

1 Wednesday, 21st June 2017

2 (10.00 am)

3 LADY SMITH: Good morning.

4 We resume taking evidence in relation to certain
5 organisations this week and on Thursday, I think it was
6 we were last together, Mr MacAulay, you indicated that
7 the next organisation we would be looking at would be
8 the Christian Brothers; is that right?

9 MR MacAULAY: That is correct, my Lady. The witness I want
10 to call is Mr Michael Madigan.

11 LADY SMITH: Thank you.

12 MR MICHAEL MADIGAN (sworn)

13 Questions from Mr MacAULAY

14 LADY SMITH: Thank you. Do sit down and make yourself
15 comfortable.

16 When you are ready, Mr MacAulay.

17 MR MacAULAY: My Lady.

18 Mr Madigan are you Michael Madigan?

19 A. Correct, yes.

20 Q. You have come here today I believe to talk to or speak
21 to the report that has been produced on behalf of the
22 Christian Brothers.

23 A. That is correct.

24 Q. Before we look at that, Mr Madigan, can I just look at
25 your biography. I will put that on the screen; it is at

1 CBR.001.001.0055.

2 You provide us with some details as to what you have
3 been doing over the years, Mr Madigan. Perhaps I can
4 begin by focusing on the fact that, for a period at
5 least, you were a primary school teacher; is that
6 correct?

7 A. That is correct.

8 Q. Was that before you became a member of the
9 Christian Brothers?

10 A. No, during.

11 Q. During?

12 A. During.

13 Q. When did you actually become a member?

14 A. Well, I joined as a postulant, I think, in 1959, but you
15 are not a member at that stage; you are a member when
16 you take your first vows, which is about three years
17 later.

18 Q. Yes.

19 A. Then I went from there into the training college.
20 I trained as a teacher for two years and then commenced
21 teaching.

22 Q. So when you were at St Mary's Christian Brothers
23 Training College 1962 to 1964, that's when you were
24 doing your training?

25 A. Yes.

- 1 Q. Did you become a full member then in 1964?
- 2 A. No -- well, you are a temporary professed member after
3 you are an initiate, which was 1961/1962.
- 4 Q. In any event, you have obtained a dispensation from --
- 5 A. Correct, yes.
- 6 Q. So you are no longer a member of the Christian Brothers?
- 7 A. Not for -- since the late 1970s.
- 8 Q. I think the date you give us is 1979 --
- 9 A. That is correct.
- 10 Q. -- when you had dispensation.
- 11 Just looking at your academic qualifications, your
12 first degree was a BA honours in Irish and French at
13 University College Dublin in 1976; is that right?
- 14 A. Yes correct.
- 15 Q. You then obtained a higher diploma in education in 1977.
16 Then you had a number of teaching posts; is that right?
- 17 A. Yes.
- 18 Q. Terenure College that's in Dublin, is it?
- 19 A. It is in Dublin and it is not a Christian Brothers
20 school.
- 21 Q. Has it got a particular religious --
- 22 A. Yes, it was run by the Carmelite priests.
- 23 Q. You then obtain an honours MA degree from
24 Maynooth College; I think that is outside Dublin, is it?
- 25 A. Just outside Dublin.

1 Q. You then became principal of Oatlands Christian Brothers
2 College, Mount Merrion, in 1986; is that right?

3 A. That's correct.

4 Q. And you retired from that position in 2005?

5 A. That is correct.

6 Q. You then provide us with some of your committee
7 commitments, both during and since retiring.

8 A. Yes.

9 Q. You were the author of a manual with the title "A Guide
10 to Patronage and Trusteeship of Catholic Schools in
11 Ireland", published in 2012.

12 A. That is right.

13 Q. Since you retired as the principal, you tell us you have
14 also completed courses in mediation and dispute
15 resolution.

16 A. That is correct.

17 Q. Was that for a particular purpose?

18 A. Yes. Well, schools are places where disputes can happen
19 as well and I had been asked by the joint penitentiary
20 body of secondary schools -- it is a (inaudible) body
21 for all secondary schools -- to become involved in
22 aspects of dispute resolution and other grievance and
23 disciplinary procedures which are part and parcel of the
24 industrial relations mechanisms in schools. So
25 I thought a background in mediation would be helpful in

1 understanding as many perspectives as possible in what
2 concerns disputes.

3 Q. Have you been engaged in that work since you --

4 A. From time to time, but not on any sort of whole time
5 basis.

6 Q. Coming then to how it came to be that you have come here
7 today to give evidence, I think you tell us in this
8 resumé that you were contacted by the
9 Christian Brothers.

10 A. That is correct.

11 Q. Can you just elaborate upon that?

12 A. Yes, well, I was contacted because I had done some
13 work -- that handbook you mentioned earlier was
14 commissioned by the Association of Trustees of Catholic
15 Schools, the chairman of which was a former Provincial
16 of the Christian Brothers. I think from his experience
17 of working with me on that, he recommended me for
18 preparing the presentation for this hearing.

19 Q. As you tell us, then, having -- once the
20 Christian Brothers received the notice that they
21 received from the Inquiry, as you have indicated, they
22 made contact with you and you were told that you would
23 have access to all relevant files relating to
24 St Ninian's; is that right?

25 A. That is correct.

- 1 Q. And these files were being held at the province's
2 archives in Marino; is that right?
- 3 A. That is correct.
- 4 Q. That is in Dublin as well?
- 5 A. That is in Dublin.
- 6 Q. Did you then spend some time, Mr Madigan, looking at
7 these materials?
- 8 A. Yes, several days. I had the support of the archivist
9 there and she made all the documents that related to
10 Falkland available to me.
- 11 Q. So far as St Ninian's Falkland is concerned, because
12 that is the establishment we are going to be looking at,
13 had you had any previous involvement with that
14 establishment?
- 15 A. None whatever.
- 16 Q. You had never been there?
- 17 A. Never been there, no.
- 18 Q. Having then had access to that material, were you
19 responsible for preparing the report or response that we
20 now have --
- 21 A. Yes.
- 22 Q. -- at the Inquiry?
- 23 A. Yes. Obviously I submitted it to the Provincial for
24 perusal and I think he also took advice from his legal
25 advisers with regard to the content, but I'm assured

1 that all parties regard it as representative of their
2 position.

3 Q. If we can perhaps put the report on the screen; it is
4 CBR.001.001.0001. I can tell you there is a hard
5 copy -- you may have one yourself of course, but there
6 is one also in the blue folder. I'm looking at the
7 front page.

8 If we just move back up, we have a picture there of
9 the building; is that St Ninian's?

10 A. That's St Ninian's, yes. There is an accumulation of
11 pictures in the Marino archives about St Ninian's, it is
12 an old mansion, as you can see. Obviously, the question
13 of its suitability as an orphanage was raised when the
14 offer was made to the Christian Brothers to use these
15 premises by Major Michael Crichton, the owner.

16 Q. We will come to the background. Perhaps before we look
17 at the background of St Ninian's, can we look first of
18 all to the background of the Christian Brothers Order?

19 A. Indeed yes.

20 Q. You make reference in the report to an article by
21 Frank Zwolinski.

22 A. Yes, yes.

23 Q. I don't know if that is how you pronounce his name or
24 not. I will put that on the screen as well; it is at
25 0057.

1 This is an article with the title of:

2 "The Congregation of Christian Brothers in
3 Scotland, 1951-1983."

4 A. Yes.

5 Q. You may be aware that this article may have originally
6 formed the basis of a PhD thesis.

7 A. Of sorry?

8 Q. A PhD thesis; were you aware of that or not?

9 A. I was aware that he was involved in research, yes.

10 Q. He was based in Dundee?

11 A. Yes.

12 Q. But if we look at the first page then, he gives us some
13 background to the establishment of the order and we are
14 told in the second main paragraph that the founder of
15 the Congregation of Brothers of the Christian Schools of
16 Ireland was Edmund Rice; is that right?

17 A. Yes.

18 Q. We have a date; is it 1802?

19 A. 1802, yes.

20 Q. We then see by 1820 the order was established and
21 sanctioned by a Papal brief; is that correct? Can we
22 read that?

23 A. You want to know what that means, is it?

24 Q. Does it mean effectively that it has been acknowledged
25 by the Vatican --

- 1 A. Yes, yes.
- 2 Q. -- that the order should exist as religious order?
- 3 A. I think initially it existed as a diocesan congregation
4 but later it became recognised by the Holy See/Vatican
5 as a canonical congregation with its sort of
6 accountability directly to Rome.
- 7 Q. For example, the canon law code would apply to the
8 order?
- 9 A. Indeed, yes.
- 10 LADY SMITH: Just going back when you indicated originally
11 you thought it was a diocesan congregation, we are
12 talking about the bishop of the diocese inviting the
13 Brothers into the diocese; is that right?
- 14 A. Well, but that would apply to every congregation,
15 whether it is diocesan or not. A lot of the nuns'
16 congregations, for example, were diocesan for a long
17 time; that meant they owed allegiance to the local
18 bishop and not directly to the Holy See. So the
19 Christian Brothers in the very early years, owed their
20 allegiance to the Bishop of Waterford, where their
21 congregation was founded, and then when they moved into
22 other dioceses they owed their allegiance to the bishop
23 of that diocese. They didn't have a sort of central
24 authority that was directly linked to the Holy See.
- 25 LADY SMITH: I see that but you are saying there came

- 1 a point at which --
- 2 A. That came, I think, in the 1820s.
- 3 LADY SMITH: It was the case that they looked to the
4 Holy See for their ultimate authority --
- 5 A. Indeed.
- 6 LADY SMITH: -- albeit no doubt still in local contact with
7 the bishop of the diocese.
- 8 A. Well, I mean they only operate on the basis of
9 an invitation from an individual bishop but, as you can
10 see later, this autonomy, as it were, that they
11 established, because they became recognised by the
12 Holy See, meant that they could move people in and out
13 of particular a foundation without reference to the
14 bishop.
- 15 LADY SMITH: I see, thank you.
- 16 MR MacAULAY: Can we then, against that background, move on
17 to the second page of the report where you tell us
18 a little bit about the English province of the
19 Christian Brothers.
- 20 A. Yes.
- 21 Q. That's on -- well, it is the first page of the actual
22 report under the heading "Introduction". What you tell
23 us, I think, is that the English province was
24 established in 1945; is that right?
- 25 A. That is correct.

1 Q. Give us some background to that: how did that come
2 about?

3 A. Well, the Christian Brothers already had schools in
4 England and I think there was a growing number of
5 schools and it was felt better that it would be a local
6 authority in England, as it were, who managed these
7 schools. So it was in that context that the English
8 province, St Mary's English province, was established.

9 Q. We will look at St Ninian's in a moment, but was it then
10 members of the English province who then came to
11 Scotland --

12 A. Yes, St Ninian's, yes.

13 Q. -- to set up ...

14 We will look at that shortly, but while we are
15 looking at this part of the report, pages 0002 and
16 00003, you provide us with some information as to what
17 sources you had available to you for comprising the
18 report; is that correct?

19 A. Yes, yes.

20 Q. So, for example, you tell us that there was a source
21 known as "the annals", which is kept by the Brothers for
22 the duration of their time in Falkland House; Falkland
23 House is of course where St Ninian's was.

24 A. Yes.

25 Q. Can you tell us a little bit about the annals? What

1 sort of materials were they?

2 A. The annals would be records kept by -- usually by the
3 Superior of the community and he would simply note some
4 of the important things that occurred in any one year.
5 They were done on a year to year basis. They were not
6 sort of like a diary. They were a sort of summary,
7 maybe at the end of the year, of some of the outstanding
8 things that happened in that year. It also recorded
9 Brothers going and coming, the Brothers being
10 transferred and new Brothers coming to replace them.
11 That's the sort of information.

12 Q. How complete were they?

13 A. Well, they weren't very long, to be honest with you. It
14 often depended on, I suppose, the propensity and
15 interest of the local superior to record what he thought
16 was -- what recording ... that would change from
17 individual to individual.

18 Q. But did it cover the whole period that the
19 Christian Brothers were based at St Ninian's?

20 A. It did, although they are a bit skimpy for the latter
21 period, the period from, say, 1976 onwards.

22 Q. If we look at page 0003 of the report, you also make
23 mention there of a logbook.

24 A. Yes.

25 Q. You tell us that there were entries in logbooks for the

- 1 years 1950 to 1976.
- 2 A. Yes.
- 3 Q. Can you just tell us a little bit about the logbooks?
- 4 What were they for?
- 5 A. Well, the logbook -- as I understand it, keeping the
- 6 logbook was a statutory requirement, and some of the
- 7 material in the logbook is similar to that in the annals
- 8 but there is a lot of other information given in the
- 9 logbook as well that you don't find in the annals. One
- 10 of the things that the logbook records is the imparting
- 11 of physical punishment, for example, for certain
- 12 disciplinary issues. It was a requirement that that be
- 13 recorded and that was recorded in the logbook.
- 14 Also, lots of activities were going on, what
- 15 happened at break time, as they went to, as I say, to
- 16 Perth, to baths and so on. When snow came they enjoyed
- 17 themselves in the local hills sledging and so on.
- 18 Q. Do I take it from what you have said, Mr Madigan, these
- 19 then would be regular entries in the logbooks --
- 20 A. Yes.
- 21 Q. -- not like the annual entries for the annals?
- 22 A. No, these would be month by month, sometimes week by
- 23 week.
- 24 Q. I do note that you are referring to logbooks from 1950
- 25 to 1976 and, as we will see, the Christian Brothers did

1 not in fact leave until, I think, 1982/1983.

2 A. 1983, yes.

3 Q. Were there no logbooks available from 1976 --

4 A. There is no logbook for the period 1976 to 1983 and as
5 I think I say in the report, that is mystifying.

6 Whether a logbook was kept and has got lost, we don't
7 know, but it being a statutory requirement would suggest
8 that a logbook was kept -- and I think I recall seeing
9 a reference somewhere to, about 1978, the logbook.

10 LADY SMITH: Sorry, the period there was no logbook for,
11 1976 to 1983?

12 A. 1983.

13 LADY SMITH: Thank you. 7 years?

14 A. Sorry?

15 LADY SMITH: A 7-period and yet there are logs for
16 post-1983.

17 A. For the period up to 1986, yes.

18 MR MacAULAY: I think you do say later on in the report that
19 you raised this issue and I think you say that indeed
20 they were not kept, that would be a failure.

21 A. Yes, it would be.

22 Q. The other point I want to pick up with you at this point
23 is that in the third entry down on that page you make
24 reference to an interview with a particular Brother. We
25 needn't focus on the name at the moment, but this

1 Brother was a member of staff of St Ninian's from 1959
2 to 1966.

3 A. That is correct.

4 Q. So was that an interview you yourself had with the
5 Brother?

6 A. Yes.

7 Q. Do I take it that he was able to provide you with some
8 background information about the running of St Ninian's?

9 A. Yes, but the man is quite elderly now, he is in his 80s,
10 and I didn't want to put him under too much pressure,
11 but he gave me a good insight into the sort of daily
12 routine and what they did and the holiday trips that
13 went on and so on.

14 Q. Moving down the list then. The VR, that's visitation
15 reports. I think you will tell us later how the
16 visitations were carried out by the Provincial, I think,
17 on a particular basis, but are there visitation reports
18 in respect of these visits by the Provincial?

19 A. Yes, for the entire period.

20 Q. For the entire period?

21 A. Yes.

22 Q. I think the last item you mention is the Zwolinski
23 article we looked at?

24 A. Yes.

25 Q. One of the questions that you were asked to address,

1 Mr Madigan, in the report -- and this is on page 0004 --
2 is:

3 "What part did the provision in Scotland of
4 residential care for children play in the organisation's
5 purpose, operation and activities?"

6 That's touching, I think, upon the ethos and culture
7 of the Brothers, but can you just tell us a little bit
8 about that at this point? We will look at it again
9 later.

10 A. What part did the provision of foster care play?

11 Q. Well, in particular residential care.

12 A. Yes. Well it was very much in keeping with the spirit
13 of the founder, Edmund Rice, to look after children from
14 poor or deprived backgrounds.

15 While it was quite a while before they became
16 involved in boarding schools, it did happen, I don't
17 recall it happening in Brother Edmund Rice's own time,
18 but it certainly happened in later years and the
19 superior generals and the Provincials of the time would
20 have thought that this was, yes, in keeping with the
21 founding intention of Edmund Rice.

22 Q. And here you talk about residential care?

23 A. Residential care, yes.

24 Q. Before the Brothers came to Scotland, had they been
25 involved in residential care in England?

1 A. They had. It was one school in England in Brentwood
2 and, as they say, the first Superior, Brother Nugent --
3 the first Superior of St Ninian's was Brother Nugent,
4 who had worked in the school in Brentwood.

5 Q. I think you go on to tell us in the next paragraph or so
6 how it came to be that the Christian Brothers came to
7 Scotland.

8 A. Yes.

9 Q. As you point out, the Archbishop of St Andrews and
10 Edinburgh was involved in that process.

11 A. That is correct.

12 Q. As indicated earlier, it really required the consent of
13 the bishop to set up an establishment.

14 A. That is correct.

15 Q. We can read details of this for ourselves, but if we
16 turn onto the next page, towards the top of page 0005,
17 do you set out there that St Ninian's at Falkland House
18 was registered as a voluntary home in January 1951?
19 That's the top of page 0005.

20 A. Yes.

21 Q. That then is the time we look at as to when St Ninian's,
22 as it were, opened up as a residential home?

23 A. That is correct.

24 Q. The next question that you are asked in the report is:

25 "Why did the Christian Brothers consider that it had

1 the competence to be responsible for and manage the care
2 of children?"

3 A. In establishments, yes.

4 Q. Yes.

5 A. Well the question didn't seem to arise. The question of
6 not being competent didn't seem to occur to them or
7 indeed to the archbishop who invited them. It was
8 presumed because they were managing day schools they
9 could also manage, I think, residential schools. That
10 presumption was made.

11 By today's standards I think we might regard that as
12 a facile presumption, but I think that was the thinking
13 at the time.

14 Q. You tell us that the Brothers would have academic
15 qualifications and teacher training qualifications.

16 A. Indeed.

17 Q. But no specific training in the caring of children.

18 A. Correct. I think that would have been the situation
19 across the board, that the people who ran residential
20 schools in general didn't appear to have, at that time,
21 any specific training in child care in residential
22 schools.

23 Q. You tell us, I think, if we move on to the next page,
24 that St Ninian's ceased to operate in 1983; is that
25 correct?

1 A. That is correct.

2 Q. Why was that?

3 A. Well, that was because the Brothers had serious manpower
4 problems and had to prioritise. I think there was
5 a feeling growing among the Brothers that residential
6 schools weren't the best way to deal with children from
7 deprived backgrounds. That feeling was growing,
8 I think, in Scotland as well among the authorities that
9 were catering for children, that where possible,
10 I think, the idea was that children should be placed in
11 a foster home with a family.

12 But I think the primary reason nonetheless for the
13 Brothers withdrawing at the time was -- had to do with
14 manpower problems.

15 LADY SMITH: What about financial problems? I think I have
16 read that --

17 A. I don't think -- they were an issue in relation to the
18 closure of St Ninian's. There were some financial
19 problems in the early years, but not at this time.

20 LADY SMITH: I did read at one point, I think, in your
21 submission of it being challenging both to service the
22 debt that had been taken out to pay for the
23 refurbishment of Falkland House and run the school.

24 A. That would have been in the first decade in particular
25 that the finances would have been scarce. That may have

1 inhibited their ability to hire more teachers, hire more
2 staff.

3 LADY SMITH: I see, thank you.

4 MR MacAULAY: You go on in the report, moving on to
5 page 0007 to, I think, say what you have already told us
6 that:

7 "As a congregation of religious Brothers, recognised
8 by Rome, [it] owes its allegiance to Rome and is
9 an autonomous organisation."

10 A. That is correct.

11 Q. Sorry, you do liaise with the local bishop and clergy,
12 but nevertheless you retain that autonomous status?

13 A. That is correct.

14 Q. Can we then look a little bit at the organisational
15 structure of the order. For this I want to take you to
16 page 0033 of the report.

17 Towards the bottom of the page, you start looking at
18 this, "Organisational structure and oversight", and
19 then, turning onto page 0034, you set out some
20 information as to how the congregation was structured.
21 Can you take us through that, Mr Madigan.

22 A. If you want to go to the very top, I mean there is the
23 Superior General, who is elected at a general chapter.
24 That general chapter is comprised of the Provincials of
25 the various provinces throughout the world, plus

1 delegates that would be elected to attend from the
2 various provinces. They would nominate somebody,
3 a Superior General, who would actually be appointed by
4 the congregation of religious in the Holy See. The
5 actual appointment has to be approved by the Holy See.

6 Then, at the next level, you have the Provincial
7 Councils --

8 Q. Before we come to that, where is the Superior
9 General based?

10 A. In Rome today, but in the earlier years of St Ninian's
11 the Superior General was based in Marino in Dublin.

12 Q. Of course he is one man, but I take it he has --

13 A. He has a council with him, yes. The council would be
14 representative of the various provinces around the
15 world.

16 Q. You are moving on to tell us about the provinces; how
17 many provinces are there?

18 A. I'm not too sure how many there are now but there were
19 certainly two in Ireland, one in England, there were
20 four in Australia at one stage, four in the US, a
21 Canadian province, and then I think there were regional
22 provinces in Africa and South America.

23 Q. So they are scattered all over the world?

24 A. Scattered all over the world, yes.

25 Q. Can you take us to that level then: at the Provincial

1 level, what is the set up?

