

# Scottish Child Abuse Inquiry

## **Case Study no. 7**

The provision of residential care in boarding schools for children in Scotland by the **Marist Brothers** between 1950 and 1983 at St Columba's College, Largs, and St Joseph's College, Dumfries

Evidential Hearings: 3 October 2019 to 5 November 2019



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## Foreword

These are the seventh of my published case study findings and they relate to the provision of residential care for children in Scotland by the Marist Brothers at two boarding schools: St Columba's College, Largs, and St Joseph's College, Dumfries. They are the third in a series of three sets of case study findings in which the residential care of children provided by male religious orders in Scotland is examined.

During the hearings, I heard about many aspects of St Columba's and St Joseph's that were shocking and distressing. I appreciate how challenging it will have been for all witnesses—former pupils, Brothers and former Brothers, and others—to engage with and provide evidence to the Inquiry. I am very grateful to them for their assistance and co-operation and for their valuable contributions.

In reaching the stage of publication of these findings—from detailed analysis to the final document—I have had the benefit of being supported and assisted by some quite exceptional teamwork. I would like to record my gratitude to the Inquiry counsel who led in this case study and the members of staff involved at each stage; their diligence and commitment has been remarkable.

Applicants and other witnesses continue to come forward to the Inquiry with relevant evidence about the care provided by the Marist Brothers and this will be considered as part of the continuing process.

I would encourage anyone who has relevant information on any aspect of our work to get in touch with our witness support team. We want to hear from you.



A handwritten signature in black ink, appearing to read 'Anne Smith', written in a cursive style.

**Lady Smith**

## Preface

### The Scottish Child Abuse Inquiry (“SCAI”)

SCAI’s Terms of Reference (“ToR”) require it to “investigate the nature and extent of abuse of children in care in Scotland” during the period from within living memory to 17 December 2014 and to create a national public record and commentary on abuse of children in care in Scotland during that period.

The requirement is to investigate sexual, physical, psychological, and emotional abuse and, at my discretion, other types of abuse including unacceptable practices (such as deprivation of contact with siblings) and neglect. There is also a requirement to make findings about the impact of abuse.

SCAI is also to consider the extent to which any form of abuse arose from failures in duty by those with responsibility for the protection of children in care. In particular, SCAI requires to consider whether any abuse arose from systemic failures and the extent to which any such failures have been addressed. It is to make findings and recommendations for the effective protection of children in care now and in the future.

A copy of SCAI’s ToR is at [Appendix A](#).

An “applicant” is the term SCAI uses for a person who tells SCAI that he/she was abused in circumstances that fall within the ToR.

### Public hearings

In common with other public inquiries, the work of SCAI includes public hearings. They take place after detailed investigations, research, analysis, and preparation have been completed by SCAI counsel and SCAI staff. That stage can take a long time. The public hearings of SCAI include—importantly—the taking of oral evidence from individuals about their experiences as children in care and the reading of a selection of evidence from some of their written statements. The evidence also includes accounts of the impact of their having been abused as children in care, including in boarding schools. During and following the evidential hearings into case studies, applicants and other witnesses may come forward with further relevant evidence and such evidence will be taken into account.

I am aware that children were abused in a substantial number of institutions in Scotland and were the subjects of migration programmes that involved an outcome of abuse. It is not realistic to present every institution and instance of abuse at a public hearing; were SCAI to do so, an Inquiry, which will of necessity in any event be lengthy, would be unduly prolonged. Accordingly, with the assistance of SCAI counsel, I will continue to identify particular institutions and matters that are representative of the issues being explored by SCAI and thus appropriate for presentation at a public hearing in “case studies”.



## Section 21 Responses

Under section 21 of the Inquiries Act 2005, as Chair of this Inquiry, I have the power to require persons to provide evidence to SCAI. Institutions targeted by SCAI as part of its investigations have been issued with various section 21 notices, including requiring them to respond in writing to questions posed by the SCAI team. These questions were divided into parts–A, B, C, and D (Parts A-D section 21 notice).

The Marist Brothers responded to the Parts A-D section 21 notice. The responses to Parts A-D are dated 28 April 2017.<sup>1</sup> In the months leading up to the case study, SCAI requested an updated Part D response. Updated responses for both schools were submitted to SCAI on 29 March 2019.<sup>2</sup> During the case study, a further revised response to Parts C and D was submitted by the Order to SCAI dated 31 October 2019.<sup>3</sup> Revisions to Appendices A-D were submitted by the Order to SCAI dated 26 October 2019.<sup>4</sup>

## Private sessions

Applicants and other witnesses can tell members of the SCAI team about their experiences as children in care and any other relevant evidence at a “private session”. They are supported throughout this process by SCAI’s witness support team. After the private session, a statement is prepared covering those matters spoken about which are relevant to the ToR. The applicant, or other witness, is asked to check the statement

carefully and to sign it if they are satisfied that it accurately records their evidence, but only if and when they feel ready to do so.

