homes and with institutions such as industrial schools or orphanages which are conducted on proper lines. These latter, at least the industrial schools administered by this Department, have considerably improved in the last 12 of 15 years, mainly through (1) a consciousness on the part of the conductors following the Report of the Commission of Inquiry into the R&I. School system of 1934-36, and the passage of the 1941 Children Act of the need for improvement standards in the schools, (2) efficient and regular inspection, (3) the Course in Childcare in 1953 for nuns engaged in Orphanages and Industrial Schools. The improvements resulting from this Course are becoming evident as time goes on.

With regard to the recommendation of the Women's Committee the following comments are made in the order set forth in the Joint Committee's letter.

1. That the maximum number in any institution should not exceed 250. The only school which accommodates more than 250 is Artane. The question of breaking up that school into smaller schools was recommended by the Commission of Inquiry 1934-36 but nothing came if it mainly due to the opposition of the conductors and the extra huge expenditure involved. I consider that in fact 250 is altogether too big a number for a school and that 50-100 would be the ideal number.
2. Division of children into groups.

Kilkenny Girls School (accommodation 130) and St. Georges Limerick (170) have introduced the group system. (Kilkenny in 1952 and Limerick quite recently). This means the grouping of the girls over 6 years of age in sections of 30 approx-each section under the care of a nun who acts as 'House mother'. In Kilkenny each section has its own Dormitory, Dining Room, Living Room. I attach a description of the grouping system as given by Sr. Laurentia for the Kilkenny school at the Child Course held in Carysfort College in August, 1953.

The group system is new to our schools. It involves the school in extra staff and in considerable expenditure to adapt the accommodation to the system. It is probable that with a little encouragement and coaxing form the Departments schools. The question of adopting it in boy's schools, both senior and junior would present more difficulties than in the case of girl's schools.

Closure

- 1.156** The schools' population peaked in the late 1940s. There was a steady decline in numbers through the 1950s and the process accelerated in the 1960s. The Department of Education noted as early as 1951 that since 1945 there had been an average of 250 vacancies in the Boys' Schools.

- 1.157** In 1955, the subject of closure was tentatively mentioned by the Secretary of the Department of Education in negotiations with representatives of the schools. In a letter from the Minister for

Education to the Minister for Finance on 21st January 1965, the former noted ruefully that Finance had been urging closures for years and then continued:

Naturally your main concern is economy while mine is the upbringing of children. Certain aspects of the matter of transferring children to other schools have to be carefully considered. Many children have god-parents in their school localities and quite a number of children attend schools, national, secondary and vocational outside the industrial school. It may not be possible to accommodate such children suitably if transferred to another district.

- 1.158** In 1950, there were 50 Industrial Schools. In the 1950s five schools closed: four senior boys schools – Baltimore (1950); Killybegs (1950); Carriglea (1954); and Greenmount, Cork (1959) and one girls school, Sligo (1958); but in the case of each of the boys' schools there were particular reasons that were at least as significant as the general trend. The next closure was Birr, Offaly (1963). During 1964-70, 17 more schools, more than a third of the total, closed, including the senior boys' schools at Upton, Glin and Clonmel, in each case with the full agreement of the Orders concerned. By the time of the Kennedy Report in 1970, another 13 had closed leaving a total of 29 still operating.

- 1.159** The impression is that the closures that did occur pre-Kennedy (1970) did not come about because the Department pursued a coherent policy and took a considered decision to bring them about. The closures happened because the Orders wished them. On 23rd May 1966, the Managers' Association wrote to the Department:

At their meeting on last Friday there was a consensus of opinion amongst the Resident Manager that most of the Schools will be forced to close.

If the present system is not acceptable to the public or the Government the Managers are prepared to close the schools next year, because they feel that the strain of working under present-day conditions is too acute to be continued.

- 1.160** Making allowance for some element of bluff in this letter, it is unlikely that the schools would have expressly raised such a fundamental issue as closure unless they believed that matters had reached crisis point. In 1968, the Manager of Artane visited the Minister to warn him that the Christian Brothers had decided to close Artane, though this closure did not in fact occur until 1969.

- 1.161** One feature of the timing of most of the closures is that they coincided with the doubling in demand for secondary school places, which followed on the abolition of secondary school fees. This was announced suddenly by the Minister for Education, Mr O'Malley, in 1966 and came into effect in August 1967. As a result, enrolment in day secondary schools rose from 148,000 in 1966-67 to 239,000 in 1974-75.

Part 7 The beginnings of change

- 1.162** Both the public and the authorities began to lose confidence in the Industrial School system at the same time. The Christian Brothers believed the 'public had turned against them', the image of the schools having been damaged by 'negative newspaper and television coverage ... and by criticism from professional sociologists, [and even from] the clergy and the bishops'. The Christian Brothers referred also to 'Authorities charged with improving social matters', who they felt had become 'hostile to schools such as Artane... County Councils, the Department of Health and those various organisations involved with the care of children would prefer to put them in foster homes or with families, anywhere but in institutions such as Artane'.