2 A. The Provincial is -- again, he is nominated at
3 a Provincial chapter level. These take place every
4 six years. The Provincial would also be assisted by
5 councillors, usually four, at least one of whom would be
6 full time on the council. The others, I think in the
7 case of the English province, where I think by and large
8 Superiors of communities are headmasters of schools as
9 well and they would maybe be called upon once a month
10 for a monthly meeting of the Provincial Council.
11 Sometimes maybe more than that would be free full time
12 for a certain Provincial Council.

13 These then would be in charge of all the important
14 decisions in the province.

15 Q. If we just look at St Ninian's and focus on St Ninian's
16 during its lifetime, what province then would govern
17 St Ninian's?

18 A. St Mary's English province.

19 Q. So the Provincial would be based where?

20 A. The Provincial was based, I think, in Liverpool in those
21 days; I think they have moved to Cheshire now. But back
22 then he was based in Liverpool.

23 Q. Was that throughout the whole period of the existence of
24 St Ninian's from the 1950s through to 1983?

25 A. Yes, the English province was responsible for

- 1 St Ninian's. Yes.
- 2 Q. Coming then to the local level, the St Ninian's level,
3 what was the set up there?
- 4 A. Well, a Superior would be appointed and Brothers would
5 be assigned to the community. The Superior was in
6 charge of the day-to-day running of the establishment.
7 In the case of St Ninian's, sometimes the Superior
8 didn't have qualifications to meet the requirements of
9 the Scottish education authorities, so a headmaster
10 would be appointed as well, and the headmaster's job was
11 to look after the education aspect of the establishment
12 but the overall responsibility would rest with the
13 Superior.
- 14 Q. Would the headmaster be a Brother?
- 15 A. The headmaster would be a Brother, yes.
- 16 Q. So ultimate responsibility would rest with the Superior
17 but the day-to-day running of the education side would
18 be with the headmaster if it was not the Superior?
- 19 A. Correct.
- 20 Q. But were there occasions when the headmaster was the
21 Superior?
- 22 A. Yes, more often than not the two roles were synonymous.
- 23 Q. I think you also tell us that apart from a Superior
24 there would also be a bursar.
- 25 A. Correct.

- 1 Q. Would the bursar be at local level?
- 2 A. The bursar would be at local level.
- 3 Q. At local level, is that the hierarchy, Superior, bursar
4 and Brothers?
- 5 A. There was also a sub-Superior appointed by the
6 Provincial and his council. So the hierarchy would be
7 the Superior, sub-Superior and bursar. The bursar's
8 role really was to look after the finances and I don't
9 know whether he has any particular standing in the
10 community beyond that.
- 11 Q. I think you do tell us on that page, page 34, as we
12 touched upon already, that the experience of the
13 Brothers really would be in teaching, in education.
- 14 A. That is correct.
- 15 Q. So far as the Superior would be concerned then, he would
16 have a term of office of a particular period?
- 17 A. Three years. If all parties were happy for him to
18 continue, he could be appointed for a further
19 three years. But six years was the sum total of the
20 number of years that he could be appointed for.
- 21 Q. We have already touched upon the visitation reports.
22 Can you just tell me a little bit about how they would
23 come about looking at the structure we have just been
24 talking about?
- 25 A. Yes. Well, each year somebody from the Provincial

1 Council, either the Provincial himself or a member of
2 his council, would come to visit the establishment and
3 that was a canonical requirement. I suppose it was
4 first and foremost about attending to the Brothers'
5 community and observing if they were living in
6 accordance with the rule of the Christian Brothers, with
7 particular emphasis on the prayer life and meditation
8 and all of that.

9 Then of course they would look at the apostolate, as
10 it was called. That was the reason for that community
11 existing; in this case the running of an orphanage for
12 boys coming from deprived background. That would be
13 observed as well, particularly the religious instruction
14 and all that, that that was receiving the sort of
15 attention that one might expect.

16 Q. One of the questions you were asked is whether the
17 children would be interviewed by the provincial
18 representative.

19 A. There's certainly nothing about that in the records.

20 I suspected that they weren't interviewed individually.

21 Q. Perhaps I could look next at the numbers of children who
22 attended the establishment over the years. I will put
23 this list in front of you; it is at page 0056. You will
24 see it on the screen actually.

25 This was a list that was provided earlier to the

1 Inquiry setting out the annual number of children at the
2 school over the period. So, for example, if we look to
3 the 1960s, we can see that the roll seems to run at
4 about 47, 43, 47, 47, so into the 40s.

5 A. Correct.

6 Q. Then as we come down to the latter period, we are still
7 in the 40s and the 1980s, but certainly by 1983 it is
8 down to about 17.

9 A. That was because it was being phased out.

10 Q. What were the ages of the children?

11 A. Well, they couldn't come in there before they were 11 at
12 least, but looking at the register I think most of them
13 would have been 12 or 13 years of age on arriving at
14 St Ninian's and usually stayed for two to three years
15 depending. Some were released earlier. But if they
16 stayed the full stint, I think they stayed until 16.

17 Q. If we turn to the report itself at page 0023, towards
18 the bottom of the page you provide information about
19 numbers, and we have looked at the list, and you are
20 asked whether there was any material changes in numbers
21 of children and the reasons. One of the comments you
22 make there is that:

23 "The fact that St Ninian's was defined as a foster
24 home, as distinct from an approved school, meant that
25 children were accepted in St Ninian's on the basis of

1 requests from orphanages (for younger children) or from
2 local authorities who were concerned with the welfare of
3 neglected children."

4 Can you just explain that to me, if you can, in
5 particular the reference to being defined as a foster
6 home?

7 A. Well, that was Major Crichton's initial intention, that
8 it would be a foster home for children whose parents
9 were dead or whose parents weren't able to look after
10 them, but the idea was that they didn't come from the
11 juvenile courts, the children in the approved schools
12 that have come via the juvenile courts.

13 So I think they wanted to try to keep certain
14 standards of conduct and so on in the establishment and
15 it was felt that if they accepted people through the
16 juvenile courts, they would be getting lots of people
17 who had experience of petty crime and so on and might be
18 a source of bad example to the children who are there
19 for reasons that have nothing to do with petty crime.

20 Q. After the Children's Hearings were set up in 1971
21 though, were children sent to St Ninian's through the
22 Children's Hearing System?

23 A. Yes, I get that impression particularly from the source
24 you quoted earlier, Mr Zwolinski. He has a reference in
25 his write-up about St Ninian's that for the most part

1 the children who came to St Ninian's after 1971 were
2 through the hearing systems.

3 Q. If we go back to that article, I think you have in mind
4 there page 62 and I will take you to that. If we move
5 to the bottom part of the page, he begins by telling us:

6 "The job of orphanages like St Ninian's was to
7 provide a stable alternative home to the family,
8 together with education and a caring environment."

9 That would be your position, that was the job of
10 St Ninian's?

11 A. Indeed, yes.

12 Q. He goes on to say:

13 "It is interesting to note that during the period up
14 to the 1970s, the intake of the school moved gradually
15 from mainly orphans (post war) to a wider range of
16 clientele in need of care and protection ..."

17 I think this is the point you are making:

18 "Latterly most referrals of children to the school
19 were made through the Children's Hearings, as
20 established under the Social Work (Scotland) Act (1968),
21 and other children were placed by social work
22 departments according to section 15 of this Act."

23 I think that's what you had in mind a moment ago
24 that you mentioned --

25 A. Indeed, yes.

1 LADY SMITH: Do you appreciate that some children being
2 placed by a Children's Hearing would have been taken
3 before the hearing because of having apparently
4 committed crimes, but the decision being not to deal
5 with them through the criminal courts and through the
6 Children's Hearing System?

7 A. Yes, I think the intent of the Children's Hearing System
8 was to end the differentiation between the different
9 types of children that needed residential home care, but
10 I think that was accepted.

11 LADY SMITH: I see.

12 MR MacAULAY: While we have the article in front of us, if
13 we can go back to the previous page, just to look at
14 a similar sort of point.

15 That is on page 61. It is looking at the early
16 period and it is the last few lines of that top
17 paragraph. You have mentioned Brother Nugent and he is
18 mentioned here. What we read is:

19 "The boys were under the care of Brother Nugent and
20 staff and the first 15 boys came from Nazareth House
21 Lasswade in Lothian."

22 It would appear the initial intake came from another
23 religious establishment, Nazareth House.

24 A. That is correct, yes.

25 Q. Going back to the body of the report then and going to

1 page 0024. At (iii) you give us a total number of the
2 children who had passed through St Ninian's and that's
3 858.

4 A. Yes.

5 Q. You have taken that from the register?

6 A. The register, yes, held in Marino.

7 Q. So that information is available?

8 A. It is.

9 Q. Are the names in the register as well?

10 A. Yes, the names are in the register.

11 Q. What other details? Can you remember?

12 A. Not as much as you might hope for, but dates of birth
13 are given and, in the early years, the date of baptism
14 was also given, but that was discontinued. Names of
15 parents are given occasionally only -- oh yes, and the
16 date of departure. The date of arrival at St Ninian's
17 and the date of departure.

18 Q. Are the registers there for the whole period for the
19 existence of St Ninian's?

20 A. The whole period, yes.

21 Q. You are asked, if you go on to the next page, page 0025,
22 about what accommodation was provided for the children.
23 That's at (iv), if we turn to that. That's page 0025.
24 So the question there is:

25 "What accommodation was provided for the children?"

1 We have seen the picture on the front of the report
2 of what you describe as the old mansion, Falkland House.
3 Can you tell us a little bit about the set-up in
4 relation to sleeping accommodation and so on?

5 A. Yes. We speak there of the refurbishment of the mansion
6 and I think some of the larger rooms seem to have been
7 sectioned into dormitories. From my information from
8 that Brother, to whom we referred who spent a number of
9 years there, his recollection was that there were about
10 four beds to each dormitory.

11 Q. I think we saw from the numbers that numbers ranged from
12 30s into the 40s.

13 A. That is correct, yes.

14 Q. So there would be a number of dormitories then to
15 accommodate that --

16 A. Eight or nine or ten dormitories at least -- and
17 obviously there would be rooms not used at all because
18 past students came back and there was space for them.
19 Some of them came back and wanted to reconnect with
20 friends in the village and so on and they were welcomed
21 back and accommodation was provided for them.

22 Q. Having looked then at the numbers of boys, can we then
23 look at staffing. You give us some information about
24 staffing on page 0030 of the report.

25 It is at the bottom of the page. I just want to ask

1 you about the comment you make there because the
2 question was:

3 "How many people were employed by the organisation
4 who had some responsibility for residential care
5 services for children?"

6 What is said is this:

7 "While the English province of the
8 Christian Brothers were responsible for providing
9 residential care services and appointed a succession of
10 superiors and assigned Brothers to Falkland House, they
11 did not otherwise employ specific people to look after
12 residential care services for children."

13 Do you see that? Can I just understand what you
14 mean by that?

15 A. Well, the actual Provincial Council wouldn't appoint the
16 people at local level. That would be left to the local
17 superior. The Provincial Council's job, as it were,
18 were to appoint the superior and assign Brothers to
19 a community. But the other staff in the establishment
20 itself would have been appointed by the local superior.

21 Q. I understand that.

22 If we turn on to the next page, can you tell me, and
23 I think you give us the information there, how many
24 Brothers over the period on an annual basis would be at
25 the establishment?

- 1 A. Yes, well, generally five. Generally five.
- 2 Q. That includes the local superior?
- 3 A. That included the local superior, yes, who would be very
4 involved -- he may have been the headmaster as well. If
5 he was, he would be obviously very involved in the
6 educational aspect. If he wasn't the headmaster, well,
7 then he was very involved in supervision and -- for
8 example meal times and many times during the day when
9 the boys would either be at class or at games.
- 10 Q. You tell us also that, apart from you say four to five
11 Brothers resident in Falkland House, there would also be
12 two to three lay teachers, is that right --
- 13 A. Yes.
- 14 Q. -- a gardener, a matron, a seamstress and two women who
15 worked in the kitchen. Is that information you have
16 gleaned from the records?
- 17 A. That is information I have gleaned from the records,
18 yes.
- 19 Q. So far as the lay staff are involved, would they be
20 living on the premises or would they be local people who
21 would come in?
- 22 A. Certainly one of the lay staff was a local person living
23 in the village and he was there for a very long time.
- 24 Q. Was he a teacher?
- 25 A. A teacher, yes. He was there for many years. Indeed,

1 he was regarded as a huge asset to the school for all
2 those years; he did practical subjects and science.

3 I think one or two of the other lay teachers may have
4 been resident but there is nothing specific said about
5 that; it is something I'm just surmising.

6 Q. What about the matron?

7 A. The matron I do not think would have lived in but I am
8 not sure about that; I think she was a local person as
9 well. In fact I think at one period the gardener's wife
10 was the matron. They did try to get qualified nurses as
11 matron, but there were times where maybe if the
12 qualified nurse left and they had great difficulty in
13 finding a replacement and they appointed someone who
14 they thought would be good at the job.

15 Q. The sort of information you are giving us now, are you
16 taking that from the records or from the Brothers you
17 have spoken to?

18 A. I'm taking that from the records and also that has
19 been -- that perspective has been sharpened by my
20 conversation with the Brother I spoke about already.

21 Q. I think somewhere you tell us in the report that
22 latterly there may have been a social worker associated
23 with St Ninian's.

24 A. No, there was a social worker. A social worker was
25 appointed.

1 Q. Was that exclusively for St Ninian's or was it to
2 cover --

3 A. Exclusively for St Ninian's, yes.

4 Q. When was that?

5 A. That was post the 1968 Act. They also released
6 a Brother to do a course on child care.

7 Q. So far as -- from what you can tell us about the social
8 worker's duties then, what were these?

9 A. The social worker's duty was largely to liaise with the
10 parents of the boys. He went out and met the parents of
11 the boys in the establishment and I presume facilitated
12 two-way communication between the parents and the boys.

13 But also I think I am sure -- even though this
14 wasn't said in the records -- he was probably liaising
15 with the local care officers as well and where there was
16 a perception that parents were in a position to take the
17 child back, that happened.

18 Q. And this is all recorded? This information is all
19 recorded in the records?

20 A. Yes. Well, that is recorded yes.

21 Q. If we look at page 0032 of the report -- it is (ii),
22 just below halfway -- one of the questions that you were
23 asked was:

24 "How many of those persons ['those persons' are
25 those who had some connection with St Ninian's] had the

1 opportunity unaccompanied access to a child or children
2 cared for at the establishment?"

3 What the report tells us is:

4 "There are no records of protocols relating to
5 unaccompanied access to children. As the boys required
6 a high level of supervision throughout the day up to
7 bedtime and in a context where a great part of the
8 supervision in the early morning and in the evening had
9 to be done by the Brothers, it is very likely that on
10 occasions unaccompanied access to children was
11 possible."

12 Just picking up there then, so far as the early
13 morning time and bedtime would be concerned, that would
14 be care that would be really covered by the Brothers?

15 A. Yes.

16 Q. You do tell us that the constitutions of the
17 congregation, 1946, clearly discouraged unaccompanied
18 access to children on the part of the Brothers and then
19 you have the quote:

20 "Unless duty and necessity should require it,
21 a Brother must never be alone with a pupil."

22 That's what's in the constitutions?

23 A. The constitutions, yes.

24 Q. Am I right in thinking, Mr Madigan, that comes in
25 a section headed "Chastity"?

- 1 A. Yes, that is likely to be the case, yes.
- 2 Q. It seems to have been recognised therefore that it would
3 be inappropriate for a single Brother to be with a child
4 on his own.
- 5 A. Yes. That was a counsel to all Brothers; that was not
6 just simply to Superiors. The constitutions would be
7 a document for every single Brother in the congregation,
8 so I mean it was clearly appointed to Brothers to avoid
9 situations where they were alone with pupils.
- 10 LADY SMITH: Why?
- 11 A. I presume it had something to do with past experience.
- 12 LADY SMITH: Because of the risk of what?
- 13 A. Well the risk of maybe a temptation to molest the pupil,
14 I would have thought. Unfortunately bitter experience
15 would probably have borne that out.
- 16 MR MacAULAY: We will look later at what abuse you seem to
17 accept in the report.
- 18 A. Yes.
- 19 Q. As I think I put to you, this provision comes under the
20 heading "Chastity" and, we haven't looked at this yet,
21 but one of the vows that the Brothers take is one of
22 chastity?
- 23 A. That is correct.
- 24 Q. I am reading from the constitutions:
25 "The vow of chastity not only obliges the Brothers

1 to celibacy but also imposes upon them the consequent
2 obligation of avoiding anything contrary to the sixth
3 and ninth commandments."

4 A. Yes.

5 Q. It is within that context that a Brother must never be
6 alone with a pupil?

7 A. That is correct.

8 Q. If we move to page 0033 of the report itself, you are
9 asked at (v) what the child care worker/child numbers
10 ratio was and what we are told is this:

11 "As both numbers of staff and children fluctuated
12 from year to year the best estimate one can give of the
13 child care worker/child numbers ratio is 4 to 1."

14 Can you just explain to me where is the 4 and where
15 is the 1 in that?

16 A. I think it was calculated that the total number of
17 employees came to about eight and the average number of
18 boys was 40ish -- I'm sorry, I must have calculated it
19 on the basis that the total number of employees was
20 nine.

21 Q. Total number of boys?

22 A. No, the total number of employees -- sorry, Brothers and
23 employees would have been nine and the total number of
24 boys would have been near around 40.

25 Q. That is the basis?

1 A. I am sure I added up all the people already mentioned --
2 the five Brothers, three lay staff, matron and people --
3 seamstress, people helping in the kitchen and so on.
4 That would actually come to more than ten. So it was on
5 that basis anyway the figure was arrived at.

6 LADY SMITH: Sorry, if we can just rewind: a little earlier
7 you told us that it appeared that there were normally
8 five Brothers, two or three lay teachers, so that takes
9 you to around eight, a gardener, a matron, a seamstress
10 and two women working in the kitchen. So that's 13
11 people.

12 A. Okay, yes.

13 LADY SMITH: Generally, how many boys?

14 A. Mid-40s, mid to high 40s.

15 LADY SMITH: Right, thank you.

16 MR MacAULAY: We can try and work out that for ourselves,
17 what the ratio might be.

18 A. I think 4:1 is reasonably accurate, but I mean as I say
19 there would be fluctuations at times when the total
20 number of staff might not have come to 13 and might have
21 been ten or 11 and equally the total number of boys
22 might be in the high 40s rather than in the mid-40s.

23 LADY SMITH: Of course, from what you said earlier it would
24 appear that not all these people would be at the school
25 at the time.

- 1 A. That is right.
- 2 LADY SMITH: They didn't all live in the school.
- 3 A. All the staff? That is correct, yes.
- 4 MR MacAULAY: I think, in particular at bed times and
5 morning times, when the Brothers --
- 6 A. It would normally be Brothers and maybe -- I don't know
7 what time -- there is no indication as to what time,
8 say, the matron or gardener or seamstress arrived at
9 work. There is no indication of that. I know they were
10 regarded nonetheless as a very important part of the
11 establishment.
- 12 Q. Can we look at a section in the report dealing with what
13 services were provided at the establishment. This is at
14 page 0021. If we look at (i), we have already talked
15 about this, but essentially these services were the
16 provision of home care and education for children from
17 disturbed, neglected or deprived background. I think
18 you say mostly these were Catholic children; is that
19 right?
- 20 A. That is correct, yes.
- 21 Q. Of course, it was only for boys.
- 22 A. That is correct.
- 23 Q. Looking to education, if you look at the bottom of that
24 page, you give us some information about what might have
25 been involved in the teaching of the boys in that

1 particular teaching programs had to be tailored to meet
2 certain educational needs; is that right?

3 A. That is correct.

4 Q. Can you tell us a little bit about that?

5 A. Well, it appears there was a high level of truancy among
6 these children when they were at primary school level
7 and the fact that they hadn't been attending school
8 obviously meant that they were well behind in terms of
9 literacy and numeracy. A lot of time had to be given to
10 basic literacy and numeracy. The class appeared to have
11 been quite small.

12 There is no real detail of what sort of curriculum
13 was provided other than generalities like that. The
14 pupils had learning needs and -- well, it is clear
15 obviously as well that the Brothers had no particular
16 training in what we would call special needs education
17 nowadays. The need for training in that regard didn't
18 seem to exist back then.

19 Q. You tell us, I think, that sometimes the classes might
20 have been single figures.

21 A. Yes.

22 Q. Of course we had a range of boys from, what, possibly 11
23 up to 16?

24 A. Yes.

25 Q. Out of the 40 --

1 A. There would usually be at least three if not four
2 different classes. I presume there would be -- classes
3 would be relevant to age. Some of the older boys
4 attended the local technical school. They left the
5 premises to attend the local technical school, but
6 I think these would be at the upper end of the age
7 group.

8 Q. On page 0022, you provide us with some information about
9 the daily routine for the boys. We needn't look at the
10 detail of that, but you tell us Mass was optional. So
11 that wasn't compulsory; is that correct?

12 A. That is correct, yes.

13 Q. This information, again this has come from the records?

14 A. I cannot recall whether that came from the records or
15 from the Brother with whom I spoke, but I have no doubt
16 that attendance at Mass on week days was optional.