## This case study

The scope and purpose of this case study was to consider evidence about:

- The nature and extent of any relevant abuse at St Columba’s College (hereafter referred to as St Columba’s) and St Joseph’s College (hereafter referred to as St Joseph’s), boarding schools run by the Marist Brothers,
- Any systems, policies and procedures of that institution, their application and effectiveness, and
- Any related matters.

## Leave to appear

Leave to appear was granted to the following in relation to this case study, in whole or in part:

- The Marist Brothers
- In Care Abuse Survivors (INCAS)
- Police Scotland
- The Lord Advocate
- The Scottish Ministers
- “Gary”

The Congregation of the Christian Brothers also applied for, and was granted, leave to appear in this case study, but it did not take part in the proceedings, nor was it invited to make submissions.

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1 Institute of the Marist Brothers, [Parts A and B response to section 21 notice, Organisation](#), at MAR.001.001.0061; Institute of the Marist Brothers, [Parts A and B response to section 21 notice, St Columba’s College](#), at MAR.001.001.0080; Institute of the Marist Brothers, [Parts A and B response to section 21 notice, St Joseph’s College](#), at MAR.001.001.0094; Institute of the Marist Brothers, [Parts C and D response to section 21 notice, Organisation](#), at MAR.001.001.0494; Institute of the Marist Brothers, [Parts C and D response to section 21 notice, Appendices covering both schools](#), at MAR.001.001.0522.

2 Institute of the Marist Brothers, [Supplementary response, Part D, St Columba’s](#), at MAR.001.001.2703; [Supplementary response Part D, St Joseph’s](#), at MAR.001.001.2711; [Updated appendices](#), at MAR.001.001.2713, MAR.001.001.2749, MAR.001.001.2750 and MAR.001.001.2751.

3 Institute of the Marist Brothers, [Revised version of Parts C and D response to section 21 notice, Organisation](#), at MAR.001.001.3085.

4 Institute of the Marist Brothers, [Revisions to Appendices A-D](#), at MAR.001.001.3116.

## Numbers

The former pupils who have provided evidence to SCAI in relation to their time at St Columba's and St Joseph's do not represent every person who has made a complaint over the years relating to their experiences at those schools. It must also be appreciated that many former pupils have described not only what happened to them, but also the treatment they witnessed being afforded to other children. [Appendices D-E](#) set out, in relation to St Joseph's and St Columba's, the numbers of:

- Children who appear to have been cared for by the Marist Brothers,
- Complaints of alleged abuse received by the Marist Brothers,
- Civil actions raised against the Marist Brothers, and
- Relevant SCAI applicants to the date specified in [Appendix D](#).

The evidence of any former pupils and other witnesses who have come forward since the evidential hearings began is not referred to in these findings but it will be carefully considered by SCAI as part of a continuing process.

## Witnesses representing the Order

Brother Brendan Geary provided evidence to SCAI on behalf of the Order on two occasions, initially during SCAI's first phase of hearings in 2017, and at the end of the case study in 2019.<sup>5</sup> On the first occasion he was Provincial of the West Central Europe Province, a position he vacated in April 2019.<sup>6</sup>

Brother Alexander Ronald McEwan (Ronnie McEwan) also provided evidence to SCAI on behalf of the Order. He was a member of the Provincial Council and the bursar for the Province.<sup>7</sup>

Brother Colin Chalmers has been the general archivist of the Institute of the Marist Brothers since 2014; he is based in Rome.<sup>8</sup> He provided evidence on behalf of the Order in connection with record keeping.

## St Columba's and St Joseph's Colleges

Although there were many children who had positive experiences at St Columba's and St Joseph's, I find that the Marist Brothers' contribution to residential childcare in boarding schools in Scotland was one that exposed children in their care to risks of sexual, physical, and psychological danger. For many children, those risks materialised.

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5 [Transcript, day 11](#): Brother Brendan Geary, at TRN.001.001.4438-4513; [Transcript, day 168](#): Brother Brendan Geary, at TRN.001.006.5898-5950.

6 [Transcript, day 168](#): Brother Brendan Geary, at TRN.001.006.5901.

7 [Transcript, day 168](#): Brother Ronnie McEwan, at TRN.001.006.5768-5858. Also referred to as Alexander Ronald McEwan, his evidence is listed primarily as Ronnie McEwan.

8 [Transcript, day 168](#): Brother Colin Chalmers, at TRN.001.006.5874-5875.

## **This case study as compared to my findings in relation to the findings of Case Studies nos 1, 2, 3, 4, and 5**

The abuse that I find to have taken place at St Columba's and St Joseph's is, in some respects, similar to the abuse I found to have taken place at the residential institution run by the Christian Brothers, in case study 4, and the boarding schools run by the Benedictines, in case study 5. There are also some similarities in relation to causative factors such as: the undue autonomy afforded to the schools, Brothers and staff who lacked appropriate qualifications and/or training, Brothers and staff who lacked anger management skills, inappropriate recruitment policies (if any), and inappropriate supervision of Brothers and staff. I will, accordingly, at times, use language in these findings similar to the language I used in the findings of previous case studies.