1.163 At the same time, there were various practical improvements in the schools, mostly because of rising economic prosperity in the 1960s. The following contemporary account, from Michael Viney's 1966 *Irish Times* series, provides some examples:

A hundred boys is probably the most any one centre should contain, if the staff are to have any chance of treating them as individuals. So consideration of closing Upton and Letterfrack has not been without its ironies. For a hundred boys, more or less, is just what each of them has now. They were built, of course, to hold far more, and the present capitation system makes it uneconomic to run them at less than three-quarters full – about double their present population. Both Upton and Letterfrack have undergone major reconstructions and improvements in the last few years. The Department of Education has granted large sums to build or convert new classroom wings and the orders themselves have borrowed heavily from the banks to pay for other, very welcome improvements. So just as these schools have been brightened out of all recognition, their future has never seemed more uncertain.

Reports and other indicators

(1) OECD Report

1.164 In 1961 one of a set of national surveys, a wide-ranging study of Irish education and training by economic experts, was prepared by officials from the Department of Education in cooperation with the Organisation for Economic Co-operation and Development (OECD), under the chairmanship of the economist and ex-civil servant, Professor Patrick Lynch. It included a section dealing with the treatment of children in detention. This section criticised the operation of the schools attributing many of their defects to the inadequacy of the capitation grant and also the substantial surplus capacity within the schools, especially the girls schools, where there was only 37 percent utilisation of space.

(2) The Commission on Mental Handicap

1.165 In 1965 the Commission on Mental Handicap raised doubts about institutionalisation in a wider context. Its report observed at para 138:

Orphans and unwanted and illegitimate children are a very vulnerable group. Many fail to realise their potential through loss of firm ties of affection, lack of stimulation and absence of suitable adults to provide a feeling of security and to meet their emotional and psychological needs. Legal adoption, where it is possible, is undoubtedly the most satisfactory method of dealing with the problem....family care is preferable to care in an institution.... We are well aware of the wonderful work carried out in these institutions and our regret is that because of a lack of appreciation of the psychological and emotional needs of children or because of inadequate staffing, the best results are not always achieved.

(3) The Inter-Departmental Committee on Crime Prevention and Treatment of Offenders

1.166 In September 1962 an Interdepartmental Committee was established to inquire into possible approaches to the prevention of crime and the treatment of offenders. The Committee was composed of senior officials of the Departments of Justice, Health, Education and Industry and Commerce. Its proceedings concerning Fr Moore's views on Artane are discussed in the chapter on that institution (Volume I, Chapter 7).

1.167 The Committee's more general recommendations as to Industrial and Reformatory Schools anticipated those of Kennedy in some respects and echoed Cussen in others. One of its central recommendations was the introduction of proper aftercare supervision, the lack of which they viewed as 'a most grievous fault in the system'.

(4) The Tuairim Report

1.168 The Tuairim Report of 1966 was another harbinger of change and bookmarked a change in thinking within the Department. Tuairim was a private group interested in publishing ideas for practical, social or governmental reform. One of its best-known reports entitled ‘Some of our children’ evaluated the certified schools system in Ireland. In some ways its content also anticipated that of the Kennedy Report. The Tuairim Report drew attention to the ‘failure to implement, other than a few’, the recommendations of the Cussen Commission. The Department of Education concurred with a number of Tuairim’s findings and stated in an internal memo ‘it is true that the whole system is in need of complete overhaul’.

(5) A play at the Abbey Theatre

1.169 On 30th January 1961 a play by Richard Johnson, *The Evidence I Shall Give*, was premiered at the Abbey Theatre. It ran for 42 performances, and then was restaged in July of that year when it ran for a further nine. It returned in August for 21 more, in September for nine, and finally in October for six. Such a run, with a total of 87 performances, was most unusual.

1.170 The author was a District Court judge. The play depicted a day in the life of a District Justice and the principal case was an application to have a 13-year-old female inmate of an orphanage transferred to an Industrial School because her alleged disobedience made discipline impossible. The protagonists were the defending solicitor, who was a kind and humane character, and who argued that ‘small children need kissing and caressing’ and the Mother Superior of the home, who was unloving and was driven by the need to enforce severe discipline and through it to bring the children ‘to humility’.

1.171 The children had been committed because their father could not afford to engage a woman to look after his six children. The solicitor then calculated that with the capitation fee of £2.10s per week per child, the Order was being paid £390 for the three sisters, and the other institution was being paid £370 for the other three. ‘Will you agree’, he asked the mother-general, ‘that for £150 a year he could have got somebody to look after all six?’

1.172 The play ended with the young girl removing the scarf covering her head to reveal it to be shaven, her punishment for absconding. The solicitor then addressed the court, saying ‘...what a dreadful commentary on our so-called Christian State that the soul of a little child should be thus crucified in order to instil humility’.