17 Q. You tell us about the on-site activities and the sports
18 that were involved in that; is that right?

19 A. Correct, yes.

20 Q. You have taken that information, I think, from the
21 annals, have you?

22 A. That's either in the annals or the logbook.

23 Q. Also you tell us in later years discos were run for the
24 older boys --

25 A. That is correct.

- 1 Q. -- and girls were invited from the local villages.
- 2 A. That is correct.
- 3 Q. So far as off-site activities are concerned, again, we
4 can look at that information for ourselves, but you also
5 tell us that, every second year, boys were taken on
6 camping holidays to France.
- 7 A. Yes, that seemed to be the trend in the 1960s and for
8 a lot of the 1970s. In the later years, boys seemed to
9 go home or back to carers during the summer months, but
10 certainly in the late 1950s and during the 1960s and
11 into the early 1970s, the boys went on camping holidays
12 to France. Usually the destination was Lourdes because
13 I understand that these trips had to be approved by
14 Provincial and there had to be a religious aspect to
15 them.
- 16 LADY SMITH: Can I just take you back to the top of the page
17 and the daily routine. You tell us that at lunchtime
18 the boys got the main meal of the day, then they would
19 have classes and something, afternoon tea accompanied
20 with bread and jam. Is all you can get from the records
21 about the food the boys were given later in the day that
22 they were given bread and jam?
- 23 A. No, I think that was a sort of an in-between meal,
24 between lunch and evening meal.
- 25 LADY SMITH: Then the evening meal would be later on?

- 1 A. Yes.
- 2 LADY SMITH: I see, thank you.
- 3 MR MacAULAY: I think you tell us later that there is
4 an evening meal and then recreation after that.
- 5 A. Yes.
- 6 Q. You were asked whether the children did any manual work;
7 that's towards the bottom of the page. What can you
8 tell us about that?
- 9 A. Yes, well, there was a clear reference in both the
10 annals and the logbooks about boys going out to pick the
11 potatoes for local farmers in the month of -- late
12 September and October and they were paid small stipends
13 to do this I gather and this contributed to their pocket
14 money.
- 15 Q. What about on the premises itself?
- 16 A. The only reference to on-site work is these small
17 charges or household chores that I think they did after
18 breakfast, that they had to keep the house neat and
19 tidy -- probably brush corridors and dust the
20 windowsills and so on and contribute to the general
21 tidiness for the establishment. I am sure that would be
22 for 15/20 minutes at most.
- 23 Q. If we move on to page 0026 then of the report -- we have
24 really covered much of this already -- it is dealing
25 with the children's background and experience and in

1 particular we have looked at the article by Zwolinski.
2 We have also, I think, looked at who might have placed
3 the children in St Ninian's.

4 If we move to page 0027. It is there, I think,
5 towards the bottom of the page that you confirm that:

6 "Children were admitted to St Ninian's after they
7 were 11 years old and remained until they were 15 or 16,
8 unless a local authority officer thought that the
9 family's circumstances had improved and they could
10 return back to their communities."

11 Is that correct?

12 A. That is correct, yes.

13 Q. You have taken that, I think, from the statement from
14 the Brothers?

15 A. That is correct.

16 Q. That's that reference you give there.

17 A. Obviously one can only assign that comment to the period
18 during which he was there but it is likely that was the
19 case both before and after that time.

20 Q. Moving on to page 0028. At (xiii) you are asked some
21 questions about contact between siblings. What you say
22 is:

23 "As the overall number of children was relatively
24 small one has to assume that there were no obstacles to
25 frequent interaction between Brother siblings in the

1 establishment."

2 Was there any evidence that there were siblings over
3 the period?

4 A. That Brother told me that there were siblings but there
5 is nothing in the records to confirm that. But the
6 numbers were small and, as I understand it, the boys
7 were in two houses in the establishment. These had
8 separate names. Now whether the siblings -- there was a
9 lot of interaction between the two houses obviously but
10 for recreation purposes in the evening they went to
11 their own particular house and location.

12 It was, I think, to generate a bit of spirit. These
13 two houses were used a lot for sporting activities,
14 arranging matches and so on, and it generated a bit of
15 rivalry between -- friendly, I would hope -- between the
16 two houses.

17 Whether the siblings would have been in the same
18 house or different houses, I don't know.

19 Q. How were the boys in each house selected? Was it across
20 different ages?

21 A. Yes. There would be a similar pattern to the age groups
22 in both houses.

23 Q. You also tell us on page 0028 that St Ninian's records
24 do refer to regular visits to St Ninian's on the part of
25 some parents.

- 1 A. Yes.
- 2 Q. How much evidence was there of regular visits?
- 3 A. There were certainly a lot of reference in the logbook
4 to parents and uncles and aunts and older siblings
5 coming to visit, but it would appear that a certain
6 number had nobody visiting them.
- 7 Q. So far as birthdays were concerned, if you turn to
8 page 0029, one of the questions you were asked was
9 whether there was evidence of birthdays being
10 celebrated. Did you find any evidence of that?
- 11 A. There is no reference to birthdays being celebrated, no.
- 12 Q. The other feast time you are asked about was Christmas;
13 what about Christmas?
- 14 A. Yes, Christmas is mentioned very prominently. I think
15 in later years they went home, back to their families or
16 their carers, for Christmas but certainly in the early
17 years there is ongoing evidence of Christmas parties --
18 they would have been on the afternoon of Christmas Day.
- 19 Q. So as contact with parents might be concerned, you were
20 asked about that and I think what you do tell us on
21 page 29 is there are no records of reports or other
22 communications being sent to parents; is that correct?
- 23 A. Only towards the very end when -- they did use letters
24 in the last few years and these went out to parents, but
25 prior to that there is no reference to how contact was

1 maintained with parents.

2 Of course, in the early 1970s this officer was
3 appointed or a staff member was appointed to liaise with
4 parents. I am sure that must have made a huge
5 difference in terms of contact between parents and boys.

6 Q. Towards the bottom of page 0029, when you are asked
7 about what support was offered to children when they
8 left the care of the establishment, what you say is:

9 "The care of the children after they left ... seems
10 to have been left to the welfare officers in the local
11 authorities."

12 A. Yes.

13 Q. You do say -- and you mentioned this before -- there is
14 some evidence of boys coming back to visit after they
15 had left.

16 A. Yes. That was not so much -- sometimes they came back
17 to maybe meet a Brother or a member of staff but they
18 also, I gather, they came back because they had
19 established friendships in the local village and were
20 anxious to meet some of them as well.

21 I think there were no -- no obstacle whatever put in
22 the way of people wanting to come back after they had
23 left.

24 Q. If you move on to page 0030 I think you do tell us that
25 there were -- boys that came back were welcomed and

1 sleeping facilities were made available to them.

2 A. Yes.

3 Q. There is a mention at (xxiii) about the thinking of
4 there being a hostel for boys after they left; can you
5 just explain that for me?

6 A. This was something that was discussed at community
7 level, I would think, in the early 1970s, and I would
8 imagine it was in the context of the 1968 Act which
9 seemed to change people's attitudes and views about many
10 aspects of child care.

11 So this was raised at community level but it seemed
12 to go off the agenda again and I would have thought that
13 even at that stage the Provincial Council was already
14 experiencing manpower problems and probably -- possibly
15 foresaw a time when they would have to withdraw from
16 St Ninian's.

17 LADY SMITH: You mentioned that issue being discussed at
18 "community level"; are you talking about the local
19 community or the congregation of Brothers?

20 A. Sorry, at the congregation of Brothers level.

21 LADY SMITH: Thank you.

22 A. And possibly with the staff as well.

23 Q. If we move on then to page 36 where you again provide
24 some information about the culture of the congregation;
25 we have already looked at some of this.

1 In particular that the culture was driven by what's
2 described here as:

3 "The ardent zeal for the religious instruction of
4 youth and their training."

5 So very much geared towards the education of
6 children; is that right?

7 A. Yes, yes.

8 Q. If we look at the next paragraph, at (ii) what you tell
9 us is this:

10 "All the visitation reports written by members of
11 the Provincial Council between 1951 and 1983 testify to
12 the concern of the province leadership team for the
13 spiritual and temporal well-being of the Brothers in the
14 community at Falkland House."

15 Then:

16 "There appeared to be a belief among the Brother
17 visitors that the quality of care being provided by the
18 Brothers needed the nourishment of a vibrant personal
19 spiritual life."

20 Can you explain to me what message you are trying to
21 convey there?

22 A. The message I'm trying to convey there is that I think
23 there appeared to be a belief among the higher Superiors
24 that if the Brothers were attentive to their spiritual
25 life, that the apostolate -- that's the practical work

1 they were doing -- would be inspired and infused by that
2 and that, as it were, everything would come right
3 provided the Brothers' spiritual life was where it
4 should be at, they would be devoted to their work then
5 and would give the children the best possible care.

6 Q. It is just the reference to:

7 "... testified to the concern for the spiritual and
8 temporal well-being of the Brothers."

9 Was there concern being expressed?

10 A. There was at times because they were concerned that, for
11 example, because of the supervision duties that the
12 Brothers had to undertake, maybe a number of times
13 during the day when they were not able to attend or be
14 present with the other members of the community for
15 certain religious exercises that were part and parcel of
16 community living.

17 Concern is expressed in almost every visitation
18 report about finding an orarium that would facilitate
19 both the supervision and at the same time the ability
20 for the Brothers to be present for the spiritual
21 exercises that the community attended to.

22 Q. Are you saying that there was evidence that the Brothers
23 were not fully attending to their spirituality --

24 A. It is a dilemma because you can't leave people
25 unsupervised and I am sure that was a dilemma for the

1 local superior. He was under a certain amount of
2 pressure from the visitor from the Provincial Council to
3 try to find a way of ensuring that all the Brothers, or
4 as many as possible were present, but then he also had
5 to ensure that the boys were adequately supervised at
6 all times.

7 LADY SMITH: From the way you put this answer it appears
8 that what you have gleaned from the records is that the
9 Provincial Council's concern was to ensure that the
10 Brothers attended to the religious observances that were
11 part of the Christian Brothers' way of life --

12 A. That is correct.

13 LADY SMITH: -- and that needed to be sorted out.

14 A. Yes. That was to them of paramount importance because
15 if that wasn't right then the work they were doing would
16 ultimately suffer.

17 MR MacAULAY: One example you give us on the next page, at
18 page 37, is in the case of a particular Brother who
19 didn't attend Mass.

20 A. Yes.

21 Q. That's (iii). His non-attendance at Mass is described
22 as a possible source of scandal to those children who
23 voluntarily rose early to attend Mass; is that the point
24 you are trying to make here?

25 A. Yes, that is clearly indicated in one of the visitation

1 reports. Yes, the point I'm making is that if he wasn't
2 attentive to his spiritual exercises. It could possibly
3 be -- rather than being a source of inspiration to the
4 boys, it might be a source of bad example.

5 Q. You go on to say at (v) that:

6 "There's nothing in either visitation reports or in
7 the annals to suggest that St Ninian's' Residential Home
8 for Children at Falkland House was run other than in
9 accordance with the culture, policies and procedures of
10 the Christian Brothers."

11 A. Yes. I think that is the case. While pointing out the
12 points we have just been referring to, the visitation
13 reports are for the most part very positive and, you
14 know, there is constant reference to good relations
15 between the boys and the pupils and their admiration for
16 the work being done. That is the overwhelming
17 impression one gets from reading the visitation reports.

18 Q. One of the questions you were asked -- it is on
19 page 0038 and it is (viii). The question was:

20 "Were there any changes in culture that were driven
21 by abuse, or alleged abuse, of children cared for at the
22 establishment?"

23 So that's the question. You have provided quite
24 a lengthy answer to that. But in particular you
25 identify a reference in a letter to the superior general

1 from the Provincial of the English province indicating
2 that:

3 "It had been necessary to remove a particular
4 Brother from St Ninian's because he could not be trusted
5 with children."

6 A. Yes.

7 Q. Can you just elaborate upon that for me.

8 A. Well, there is little more I can say because that's how
9 it is put in the letter. There seemed to be a reticence
10 to be very descriptive, as it were, about what exactly
11 happened. One can only infer that there was a degree of
12 unhappiness about how this particular Brother was
13 relating to children and it was felt that he had to be
14 removed. We don't get any insight into on how this came
15 to the notice of the Provincial, but it had to come
16 through either the local superior or some member of the
17 community to the Provincial, to the attention of the
18 Provincial. Anyway, he was withdrawn from the community
19 there and was, I think, as far as I could make out,
20 housed in the Provincial headquarters for some time and
21 was attending a psychiatrist and eventually he was
22 advised that he ought to seek a dispensation from his
23 vows.

24 Q. Do I take it from the description you have given that
25 once he was sort of moved from St Ninian's, he wasn't

1 thereafter involved with children directly?

2 A. I can't say that with absolute certainty but the
3 impression I have is that he was in the Provincial
4 house. But, as I say, I can't be absolutely sure of
5 that.

6 Q. Can you help me with timings. You have provided a date
7 for when he was relieved of his vows; that's
8 17 November 1965.

9 A. Yes.

10 Q. You have been able to access that information from the
11 records?

12 A. That is correct.

13 Q. When was he removed from St Ninian's; can you tell me
14 that?

15 A. In 1962, as far as I can remember. 1962.

16 Q. Until he was relieved of his vows would he be at the
17 Provincial house or not?

18 A. That's how it appeared to me. He was certainly based in
19 Liverpool, where the Provincial house was. There is no
20 reference to him being assigned to any school. But, as
21 I say, that's something I'm inferring rather than
22 something I can be absolutely sure of.

23 LADY SMITH: You make reference to him being referred to
24 a psychiatrist; do you know where that took place?

25 A. Where did that take place?

1 LADY SMITH: Yes.

2 A. I presume it must have been a psychiatrist in the
3 Liverpool area.

4 LADY SMITH: But there is nothing in the records to say
5 whether it was Liverpool or whether he was, for
6 instance, sent to Ireland?

7 A. No. He was certainly I think -- the psychiatrist was in
8 the local area. That's to the best of my recollection.

9 LADY SMITH: Could you tell what he was referred to the
10 psychiatrist for?

11 A. Well, I gathered there was also a problem with
12 alcoholism and possibly both the alcoholism and the fact
13 that there was a suspicion that he was molesting
14 children.

15 LADY SMITH: Right, thank you.

16 A. Just to finish off the point I was making there, apart
17 from that isolated case, the point I'm making is that
18 the handling of this matter does not suggest a change in
19 culture. In fact, it reflects a certain attitude on the
20 part of the higher superiors who took a more serious
21 view of any inappropriate sexual behaviour by a Brother
22 towards children.

23 I think -- I'm reading that as an isolated case and
24 that the fact that this happened and they acted like
25 that didn't reflect a change in culture; it reflected

1 this is 1972. In particular you say, reading towards
2 the bottom:

3 "The same acts of chapter state that it must be the
4 aim of every Brother to reduce corporal punishment to
5 a minimum because frequent recourse to corporal
6 punishment indicated a bad tone and ineffectual
7 discipline."

8 And there were regulations governing corporal
9 punishment. That was a fundamental principle, was it,
10 that you reduce corporal punishment to a minimum?

11 A. Yes.

12 Q. What would that mean in reality?

13 A. Well, I presume that the idea would be not to have to
14 use it at all, but if it were to be used that it should
15 be -- I notice it is difficult to define what "minimum"
16 might mean in a context where it was the order of the
17 day in all institutions to administer corporal
18 punishment to boys. I certainly recall reading in
19 various publications from Brothers' chapters and so on
20 that corporal punishment should be avoided if possible
21 and, if used, should be used with the greatest of
22 moderation.

23 LADY SMITH: Sorry, used?

24 A. Used with the greatest of moderation.

25 LADY SMITH: Greatest of moderation, thank you.

- 1 MR MacAULAY: Did you see references in the records you
2 looked at to the use of corporal punishment by the
3 Brothers?
- 4 A. Yes.
- 5 Q. Did the references indicate the nature of the
6 punishment? By that I mean what might have been used.
- 7 A. Yes, sometimes it was a slap on each hand, sometimes it
8 was two slaps on each hand.
- 9 Q. With a strap?
- 10 A. With a strap, yes. This would be for certain types of
11 indiscipline. Absconding was an ongoing problem for
12 a number of years and people who absconded tended to be
13 punished when they returned. Fighting and maybe
14 bullying of younger boys by older and impudence. That
15 sort of incidents -- serious impudence -- are referenced
16 in the logbook.
- 17 Q. So far as absconding is concerned, did the records
18 disclose any sort of investigation as to why a child
19 might want to abscond?
- 20 A. No. I point that out as an inadequacy in the response
21 that in more enlightened times you would obviously ask
22 the question why did they want to abscond or why did
23 they abscond, what sort of needs caused them to do this.
- 24 Q. So there's no evidence of that?
- 25 A. There is no evidence that those questions were asked.

1 Q. Towards the bottom of the page, page 0018, you are again
2 quoting from the regulations. Moving on to the next
3 page the quote is:

4 "As the Brothers hold the position of parents in
5 regard to their children in such schools, every effort
6 should be made to make them, as much as possible,
7 resemble a home."

8 That was one of the fundamental principles.

9 A. Yes, as repeated in various acts of chapter.

10 Q. In the next section you tell us about the vows that the
11 Brothers take. You have already mentioned chastity, but
12 there's also the vows of poverty and obedience.

13 A. That is correct.

14 Q. Towards the bottom of that page, at (iv), there's
15 an understanding, I think as you point out, from 1971
16 onwards that the Christian Brothers saw the need for
17 training in child care; is that correct?

18 A. That is correct.

19 Q. You mentioned this before that there was a specific
20 reference to the need to consider allowing a Brother to
21 attend a one-year course. Did that actually happen?

22 A. That happened.

23 Q. Could you work out from the material you looked at why
24 this understanding developed?

25 A. I think it was reflective of the thinking of the period.

1 The 1968 Act, as I previously said, seemed to generate
2 a new sort of thinking about how residential homes ought
3 to be run and there seems to be a new emphasis on the
4 quality of the care being given in the homes as a result
5 of that.

6 So I would see the Brothers' reaction as a response
7 to that. That is not stated specifically; I am getting
8 that sort of background information from other sources,
9 but that would be my perception of the Brothers wanting
10 to take that course of action.

11 Q. If we move on to the next page, 0020, it would appear
12 then that the suggestion, as you have indicated, was put
13 into effect by the releasing of a Brother to attend
14 a one-year training course in Glasgow and that comes
15 from a report in 1972.

16 A. Correct.

17 Q. So that would indicate what that happened?

18 A. Correct. It was being spoken about well before that.

19 Q. You have mentioned already the appointment of
20 a qualified social worker; you have taken that from the
21 visitation report of 1974.

22 A. Correct.

23 Q. Would that indicate when that happened?

24 A. Yes. It must have been in place at that stage.

25 LADY SMITH: So was that a qualified social worker appointed

1 full time to the school?

2 A. Full time to the school, yes.

3 MR MacAULAY: You have already told us what you would expect
4 the duties of the social worker to be. As you mention
5 here, visiting the homes of the boys would be part of
6 that.

7 A. Yes.

8 Q. You go on to talk about why a number of ideas were not
9 acted upon and that was to do with doubts over the
10 future of the establishment; is that correct?

11 A. Yes, there was a suggestion that units be built on the
12 campus to house boys in smaller units and that these
13 would be staffed by qualified people. But obviously
14 there would have been -- that would be a major
15 investment and I think there were already doubts in the
16 Brothers' mind at Provincial level about their long-term
17 commitment at St Ninian's and I would assume it was for
18 that reason that that idea wasn't pursued.

19 Q. Did the number of Brothers who were actually present at
20 St Ninian's remain relatively constant?

21 A. It did, yes. There was no reduction in the number of
22 Brothers right to the end, but obviously there were
23 pressing issues around the province.

24 Q. So when you are talking about numbers, you are looking
25 at the province as a whole --

- 1 A. The province as a whole.
- 2 Q. -- rather than St Ninian's as such?
- 3 A. Exactly.
- 4 Q. But from what we gather here, there were some
5 discussions about finding another establishment --
- 6 A. Yes.
- 7 Q. -- or someone to take over the establishment. Was it
8 both?
- 9 A. I think there was a discussion about moving from
10 St Ninian's in Falkland to St Ninian's in Gartmore,
11 which had been run by the De La Salle Brothers and who
12 had now left. That was more suitable as a home. The
13 Brothers thought that if they moved to there, that some
14 other congregation might be more willing to take over
15 from them because when the idea of closing or of
16 finishing their involvement with Falkland rose, the
17 question of finding another congregation to replace them
18 was discussed and indeed efforts were made to put that
19 into effect, but they ultimately failed and there was no
20 point in moving to St Ninian's Gartmore when it became
21 obvious to them that no congregation was going to take
22 over from them.
- 23 Q. So the move to St Ninian's Gartmore, from what you are
24 saying, would have been a temporary move to allow
25 them --

1 A. No, it would have been a permanent move in the context
2 of a residential care home continuing by another
3 congregation, but the Brothers were willing to move down
4 there pro tem until they withdrew.

5 Q. I meant temporary from the point of view of the
6 Christian Brothers.

7 A. Yes, yes, okay.

8 Q. In any event the decision was taken to close and that
9 happened in 1983.

10 A. That is correct.

11 Q. Can I look quickly -- we touched upon this earlier -- at
12 the question of funding. If we go back to page 0008 for
13 that, towards the bottom of that page, where you start
14 to address this issue.

15 Funding is touched upon at 1.2 at the bottom. If we
16 move over then to the narrative you provide us with on
17 page 0009, you mention the donation that was provided by
18 Major Michael Crichton-Stuart. Then the reference to
19 the debt you mentioned earlier on in your evidence, that
20 I think the Brothers entered into as it were.