1.173 Far from being controversial, the message of the play was well received by the audience and its success reflected the readiness of the public to hear the criticisms made by the play.

The Kennedy Report

1.174 In retrospect, the establishment of the Kennedy Committee to review Reformatory and Industrial Schools seems more like an obituary than a death warrant for the existing system. In a memorandum prepared by Tarlach O’Raifeartaigh, the Secretary, for the Minister for Education in March 1967, he suggested that it would be ‘well worth considering whether the whole problem of reformatory and industrial schools should not be our next major target’. The Minister, Mr O’Malley, said he had always ‘felt deeply’ that children in care there had ‘a very special claim on society’.

1.175 Formally, both the Department and the Minister emphasised that a revision of the existing schools system should not be construed as an adverse reflection upon the management of schools by the religious Orders, which deserved praise for the ‘excellent manner’ in which the schools were conducted. However, there is no doubt that Minister O’Malley privately suspected that harsh conditions were pervasive in the schools as is evident from an informal remark to his Department’s

representative on the Kennedy Committee: 'I'm depending on you to see that this whole area is properly cleaned up. I'm behind you.'

Kennedy's recommendations

- 1.176** The Committee made a crucial finding in relation to the existing system. Paragraph 4.2 of the Report said that:

...there is, in general, a lack of awareness of the needs of the child in care. By this we do not mean physical needs which are, in the main, adequately if unimaginatively catered for. We are referring to the need for love and security. All children experience these needs from their earliest days; the child who has suffered deprivation has an even greater need for them.

- 1.177** Noting that most of those working in Industrial Schools and Reformatories had little if any qualifications, the Report recommended: proper training, the transfer of administrative responsibility for childcare to the Department of Health, and the system of payment on a capitation basis to be replaced by a system based on agreed budgets so as to encourage improvement in the children's circumstances. However the Committee's major recommendation was that:

The whole aim of the Child Care system should be geared towards the prevention of family breakdown and the problems consequent on it. The committal or admission of children to Residential Care should be considered only when there is no satisfactory alternative.

- 1.178** Like the Cussen Commission before it, the Kennedy Committee also supported the view that Resident Managers should have detailed knowledge of each child under their care. It was also agreed that a proper system of determining a child's background and capabilities was essential in preventing an escalation of anti-social behaviour or educational disadvantage. In the Kennedy Report it was concluded that:

As the system operates at present, a child is often admitted or committed to the care of the school manager, who knows little, if anything, about the child's background. This can lead to great difficulties, particularly in the case of delinquent children, or those with delinquent or anti-social tendencies. The child may be retarded, suicidal, homicidal or homosexual, but the school authorities have no way of knowing this and by the time they learn it, much damage may have been done.

Part 8 The Department's handling of complaints

- 1.179** The chapters in Volumes I and II on the schools recount many instances of complaints that came to the notice of the Department and the manner in which they were handled. Those cases are not repeated here and the following remarks are confined to general issues.

Complaints from parents and members of the public

- 1.180** The Department of Education wrote to the Kennedy Committee to explain its procedures for dealing with complaints from the public:

Upon receipt of a complaint from a parent or guardian about the treatment of a child in an industrial school, the Manager is furnished with a copy of the complaint and his observations are requested. Depending on the seriousness of the complaint the Inspector of Reformatory and Industrial schools will also interview the child and the school authorities and take appropriate action where necessary.

- 1.181** The Department also told the Committee it had 'no complete record of all complaints received' as many were of a 'trivial nature'. It provided the Committee with nine examples of complaints

received in the previous five years, all but two of which were deemed to be baseless. Mr Mac Uaid, an executive officer in the Department, wrote on another occasion: ‘Complaints about the treatment of children in industrial schools are not infrequent but from experience I would say that the majority are exaggerated and some even untrue.’

- 1.182** The Department’s submission to the Commission to Inquire into Child Abuse summarised the situation:

The procedure for dealing with parent’s complaints was to refer them to the Manager of the school for consideration and depending on the response of the Manager and the seriousness of the complaint to determine whether the matter should be pursued with the school management. There does not appear to have been a defined system of assessing the seriousness of a parental complaint and generally the Department did not interview the parent or child concerned... There is no indication that complaints supported by public representatives were taken more seriously than others.

- 1.183** It added:

There is also evidence to suggest that in many cases the Department accepted the explanations given by the Resident Manager when complaints were brought to his/her attention and that the Department may have viewed some complaints with a degree of scepticism.

- 1.184** The Department’s submission also stated:

Where complaints were aired in the public media, the Department appears to have been concerned to protect the reputation of the school while privately addressing concerns with the religious order.

Enforcement

- 1.185** At the conclusion of the Department’s investigation of a complaint or episode, some kind of judgement had to be reached. The Department generally gave the benefit of the doubt to the school. Where an adverse conclusion was reached, the question of sanction, if any, depended on the nature of the complaint. One possibility where a member of staff was personally culpable was the removal of the staff member, which did happen but only on a very few occasions. As each side knew, there was also the ultimate sanction of derecognition, but, as each side also knew, this was the nuclear option, to which there were big disadvantages from the Department’s point of view.

- 1.186** • **The Department did not have a system for examining and investigating complaints. It had a system that managed complaints in a way that minimised adverse publicity and scandal. Its trust in the religious Congregations led to a sceptical approach that rejected complaints in the majority of cases. The Department relied on the Resident Managers to respond to complaints and tackle the issues raised. This approach was a serious failure of the Department’s supervisory role.**

Part 9 Missing files

Introduction

- 1.187** The principal sources of documentary evidence in relation to Industrial and Reformatory Schools are:
- the Department of Education and Science;
 - other Departments of State including the Department of Health and Children and the Department of Justice, Equality and Law Reform;
 - the archives of the Congregations that managed the schools and reformatories.

- 1.188** Records on Industrial Schools comprise a wide range of internal Departmental files, covering areas such as: certification, general inspection and medical inspection. Registers on all children who were admitted to the schools through the courts also exist and in some of these cases there are files with varying degrees of detail on individual children. The completion of a comprehensive archivist exercise on these records by the Department has resulted in the creation of a database of approximately 36,000 entries.

Archival and discovery reports

- 1.189** In 1996 the archives of the Reformatory and Industrial Schools were catalogued by an archives and records management company, at the behest of the Department of Education and the National Archives. The records relating to the schools were mostly kept in the basement of Talbot House, a building on the grounds of the Department of Education headquarters, Marlborough Street, Dublin. In April 1998 the company submitted its final report to the Department. It noted the poor storage conditions in which these sensitive documents were kept, so much so that documents had to be cleaned before cataloguing could begin. Its findings were:

- (1) Case files and registers:
 - a total of 41,714 entries made in registers and case files
 - there were no registers or case files for three schools.
- (2) Certification files:
 - 72 entries in the certification files.
- (3) Administrative files:
 - 792 entries in the administration files.
- (4) Miscellaneous registers
 - 31 entries in the miscellaneous registers.

- 1.190** In 1999 Dr Gerard Cronin undertook to complete a report on the Reformatory and Industrial Schools' Archives in Athlone. In his 'Initial Report on the Reformatory & Industrial Schools' Archives Athlone' Dr Cronin stated:

...every so often I have come across items (sometimes misfiled) which directly or indirectly throw unfavourable or critical light on the conditions which the young offenders had to endure at the Daingean School.

- 1.191** In 2004 Mr Noel Dempsey TD, the Minister for Education and Science, appointed Mr Matthias Kelly QC to conduct an independent review and report on the provision of discovery by the Department of Education and Science to the Commission. There was a particular background to this decision, which is explained at para 6 of Mr Kelly's report:

There has been criticism of the way in which the Department of Education and Science has handled the process of discovery of documents to the Commission. In the Third

Interim Report, Ms Justice Laffoy recorded that the Commission were not satisfied that the department had complied fully with an order for discovery. There were concerns that the process of discovery was experiencing problems. It was against this background that I was asked to undertake this review.

1.192 His main objectives were:

- (1) to review the processes and procedures operated by the Department of Education and Science in main discovery to the Commission to Inquire into Child Abuse; and
- (2) to make such recommendations as are appropriate in relation to discovery by the Department of Education and Science.

1.193 Although the Department had disclosed its historic archive to the Commission voluntarily, this archive did not contain the total number of files relevant to the work of the Commission. Files not included and identified by Mr Kelly QC were:

- 27,000 pupil files;
- incomplete and early discharge papers;
- the working papers of the Kennedy working party;
- material separately held in safe storage within the Department;
- incident books;
- precedent books;
- miscellaneous files one would expect to find.

(1) 27,000 missing pupil files

1.194 The 3rd Interim Report by CICA describes how the Department of Education sent to the Commission a ‘Database of Former Residents of Reformatory and Industrial School’, containing approximately 42,000 entries of pupils who were committed by the courts to Reformatories and Industrial Schools during the allotted timeframe relevant to the Commission; however the database does not contain records of pupils placed in Industrial Schools by local authorities under the Public Assistance Acts or the Health Acts or voluntary placements. The Department should be in possession of 41,000 pupil files. However files exist relating to only 14,000 pupils, therefore 27,000 pupil files are missing. Of these 27,000 files, 18,000 relate to children who were admitted to institutions from 1936 onwards. From 1960 onwards the Department is in possession of virtually 100 percent of pupil records. Matthias Kelly concluded that these files were thrown out in the Department’s ‘general clear out’.