21 A. Yes.

22 Q. You also sought grant aid from the Archdiocese of St
23 Andrews and Edinburgh, but it was not clear whether that
24 aid was received.

25 A. That is correct. It was relatively small. I think they

1 were talking about something like £500, but there is no
2 evidence that it materialised.

3 Q. As you mentioned earlier in your evidence, there were
4 difficulties in meeting the interest payments on the
5 bank loans.

6 A. That is referred to in, I think, one visitation report.

7 Q. When the Christian Brothers came to leave in 1983, what
8 was the financial position?

9 A. Well, it had stopped giving financial reports in the
10 visitation reports after a number of years, so it isn't
11 clear. I do not think there was any problem about
12 finance at that time. I think with the passing years
13 the grants from the local authorities increased and
14 there is certainly no reference to -- through the latter
15 part of the 1960s and 1970s, there is no reference to
16 there being any difficulties in relation to finance.

17 Q. You tell us that a portion of the salaries of two
18 Brothers were paid by the Scottish Education Department.

19 A. That is in the early days.

20 Q. In the early days. This reference to per capita grants
21 then received from the local authorities from whose
22 jurisdictions the boys came from, can you explain that
23 to me?

24 A. For each boy placed by a local authority, a per capita
25 grant was received for him.

1 Q. You mean per head?

2 A. Per head, yes.

3 Q. Looking then to the question:

4 "Was the funding adequate to properly care for the

5 children?"

6 What's your response to that?

7 A. Well, I would think that in the early years there were

8 difficulties because -- I mean the attitude by the

9 Brothers' Provincial would be that each unit like that

10 should be financially independent and with a bank

11 deficit of 10,000 euro for most of the 1950s, it was

12 still there in 1958 --

13 LADY SMITH: I think it would be £10,000 in the 1950s!

14 A. £10,000, I beg your pardon.

15 MR MacAULAY: There's not much difference these days,

16 unfortunately.

17 A. We won't go to that!

18 Q. No.

19 A. £10,000 in 1958, I think, that would have had to impose

20 quite a burden on the school and limit the capacity of

21 the Superior to take on maybe extra staff that he might

22 have deemed necessary or certainly --

23 LADY SMITH: I suppose we have to remind ourselves that

24 a loan of £10,000 in the 1950s was a considerable sum of

25 money.

- 1 A. I would have thought so, yes.
- 2 LADY SMITH: Is there any evidence -- you have talked of the
3 interest payments being met and there being difficulty
4 with that. But is there any evidence of the loan being
5 paid off?
- 6 A. There is no specific reference that I can recall to the
7 loan being finally paid.
- 8 LADY SMITH: Because it would have had to have been repaid
9 at some point.
- 10 A. I am sure it must have happened sometimes before the end
11 of the 1960s. But there would appear to be -- there
12 would have come a point where it was manageable and
13 eventually it was paid off.
- 14 LADY SMITH: I just wondered whether, when the property
15 was -- when the Brothers withdrew from the property in
16 1983, the outstanding loan had anything to do with that.
17 It would have been able to be secured over the property
18 because it was a 99-lease. Do you know?
- 19 A. There is absolutely no reference in the documentation
20 I have that any money was owed at that stage. I am sure
21 that if money was owed, that it would have been
22 mentioned somewhere. So there's no reference at all to
23 monies being owed.
- 24 LADY SMITH: Right. Thank you.
- 25 MR MacAULAY: What you do tell us in this context is that

1 the likely consequence of the ongoing deficit in
2 St Ninian's bank balance over the first decade of its
3 existence would have been the Superior's inability to
4 employ extra staff that may have helped the overall
5 quality of care.

6 A. Yes. That would appear to be an obvious inference that
7 one could make.

8 Q. What you say then is:

9 "We do not know if the shortage of funds had
10 an impact on food, clothing and heating for the children
11 during the first decade of [its existence]."

12 There is no evidence on that?

13 A. No evidence of that, no.

14 Q. What happened to Falkland House once the Brothers had
15 left?

16 A. When the Brothers left, the property was returned to the
17 owners. The original lease was for 99 years but it was
18 written into the lease or we didn't -- I didn't get
19 sight of the final lease, but a temporary lease is in
20 the archives in Marino and -- or a draft of a lease
21 would be more appropriate to describe it. There is
22 a reference in that that if the Brothers at any time
23 were to withdraw that the property would return to the
24 Crichton-Stuart family.

25 Q. And that's what happened?

1 A. That's what happened.

2 Q. On page 0010, still within this context, you are making
3 reference there to correspondence in 1951 about
4 difficulties in neglecting certain payments towards the
5 bottom of that first paragraph.

6 A. Yes.

7 Q. Can you help me --

8 A. There is a one-off reference in a letter -- I think it
9 was from Brother Nugent to the Provincial or to
10 Brother Roche who was on the Provincial Council -- of it
11 being difficult to collect the appropriate monies from
12 some of the local authorities.

13 Q. That was early on?

14 A. Early on, yes. That's one isolated reference and it is
15 in the very early years. So I would assume that that
16 issue wasn't a problem later.

17 Q. Then, if we move on and look at the legal status
18 particularly of the order. If you turn to page 0012 of
19 the report -- this is at (iii). We have already talked
20 about the structure of the order and how it came to be
21 founded.

22 Here you make a reference to a change in the
23 canonical status of the English province in 2007. Can
24 you tell me about that?

25 A. Yes. The English province was subsumed into what is now

1 called the European province in 2007, along with two
2 Irish provinces. It was just one province now for
3 England and Wales, if you like, and the whole of Ireland
4 and I think there one or two communities around Europe
5 as well. They were all a part of what is now a European
6 province. When I say a change to the canonical status,
7 that would have to be approved by the Holy See as
8 I understand it, such a change, because each province is
9 what's called a public juridic person in canon law terms
10 and you have to get approval from the Holy See to
11 terminate that status, as it were.

12 Q. Do I take from what you have said that there is no
13 presence in Scotland now because Scotland isn't covered
14 by --

15 A. There is no presence in Scotland at all, no.

16 Q. So far as the legal status of the congregation is
17 concerned, I think there is a trust deed that has been
18 registered with the Charities Commission; is that right?

19 A. That is correct -- and has been amended a number of
20 times.

21 Q. Can we move on and look at the issue of external
22 oversight during the period we are concerned with. You
23 look at that at page 0045 of the report.

24 We have already talked about the visits by the
25 Provincial, and we needn't go back to that, but you also

1 tell us on page 0045 at (ii) that there are what you
2 describe as:

3 "... occasional references in the records to visits
4 from Scottish Education Department or HM Inspectors."

5 Just elaborate upon that: how regular were these
6 inspections or these visits?

7 A. Not very regular. As best I can recall, there are maybe
8 two or three references to such visits, so they do not
9 appear to have been very regular -- or if they were more
10 regular, they weren't recorded.

11 Q. Where the records were kept, were these references in
12 the logbook?

13 A. I think they would have been in the logbook, yes.

14 Q. I think we have seen that we don't have logbooks --

15 A. We don't have logbooks for the period 1976 to 1983, but
16 if they weren't in the logbook they were in the house
17 annals, but it would be more likely they would be in the
18 logbook because the logbook refers more specifically to
19 things that were happening in the establishment.

20 Q. You tell us in that paragraph that:

21 "There are frequent references in the logbook to
22 local authority child welfare or child officers visiting
23 St Ninian's and engaging with the children from their
24 jurisdictions."

25 A. That is correct.

- 1 Q. So that is in the logbook?
- 2 A. That is in the logbook.
- 3 Q. But only up until the time we have logbooks?
- 4 A. Yes. There is no reason to believe that that didn't
5 continue for the remaining years.
- 6 Q. On page 0046, you repeat that comment about -- that's at
7 the top of the page:
8 "... welfare or care officers visiting children from
9 their jurisdictions at regular intervals and many of
10 these visitors are referenced in the logbook."
11 We have discussed the time frame for that. You go
12 on to say:
13 "They met and spoke with the children and
14 occasionally took them off the premises for a meal."
15 That comes from the interview you had with the
16 Brother?
- 17 A. Yes, there is no reference to that in the logbook or in
18 the annals, but that's what the Brother told me when
19 I spoke with him.
- 20 Q. In the next paragraph then I think you provide a summary
21 of the local authority's involvement with children
22 judging from the records that you have looked at.
- 23 A. Yes.
- 24 Q. I want now to turn to the final section of this report
25 and that's on page 0047 and that's part B of the report.

1 One of the issues you were asked to address,
2 Mr Madigan, was whether the congregation retrospectively
3 was prepared to acknowledge and/or admit abuse.

4 A. Yes.

5 Q. Can you tell us what your response is to that?

6 A. Well, it is there in (i), that they acknowledge, with
7 deepest regret, that some children cared for at
8 St Ninian's between 1950 and 1983 were abused.

9 Q. You go on to give us some information about the
10 assessment of the extent --

11 A. Yes.

12 Q. -- and scale of the abuse.

13 A. Yes.

14 Q. If we move on to page 0048, can you perhaps take us
15 through that?

16 A. That is based on the number of allegations made and on
17 the fact that in the High Court in Glasgow on 22nd July,
18 two former Brothers were convicted and are now serving
19 prison sentences.

20 LADY SMITH: That was a conviction of July last year, 2016?

21 A. Correct.

22 LADY SMITH: Do you know what period the charges of which
23 they were convicted relate to?

24 A. They relate to the later years, the late 1970s or early
25 1980s.

1 MR MacAULAY: But do they cover a period of years?

2 A. Yes. As far as I can recall, they covered a period of
3 two to three years.

4 LADY SMITH: Might it have been 1979 to 1983?

5 A. It mightn't have been that entire period, but certainly
6 it might have been 1980 or 1981 to 1983.

7 Q. You do mention in that paragraph who might have had
8 access to children between 1970 and 1983, but I think
9 the period you are talking about, so far as the
10 convictions are concerned, then is a shorter period of
11 time?

12 A. A much shorter period.

13 Q. But still years, a period of years?

14 A. A period of years, yes.

15 Q. Are you able to tell us how many victims were involved?

16 A. Well, a number are mentioned but we don't know
17 whether -- when the Brothers were asked to give --
18 provide details on those against whom allegations were
19 made, the identity of those who were making the
20 allegations wasn't disclosed to them.

21 LADY SMITH: I don't think you are being asked about the
22 identity, Mr Madigan; it was just the number.

23 A. The number?

24 LADY SMITH: How many involved in these charges of which
25 they were convicted?

1 A. I know that in part D I deal with that and I can't at
2 the moment recall the precise details I have given in
3 part D, but I think I have listed all the allegations
4 that we know about.

5 MR MacAULAY: Part D is another part of the report that we
6 are going to come to in due course.

7 A. Yes.

8 Q. You have no recollection now of the numbers?

9 A. I just can't -- my best estimate is nine or ten but
10 I know I have given that information later in the
11 report.

12 Q. It is a significant number of children.

13 A. Well, these include allegations now?

14 Q. Yes.

15 A. But it is significant, yes.

16 LADY SMITH: Did you look at how many complainers, as we
17 call them in Scotland, were involved in the charges of
18 which these two people were convicted?

19 A. Five, as far as I can remember.

20 LADY SMITH: Or maybe six?

21 A. Five or six.

22 LADY SMITH: Do you know what the sentence --

23 A. That information is somewhere in the report.

24 LADY SMITH: Do you know what the sentences were that were
25 imposed by the court?

1 A. Certainly in one case it is quite a lengthy sentence;
2 I think in the other it is possibly six years. I can't
3 recall exactly.

4 LADY SMITH: Might they have been five years and ten years?

5 A. Yes, that could be it.

6 MR MacAULAY: You do mention on this page that allegations
7 were also made against three other staff members at the
8 same court hearing.

9 A. Yes.

10 Q. But, as you put it, these were not upheld.

11 A. That is correct.

12 Q. These people were not convicted?

13 A. These people were not convicted.

14 Q. But you go on to tell us that allegations have also been
15 made against two deceased members of the congregation --

16 A. Yes.

17 Q. -- and a former member who is now deceased.

18 A. Yes.

19 Q. So these allegations are against three people who were
20 Brothers?

21 A. Yes. Well, two died as Brothers and one had left the
22 Brothers.

23 Q. But, he had been a Brother at the time of the
24 allegation?

25 A. Yes.

- 1 Q. Do you have a timescale in mind at which --
- 2 A. One of them is obviously a person that we referred to
3 earlier and that was about 1961/1962. The others
4 were -- belonged between 1970 and 1980, that period.
- 5 Q. You do tell us, I think, that because of the nature of
6 the staffing at St Ninian's, that there would be
7 a number of people who would have access to the
8 children.
- 9 A. Indeed, yes.
- 10 Q. But at particular times, like bedtimes and morning
11 times, really it was the Brothers who had --
- 12 A. Yes, that's my understanding of it, that it was
13 predominantly the Brothers who were involved in the
14 supervision of the boys during those periods of time.
- 15 Q. You were also asked, if you look towards the bottom of
16 page 0048, whether the order accepts that its systems
17 failed to protect children cared for at the
18 establishment between -- it says 1930, but between the
19 time at which the order ran the establishment. What's
20 your response to that?
- 21 A. The congregation, looking back from the current
22 perspective, accepts that there were systemic failures
23 in the sense that the system didn't provide for or
24 didn't ensure that the way in which supervision was
25 carried out and the way in which maybe other matters

1 were attended to, by today's standards certainly, would
2 have fallen well short of what one would deem as
3 desirable.

4 Q. What you tell us at the top of the page is that:

5 "The fact that two people convicted of abuse were
6 Christian Brothers at the time they perpetrated the
7 abuse reflects says systemic failures both within the
8 organisation, the English province of the
9 Christian Brothers, and the manner in which the
10 establishment was managed by the local superior or
11 superiors at the time of the abuse."

12 A. That was the view I expressed in the report and that
13 view was accepted by the Provincial.

14 Q. That becomes particularly acute, does it, when we are
15 looking at a time frame that might expand over a period
16 of several years?

17 A. Yes.

18 Q. You go on to say that:

19 "The Christian Brothers recognise that the success
20 of principal councils responsible for St Ninian's ought
21 to have been much more specific in conveying to
22 superiors and staff the practical implications of the
23 aspiration of their acts of chapter regarding
24 residential schools, ie to make them as much as possible
25 resemble a home."

1 Do you see that?

2 A. Yes, that aspiration is expressed in successive acts of
3 chapter, but there is no evidence that the implications
4 of that were ever teased out -- either when visitation,
5 when a Provincial or a member of his council visited
6 a community, or whether it was discussed at community
7 level.

8 It would strike me that if that sort of aspiration
9 is expressed, and if you were to take it really
10 seriously, you would discuss its implications.

11 Q. We saw earlier from the constitutions that it was
12 recognised that a Brother should never be alone with
13 a pupil.

14 A. Yes. Maybe at local level, perhaps, it could be said
15 that the local superior at a given time didn't bear that
16 in mind sufficiently in terms of allocating people to
17 supervision.

18 Q. Is that what you mean in the last few sentences of this
19 paragraph where you say:

20 "It could also be stated that some of the Superiors
21 at St Ninian's showed a lack of awareness of the
22 situational dangers in which some of the Brothers were
23 operating, particularly those who supervised dormitories
24 on their own at night time"?

25 A. Yes.

1 Q. Is there evidence in the records that dormitories were
2 being supervised by one Brother at night time?

3 A. Well, there isn't hard evidence, but there is what
4 I would regard as some evidence that -- there is
5 a reference, for example, to one Brother not being able
6 to attend the morning spiritual exercises because he was
7 up late at night attending to supervision or attending
8 to problems that might have occurred in dormitories or
9 whatever.

10 So the way it is referred to would suggest to me
11 that, yes, this particular Brother was on his own on at
12 least some occasions in carrying out supervision.

13 Q. You move on to say in the next section that -- this may
14 be part of the same thing you have been telling us
15 about -- that the preparation and induction of both
16 Brothers and lay staff working at St Ninian's were
17 clearly inadequate.

18 A. Yes. Well, inadequate in the sense that there was no
19 particular training given to people who were now --
20 particularly in the case of Brothers whose experience
21 prior to coming to St Ninian's would have been teaching
22 in day schools and they were now moving to a situation
23 where they were going to be in contact with children on
24 a 24/7 basis. Again, with hindsight, one would
25 obviously see the need for special preparation and maybe

1 special screening as well for people moving into that
2 sort of situation and of course that is what you would
3 have if a similar context were to arise today.

4 Q. Although, I think, as we have seen from the
5 constitution, the danger of a Brother being alone with
6 a child was recognised way back at least in 1946.

7 A. It was, yes. But apart from that -- that's what I'm
8 saying that screening -- by today's standards, people
9 would be well screened before involving them in that
10 sort of situation and they would also receive special
11 training. There wasn't a consciousness of the need for
12 that back then.

13 Q. If we move on to page 0050 of the report, looking
14 towards the top of the -- towards the top of the page,
15 five or six lines down, you make further reference to
16 the logbook and what's in it. In particular, what you
17 tell us is that:

18 "Entries to the logbook are rather scant from 1973
19 to 1976 and that there are no entries available from
20 1976 to 1983. As the entries in the house annals for
21 the same period tell us very little, the poor record
22 keeping for the latter period of St Ninian's experience
23 must also be included among the systemic failures."

24 I had taken from that that you were accepting that
25 these records were not kept; is that still your position

1 or not?

2 A. The fact that they are not there reflects a breakdown in
3 the system somewhere. The fact they are not there --
4 even if it were kept, the fact they are not there
5 reflects some flaw in the system. If they were provided
6 for some other reason, it should have been got back.
7 Anyway, we don't know if it is a question of them not
8 being completed or being lost. Whichever it is, it
9 reflects a failure in the system.

10 Q. Moving on to page 0051. At 3.3, you go on to say that:

11 "Between 1950 and 1983 there were no complaints
12 during that period of time and therefore [you say] there
13 could not have been any failure in the response to
14 complaints."

15 That's the position?

16 A. Yes.

17 Q. The first recorded complaint was when then?

18 A. In 1998.

19 Q. And the nature of that complaint?

20 A. The nature of that complaint was a phone call, I think
21 initially, from somebody who was living abroad -- I say
22 abroad, not in the UK -- to, I think, initially the
23 police in Fife, who made contact with the Brothers and
24 I think that person asked if he could engage with maybe
25 some Brother to talk about his experience.

1 That happened. The Brother did make contact. But
2 the fact that he had made -- that the gentleman in
3 question had made contact with the police, it was not
4 clear to the Brother in question whether or not it was
5 appropriate for him to continue what they called
6 pastoral outreach, which was to help him process the
7 difficulties he was having as a result of his
8 experience.

9 Q. Sorry --

10 A. So at some point he decided that if this person was
11 going to pursue his case at a legal level, that he might
12 be seen, if he continued to be involved, as perverting
13 the course of justice.

14 Q. Just so I can understand: there is this complaint that
15 was made in 1998 and you say in the report it was
16 a complaint of sexual abuse against a former Brother --

17 A. Yes.

18 Q. -- now deceased. But was it a complaint of sexual abuse
19 at a time when the Brother was a Brother at St Ninian's?

20 A. Correct.

21 Q. I think you tell us that the time frame then was from
22 1960 to 1962; is that right?

23 A. Yes.

24 Q. So we are going back some years?

25 A. Yes, we were going back to linking it with somebody we

1 were referred to earlier.

2 Q. So was this the Brother that was moved to Liverpool?

3 A. Correct.

4 LADY SMITH: Do you know when he died?

5 A. I couldn't put an exact date on that.

6 LADY SMITH: Roughly?

7 A. I would have thought possibly in the 1990s, but I can't
8 be sure about that.

9 LADY SMITH: What otherwise you learnt from your researches
10 was that this person had first of all gone to the
11 police?

12 A. Yes.

13 LADY SMITH: And then subsequently at some point made
14 contact with the Brothers?

15 A. Well, the police contacted the Brothers and said, this
16 man would like to talk to one of them.

17 LADY SMITH: Ah.

18 A. They engaged in that and I think at some point the
19 Brother was advised by his legal advisers that to go
20 beyond a certain point might be seen as trying to
21 dissuade this person from following a legal route and he
22 made the person aware of that, that he was perfectly
23 entitled to report -- well, the police already knew
24 about this -- he was perfectly entitled to pursue his
25 claim but that if he was, he couldn't engage with him

1 any further.

2 LADY SMITH: I see.

3 MR MacAULAY: I'm slightly confused as to who the Brother
4 is. Earlier we talked about a Brother against whom the
5 Provincial had written to the superior general saying
6 that he could not be trusted with children.

7 A. Yes.

8 Q. If we could perhaps go back to that section of the
9 report; it is at page 38 of the report.

10 A. We are talking about the same Brother.

11 Q. Are we talking about the same --

12 A. We are talking about the same Brother. This person
13 complained -- was identified as the man that we referred
14 to earlier during the 1961/1962 period.

15 Q. It is probably my fault for not following it, but if we
16 go back to page 0038, you tell us that there was
17 a reference in a letter to the superior general from the
18 provincial indicating that it had been necessary to
19 remove a particular Brother from St Ninian's because he
20 could not be trusted around children, and ultimately --
21 and I think you said 1962 may have been when that
22 happened -- the Brother was removed to Liverpool and he
23 was relieved of his vows in 1965.

24 A. Yes.

25 Q. When we go back to page 0051 of the report, the section

1 I had been looking at, what you say is this:

2 "The first recorded complaint against any staff
3 member of St Ninian's dates from 27/09/1998. This was
4 a complaint of sexual abuse against a former Brother,
5 now deceased ..."