(2) Incomplete and early discharge files

1.195 Early discharge papers relate to applications made by parents to the Department to have their children released from institutional care. Some of the discharge papers are missing and in other cases the record in relation to the individual is incomplete and some of these applications may have been placed on the individual child’s pupil file. The Department has a register of applications for early discharge dated 1951-60 only. Matthias Kelly stated within his report the importance of these records for former Industrial School pupils, emphasising the need for these people to know that their parents tried to ensure their release from the schools. Mr Kelly concluded that the papers were lost as a result of the ‘general clear out’.

(3) The Kennedy working papers

1.196 The report of Matthias Kelly concluded that the 10 working papers of the Kennedy Commission were missing. Subsequently, in May 2004, seven of the working papers were given to CICA, and an eighth was handed over in 2007. Mr Kelly in his report stated ‘In my view those working papers

are or may be relevant to the work of the Commission.' However his report concluded that the Department had done all within its capabilities to locate the two papers.

(4) Material separately held in safe storage within the Department

- 1.197** In his evidence before the Commission Mr Liam Kilroy, when asked about the process of storing files, suggested it was a practice within the Department to store documents in a separate filing cabinet if the official was personally involved or the file was deemed unsuitable for general filing. He explained: '*If it was an issue with which I was personally involved ..., then I would retain the papers in my room, in my office.*'
- 1.198** Furthermore in his evidence before CICA on 4th March 2003 Mr Paddy Matthews referred to the use of a safe to hold sensitive and confidential files. Mr Matthews claimed that Mr Luttrell, Head of Document Registry Unit, kept confidential files in a little safe in the document registry in Tyrone House. When asked what type of documents were kept in this safe, Mr Matthews replied: '*I am only going on what I heard now, but that any offences with a suggestion of a sexual offence in them were kept there.*' Although the Kelly Report stated that all reasonable steps had been taken regarding the issue of safe storage, Mr Matthews later went on to state that he too had a safe in his office, which contained documents of a 'sexual nature'. He said he had no log of the documents contained therein. In further evidence before CICA, Mr Matthews claimed that he had only ever heard of one complaint of a sexual nature (relating to Clonmel) He added: '*I cannot remember any other complaint now, to tell you the truth. I think if there was, I would have heard it.*'
- 1.199** The report prepared by Mathias Kelly QC was critical of the way the Department had kept sensitive papers on the Clonmel sexual abuse allegations in a temporary folder.
- 1.200** The file known as TN030, short for Temporary Number 030, was kept in Liam Kilroy's private office. Liam Kilroy went on to affirm knowledge of two other files in his office relating to abuse – Lisnagary in Limerick, Daughters of Charity (Q 20) and Finglas Children's Centre.
- 1.201** Mr Kelly concluded, however, that the case of TN030 was an isolated one and that in any large organisation there will be the occasional instance of documents being wrongly filed and individual idiosyncratic filing. He concluded, 'I cannot, therefore, attach any weight to the suggestion that "sensitive" documents were stored separately.'

(5) Incident books

- 1.202** Incident books, sometimes called 'log books', were kept by the various schools to record significant incidents or events within the schools or institutions. Matthias Kelly concluded:
- The Secretary General has assured me that the Department does not generally hold incident books at all. The point is made, that if such books do exist, and I would expect that such books do exist, they will be held by the various institutions themselves.*

(6) Precedent books

- 1.203** The precedent book was a record of decisions made relating to the certified schools system, catalogued in one place to allow for administrative ease. Mr Matthews, a former Assistant Secretary within the Department of Education, made reference to the existence of such a book in his evidence before the Commission. He stated that:
- the precedent book should still be there. No, there is no reason why it shouldn't, because all the sections in the place, it was an essential feature of Government business, to know what the precedents were, just the same as in law.*
- 1.204** However Mr Kelly concluded: '*In my view there is no hard or reliable evidence that the book, as described, ever existed.*'

(7) Miscellaneous files one would expect to find

1.205 This category refers to the general gaps in information regarding the Department of Education's running of the Industrial Schools system. These files include certification files, general and medical inspection reports, internal Departmental memos, letters and general correspondence.

Sex abuse files

1.206 The Department of Education Statement to CICA in May 2006 stated:

There are few cases of reported sexual abuse in the industrial and reformatory schools recorded in Departmental files (7 in all). We have no record of sexual abuse issues surfacing during the course of normal inspections.

1.207 The seven abuse files are:

- Upton 1945
- Kilkenny 1954
- Ennis 1956
- Daingean 1959
- Artane 1960
- Mr Brander
- TN030.

1.208 Ms Bridgid McManus, Secretary General of the Department of Education, gave evidence before CICA on 13th June 2006. In light of the absence of Departmental records relating to incidents of sexual abuse in the Industrial Schools and Reformatories over which the Department of Education presided, Ms McManus was asked if any efforts were made to ascertain from old employees, retired employees or even existing employees of the Department who worked in the relevant section, whether incidents of abuse may have been passed on to the Department, but were not reflected in the files. All senior administrative staff in the Department, at principal officer level and upward, and all existing and former Department inspectors were contacted. Following this line of questioning CICA was furnished with the responses received by the Department from former officials within the section; these responses did not give any information regarding undocumented cases of sexual abuse.

1.209 Subsequently other former staff members who had previously worked in the RISB or Special Education Section were contacted regarding specifically:

- the historic management and storage of files relating to the Industrial and Reformatory School system;
- their knowledge of any destruction or purging of such files;
- any information they may hold with regard to missing files or gaps in the Department's records;
- departmental files relating to the Kennedy Committee;
- the use of a safe to hold sensitive and confidential files.

1.210 With regard to information ascertained from these efforts the Department of Education informed CICA that:

While these interviews provided information in relation to the destruction in 1958/59 of some industrial and reformatory ledgers which predated the 1900s, they did not throw any light on any of the other matters mentioned above or on any particular arrangements for holding sensitive or confidential records in relation to incidents of abuse.

Mr Brander and TN030

- 1.211** The case of Mr Brander and the file entitled TN030 are of most relevance to this chapter.
- 1.212** In September 1997, the Gardaí in Tullamore, County Offaly, wrote to the Department of Education (Primary Branch) informing them that Mr Brander, a former principal of Walsh Island National School, was the subject of a Garda investigation. The investigation related to incidents that took place during Mr Brander's time in Walsh Island. The Gardaí requested any information regarding complaints the Department may have received during the time in question. The Department stated that they conducted a 'thorough search... Primary and Second Level Branches, but nothing came to light at the time'. In January 1998 a file containing papers relating to Mr Brander was discovered in Second Level Branch, Athlone. The papers included a letter, sent to the Department on 27th May 1982, by Mr Rothe who identified himself as a national teacher, living in Edenderry, alleging sexual abuse of boys by Mr Brander. Although a number of internal memos were found discussing a possible course of action, no reply to Mr Rothe was found amongst the papers.
- 1.213** Among these memos was correspondence from a higher executive officer, dated October 1983, stating than there were no records regarding Mr Brander as his cards and appointment file were missing.
- 1.214** The full story of this man's career of abuse is told in Volume I Chapter 14.
- 1.215** TN030 is a Department of Education file titled 'Meeting with Clonmel Authorities, Wednesday 04th December 1996'; the TN refers to the 'Temporary Number' assigned to this file. Contained within this file is correspondence between the Department of Education and Science and the Rosminian Order who operate St Joseph's Special School, Ferryhouse, Clonmel. In particular it deals with a series of contacts from 1980-97 between Departmental officials and the institution and refers to incidents of child sexual abuse in the 1970s that are discussed in detail in Volume II Chapter 3.
- 1.216** In total there were three separate allegations made to the Department.
- 1.217** The Commission learned about the existence of these allegations following the receipt of a statement from a former Manager of St Joseph's Special School. The Department had been made aware of allegations of abuse as early as 1979. The Investigation Committee conducted a through search of the documents given to them by the Department, but no file relating to these reports of sexual abuse were discovered.
- 1.218** Following correspondence with the Chief State Solicitors office, the file relating to these matters was located and furnished to the Commissions. The full account of the cases appears in the chapter on Ferryhouse Industrial School (Volume II Chapter 3).

Renmore

- 1.219** In 1969, during a routine inspection of Renmore, a Department of Education inspector was approached by a 15-year-old boy who claimed to have been sexually abused by a senior member of the staff of the school. Following questioning of the boy the inspector became satisfied that he was telling the truth and informed his superior in the Department of Education, the Provincial of the Brothers of Charity and the school Manager.
- 1.220** The Manager told the inspector that he would investigate the complaint and within a matter of days informed him that the Brother had admitted to the sexual abuse of the boy and had been transferred to a psychiatric hospital.
- 1.221** The inspector's superior in the Department of Education requested a written report on the matter. The Department of Education were unable to produce this report and consider it missing. The

report was last seen in the Department in 1989 by an inspector. The Department believe it is impossible to say how or when the report went missing.

St Joseph's Cabra

1.222 A teacher in St Joseph's Cabra was the cause of numerous complaints between 1980 and 1985. The matter was being investigated by the Department of Education, which had withheld his teaching diploma pending investigation of the complaints.

1.223 Fifty nine St Joseph's teacher files were furnished to the Commission by the Department of Education, but this teacher's file was not among them. A letter dated 10th October 2007 from the Chief State Solicitor's office confirmed that the Department's file register had a record of the file. The letter also stated that the file could not be located and that the Department had no record of any complaints in respect of this teacher prior to 1985.

Lota missing files

1.224 Several files relating to Lota were also missing. The files, which should have been given to the Commission but which had not been located, were listed by the Department. These files are described as having gone missing since 2001 when they were catalogued. The Department gave no explanation as to why these files have gone missing.