6 This is the Brother you already mentioned who had
7 been dispensed of his vows in 1965?

8 A. Correct. I may have a difficulty with formal complaint.
9 His removal from St Ninian's doesn't -- is not linked to
10 any particular formal complaint, so I'm presuming it was
11 on the basis of an observation by the Superior or
12 a member of the staff.

13 Q. Yes but what happened in the 1960s was that he was
14 removed because he could not be trusted with children.

15 A. That is correct.

16 Q. What happened in 1998 is someone made --

17 A. This is -- a formal complaint actually finally emerged.

18 Q. Of sexual abuse against that Brother?

19 A. Exactly, yes.

20 Q. If you go on to page 0052 of this report, you are there,
21 I think, giving details about the knowledge that the
22 congregation obtained in relation to the allegations
23 that were made and resulted in the criminal trial; is
24 that correct?

25 A. Yes.

1 Q. We have already touched upon this, but two of the
2 Brothers were convicted. Can you tell me about the
3 Brothers? Were they Brothers at the time when the
4 convictions occurred?

5 A. They were Brothers at the time -- we know -- sorry, they
6 were not Brothers at the time of the conviction. They
7 were Brothers at the time of the allegations of
8 complaints but they both -- one went on to become
9 a priest and the other was relieved of his vows sometime
10 in the early 1980s and went on to teach in England.

11 They were both -- they were no longer in the
12 Brothers when these complaints came through and were
13 processed and eventually led to the trial.

14 Q. One of the Brothers became a priest?

15 A. Yes.

16 Q. Was he based in Scotland?

17 A. He was based in Scotland. The complaints against him
18 were initially made to whatever diocese in Scotland he
19 was working in.

20 Q. If we look at what you tell us at the top of page 0052
21 then, you say:

22 "On 30th October 1998 the records indicate that the
23 detective constable contacted the headquarters of the
24 English province of the Christian Brothers regarding
25 an allegation he had received from a former pupil of

1 St Ninian's about sexual abuse he had suffered as
2 a pupil in circa 1973. The complainant indicated that
3 this abuse was perpetrated by a Brother or priest who
4 was on the staff at the time ..."

5 Can I understand what happened to that allegation?

6 A. That didn't appear to surface again until about 2010.

7 I think the police notified the Brothers' headquarters
8 in England that they had got such a complaint but nobody
9 was named so it was not known who the person was. But
10 it seemed to resurface, to the best of my research,
11 about 2010.

12 At this time obviously the English province no
13 longer existed, so it must have come to the attention of
14 the European headquarters in Dublin, in Marion, and
15 eventually contact was established between the
16 complainant and the member of the leadership team as
17 stated there.

18 Q. But am I understanding this correctly: did this
19 complaint form part of the criminal trial that took
20 place --

21 A. No.

22 Q. This is something quite separate?

23 A. Quite separate, yes.

24 Q. But it did involve the police?

25 A. Yes, the police were involved. The police were informed

1 back in 1998.

2 LADY SMITH: Do you know how many complaints the prosecuting
3 authorities in Scotland looked at in their preparation
4 for the trial?

5 A. I know they looked at complaints against five people,
6 but from how many, I would have to go back and
7 research --

8 LADY SMITH: I think there may be some information that
9 35 individuals came forward with complaints in relation
10 to St Ninian's which were looked into by the prosecuting
11 authorities.

12 A. I don't recall seeing that figure in any of the files
13 I have been through.

14 LADY SMITH: But did you see indications of more than the
15 ultimate six whose experiences figured in the charges of
16 which the convictions were made?

17 A. No, I think the information that we have -- that I came
18 across in the files ... It strikes me it is five or
19 six, but no more.

20 Q. Looking towards the bottom of this page, page 0052,
21 where you are going back to recount that five members of
22 staff were on trial in the High Court in Glasgow and
23 that two convictions ... You go on to say that
24 allegations against two of the five people in question
25 seem to have come to the attention of the Provincial

1 Council of the English province initially in June 2002.

2 A. Yes.

3 Q. Were the two the two that were convicted or not?

4 A. One of them was.

5 Q. How did that happen? How did these allegations come to
6 the ear of the Provincial Council?

7 A. My reflection is that in each case they contacted the
8 Brothers' Provincials in England at the time to tell
9 them that the Scottish police were filing criminal
10 charges against them.

11 Q. So the two persons who are being identified as potential
12 abusers contacted the provincial?

13 A. Yes, yes that is correct.

14 Q. They told the Provincial that there were criminal
15 charges --

16 A. That's my understanding of --

17 Q. I mean you do tell us there was some correspondence with
18 the province solicitors based in London if you read
19 on --

20 A. Yes.

21 Q. And --

22 A. Based in Liverpool, actually.

23 Q. I'm sorry, based in Liverpool.

24 Moving on to page 0053, there also appears to have
25 been correspondence in 2002 between -- involving the

1 procurator fiscal; is that correct?

2 A. That is correct.

3 Q. Have you seen that material?

4 A. I saw a copy of that letter that the procurator fiscal
5 wrote, that it was not intended to prosecute one of the
6 parties against whom allegations had been made.

7 I think, as said there, it was intimated that this did
8 not mean that there would never be proceedings.

9 With regards to the other person involved, there is
10 no record in the files at my disposal that he received
11 a similar letter at the time.

12 Q. So just so we can understand this: this is all happening
13 in 2002 in connection with two of those who were
14 ultimately prosecuted in 2016?

15 A. That is correct.

16 Q. In 2002 were the two persons against whom these
17 allegations were being made still Brothers?

18 A. One was a Brother; the other was a former Brother.

19 Q. Then you tell us I think in the next paragraph what the
20 practice now is within the congregation when they are
21 informed of there being a criminal investigation against
22 a Brother.

23 A. Yes.

24 Q. What happens?

25 A. Well, if there is a criminal investigation, they simply

1 provide the police with any information on record but
2 they feel they can't become involved -- once a criminal
3 investigation is underway, they have to let the process
4 take its course, but they will provide the police with
5 all information they need and will ultimately inform all
6 the authorities that need -- all the agencies that need
7 to know about it.

8 Q. Towards the bottom of the page, the question is asked:

9 "What's the congregation's assessment of the extent
10 of such failures in its response?"

11 What do you tell us about that?

12 A. Well, we are interpreting that as the current response.

13 Q. Yes.

14 A. I say there:

15 "The current leadership believes that the
16 allegations of which they are aware have been treated in
17 accordance with the procedures and practices that have
18 now been adopted by the Catholic Safeguarding Advisory
19 Service for England and Wales and by religious
20 congregations involved in education."

21 There are protocols there that they adhere to
22 strictly and there are similar ones for Ireland, perhaps
23 even more elaborate for Ireland. But if it is a case
24 that arises in the UK, they follow the safeguarding
25 protocols that are in place for the church and religious

1 congregations across the UK.

2 Q. If we move on to page 0054 --

3 LADY SMITH: Just while the page is moving, when you refer
4 to "safeguarding protocols", do you have in mind the
5 National Safeguarding Manual?

6 A. Yes.

7 LADY SMITH: And do you know -- you may not know given your
8 current position -- whether the Brothers are keeping
9 track of the work that is currently underway to revise
10 the terms of that manual?

11 A. I have no personal awareness of that.

12 LADY SMITH: Thank you.

13 A. I know they are certainly keeping abreast of all
14 developments in Ireland and, I suspect, in the UK as
15 well.

16 LADY SMITH: Thank you.

17 MR MacAULAY: If we move on to page 0054 then at (iii) what
18 you tell us is that:

19 "The Christian Brothers have no desire to adopt
20 a defensive attitude towards any adult who feels that he
21 was abused or mistreated during his time at
22 St Ninian's."

23 Does that represent the Christian Brothers'
24 position?

25 A. Yes.

1 Q. And:

2 "Any complaints or allegations that have come to the
3 attention of the current leadership of the congregation
4 have been treated seriously."

5 A. Yes, absolutely.

6 Q. Are they being treated seriously?

7 A. Yes, absolutely.

8 Q. You go on to say:

9 "The Christian Brothers are eager to co-operate
10 fully with the Scottish Child Abuse Inquiry and to
11 provide copies of any records that the Inquiry team deem
12 useful."

13 A. Yes, that is the position.

14 LADY SMITH: When you say that:

15 "Any complaints or allegations that have come to the
16 attention of the leadership of the congregation have
17 been treated seriously."

18 What do you mean?

19 A. Well, there certainly have been proactive in terms of --
20 if the person makes direct contact with the
21 congregation, he -- the complainant is advised about all
22 the support that is available, legal, psychological and
23 otherwise, advised on how to process his complaint if he
24 wants to do it through criminal or a civil process. If
25 he doesn't want to do that, any psychological support

1 that a person might need would be provided.

2 LADY SMITH: All right. So when you say he is advised about
3 both legal and psychological support, what exactly does
4 that mean? Are you talking about what you then
5 mentioned about telling them about the availability of
6 making a criminal complaint or taking civil action or
7 what?

8 A. Obviously, they are advised that they may go that route;
9 you can't do that for them. But if they don't
10 particularly want to go a legal route and if they want
11 to engage with the Brothers in receiving psychological
12 support, then that would be arranged for them.

13 LADY SMITH: It would be arranged by the Brothers?

14 A. By the Brothers.

15 LADY SMITH: According to what the individual requires?

16 A. Indeed.

17 LADY SMITH: Thank you.

18 MR MacAULAY: I think, finally, you confirm towards the
19 bottom of page 0054 that the Christian Brothers now have
20 no involvement with residential care for children in
21 Scotland and that's been the position since 1983.

22 A. That is correct.

23 Q. What about elsewhere? Are the Christian Brothers
24 involved with residential care in other parts of the
25 world?

1 A. Not to my knowledge. But I couldn't -- I didn't -- that
2 question didn't arise so I didn't research it, but
3 certainly not in Ireland and, as far as I know, not in
4 Australia or America either, but I could not be
5 absolutely sure about that.

6 Q. We can perhaps nail that one in due course.

7 A. Yes, indeed.

8 MR MacAULAY: Thank you. That's all the questions I have,
9 Mr Madigan.

10 My Lady, no written questions have been submitted to
11 me.

12 LADY SMITH: Thank you. Can I just check whether there are
13 any outstanding applications for questions to be put to
14 this witness from anyone? No? Thank you very much.

15 Thank you, Mr Madigan, for your assistance this
16 morning; we are able to let you go now.

17 A. Thank you very much.

18 (The witness withdrew)

19 LADY SMITH: Mr MacAulay.

20 MR MacAULAY: My Lady, the next witness I would like to call
21 is Brother Brendan Geary.

22 BROTHER BRENDAN GEARY (sworn)

23 Questions from Mr MacAULAY

24 LADY SMITH: Do sit down and make yourself comfortable.

25 Mr MacAulay.

1 MR MacAULAY: My Lady.

2 Brother Geary, are you Brendan Geary.

3 A. I am, yes.

4 Q. Have you come here today to speak to the report that has
5 been prepared and submitted to the Inquiry on behalf of
6 the Marist Brothers?

7 A. I am.

8 Q. Before we look at the report can I perhaps look at your
9 CV. I will put that on the screen. It is on the screen
10 already. Just for the notes, the number is
11 MAR.001.001.0109.

12 Do you tell us here that you joined the
13 Marist Brothers in August 1975?

14 A. That is correct.

15 Q. Thereafter you give us some information about your
16 academic track record. You studied English and history
17 at Glasgow University from 1977 to 1981; is that right?

18 A. Correct.

19 Q. You graduated with an honours MA degree and then you
20 trained for a year to be a secondary school teacher.

21 A. Correct.

22 Q. Did you then spend some time teaching?

23 A. I taught for three years in St John's High School in
24 Dundee.

25 LADY SMITH: Could you make sure that the microphone picks

1 you up. This is a large room and it is important that
2 everybody can hear you. Thank you.

3 A. Okay.

4 MR MacAULAY: Do you tell us also that it was during that
5 time that you made your final profession as
6 a Marist Brother --

7 A. That's also correct?

8 Q. -- in 1983?

9 A. Yes.

10 Q. It would seem that from October 1985 to July 1987 you
11 were employed as a youth worker on the King's Corner
12 Project in Islington; is that right?

13 A. That is right.

14 Q. What did that involve?

15 A. It was a youth project set up for young people from 16
16 to about 25 years of age and it also ran a youth
17 training scheme, which I was involved with, with a group
18 of young people. There was also a range of social,
19 educational and leisure activities and I was involved in
20 a range of them.

21 Q. During that time I think you studied for a diploma in
22 youth and community work at the Mile End campus of
23 Thames Polytechnic.

24 A. That's correct.

25 Q. The retreat team that you joined in August 1987 -- and

1 you spent some time there until June 1993 -- can you
2 tell us a little bit about what that involved?

3 A. There was a religious order called the Marist Fathers
4 and also the Marist Sisters -- we are related in our
5 history. There was a priest who was a member of the
6 Marist Fathers, two Sisters and two Marist Brothers, and
7 the year after that, or two years after that, some
8 laypeople joined us and we began by doing retreats with
9 senior students in Catholic secondary schools. But
10 gradually over time we offered workshops and retreats to
11 adults as well. By the time I finished in 1993, there
12 was a significant shift towards working with adults more
13 than working with young people.

14 Q. In that time you studied counselling and human
15 development and obtained a certificate in that field?

16 A. That is correct.

17 Q. Then a change of jurisdiction in that in September 1993
18 you moved to work in Cameroon, West Africa.

19 A. That is right.

20 Q. What was that work?

21 A. The reason I was asked to go was there was a number of
22 younger African Marist Brothers and the senior members
23 of the community, mostly from Britain, Ireland, had left
24 and I was asked to go there really to be a kind of
25 a more senior member of that group to accompany them, to

1 use that word.

2 In my first year I taught in a secondary school,
3 I taught English. Then I was asked to take
4 responsibility for the formation of new members and,
5 with a Spanish colleague, I set up what was called Our
6 Lady of Africa Formation Group, which was a group for
7 young men and women who wanted to join the religious
8 life.

9 Q. You are back in Scotland in 1997 and I think went off to
10 the US in 1998.

11 A. I came back in November 1997 and I went to the US in
12 April in 1998.

13 Q. You carried out some further studies there and graduated
14 from Loyola College in Maryland with an MSc and PhD in
15 pastoral counselling and you became a licenced
16 professional clinical counsellor in the state of
17 Maryland.

18 A. That is correct.

19 Q. Did you work in that capacity there?

20 A. I worked with a range of groups. In my first year
21 I worked with Vietnam veterans, most of whom had
22 post-traumatic stress disorder and other addictions and
23 other difficulties. I worked in a psychiatric hospital.
24 I then worked at the National Institute for the Study,
25 Prevention and Treatment of Sexual Trauma, which was

1 mostly with sex offenders, and I also worked with
2 victims of sexual abuse.

3 Q. But you come back to Scotland in February 2004 and you
4 were appointed director of human formation at
5 Ushaw College, which is a Catholic seminary in the North
6 of England.

7 A. That is correct.

8 Q. That was a position you held until December 2009?

9 A. That is correct.

10 Q. Again, you carry out some studies; is that correct?

11 A. That is true.

12 Q. Particularly focusing on psychology and psychotherapy?

13 A. That's true.

14 Q. You were appointed the Provincial of the province of
15 West Central Europe of the Marist Brothers; is that
16 right?

17 A. That is right.

18 Q. When was that?

19 A. I was contacted at the beginning of December 2009 to ask
20 if I would accept an appointment. It was made public
21 about the 18th December and I effectively took over from
22 that point, although the official beginning was in
23 February 2010.

24 Q. We will look perhaps at the detail of that later. Did
25 that mean you were moving to work abroad?

1 A. The province comprises five countries -- Ireland, UK,
2 the Netherlands, Belgium and Germany -- and the house
3 where the Provincial lived was in the Netherlands for
4 a range of reasons, so I moved to live in that house in
5 January 2010.

6 Q. Are you here today really in your capacity as the
7 Provincial of the order?

8 A. That is correct.

9 Q. You do talk about this both in the report and in your
10 CV, but can you just give us a thumbnail sketch of what
11 your duties are as the Provincial?

12 A. The Provincial is responsible for the pastoral care of
13 the Brothers, for the mission that is undertaken by the
14 province, and some financial and legal matters. So the
15 person who would sign on behalf of the Marist Brothers
16 any document would be me. Or in Germany there is
17 a legal person and I write a letter saying that he has
18 the authority to do that, and in other places.

19 I would meet with the Provincial Council which
20 comprises four other Brothers between six and eight
21 times each year and we would deal with matters
22 pertaining to the life of the province and to the
23 Brothers.

24 A really significant part of that role is personal
25 contact with the Brothers so that I am, in the best

1 sense of it, obliged by canon law to offer each Brother
2 the chance of an individual interview once a year. In
3 fact, I do it more often than that. I would also be
4 involved in any work that's undertaken by the
5 Marist Brothers in this province and promoting the
6 vitality and life of the province. In pertaining to
7 this particular Inquiry, the whole area of safeguarding
8 would ultimately be my responsibility.

9 Q. You tell us in your CV there are currently 108 Brothers
10 in the province.

11 A. One has since died, so it is 107.

12 Q. But you have a presence in Scotland?

13 A. Yes.

14 Q. Where you have ten, I think -- or at least that was the
15 position when you provided us with this information.

16 A. That hasn't changed, yes.

17 Q. What do they do?

18 A. Most of them are retired. One of them works in
19 an institute in Glasgow dealing with facilitating,
20 coaching, organisational development; that's his work.
21 Some of them help with some pastoral things in parishes,
22 etc, but not a great deal any more. Two are in nursing
23 homes, one is in a retirement apartment, and the other
24 two will move into retirement apartments by December of
25 this year.

1 Q. Your purpose here today, as we have touched upon, is to
2 provide evidence to the Inquiry on the back of the
3 report that you have produced.

4 A. Yes.

5 Q. That report really covered two particular establishments
6 and that was St Joseph's College Dumfries and
7 St Columba's College Largs.

8 A. That is correct.

9 Q. During the periods that we are looking at for your
10 purposes, these were run by the Marist Brothers?

11 A. That is correct, except with St Joseph's College, the
12 Brothers ceased to be involved in the management of the
13 school in 1982 or 1981 and the boarding section closed
14 by 1982.

15 Q. Had the Brothers moved out -- did the Brothers move out
16 then when the boarding section closed?

17 A. No, there were some Brothers who continued to be members
18 of staff at the school. So even though -- when the
19 local authority took over, they advertised for the post
20 of principal and the Brother who was principal applied
21 for the job but wasn't appointed. Mr Michael Taylor was
22 appointed and Brother Lewis was offered the position of
23 deputy principle, which he accepted. A number of
24 Brothers continued on the staff until Brother Lewis was
25 elected Provincial after a few years and then other

1 Brothers -- I can think of two of them -- then stayed
2 there until their retirement as teachers on the school
3 as -- it was then a day school and that's what they did.

4 Q. I think we will see this later, but St Joseph's began as
5 a boarding school.

6 A. That is correct.

7 Q. At a point in time, and we will focus upon the point in
8 time, it began to take in day pupils.

9 A. I'm not sure when they began to take in day pupils, but
10 I think there had been for many years some students from
11 Dumfries, both Catholic and not Catholic, who attended
12 the school, and then at a certain point in time the
13 local authority made some agreement with the Brothers to
14 take the Catholic pupils from that area into the school.

15 LADY SMITH: As day pupils?

16 A. That is correct.

17 MR MacAULAY: So towards the end of the Brothers'
18 involvement, we had -- it was a boarding school and also
19 took in day pupils?

20 A. That is right.

21 Q. You have in fact produced not two but three reports.

22 A. That is right.

23 Q. Two dealing individually with the two
24 schools/colleges --

25 A. That is right.

- 1 Q. -- and one headed "The Organisation".
- 2 A. That is right.
- 3 Q. To what extent were you yourself involved in
4 constructing the reports?
- 5 A. I was involved in the construction of all three reports.
- 6 Q. Am I right in thinking that the report headed
7 "Organisation" in large measure covers matters that
8 apply really across the board in relation to the
9 organisation and also the schools?
- 10 A. That's true. When myself and others were preparing the
11 reports and asked specific questions about
12 St Joseph's College and St Columba's in Largs it seemed
13 sensible to me to separate those so that they could be
14 looked at individually, and that matters that were
15 common to all, especially about organisation and ethos,
16 could be dealt with in the first report.
- 17 Q. I mean there are aspects that are particular to the
18 schools.
- 19 A. That is right.
- 20 Q. But I think, looking at it, in the main, what you set
21 out in the organisation report, does cover a significant
22 amount of the matters that relate to both schools.
- 23 A. Without being offensive, I think that also relates to
24 how the questions were constructed.
- 25 Q. No offence is taken of that!

1 I propose to work off the organisation report --

2 A. Okay.

3 Q. -- but also, when necessary, look at the other two
4 reports.

5 Then if we could perhaps put that report on the
6 screen. You have a hard copy of the report in front of
7 you if you prefer to use that. The report is
8 MAR.001.001.0061.

9 The first question, offensive or otherwise --

10 A. Well, the first question wasn't offensive; I was just
11 talking about the construction of all the questions.

12 Q. In that question you are asked about the history of the
13 Marist Brothers.

14 A. Yes.

15 Q. Can you perhaps tell us about that?

16 A. The founder of the Marist Brothers,
17 Marcellin Champagnat, later canonised in 1999, he was
18 born in 1789, which we know was the year of the French
19 revolution in France.