Concluding comment

1.225 The Department of Education bore responsibility for the children placed by the State in its care. There was no other body to watch over the interests of one of the most vulnerable groups in the community.

1.226 The Department retained the Industrial and Reformatory School system inherited in 1922, making only a few minor changes when circumstances demanded them. The Department continued to see itself, as Richard Mulcahy, the Minister for Education, put it, as 'the man with the oil-can' who goes around attending to squeaks but makes no fundamental change to the machinery.

1.227 The unit dealing with the schools was at a very low level in the hierarchy of the Department. It had considerable powers, but it lacked the initiative and authority to do anything more than maintain the status quo, and keep the costs down. When alternative strategies for helping children in care emerged, such as boarding out, they were ignored. The Department of Education's submission to the Commission stated:

We do not have any records to suggest that this was actively considered by the Department. The Department did not see itself as having an active policy or operational role in the committal of children to institutions and it seems likely that it would have taken the view that the question of boarding out was a matter for the Department of Health.

Could the government have done more to make the schools better run?

1.228 Assuming that the Industrial Schools or something like them would have had to exist for some children, much could have been done by the Department of Education to improve their operation.

1.229 The Department was, firstly, lacking in detailed information. The inspections were too few and too limited in scope. The failure to insist on an external review on at least two occasions during the period between Cussen and Kennedy was supine. The need for some kind of external informed supervision of the certified schools is self-evident. If the

Department had been in possession of better information about the schools, it would have been in a stronger position to exercise control. In addition, greater openness would probably have reduced the level of abuse: sunshine is the best disinfectant. It is plain too from the chapters on individual schools that officials did know of many of the abuses that were going on in the schools.

- 1.230 The Department of Education should have exercised more of its ample legal powers over the schools in the interests of the children. The power to remove a Manager given to the Department in 1941 should have been exercised or even threatened on more than the handful of occasions when it was invoked. This would have emphasised the State's right to intervene on behalf of a vulnerable group.
- 1.231 The Department was woefully lacking in ideas about policy and made no attempt to impose changes that would have improved the lot of the detained children.
- 1.232 Finally, evidence of the failures by the Department that are catalogued in the chapters on the schools can also be seen as tacit acknowledgment by the State of the ascendancy of the Congregations and their ownership of the system. The Department's Secretary General, at a public hearing, told the Investigation Committee that the Department had shown a 'very significant deference' towards the religious Congregations. This deference impeded change, and it took the Kennedy Report in 1971 to begin the process of dismantling the Industrial and Reformatory School system.



Commission to Inquire into Child Abuse

ADDITIONAL MATERIAL

ISPCC • Gateways
Institutional Abuse Survey • Health Records
Context • England • Personnel • Acts

VOL. V

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁIN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
nó tríd an bpost ó
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS, CONTAE MHAIGH EO,
(Tel: 01 - 6476834 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)
nó trí aon dioltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased directly from the
GOVERNMENT PUBLICATIONS SALE OFFICE
SUN ALLIANCE HOUSE, MOLESWORTH STREET, DUBLIN 2,
or by mail order from
GOVERNMENT PUBLICATIONS, POSTAL TRADE SECTION,
UNIT 20 LAKESIDE RETAIL PARK, CLAREMORRIS, CO. MAYO,
(Tel: 01 - 6476834 or 1890 213434; Fax: 094 - 9378964 or 01 - 6476843)
or through any bookseller.

€5.00

© Government of Ireland 2009

ISBN 978-1-4064-2277-1

Contents

	Page
Chapter 1	
The Irish Society for the Prevention of Cruelty to Children (ISPCC)	1
Foundation of the Society	1
Purposes of the Society	1
The limitations of the ISPCC records	2
The role of the inspector	2
The role of the Society in the committal of children to Industrial Schools	4
Alternatives to sending children to Industrial Schools	7
Finance	8
Conclusions	9
Chapter 2	
Gateways to the institutions	11
Section 1: Introduction	11
Many routes	11
Section 2 ‘Needy’ children	12
Part I: The legislative framework	12
Section 3: Offenders	15
Part 1: Reformatory or Industrial School?	15
Part 2: Alternative sanctions	17
The Gardaí	22
Section 4: Non-attendance at school	22
A largely Dublin phenomenon?	27
Concluding comment	29
Section 5: A court	30
The involvement of a court	30
Concluding comment	32
Section 6: The hearing	33
Part 1 Children’s Court	33
Part 2: Procedure	33
Part 3: The Justices and the schools	36
Part 4: Committal rates relative to applications	39
Section 7: The period of detention in the school	40
Part I: Fixing the period in the committal order	40
Part 2: The length of time for which children were committed	42
Section 8: Early discharge	43
Part I: Early discharge by exercise of the minister’s power	43
Part 2: Grounds for early discharge and case studies	46
Part 3: Figures on early release	47