20 His own father was literate. He had quite
21 significant roles in his own small village but Marcellin
22 himself, when he went to school, he didn't go back and
23 later when he then decided to become a priest, he felt
24 very passionately about the importance of education,
25 especially for children in the country areas.

1 In the seminary, this is just at the end of the
2 Napoleonic period, this idea of a Marist society was
3 floated with him and friends and he was attracted to it.
4 They had a sense of priests, sisters, laypeople, and he
5 wanted teaching Brothers because of his own experience,
6 I think.

7 So 200 years ago, 2nd January 1817, he attracted two
8 young men with the idea of joining this nascent
9 congregation. It developed very fast and it was very
10 effective. By his death in 1840 there were about 250
11 members.

12 He was very clear. He wanted Brothers to teach in
13 the country areas where -- especially hamlets that
14 couldn't afford the Congregation of De La Salle
15 Brothers, whom I know you had here last week, because
16 their requirements were more than he wanted to make
17 necessary in order to provide education for the children
18 in the country areas.

19 Q. And just for the transcribers, I will spell his name --
20 and you can correct me if I get it wrong:

21 M-A-R-C-E-L-L-I-N --

22 A. Correct.

23 Q. -- C-H-A-M-P-A-G-N-T (sic)?

24 A. No, G-N-A-T.

25 Q. Just to complete the picture then in relation to the

1 status of the order, am I right in saying that you
2 obtained papal recognition in 1863?

3 A. I think so. I don't have the date in my head, but
4 I think you are right.

5 Q. That would mean, would it, that you would be covered by
6 canon law?

7 A. We were covered by canon law before that. The
8 difference is at that point you are given certain
9 official status in the Catholic Church. I think we are
10 known as a religious institute of pontifical right,
11 which is separate from a diocesan congregation.

12 MR MacAULAY: Very well.

13 My Lady, that is 1 o'clock.

14 LADY SMITH: A convenient point to break? Thank you.

15 That's very neat, Mr MacAulay.

16 We are going to break now for the lunch adjournment
17 and we will sit again at 2 o'clock please.

18 (1.00 pm)

19 (The luncheon adjournment)

20 (2.00 pm)

21 LADY SMITH: Mr MacAulay.

22 MR MacAULAY: My Lady.

23 Before lunch, Brother Geary, we started to look at
24 the organisation report. I will put that back on the
25 screen; it is at page 0061. As I indicated, you do have

1 a hard copy if you are more comfortable with that.

2 Towards the bottom of the page you provide some
3 details about the different establishments that we will
4 be looking at. Before we look at those, can you just
5 indicate to us what the history of the Marist Brothers'
6 presence in Scotland is? When did you first come to
7 Scotland?

8 A. If I remember correctly, they first came in 1858. It
9 was through a contact with a Monsieur Thibault, who had
10 contacted with people in Glasgow, I think, and the
11 Brothers came to Glasgow first and then taught in
12 schools and at St Mungo's Academy. Then, ten years
13 later, they went to Dundee and there was a short opening
14 in Edinburgh and then they had Dumfries in 1873, leading
15 to St Joseph's College in 1875.

16 Q. The history of what you have just told us is set out in
17 a publication by Brother Clare --

18 A. Yes.

19 Q. -- "History of the Province". Perhaps we can put that
20 on the screen. It is at page 0005.

21 If we scroll down we can see the title of the work.
22 This is a new edition, 2011, but I think this is quite
23 an elderly piece of work, this.

24 A. I think it was commissioned around 1938 and then brought
25 up to date in 1968.

1 Q. If we turn to page 0012.

2 A. I have photocopies with me that I can make use of.

3 Q. We have it on the system. I know it is taking a bit
4 of --

5 LADY SMITH: Sorry, there are times when the system needs
6 a little help to wake up.

7 MR MacAULAY: Towards the bottom of the page, then if we
8 just pick up the text, we can see that we are told that
9 in the boarding school at Beauchamps, English-speaking
10 boys had been in residence from time to time. Then
11 reading on:

12 "To provide the same facilities nearer home for the
13 better-off classes of boys in the districts where we
14 taught and to obtain funds for the support of the
15 novitiate, a boarding school was opened in the Dumfries
16 house in 1875 after an extension had been built."

17 A. Okay.

18 Q. We can read on to page 0014 that when ... (Pause)

19 Under the heading "St Joseph's College", we read
20 that:

21 "The opening of St Joseph's College in 1875 with
22 twelve pupils under the direction of ..."

23 That gives us an idea as to what the position was at
24 the very beginning.

25 A. That is correct.

1 Q. At that time it was geared towards boarding school
2 education?

3 A. Yes.

4 Q. Indeed, as you tell us in the report, boarding school
5 education -- this is at page 0061 -- was an element of
6 educational work of the Marist Brothers.

7 A. Yes.

8 Q. Can we then just look quickly at the different
9 establishments. That is at (v) on that page, 0061. We
10 have St Joseph's College in Dumfries, 1875. The date
11 1981, is that when it was taken over by the local
12 authority?

13 A. That is correct.

14 Q. But as you told us earlier, there was still
15 a Marist Brothers presence even after that time?

16 A. There was a Marist Brothers presence and for one year
17 there were about 30 boarders who stayed on and that came
18 to an end in 1982 --

19 Q. And it became a full time --

20 A. Actually, no, that was 1981 it came to an end. My
21 apologies. I'm not entirely clear.

22 Q. But the boarding side of it came to an end pretty
23 quickly?

24 A. Yes.

25 Q. It is and remains a day school?

- 1 A. That is correct.
- 2 Q. Let's leave the Juniorate aside for a moment.
- 3 St Columba's College, Largs, 1920 to 1982, again
- 4 that was run by the Marist Brothers?
- 5 A. Yes.
- 6 Q. Was there a connection between that college and
- 7 St Joseph's College?
- 8 A. There was no formal connection. However, given it was
- 9 run by the same group of men who knew each other, had
- 10 the same Provincial leadership, and which -- there was
- 11 interchange between houses, there was a -- a number of
- 12 pupils from St Columba's College Largs would then have
- 13 progressed to St Joseph's for their secondary education.
- 14 Q. Was St Columba's a primary school?
- 15 A. That is correct.
- 16 Q. But nevertheless a boarding school?
- 17 A. That's correct -- well, it was a boarding school and at
- 18 some point, either from the beginning or later, day
- 19 pupils were accepted too.
- 20 Q. Then the Juniorate, latterly known as Hetland House,
- 21 that was from 1888 to 1977?
- 22 A. Yes.
- 23 Q. Was that dedicated to the training of those who wanted
- 24 to become Marist Brothers?
- 25 A. That is right.

- 1 Q. Did you yourself go there?
- 2 A. I did.
- 3 Q. One of the questions you were asked on that page was:
- 4 "Why did the organisation/the order consider that it
- 5 had the competence to be responsible for and manage the
- 6 care of children in establishments?"
- 7 What's your answer to that?
- 8 A. I think the answer is provided there is the one I would
- 9 give. The Brothers who came from France at that time
- 10 had experience of schools and boarding establishments
- 11 and that would have given them the confidence that they
- 12 could do the same in Scotland.
- 13 Q. When the Brothers ended up in St Joseph's, was that the
- 14 end of their involvement in Scotland or did St Columba's
- 15 close shortly after that? I think the date for
- 16 St Columba's is 1982. About the same time, is that when
- 17 their presence came to an end?
- 18 A. No, there were a number of Brothers who were involved in
- 19 primary schools in Glasgow. I was teaching in Dundee
- 20 until -- from 1982 to 1985. The Brother who was the
- 21 head teacher continued until his retirement, round about
- 22 1992. Other Brothers continued in Glasgow and in
- 23 Dundee, involved in that, and others continued to be
- 24 involved in the retreat centre in Dumfries and then in
- 25 work in Glasgow.

1 Q. I think what I was focusing upon was about residential
2 care.

3 A. That came to an end, yes.

4 Q. As you say, St Mungo's in Glasgow still had a Marist
5 presence beyond these --

6 A. Still had a Marist presence. After Brother Adrian, the
7 last head teacher, retired there was another
8 Marist Brothers who continued until he left for other
9 reasons.

10 Q. If you move on then to page 0062, you are asked at
11 (viii):

12 "When and why the congregation ceased to be involved
13 in residential care."

14 Can you perhaps explain to us how that happened.

15 A. I think there were a number of things happened at the
16 same time. There was the financial issue as mentioned
17 there, that the Marist Brothers were subsidising
18 St Joseph's College. I think perhaps one of the most
19 significant factors was the reduction in the number of
20 men who were Marist Brothers and the fact that we
21 decided, for financial and other reasons, to negotiate
22 with the local authority, with an intervention from the
23 Secretary of State as I remember correctly, for the
24 local authority to take over the running and management
25 of the school.

1 Q. What about the whole concept of boarding itself? Was
2 there a change in culture in relation to whether pupils
3 would board or not?

4 A. I was not involved in conversations at that time, so
5 I can only give you my perception. I think that those
6 of us who were at the younger end of the province at
7 that time didn't have the same commitment to the idea of
8 boarding education as may have been the case in previous
9 generations of Marist Brothers.

10 I think there was a change in the culture in Britain
11 at that time that people began to question the value of
12 boarding education, notwithstanding the big investment
13 in England especially.

14 Also, the fact that there were not as many
15 Marist Brothers available to take on these boarding
16 responsibilities.

17 Q. If we look at St Joseph's, who owned the school?

18 A. The Marist Brothers.

19 Q. What about St Columba's?

20 A. The Marist Brothers.

21 Q. And the Juniorate?

22 A. The Marist Brothers.

23 Q. What happened to St Columba's once the Marist Brothers
24 withdrew?

25 A. The school closed and, if I remember correctly, the

1 Brothers sold the property -- they also bought the house
2 next door at one point.

3 Then, because a number of Brothers wanted to stay in
4 Largs, they bought a smaller house nearer the town
5 centre and they stayed there and that community closed
6 at a certain point -- and I don't have the dates in my
7 head.

8 Q. The Juniorate, that closed in 1977, that was also in
9 Dumfries?

10 A. That is right.

11 Q. Again, was that sold off at some point?

12 A. The Juniorate was closed in 1977 and I think the
13 buildings were sold off two years later I think.

14 Q. Can I ask you a little bit more about the structure of
15 the congregation. I know you have told us a little bit
16 about that already in your resumé, but if we turn to
17 page 0075 of the report, where I think you give us some
18 information on that -- and that will come on the screen.

19 It is a section that begins at 2.4. You are asked
20 the question:

21 "What was the structure of the organisation?"

22 We are going from top to bottom here. Can you take
23 us through that?

24 A. Quite simply it is a hierarchy. So you have the
25 superior general who is elected at what's called

1 a general chapter. Currently those are held every eight
2 years; the next one will be this coming September.

3 There is a general council in Rome and the numbers on
4 that have varied over the years and currently there are
5 seven members.

6 Q. Is there a superior general based in Rome?

7 A. Yes. The headquarters have moved. Originally they were
8 in France then they moved to Rome. They went to Italy
9 and then they went to Rome in about 1958/59/60, round
10 about then.

11 The congregation is divided into administrative
12 units, most of which are called provinces, some of which
13 are called districts, a smaller number. Each province
14 would have a Provincial and I am the Provincial of this
15 province at the moment. Each province would have
16 a Provincial and a group who would help to lead and
17 manage the province called the Provincial Council.

18 The next level are communities where there would be
19 a Brother who would be named the Superior or an English
20 director of the community.

21 Q. If we take St Joseph's, for example, there would be
22 a Brother who would be the Superior of St Joseph's?

23 A. That is right.

24 Q. Is Superior the correct terminology?

25 A. There are two things: until the 1960s the person who was

1 the head teacher of the school would also be the
2 superior of the Brothers' community; in the late 1960s
3 there was a decision to separate those two roles so that
4 the person who was the Superior of the community of
5 Brothers was not at the same time the head teacher of
6 the school.

7 Q. What about St Columba's? Would that, at that local
8 level, have a separate Superior?

9 A. A very mixed picture. There were some Brothers,
10 I think, who were Superiors who were not equipped to be
11 the head teachers of the school, so another Brother
12 would be the named head teacher, but you have to bear in
13 mind it was a very, very small establishment. But where
14 it was possible for the superior to be the head teacher
15 at the same time, that would have happened.

16 What also happened is you are not allowed to be the
17 Superior for more than two consecutive terms,
18 occasionally three, but that is exceptional. So the
19 same person could have been the head teacher, but other
20 people were rotating as the Superior of the community.

21 Q. But what I'm getting at is there would be a Superior --

22 A. Yes.

23 Q. -- also at St Columba's --

24 A. Yes.

25 Q. -- and at the Juniorate as well?

- 1 A. Yes.
- 2 Q. You tell us, you may have mentioned this before, that
3 currently there are 27 administrative units.
- 4 A. That is right.
- 5 Q. Does that include provinces and districts?
- 6 A. "Administrative unit" is a good kind of a catch-all term
7 for provinces and districts.
- 8 Q. The next part of the report if we move on to that,
9 page 0076, is asking about hierarchy and control. In
10 large measure I think we can take from what you said
11 that from the hierarchical structure that responsibility
12 really starts at the top and works its way down.
- 13 A. Right.
- 14 Q. So the local superior at St Joseph's would be answerable
15 to the Provincial --
- 16 A. That is correct.
- 17 Q. -- and so on. If the local superior and the head
18 teacher were not the same person, can I just understand
19 the relationship between the two of them and also the
20 running of the school?
- 21 A. The head teacher's job is everything to do with the
22 school. The education, curriculum staff, learning,
23 relations with outside groups, education authority,
24 Secretary of State for Education, etc. The Superior's
25 role is the care and responsibility for the Brothers.

1 So in matters relating to their personal lives, they
2 would require contact with somebody and they would go to
3 him.

4 Q. If I pick up the narrative on page 0076. If we are
5 focusing on the headteacher. You go on to say that the
6 head teachers were responsible to the local education
7 authority.

8 A. That is right.

9 Q. The head teacher of St Joseph's College was responsible
10 to the college board of governors.

11 A. Yes.

12 Q. Can I just understand that. Do I take it from that that
13 St Joseph's College had a board of governors?

14 A. Yes.

15 Q. From when, can you tell me?

16 A. I can't. I don't know the answer to that.

17 Q. But at some point in its existence this board came into
18 being?

19 A. Yes.

20 Q. So far as St Columba's was concerned, you say the head
21 teacher was directly responsible to the Brother
22 Provincial? Do I take it from that that there was not
23 a board of governors from St Columba's or not?

24 A. Not to my knowledge.

25 Q. There wasn't?

- 1 A. No.
- 2 Q. At the time when St Joseph's and St Columba's latterly
3 began their existence, where was the Brother Provincial
4 based?
- 5 A. He lived on part of the property in St Joseph's College.
6 St Joseph's College is on a hill, an incline. At the
7 top of the incline there was a building called Mount
8 St Michael, the wee mount -- there was a big one as
9 well -- and the Provincial lived there.
- 10 Q. Did he live there throughout the existence of the
11 Brothers being in Dumfries?
- 12 A. No. In 1969 the person who was elected Provincial
13 decided to move the Provincial house to a house called
14 Kinharvie, which was about 8 miles on the other side of
15 Dumfries. Then the next Provincial moved it to Glasgow
16 and the next Provincial moved it to Dumfries. So it
17 moved after that.
- 18 Q. While it was in Dumfries the Brother Superior -- the
19 local superior would have already access to the Brother
20 Provincial --
- 21 A. Yes.
- 22 Q. -- effectively on the premises?
- 23 A. That is right.
- 24 Q. Can we look at numbers and just get a feel for how many
25 pupils were accommodated at the different

1 establishments. If you turn to page 0067 of the report,
2 It is just below halfway where you are asked some
3 questions about the numbers.

4 Broadly, first of all, looking at the three
5 establishments, how many children did the organisation
6 accommodate at a time? You have given some figures for
7 that. That is 300 to 375 children. That's across the
8 board, is it?

9 A. Yes.

10 Q. So if we then look at the specific responses for the two
11 establishments we are looking at, St Joseph's and
12 St Columba's, and look first at St Joseph's, you will
13 find that in that report at page 0099. We are looking
14 towards the bottom of that page.

15 So you are asked specifically in relation to
16 St Joseph's:

17 "How many children did the establishment accommodate
18 at a time?"

19 You are able to give us some information on that.
20 Can you just take us through that quickly.

21 A. What I did was I made use of the history of the
22 St Joseph's College that was written by Mr
23 Michael Taylor, who was the head teacher, and that gave
24 figures at different times.

25 What I said there was in 1907 there were 160 pupils

1 and by 1912, 230. Because of different figures provided
2 in the book, between 1947 and 1955 there were an around
3 300 pupils. That number stayed fairly constant until
4 the mid 1970s when the number began to decline towards
5 1982.

6 Q. You do give some information there about the number of
7 day students.

8 A. Yes.

9 Q. I do not think you are able to tell us when day students
10 actually started to go to St Joseph's.

11 A. I suspect if I went back to the history I might find
12 that, but I was not focusing on --

13 Q. If you can help on that that would be helpful.

14 What you do say is the number of day students never
15 exceeded 70.

16 A. That was taken from the history.

17 Q. If you have a global figure of 300, then the largest
18 number of that 300 would be boarding --

19 A. Oh, significantly, yes.

20 Q. Come towards the end of the period, you tell us that
21 there were 30 boarding students during 1981 to 1982?

22 A. That is right.

23 Q. Had the balance moved the other way?

24 A. I think because the information had been given out that
25 the school now belonged to the local authority and that

1 the boarding section was going to close -- I wasn't
2 involved at the time, but my guess is a number of
3 parents withdrew their children and leaving the 30 who
4 were finishing exams, I suspect, at that time.

5 Q. If we perhaps stay with this report, since we are on it,
6 and move on to page 100, you are asked some questions
7 about accommodation?

8 A. Yes.

9 Q. In particular, what accommodation was provided for the
10 children? Can you help on that then? What was the
11 position?

12 A. Well, what happened is I asked a Brother who was at the
13 school at that time and he provided this information
14 about the number of boarders and also the different
15 places that they used. As you can see from what's
16 written there, there were a number of changes throughout
17 the history of the school.

18 I think the key issue is there were there were four
19 different divisions: the juniors; the intermediate, "the
20 inters"; the middle recreation, "the mids"; and the
21 seniors, called "the big rec". The kind of
22 accommodation provided appears to have changed at
23 different times during that time from a very large
24 dormitory with up to, I think it says, 70 students
25 towards a situation where, as far as possible, there

1 were either individual rooms or smaller areas with about
2 six or eight students in the same place.

3 Q. This perhaps reminds me: I should have asked you before
4 what the age range within St Joseph's was. Does this
5 tell us that we do actually have primary
6 schoolchildren --

7 A. That is right.

8 Q. -- at St Joseph's?

9 A. There was a group which was given the name "Control" for
10 reasons which I have no idea and they would take
11 basically the last two years of primary school,
12 primarily primary 6 and primary 7. There was one class
13 for each of them, a small class, while I was there.
14 Then you would have the first to sixth year of a
15 standard Scottish secondary school.

16 Q. You mentioned there that you spoke to a Brother who had
17 been present at the school?

18 A. Yes.

19 Q. Can you tell me when he was there?

20 A. He was in the school as a student in the 1950s and then
21 he taught there in the late 1960s, early 1970s.

22 Q. Is he a Brother?

23 A. He is, yes.

24 Q. So you relied on his information. What other records
25 did you have access to for the construction of the

1 report?

2 A. The history of St Joseph's College by Michael Taylor was
3 particularly helpful. There were -- St Joseph's College
4 produced a book every year, which was called "the blue
5 book", which was again annual, and that provided useful
6 information. I didn't read through all of them but
7 I managed to choose selected information which was
8 helpful in compiling this report.

9 Q. What about primary records, for example logbooks,
10 records that would have been kept on a contemporaneous
11 basis within the school? Did you have any access to any
12 of that?

13 A. I contacted the head teacher of the school and asked her
14 if there were any student records and she said to me
15 that, at the moment, they are undergoing a significant
16 refurbishment of St Joseph's College and in the process
17 of doing that they came across individual student
18 records going back some time.

19 So she contacted the local education authority and
20 said, what's the policy with these documents, and she
21 was told, we do not retain documents for more than
22 7 years, so I guess she disposed of them in some
23 appropriate way.

24 Q. What about the Marists themselves? Would you as
25 an order have kept records of your time at St Joseph's

1 or St Columba's for that matter?

2 A. Any records related to the school would have been left
3 in the school when we left. So you mentioned logbooks.
4 One book that the head teacher mentioned to me is that
5 they still have a visitor's book, for example, of people
6 who came and signed the visitor books. So that exists.

7 Any other logbooks I don't know. In our archives,
8 which are now in Glasgow, there are not great records
9 about St Joseph's College. I had a look through the box
10 and a lot of it is to do with superannuation and
11 contracts and that kind of thing to do with staff. But
12 more personal records and logs, I didn't see any records
13 of that.

14 With St Columba's college I had reason to try to
15 look at whatever records we have a number of years ago
16 and I discovered that there are no records from
17 St Columba's College Largs.

18 That's in two different aspects: there are no
19 records about students; also the kind of records we
20 would keep as Marist Brothers for any community do not
21 appear to have survived. I do not know what happened to
22 them. What I did find was one accounts book with some
23 names and some entries about money.