Section 9: Residents placed voluntarily or sent by health authorities:	48
Residents placed voluntarily	48
Section 10: Population and entry figures, including geographical distribution	51
Part 1: Population	51
Part 2: Inflow through the courts	53
Part 3: Committals analysed by three sub-categories	58
Note on sources and methodology	67
Appendix 1: Period of committal	69
(I) Average periods of committal in Dublin Metropolitan District Court, 1934-75	69
(II) National figures, 1951-60	70
(III) National figures in 1940s	71
Appendix 3: Figures on early release	72
Average reduction in committal period: reduction in length of sentence	74
Reformatories	75
Numerical tables and comments	76

Chapter 3

The psychological adjustment of adult survivors of institutional abuse in Ireland — Report submitted to the Commission to Inquire into Child Abuse

77

Executive summary	77
Acknowledgments	78
Acknowledgment to participants from the interviewing team	79
Part 1 Introduction	80
Summary of Part 1	80
Opening comments	80
What is known about the long term impact of child abuse and institutional living?	81
Conclusions	84
Part 2 Methodology	84
Summary of Part 2	84
Aims of the study	85
Time frame	85
Research team	86
Participants	87
Assessment interview	88
Procedure	92
Data management	95
Conclusions	95
Part 3 Characteristics of the sample	96
Summary of Part 3	96
Introduction	98
Historical characteristics	98
Demographic characteristics	98
History of abuse	99
Life problems	101
Strengths	102
Psychological disorders	102
Trauma symptoms on the trauma symptom inventory	103

Adult attachment styles	103
Reliability of multi-item scales	103
Correlations between indices of abuse and adjustment	104
Factors associated with age, gender and CICA committee attended	105
Conclusions	107
Part 4 Profiles of groups with different histories	140
Summary of Part 4	140
Questions addressed	141
Statistical analysis strategy	142
History of institutional living	142
History of child abuse	145
Conclusions	148
Part 5 Profiles of groups with different patterns of psychological disorders	176
Summary of Part 5	176
Introduction	177
Statistical analysis strategy	178
Multiple co-morbid psychological diagnoses	178
Mood disorders	179
Substance abuse	181
Personality disorders	182
Conclusions	185
Part 6 Psychological processes and coping strategies associated with institutional abuse	211
Summary of Part 6	211
Introduction	212
Theoretical basis for development of scales to measure abuse processes and coping strategies	212
Rational subscales included in the Institutional Abuse Processes and Coping Inventory (IAPCI)	212
Development of IAPCI factor scales	213
Confirmatory factor analyses	214
Reliability analyses	215
Questions investigated with the IAPCI	215
The IAPCI scales and institutional and family abuse	215
The IAPCI scales and adult adjustment	216
IAPCI profiles of groups of participants who had spent different amounts of time in institutions and entered under different circumstances	217
IAPCI profiles of groups of participants who reported different types of worst abusive experiences in institutions	218
IAPCI profiles of groups of participants who had different numbers of psychological diagnoses	219
Model of childhood institutional abuse, psychological processes, and adult adjustment	220
Conclusions	220
Part 7 Conclusions	239
Aims of the current study	240
Methodology	240
Summary of main results	240
Strengths and limitations	247
Recommendations	249
References	250
Appendix 1. Interview Protocol	255

Appendix 2. Scripts and Information Sheets	336
Summary of the institutional abuse survey	338
Past research	338
Aims of the current study	339
Methodology	339
Profile of overall sample	339
Male and female survivors	343
Older and younger survivors	343
Participants from the CICA confidential and investigation committees	344
Subgroups defined by duration of time in an institution and circumstances of entry	344
Subgroups defined by worst form of institutional abuse	345
Profiles associated with patterns of adult psychological disorders	346
Institutional abuse processes and coping strategies	348
A model of institutional abuse, psychological processes and adult adjustment	348
Strengths and limitations	348
Recommendations	349
Other documents arising from the project	350
Staines Submissions:	351
Assessment of the Health Status of Children Detained at Irish Industrial Schools 1940-1983	351
Christian Brothers Congregation (St. Helen's Province)	351
Christian Brothers Congregation (St. Mary's Province)	351
Presentation Brothers	351
Religious Sisters of Charity	351
Sisters of Mercy and Sisters of St. Clare	351
Ferriter Report:	353
Report by Dr Diarmaid Ferriter, St. Patrick's College, DCU	353
Rollinson Report:	355
Residential Child Care in England, 1945-1975: A History and Report	355
Commission Personnel 2004-2009	357
Chairperson	357
Commissioners	357
Legal Team	357
Paralegals	357
Administration	358
Investigation Committee	358
Confidential Committee	359
Acts:	361
Commission to Inquire into Child Abuse Act 2000	361
Commission to Inquire into Child Abuse (Amendment) Act 2005	361