24 Q. So far as St Joseph's is concerned, you talked about
25 a box? Is that it, there is a box?

- 1 A. I think there are about three boxes that have
2 "St Joseph's College" on it. I have had a look through
3 them. One Brother looked through them in more detail
4 than me, who helped me compile this, and he found some
5 useful information. He found, for example, a kind of
6 advertisement from the late 19th century in French on
7 one side and English on the other, which gives us
8 an idea of how the college was being described and
9 promoted at that time.
- 10 Q. We have heard from other witnesses that Provincials who
11 might visit an order, on whatever basis that might have
12 been, regular basis that might have been, there would be
13 a visitation report prepared. Anything of that sort
14 that you would have?
- 15 A. I haven't come across those if they exist.
- 16 Q. Would that sort of report have been put together if
17 there was a visit from the Provincial?
- 18 A. Each community was supposed to have a book of annals and
19 in some communities, at the end of his visit, the
20 Provincial would make entries in that book of annals.
21 I have not found a book of annals related to
22 St Joseph's College.
- 23 Q. Or St Columba's?
- 24 A. No.
- 25 Q. If we look then at the St Columba's report for numbers,

1 that's at page 0085.

2 A. This is the St Columba's report?

3 Q. Yes. You just need to focus on the number on the top

4 right.

5 A. I have that.

6 Q. Again, the question has been asked:

7 "How many children did the establishment accommodate

8 at a time?"

9 Here the answer is:

10 "Never more than 36."

11 So it was a small number?

12 A. Yes.

13 Q. So far as accommodation is concerned, you tell us that

14 there were accommodated in three shared dormitories.

15 A. As far as I know. That's from my recollection of the

16 building and trying to work out how the students would

17 have been accommodated at that time.

18 Q. But that's a building you have been -- you visited that

19 building?

20 A. Yes, I visited both of them. They had a house called

21 Landour(?) and then, in the mid-1970s, they bought the

22 building next door. But at the time when there were 36

23 students is when they only had the building called

24 Landour, so I'm not entirely sure how the boarding

25 arrangements were done.

1 Q. Very well. Can we then, moving on from the numbers of
2 pupils, look at staff numbers. You provide some
3 information in relation to that on page 0070 of the main
4 report.

5 A. Okay.

6 Q. Towards the top of the page, paragraph 1.8, you are
7 asked the question:

8 "How many people were employed by the organisation
9 who had some responsibility for residential care
10 services for children?"

11 You have provided these numbers:

12 "St Columba's College, Largs: 2. Hetland: 4.
13 St Joseph's College: 9."

14 I was just trying to understand what do these
15 numbers signify in that they are different from the
16 numbers you give, I think, for the specific responses.

17 A. What those numbers signify is me counting the number of
18 Brothers who had direct supervision/responsibility for
19 children in dormitories.

20 Q. If we look at the report St Joseph's. It is page 0102.

21 Towards the bottom of the page, the question is:

22 "How many persons were employed in some capacity at
23 the establishments?"

24 You say approximately 50 people; is that across the
25 board?

- 1 A. That is right.
- 2 Q. So far as Brothers are concerned then, do we look to the
3 figure that you have given in the main report of about
4 nine Brothers?
- 5 A. There are three different figures and one figure is
6 missing. The number of 50 is what you might call
7 an educated guess on my part about how many people may
8 be employed in the building. The number in
9 establishments and those involved in care was about the
10 numbers who would have had direct responsibility in
11 a dormitory in their own room beside the students for
12 supervision, but the number that's not there is how many
13 Brothers were in the their establishment, or lay staff
14 latterly too, who would also have been involved in
15 activities with the boarders different from the
16 supervision.
- 17 Q. Can I go back a stage or two and first of all can you
18 tell me over time how many Brothers there would have
19 been present in St Joseph's on a broad basis?
20 I appreciate it would change -- it wouldn't be constant
21 over time, but a figure we can work with.
- 22 A. I'm very reluctant to guess in case I get it wrong. But
23 I think up until the 1950s, St Joseph's College was
24 staffed almost entirely by Marist Brothers. So you
25 would be covering the whole curriculum and also the

1 boarding responsibilities and there would also be some
2 elderly men in retirement on the property.

3 Then when you move into the 1950s/1960s you begin to
4 have more lay staff. Moving into the 1980s there would
5 be a minority of Marist Brothers and a majority of lay
6 staff.

7 So if you can imagine, two things happening at the
8 same time: more staff because the curriculum changed so
9 you would have more people teaching and things like
10 guidance, etc, plus a diminishing number of
11 Marist Brothers.

12 Q. When the school closed as a boarding school, do you have
13 an idea as to how many Brothers might have been present
14 at about that time in the early 1980s?

15 A. I know for a fact there were three former head teachers.
16 So there were the three of them. Apart from that,
17 I can't exactly remember, but you are talking about no
18 more than five.

19 Q. So far as the care of the boarders was concerned then --
20 I appreciate it may have changed over time, but can you
21 give us an understanding as to how the care was managed
22 and who managed the care? Not the education, the care.

23 A. The concept of management of care perhaps belongs to
24 a different kind of care structure. It was a boarding
25 establishment. So the Brothers were involved in

1 providing boarding education for this number of
2 students.

3 So, where they, I hope, cared for them -- and they
4 certainly had a duty of care -- it was not a care
5 establishment and I think that with that kind of
6 vocabulary we have to be careful when we are talking
7 about boarding schools in this way. Management of care
8 is a concept I think we have to think very carefully
9 about.

10 So you had the Brother who was the head teacher. He
11 was ultimately responsible. Then you would have the
12 Brothers who were in charge of each of these recreations
13 as they were called. So they would have the duty of
14 care to that group of students who were in that
15 dormitory or in that recreation area at that time.

16 Q. In relation to the dormitories then, would there be
17 a Brother allocated to each dormitory to be in charge of
18 that dormitory?

19 A. As I understand it, there would actually have been two
20 Brothers in each dormitory for most of its history,
21 although by the time I was a student in the school from
22 1973 to 1975 there was one, although I gather up until
23 before that time there would have been two. One would
24 have been in charge, but there would have been two
25 people present for most of its history.

1 Q. Are you saying you were a student at St Joseph's?

2 A. I went to Hetland House, but in my last two years of
3 school we attended St Joseph's on a daily basis.

4 Q. But not as a boarder?

5 A. No.

6 Q. Looking at the position with the 50 you mention in the
7 specific report, that includes Brothers and lay persons
8 and other staff?

9 A. Yes, because you would have cleaners and cooks and
10 office staff, and there was the nurse. I tried to find
11 a date of when the nurse began to be or matron began to
12 be part of the staff and I couldn't find it. I did read
13 it, but I just couldn't locate it.

14 Q. So far as the lay staff would be concerned, would they
15 have accommodation on the premises or would they be from
16 local areas?

17 A. No lay staff had accommodation on the premises. In the
18 late 1950s early 1960s, two houses were bought across
19 the road from the main school and those were bought in
20 order to offer accommodation to lay staff who had come
21 from other places, so you had this space. That lasted
22 right through to the 1970s and ultimately became the
23 Brothers' community house in the 1980s and 1990s. But
24 there was no accommodation on the property for lay
25 staff.

1 Q. If we look at St Columba's, the figure you gave on
2 page 0070 for the people involved in the care was two.

3 A. Yes.

4 Q. Are you talking about two Brothers there?

5 A. That is right.

6 Q. If we turn to page 0087, this is the specific report for
7 St Columba's. Towards the bottom of the page, again
8 this question is asked:

9 "How many persons were employed in some capacity at
10 the establishment."

11 I think is what I was puzzled about because your
12 answer was:

13 "Approximately four to six Brothers and three lay
14 staff."

15 In the main report you mention two.

16 A. Again, going back to the distinction I made: there would
17 be two Brothers who would have a direct responsibility
18 for the supervision of the boys in the dormitories but
19 there were other Brothers who were resident there who
20 were either teaching or doing other things or in
21 retirement now.

22 Q. Or the headmaster, for example, would he have some
23 dormitory responsibility as well?

24 A. The honest answer is "I don't know" except to say that
25 given you have got a very small number of Brothers, with

1 a range of different capacities, responsibilities at
2 different times, then I suspect the interchange of roles
3 was very flexible in terms of who did what and when.

4 Q. Can we then look at the question of culture because you
5 were asked to look at that as well.

6 A. Yes.

7 Q. If you turn to page 0073 of the main report. The broad
8 question you were asked towards the top of the page was:

9 "What was the nature of the culture within the
10 organisation?"

11 You provide some information on that. Can you just
12 quickly take us through that?

13 A. I would have to say it is a profoundly difficult
14 question to answer. I did the best I could in trying to
15 keep it brief.

16 I think that, as I said there, respectful relations
17 among the Brothers, hard work was a high value, strict
18 adherence to the rule, certainly in the earlier years,
19 as I think Monsignor Peter Smith mentioned last week,
20 the Second Vatican Council had a significant impact and
21 that led to a change in that part of culture in the
22 church and religious life.

23 Performance of religious duties was a very high
24 value and involvement in educational activities. So to
25 be seen to be involved in educational/sporting/cultural

1 activities would have been a high value. There was
2 great respect and obedience towards superiors.

3 There was no great spirit of questioning or
4 challenging decisions; that was not part of the culture.
5 There were certain traditions and practices that just
6 built up over time.

7 The idea of running a successful school would have
8 been important to the Brothers. That shifted. If you
9 want to use a demarcation line, 1960 is useful because
10 that's when that special general chapter finished which
11 brought in a very significant change in the internal
12 legislation and the approach of the religious life of
13 the Brothers.

14 What stayed a constant, I think, was the importance
15 of an education for young people, of hard work and of
16 promoting certain spiritual values and practices.

17 Q. You mentioned in that section of the report what you
18 call "the common rules".

19 A. Yes.

20 Q. I will put this on the screen. This is something either
21 you or the order provided us with. If you turn to
22 page 457. We have now on the screen a document with the
23 title:

24 "Common Rules of the Congregation of the
25 Marist Brothers of the Schools."

1 Can you perhaps tell us what this is?

2 A. Religious orders organise themselves by having meetings
3 on a kind of regular basis called general chapters. At
4 one point they were called on an irregular basis, then
5 they were formalised every 12 years, every 9, and then
6 currently every 8.

7 At that meeting, which is of representative of
8 Brothers from all over the world, they would elect the
9 leadership of the congregation and they would make
10 policy decisions for the next period.

11 At one of those chapters this book was produced
12 based on the tradition of what had come before and that
13 would be promoted and shared with the Brothers and that
14 would be, if you like, the policy statement for that
15 time.

16 Q. If I could put it in my language, would this then be
17 essential guidance for the Brothers to follow?

18 A. I think it would be a bit stronger than guidance;
19 I think it would be rules and expectations.

20 Q. That is the title, "Rules".

21 A. Yes.

22 Q. If you move on to page 458, can we see that this version
23 was approved by the Sacred Congregation of Religious in
24 Rome in September 12th 1960.

25 A. Okay.

1 Q. Would this have been in existence for at least part of
2 the time during which the Marist Brothers were running
3 St Joseph's and St Columba's?

4 A. This would have been normative between 1960 and 1968.

5 Q. Would there have been rules before that date?

6 A. Yes.

7 Q. Would they be something similar or --

8 A. Very similar.

9 Q. If we turn to page 459 and rule 415. Can I just focus
10 on that. I don't know if it is easy to read or not.

11 A. I can.

12 Q. "Duty demands from the Brothers with respect to their
13 pupils that they show them affection, give them good
14 example and the help of their prayers, also religious
15 and secular instruction ..."

16 And we talk about how:

17 "... such demands make it an obligation for the
18 Brothers to acquire a high degree of professional
19 skills."

20 Does that encapsulate what you have been telling us
21 about education?

22 A. Yes.

23 Q. If we go to page 460 and rule 421 on the right-hand
24 side.

25 A. Okay.

1 Q. We have a rule there which tells us that:

2 "The pupils must not be allowed to enter those parts
3 of the house reserved for the community, to come and go
4 as they please in the school, or take away anything
5 without permission."

6 The rule about not entering the parts of the house
7 that was reserved for the community, what was the
8 rationale behind that?

9 A. I was not there when these things were done, so I'm
10 making assumptions based on my knowledge, so I want to
11 preface it by that. It seems to me that that would be
12 part of a separation of the life of the Brothers in
13 a quasi-monastic way because monasticism significantly
14 affected the living of religious life at that time, but
15 also the wisdom of protecting young people of any
16 possibility of being in a place where they should not
17 be, with any moral dangers, as it would be seen at that
18 time.

19 I think there was a very clear sense of what we
20 would nowadays call boundaries about where the Brothers
21 should and shouldn't be and that demarcation was very,
22 very clear.

23 Q. If we turn to page 463 of the rules and look at
24 rule 443, that's towards the top left -- I will read
25 that out:

1 "Supervision should be more exact and careful in the
2 dormitories and during the walks."

3 There is a provision about going for walks with
4 students:

5 "For this purpose there will be two Brothers for
6 each of the boys' dormitories and at least as many with
7 each school group out on walks."

8 So, as you indeed indicated in your evidence, your
9 expectation would be for there to be two Brothers
10 involved with the dormitories?

11 A. Yes.

12 Q. For the reasons already indicated, to have boundaries
13 there; is that right?

14 A. Again, there is an element of surmise in my attempt to
15 answer your question.

16 I think there would be a number of things involved
17 that not to leave one Brother on his own, so the job is
18 shared, which is humanly, because of the amount of work
19 involved.

20 Also as a kind of protection for each other, just to
21 make sure that there's another person there, and there's
22 more than one person involved in the care of the
23 students at that time.

24 There was also, I think if we look back to the
25 theology of religious life at that time, what you might

1 call almost a fear of the world insofar as that was
2 understood. So there would be an attitude almost of
3 protection involved for the young people and for the
4 Brothers themselves.

5 LADY SMITH: Protection for the Brothers from what?

6 A. That's a very good question, my Lady. I think
7 experience in religious life had shown there had been
8 abuses in the past and that having other people around
9 in that spirit of supervision actually protected the
10 situation for any Brother who might be tempted to
11 inappropriate activity by having someone else who was
12 present.

13 LADY SMITH: So to protect a Brother from falling prey to
14 a temptation to which he should not fall prey; is that
15 what we are talking about?

16 A. I think that is a reasonable conclusion from what's
17 there.

18 LADY SMITH: So in turn protecting the young people --

19 A. Yes.

20 LADY SMITH: -- from such an appalling breach of trust.

21 A. There had been occasions of that kind of breach of trust
22 in the congregation, so I would not be advised when they
23 were drawing up these statutes that this would be in the
24 minds of the people who did that.

25 LADY SMITH: It is quite a straightforward type of rule to

1 put some protection against risk in place, isn't it?

2 A. Yes.

3 LADY SMITH: Mr MacAulay.

4 MR MacAULAY: Just reading on while we have the rule on the
5 screen and whether you can explain this or not, we read:

6 "Where local custom differs from this ruling, care
7 must be taken to conform exactly to the approved
8 regulations."

9 I wondered if you are able to tell me what that
10 means.

11 A. I can't actually because I don't know what was in the
12 mind of the people who wrote it.

13 Q. If we go back then to the report itself; I think we were
14 on page 0073 of the main report. If we move towards the
15 bottom of the page. At (iv) the question was asked:

16 "Did the running of establishments reflect the
17 organisation's culture, policies and procedures?"

18 The answer is:

19 "The institute's regulations were very clear on how
20 the Brothers were to relate to pupils."

21 Then we read:

22 "For the most part these regulations were faithfully
23 followed."

24 It is the qualification that you have put in there
25 that I'm interested in. What did you mean by that?

1 A. We have allegations of abuse from the past, some of
2 which are -- well, they are credible many of them, and
3 there is certainly one case where a Brother pleaded
4 guilty in court. We know they were not always
5 faithfully followed.

6 Q. I think we look at that later on in the report.

7 You are asked to give a representative range of
8 examples and explain by reference to those examples why
9 particular establishments were not run in accordance
10 with the organisation's then culture, policies and so
11 on.

12 A. Yes.

13 Q. Perhaps you can just take us through your answer to
14 that.

15 A. Well, I will quote what I said. Sadly, there were some
16 Brothers who punished more severely than was recommended
17 in our common rule. We know of one example where
18 a Brother was removed from a school due to inappropriate
19 punishment not in accordance with our rule. The rule
20 stipulated there should be two Brothers involved in the
21 supervision of each boys' dormitories. It is likely
22 this was not at times uniformly observed due to lack of
23 numbers of Brothers and financial cost.

24 Q. The punishment that was more severe than was
25 recommended, was that at St Joseph's or St Columba's?

- 1 A. No, it was in another school.
- 2 Q. Neither of those two schools?
- 3 A. No.
- 4 Q. The point you make about the rule about two Brothers
5 being involved in supervision -- and we have looked at
6 the rule -- you were saying:
- 7 "It is likely this was not at times uniformly
8 observed ... due to lack of numbers."
- 9 What leads you to that particular conclusion?
- 10 A. Because it wasn't the case when I was in Dumfries in
11 1973 to 1975 when there was one Brother in each
12 dormitory and at that time the number of Brothers
13 decreased significantly.
- 14 Also, before that, the Brothers who were involved in
15 boarding would not have teaching responsibilities or
16 they would be very light. By that time the Brothers
17 involved in boarding, some of them also had teaching
18 responsibilities, which leads me to conclude that they
19 were stretched and they were using manpower to do two
20 jobs and they didn't have Brothers to have two for each
21 dormitory.
- 22 Q. That seems to have been in clear contravention of what
23 the rule provides.
- 24 A. If you want to look at it legally, the word
25 "contravention" makes sense. In the context of the

1 running of the school I think they were doing the best
2 they could with the resources they had and that's the
3 decision they came to.

4 In the light of what was written in 1960, then
5 clearly that was not being faithful to what was proposed
6 there and that's what happened.

7 Q. There's also a section in the report, Brother Geary,
8 that focuses on ethos and much of that is covered under
9 the heading "Culture".

10 If we could just turn to page 0066. What you tell
11 us at (ii) is that:

12 "The members of the order did take vows and those
13 were vows of poverty, chastity and obedience."

14 That is very similar to what we have heard from
15 other orders.

16 A. Yes.

17 Q. I think you tell us these vows were taken after
18 a two-year novitiate.

19 A. That is right.

20 Q. I think you make some particular points about
21 St Joseph's in particular in this connection. Perhaps
22 if I take you to page 0097, that's the St Joseph's
23 report, moving on to page 0098.

24 I don't propose to go through the detail. This is
25 under the heading "Ethos". In a way some of the points

1 are perhaps not directly on point, but you make the
2 point there that St Joseph's College was a single-sex
3 school for boys until 1982 --

4 A. Yes.

5 Q. -- but girls then were accepted. As day pupils and
6 boarders or just day pupils?

7 A. Only as day pupils.

8 Q. You make a point about canon law only allowing members
9 of religious orders to teach children in mixed schools
10 up to the age of 7. That is a point you make, I think,
11 in the next paragraph.

12 A. That is right.

13 Q. Can you explain that for me?

14 A. I'm not sure I have very much to add. That's
15 information that was given to me by the Brother who is
16 the archivist in Rome, who said this had been the
17 canon law. I don't know when that changed. What I do
18 know is that my own mother was a former student of
19 a school run by the Marist Brothers in 1942 so at that
20 point my mother was --

21 Q. At St Joseph's?

22 A. No, in Glasgow.

23 Q. That wasn't a boarding school, was it?

24 A. No.

25 Q. I think you have actually on that page provided

1 reference to some of the rules that we have looked at
2 already.

3 A. Yes.

4 Q. Perhaps, while we are on this particular section, you do
5 provide towards the bottom of that page some information
6 about the daily routine at St Joseph's, moving on to
7 page 0099 --

8 A. Yes.

9 Q. -- and, for example, what games were played: football,
10 rugby, cricket, and so on and so forth. You were asked
11 the question whether there was any manual work and the
12 answer to that is no.

13 A. No.

14 Q. I needn't take you to the St Columba's provisions
15 because they are very similar to what you have said for
16 St Joseph's.

17 A. Yes.

18 Q. Can we then look at funding and turn to page 0063 of the
19 report. That tells me I should go to the individual
20 reports and if I can take you, for St Joseph's, to
21 page 0096.

22 A. Okay.

23 Q. It is at 1.2. You tell us that the funding of
24 St Joseph's was -- well, first of all, fees. It was
25 an independent boarding school.

1 A. Yes.

2 Q. Grants from the Scottish Education Department, you also
3 mention that from ...

4 A. I don't have any more information to give you than
5 what's written there.

6 Q. You say that:

7 "Some students had their fees paid either wholly or
8 in part by their own local authorities."

9 So there may have been some assisted scheme that
10 could be used.

11 A. I had been told that there were some students who were
12 placed there by their local authority. I was recently
13 in Worth Abbey in England and I gather that some local
14 authorities place students in the school there, so this
15 appears to be a practice by some local authorities and
16 appears to have been the case at that time. I can't
17 remember any students that I knew of who were paid by
18 local authorities, but it appears to be something that
19 happened.

20 LADY SMITH: But the school would have been operating during
21 the time that assisted places were available; would that
22 be right?

23 A. I'm not sure the details of the assisted places scheme.

24 LADY SMITH: I just wonder whether what you have picked up
25 is actually money coming in from public funds through

1 the assisted places scheme, which certainly subsisted
2 into the 1990s.

3 A. My Lady, the most honest answer I can give you is
4 I don't know. If that scheme existed and some local
5 authorities made use of it, I could imagine that
6 happening, but I don't know.

7 LADY SMITH: It may not matter. The point is you picked up
8 there was public funding --

9 A. Yes.

10 LADY SMITH: -- and then some parents paying fees.

11 A. The majority was paid by parents. Some it appears came
12 through local authorities, perhaps through the assisted
13 places scheme, and there appear to have been direct
14 grants from the Scottish Education Department. Then,
15 when the Dumfries local authority placed the Catholic
16 students there, they would have paid some contributions
17 as well. I think that's how it worked.

18 MR MacAULAY: What's your source for this information,
19 Brother Geary? Where did you get this information from?

20 A. Some of it came from the "History of
21 St Joseph's College". Some of it is simply what I know
22 by being a Marist Brothers in the province. Some of it
23 was the Brother who was the archivist in Rome who did
24 some research on this and provided this information to
25 me.

1 Q. On this point, can I take you quickly to the position as
2 regards St Columba's; that is page 0082 in the report.

3 I can perhaps just read what you say because again
4 you say funding was by fees --

5 A. Yes.

6 Q. -- but also fundraised by staff and pupils.

7 A. Yes.

8 Q. These seem to be two sources you point to there.

9 A. Yes. I think there is probably a third source, which
10 would have been the province fund, because there were
11 elder Brothers there who would have been in retirement
12 and I would have to go back and see if there were
13 financial reports that I could check -- and perhaps
14 there are -- that perhaps the province would have given
15 money from time to time for things.

16 Q. Certainly the province lent money to St Joseph's because
17 you tell us that a loan of 49,600 was made in 1978/1979.

18 A. I think it would be different because St Joseph's was
19 a much bigger enterprise and was receiving the support
20 from the education department and the local authority.
21 St Columba's was such a smaller organisation and came
22 much more directly under the Provincial and Provincial
23 Council that I can imagine, if necessary, money could
24 have been awarded without the expectation of it being
25 returned.

1 MR MacAULAY: If your Ladyship were to give the transcribers
2 a short rest --

3 LADY SMITH: A five-minute break now?

4 MR MacAULAY: Yes.

5 LADY SMITH: We will rise now for five minutes.

6 (3.02 pm)

7 (A short break)

8 (3.07 pm)

9 LADY SMITH: Mr MacAulay.

10 MR MacAULAY: My Lady.

11 Can I now take you to page 0063 of the main report
12 where you have been asked about the legal status of the
13 congregation. I think, taking this quickly, I think you
14 tell us that there have been a number of deeds of
15 declaration of trust over the years; is that right?

16 A. Yes.

17 Q. Are you registered with the Charities Commission?

18 A. Yes.

19 Q. So far as the comments you make on page 0064 are
20 concerned, there is a specific reference there to
21 an inspection that was carried out annually by
22 a Dr Morrison of the Free Church Training College.

23 A. That is right.

24 Q. Can you explain there that to me, what that's all about?

25 A. I don't have very much to add. I discovered in reading

1 the history of the Brothers that in the late 19th
2 century Brothers actually went to do teacher training at
3 the Free Church Training College in Glasgow, which I had
4 to say both surprised and impressed me. I surmise that
5 contact was made with this Dr Morrison in the course of
6 that contact and that Brother James, who was the head
7 teacher and quite a farsighted man, had the wisdom to
8 ask him to come and undertake these inspections, which
9 continued on an annual basis until Dr Morrison died.

10 Q. That was in, what, 1954?

11 A. No, Dr Morrison died long before that, but on his death
12 what I then discovered was that the Brothers contacted
13 the Dumfries and Galloway Education Authority, whatever
14 it was called at that time, and they then started annual
15 inspections. The last record I have of that is 1954.
16 I don't know if they continued afterwards, but I don't
17 have a record of it.

18 Q. You are putting this in the context of the order having
19 to meet some regulatory requirements, that was the
20 question that you were being asked. Did you see this as
21 being some form of regulation of the teaching standards,
22 for example?

23 A. I don't know what the requirements were. My
24 understanding is that Brother James, on his own
25 initiative, saw the wisdom of having someone to come and

1 do an inspection, which again I admire in the late 19th
2 century for him to do that. That continued and when
3 this Dr Morrison died they decided this was worth
4 continuing. I would like to think that it was from the
5 same sense we would have requirements today of mandating
6 it in order to maintain standards and to actually check
7 on the care and responsibilities that were exercised.

8 Q. In any event, when you are asked the question whether
9 the congregation had a legal duty of care to each child
10 in its care, you say in the boarding schools the
11 Marist Brothers were in loco parentis.

12 A. That is right.

13 Q. As far as the schools themselves were concerned, as we
14 have seen, they were independent local fee-paying
15 schools?

16 A. Yes.

17 Q. Can I then touch briefly on the children's backgrounds
18 who attended the two schools. If you look at page 0068
19 of the main report. At 1.7 on that page, 0068, you are
20 asked some questions about that. I think you tell us
21 that children mostly came from middle-class backgrounds;
22 is that right?

23 A. Yes.

24 Q. You do say that some were children of military
25 families --

- 1 LADY SMITH: Can you just wait a moment Mr MacAulay.
- 2 Page 0068?
- 3 A. If you don't mind, I will take off my jacket. It is
4 getting a bit hot.
- 5 LADY SMITH: Please I would rather you were comfortable than
6 feel you have to keep it on. I seem to have been
7 favoured with hieroglyphics rather than text. Here we
8 are. It is all right.
9 I have it now.
- 10 MR MacAULAY: I think I was moving too fast, Brother Geary.
11 While we have page 0068, if we just move down the screen
12 a little bit, what you are telling us at number 1 is
13 that children mostly came from middle-class backgrounds,
14 mostly Catholic.
- 15 A. Yes.
- 16 Q. You also make a point about children of military
17 families also having parents overseas; was that evidence
18 in something you have read or where does that come from?
- 19 A. When I was at the school myself there were students from
20 that kind of background and just anecdotally talking to
21 people, there were people in that situation.
- 22 Q. The children then at the school, as you tell us, the
23 majority of them would have been placed there by their
24 parents?
- 25 A. Yes.

1 Q. But you have already mentioned that there were some
2 children who came via the local authority route.

3 A. So I gather.

4 Q. As boarding schools, these schools would have the usual
5 holidays?

6 A. Yes.

7 Q. Summer holidays, Christmas holidays and Easter?

8 A. Yes.

9 Q. What about weekend leave? For the boarders, was that
10 something that was open to them?

11 A. My understanding is that at Largs it was actually the
12 norm that most students would have gone home at the
13 weekend. At St Joseph's, I don't remember that.

14 I think for many it would have been a question of
15 distance. It just wouldn't have been appropriate.

16 I don't have a recollection of there being a norm of
17 students who were boarders going home at weekends.

18 Q. Things like Christmas being celebrated, for example,
19 that wouldn't be celebrated at the school because the
20 children would be at home?

21 A. Exactly.

22 Q. Can I then move on to the issue of external oversight
23 and turn to page 0077 of the report.

24 The first question you were being asked was the
25 matter of arrangements for the external oversight of the

- 1 congregation itself first of all.
- 2 A. Yes.
- 3 Q. You provide information -- I think you may have touched
4 upon this already -- about visits by members of the
5 general council.
- 6 A. Yes.
- 7 Q. Was that to the actual local establishment or was that
8 to the province itself?
- 9 A. When they came they visited every local establishment.
10 Part of the tradition was that the assistant, as he was
11 called at that time, would actually introduce every
12 Brother individually as part of his visit.
- 13 Q. You give us an understanding of how often these visits
14 took place.
- 15 A. Yes, in the period between general chapters they would
16 certainly happen once, possibly twice.
- 17 Q. Is that where you get your three to four-year period
18 from?
- 19 A. Yes.
- 20 LADY SMITH: Because you told us the chapter would meet
21 every eight years; is that right?
- 22 A. Before 1946 it was 12 years. Then in 1946 it was 9.
23 Then in 1976 it was eight. So it has changed.
- 24 MR MacAULAY: But looking at the schools themselves then,
25 what can you tell us about external oversight?

1 A. The information I provided there about this Dr Morrison
2 who came and then the inspection by Dumfries & Galloway
3 region. I'm presuming that the Scottish Education
4 Department would have done inspections as well at some
5 point, although I asked a friend who used to be
6 an inspector if there would be a place where those could
7 be found and she said I would actually have to make
8 enquiries about where such reports might be lodged. I'm
9 guessing they were done, but I don't have copies of any.

10 Q. You expect there to have been such inspections?

11 A. Yes.

12 Q. What we understand from you from before is that you --
13 and by that I mean the congregation -- do not have
14 reports?

15 A. No. There is an excerpt, I think, from Dr Morrison's
16 first report in "The History of St Joseph's College", so
17 that must have been retained somewhere, but I don't know
18 anything about subsequent reports.

19 Q. If we look at the response that has been made on behalf
20 of St Columba's College in relation to oversight,
21 page 0090, you say towards the bottom of the page
22 that -- in relation to external oversight you make
23 a comment:

24 "We are not aware of any external inspection taking
25 place in St Columba's College."

1 A. That is correct.

2 Q. Is that because there are no records?

3 A. We do not have any records. That's a fact. I'm not
4 aware of any personal information from anyone that
5 an inspection ever took place.

6 Q. Inspection by anyone?

7 A. By anyone. I would love to find out if the Scottish
8 Education Department ever sent anyone to inspect,
9 because I would be very pleased to know that happened,
10 but I have no knowledge of that.

11 I would also add I actually asked for enquiries to
12 be made with the current local authority in that area to
13 see if there were any archives related to
14 St Columba's College and the answer came back that there
15 were none or at least none that anyone could find.

16 Q. The final part of this report then is focusing upon the
17 acknowledgment of abuse.

18 If we turn to page 0078. As you know Brother Geary,
19 the order was asked retrospectively to acknowledge
20 and/or admit abuse.

21 A. Yes.

22 Q. The question was:

23 "Does the order accept that between the dates given
24 some children cared for at the establishment were
25 abused?"

1 What's your answer to that?

2 A. My answer to that is that we know that some children
3 were abused and I'm very grateful to the lawyer who
4 represented us at the beginning of the Inquiry when
5 Lady Smith opened the Inquiry, who made a very sincere
6 apology on behalf of the Marist Brothers and recognised
7 that.

8 I want to repeat that apology there and to say how
9 saddened and appalled I am that any Marist Brothers
10 behaved in that way towards a child.

11 Q. You draw attention to the fact that a former
12 Marist Brother pleaded guilty to sexual abuse of
13 students at St Joseph's between 1973 and 1976 in the
14 High Court in Kilmarnock in May 1998.

15 A. That is correct.

16 Q. He was sentenced to a term of imprisonment?

17 A. Yes.

18 Q. When you say "a former Marist Brother", was he
19 a Marist Brother at the time of the conviction or not?

20 A. No, he had left the institute at that time.

21 Q. Then you were asked the question:

22 "What is the organisation's/establishment's
23 assessment of the extent and scale of such abuse?"

24 What do you tell us about that?

25 A. What I have written there is what I think was reported

1 in the court in terms of the allegations made against
2 him. There were also -- there was -- he pleaded guilty
3 to certain allegations. I gather in what I read in the
4 press, and that's quite recently, that some allegations
5 were made that were not made part of the plea I think.

6 So that would indicate there were other allegations
7 relating to inappropriate behaviour and that's what I'm
8 aware of in terms of his inappropriate behaviour.

9 Q. What you tell us there is that:

10 "We are aware of 24 allegations from St Joseph's,
11 Dumfries ..."

12 When you talk about 24 allegations, are these 24
13 allegations from 24 people or allegations from less than
14 that?

15 A. Those are 24 allegations from 24 people.

16 Q. Former pupils?

17 A. Yes.

18 Q. You go on to tell us that there were six allegations
19 from St Columba's, Largs?

20 A. Yes.

21 Q. Again is that the same --

22 A. Six people making allegations.

23 Q. You go on to say:

24 "What is the basis of that assessment?"

25 "This assessment is based on the archive of

1 allegations of abuse that we have received since 1990,
2 with whatever records we have of abuse that took place
3 before that date."

4 Now, can I just understand what you are telling us
5 there when you talk about an archive of allegations.
6 What does that mean?

7 A. Yes. In 1994 there was a new Provincial and he received
8 an allegation and from that time documentation was kept
9 very carefully about any allegations and any legal
10 matters that were dealt with from that time.

11 Q. So do I take it from that answer that the archive begins
12 in 1984?

13 A. The archive we have has got a very, I think,
14 comprehensive archive from 1994 and a few years ago the
15 Scottish Safeguarding Commission asked the Catholic
16 religious orders to send in information about our
17 knowledge of abuse. So when that happened, myself and
18 two others organised the archive very carefully.

19 I have to say that the actual paperwork was there.
20 It simply required a bit of organisation and that led to
21 us being able to have good summaries of what actually we
22 received and the allegations, etc.

23 There is some data from before that, partly
24 anecdotal, of things we simply knew about and a couple
25 of bits of paperwork, if you like, and that's why I say

1 other records of abuse we have that took place before
2 that date.

3 I also asked someone to go through all of the
4 minutes of the Provincial Council to see any references
5 to abuse that I should be aware of and he read through
6 them all and said there is nothing in the minutes of the
7 Provincial Council regarding abuse.

8 Q. Just so I can understand, when you talk about that other
9 data, is that data that pre-dates 1994?

10 A. Yes.

11 Q. But does it pre-date 1990, which is the date you have
12 given in the report?

13 A. Two things I would say: there is not a vast stock of
14 data. There are a couple of bits of information we
15 have, and that's why I put that in. The Brother who
16 became Provincial, we have the data after that, but
17 before that we had a safeguarding document and that's
18 why I put 1990. So that was contained within that date.

19 Q. I just want to understand when you talk about data, this
20 is data relating to allegations of abuse?

21 A. Yes.

22 Q. There were allegations of abuse made prior to 1994?

23 A. There were allegations, not from boarding schools, prior
24 to 1994, but they are part of the archive.

25 Q. But as you can understand we are focusing here on, in

1 particular, St Joseph's and St Columba's.

2 A. I'm not sure if there are allegations of abuse from
3 St Joseph's or St Columba's that we have got any
4 archival data about.

5 I was trying to be comprehensive when I wrote that
6 to say that in our archive we do have some data from
7 before 1990.

8 Q. Are you able to help me on this; when an allegation of
9 abuse is made, let's say look at the allegations made
10 after the new Provincial took up office in 1994, what
11 happens next?

12 A. What happens next is that the -- at that time, if I can
13 think back to the ones I know of, that they either came
14 through the police or we would inform the police that we
15 had this allegation. And, in one instance, since the
16 Brother who was accused was not in this country, the
17 Provincial went to him and asked him to come back to
18 Scotland and he was interviewed by the police.

19 So we tried to be as open and transparent about
20 these things as possible.

21 Q. The abuse to which the former Brother pled guilty in
22 May 1998, I think you tell us happened at St Joseph's
23 between 1973 and 1976?

24 A. I got that from the article in the newspaper that I saw
25 and said, okay, if that's what they are saying, they are

1 reporting at the time, I can put this into the document.

2 Q. Was that just after you had been there as a student?

3 A. That is right.

4 Q. If we move on to the next question. At 3.2, you are
5 asked:

6 "Does the organisation/establishment accept that its
7 systems failed to protect children cared for at the
8 establishment between..." those dates from abuse?

9 How do you respond to that?

10 A. I think the answer has to be, yes. If a student was
11 abused the system failed.

12 Q. That's what you tell us --

13 A. Yes.

14 Q. When you are asked for any explanation for such
15 failures, what can you say?

16 A. I thought very carefully about that and I think what
17 I would want to say is every Marist Brother knew that
18 anything involved in the area of sexuality was against
19 his vow of celibacy and to do anything to do with abuse
20 with a child went against the practice and the values of
21 our Order, plus good care of children.

22 So there's nobody who was a Marist Brother who
23 didn't know that. Anybody who chose to abuse, we would
24 have to see what was happening inside that person that
25 led to that choice, and I don't know what that was

1 inside that person; except I can say that was clearly
2 against the values and practice of the Marist Brothers.

3 Q. You acknowledge there that there was a failure of
4 supervision?

5 A. That is right.

6 Q. If we move on to page 79, the next section. Again you
7 mention the conviction. You go on to say in the last
8 sentence:

9 "The Marist Brothers also have allegations against
10 Brothers and former Brothers from more than one party."

11 Is that repeating what you had said previously or is
12 that something different? Because earlier you had
13 mentioned you were aware of allegations 24 from
14 St Joseph's and six from St Columba's.

15 A. I think the word "also" there is not helpful. There
16 were allegations against Brothers and former Brothers
17 from more than one party. So there would be one Brother
18 and more than one person had made allegations against
19 them.

20 Q. But is this something in addition to what you have told
21 us already about the 24 allegations from St Joseph's and
22 six from St Columba's?

23 A. No. It is another way of saying the same thing.

24 Q. Thank you.

25 There's then a section headed "Changes". Can you

1 just tell us what's happened particularly since the
2 nature of this abuse became evident to the Order?

3 A. As you can see, I have actually gone back to the period
4 1985 to 1993 when we had a Superior General who was
5 an Australian Brother, who I think had been aware of the
6 issues of sexual abuse back at that time.

7 I know this verbally, I have not seen it written
8 down; he sent an instruction to all the Provincials to
9 say every province has to have a child protection
10 policy, what we would now call a safeguarding policy.
11 I know that there was a first draft of that in the
12 province of Great Britain at that time before 1993.

13 After 2000, the new province, there was a draft of
14 what would have been a policy document at that time.
15 Then when I became Provincial I began the process of
16 having policy documents in all five countries of the
17 province and I'm getting to the end of that process at
18 the moment for all five countries.

19 As you can imagine, with five different countries in
20 six different legal systems, because Belgium has two, it
21 is a rather complex operation.

22 Q. But you do tell us that all Brothers in Scotland have
23 been made aware of the safeguarding policy?

24 A. Yes, I had a meeting -- a number of things. When
25 I became Provincial I met every Brother individually and

1 talked about the issue of child sexual abuse. I also
2 shared a copy of a circular written by the former
3 Superior General Brother Sean Sammon, an American
4 clinical psychologist, who had worked with sex offenders
5 as part of his work.

6 I got that translated into all the languages of the
7 provinces and distributed it. I also went round each
8 country and did a presentation about the issue of child
9 sexual abuse. Then, with the Brothers in Scotland,
10 after the McLellan Report, I went to the Brothers,
11 I didn't expect them to all sit down and read it.

12 I made them aware of the content and I spent about
13 an hour with another Brother explaining what they should
14 do if they were aware of any allegations and what the
15 procedure would be.

16 Q. I think you tell us that they have been given training
17 in these procedures?

18 A. That is right.

19 LADY SMITH: Are you aware that Dr McLellan undertook his
20 work on the basis that the church would implement
21 whatever he recommended, and he wasn't prepared to do
22 the work otherwise?

23 A. Yes.

24 LADY SMITH: And also that there is ongoing work to revise
25 and re-write the National Safeguarding Manual?

- 1 A. Yes.
- 2 LADY SMITH: Do you know whether, once that has been done,
3 your Order are likely to be prepared to sign up to it,
4 if I can put it that way?
- 5 A. The current policy of the Marist Brothers in Scotland is
6 to support and adhere to the policies and protocols of
7 the Scottish Safeguarding Executive and I would fully
8 intend to do that.
- 9 LADY SMITH: Thank you.
- 10 MR MacAULAY: Just then for clarification, if we go back to
11 page 78. You have mentioned already the 24 allegations
12 from St Joseph's and the six allegations from
13 St Columba's. Can you help me on this, are you able to
14 tell me what the nature of the allegations are? By that
15 I mean are we talking about sexual abuse, physical abuse
16 or both?
- 17 A. I think the majority are about sexual abuse. As soon as
18 you are dealing with sexual abuse, you are also dealing
19 with emotional abuse. There are also some allegations
20 of physical abuse and there are some allegations that
21 involve all three.
- 22 LADY SMITH: Have these been handed onto the police?
- 23 A. All of them.
- 24 LADY SMITH: By you?
- 25 A. Either by me or by the safeguarding delegate in

1 Scotland.

2 LADY SMITH: Thank you.

3 A. And also to the Scottish Safeguarding Executive.

4 LADY SMITH: Thank you.

5 MR MacAULAY: My Lady, that's all the questions I have for
6 Brother Geary. Thank you.

7 A. Thank you.

8 Q. I have not received any written requests for questions.

9 LADY SMITH: Once more can I confirm whether or not there
10 are any outstanding applications for questions of this
11 witness?

12 Thank you very much. Thank you very much for coming
13 to give evidence, we appreciate it's meant you
14 travelling rather farther than some have had to come and
15 that has been very helpful, but I'm able to let you go
16 now.

17 A. Thank you.

18 (The witness withdrew)

19 LADY SMITH: That will close for today on the basis that the
20 next witness is available on Friday, is that right?

21 MR MacAULAY: Friday and that will be a representative of
22 the Benedictines.

23 LADY SMITH: Thank you very much.

24 MR MacAULAY: Also on Friday someone from Crossreach will
25 give evidence.

1 LADY SMITH: That is Crossreach, the name that's used by the
2 Church of Scotland for their residential care arm?

3 MR MacAULAY: Indeed, yes.

4 LADY SMITH: Thank you very much.

5 (3.35 pm)

6 (The Inquiry adjourned until 10.00 am on
7 Friday, 23rd June 2017)

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