## Summary

Marist Brothers at St Columba's and St Joseph's Colleges abused children entrusted to their care. That abuse included sexual, physical, and emotional abuse.

- Children at both schools were sexually abused by Brothers. The abuse included masturbation, oral sexual activity, and rape.
- Several Brothers sexually abused children at St Columba's. Two particular Brothers with easy access to children were serial sex abusers. They sexually abused children of tender years with impunity. Their presence at St Columba's for a period of over 20 years meant that the sexual abuse of children was a chronic problem that destroyed childhoods and had lasting impact.
- The level of depravity at St Columba's involved children being induced to engage in sexual activity in groups, sexual activity that included simulated anal sex.
- The showering area at St Columba's was a location where Brothers pursued voyeuristic practices. It was also a location where children were induced to perform exercises when naked.
- A former Marist Brother, Peter Toner, was convicted of serious offences against children at St Columba's, including convictions for anal penetration and inducing children to engage in sexual activity with each other.
- At St Joseph's, a number of Brothers sexually abused children. That abuse included oral sexual activity, masturbation, and rape. Children were raped after a grooming process or in the course of a brutal attack.
- One particular Brother at St Joseph's was a serial abuser and was notorious for openly masturbating in the classroom in the presence of children.
- A former Marist Brother, Norman Bulloch, was convicted of sexually abusing children at St Joseph's on charges that included sodomy.
- The Marists' Rules recognised the risks that close interaction with children could create—and set out safeguards that should have been in place to counteract such risks—yet the dormitory systems at both schools facilitated access to children for the purpose of sexual abuse.
- Marist Brothers at both schools pursued abusive regimes of the brutal treatment of children. Much of that abuse consisted of excessive punishment. Some children suffered sadistic treatment associated with sexual abuse.
- At St Columba's, children were excessively belted and beaten, often on their bare bottoms. They were slapped and punched. Some Brothers engaged in the practice of throwing wooden blackboard dusters at children in the classroom. Peter Toner was convicted of assault to injury and permanent disfigurement for doing so.

- At St Joseph's, the younger children of primary-school age were terrorised by a dorm master with alcohol problems, who belted children forcibly, causing injury.
- Some children at St Joseph's were subjected to brutal beltings on hands and bare and clothed bottoms—punishments that cannot be regarded as having been appropriate corporal punishment; they caused injuries.
- A significant component of the emotional abuse suffered by children at both schools was associated with sexual and physical abuse and abusive environments that created atmospheres of fear.
- Fear of being targeted for sexual abuse and the dread associated with that uncertainty dominated some children's lives.
- Children who were not abused directly were fearful due to witnessing the brutal treatment of other children.
- The emotional scars caused by the trauma associated with sexual and physical abuse for some children was long-lasting and had a negative impact on their adult lives.
- The fear of severe punishment, the authority of the Catholic Church, and a culture of obedience served to empower abusers and, conversely, rendered many victims powerless in the belief that their complaints of abuse would not be believed.
- When complaints of abuse were made the response was inaction or, in some cases, movement of Brothers. The safety of children did not feature as a consideration.
- The Marist Brothers were not qualified or trained in how to care for children in their residential care.
- The Marists' establishment of residential schools for the children of Catholic families may have been well meaning but, in the absence of robust protective systems, the outcome for many was the creation of abusive environments. Systemic failures allowed sexual predators easy access to vulnerable children.
- Nonetheless, many children thrived. Many children had positive memories of their time at the schools. Many children went on to lead fruitful and fulfilling lives.
- The Marist Brothers accepted that many former pupils of the schools who gave evidence to SCAI gave compelling evidence of having been abused whilst in their care.
- The Marist Brothers provided a sincere apology for the abuse suffered.

# 1

## Introduction

At the close of the case study, I undertook to publish my findings as soon as was practicable. Whilst these findings will, in due course, be taken into account when I analyse systemic failures and decide what recommendations I should make, I am not, at this stage, making any recommendations. It is too soon to do so.

The findings that I am able to make on the evidence presented in the case study are set out in this document. I am doing so to make applicants, witnesses, and members of the public aware, as soon as possible, that I am satisfied that children were abused when in the care of the Marist Brothers and the nature and extent of that abuse.

Where applicants have waived anonymity, I have normally used their real names. Otherwise, in accordance with my restriction order, they are referred to by their chosen pseudonyms, and the dates as pupils at the schools. In relation to likely dates at the schools based on the evidence, "SC" indicates the dates the pupil was at St Columba's and "SJ" indicates the dates the pupil was at St Joseph's.

I have decided, in the meantime, to preserve the anonymity of most living persons against whom findings of abuse have been established, unless that person has been convicted of abusing children. However, the norm will be that when persons against whom findings of abuse have been established are deceased, they will be named.

When a Brother or former Brother is mentioned, the likely dates they were at the schools, based on the evidence, are usually provided.

While great care has been taken to compile the information in relation to the dates that former pupils, Brothers, and former Brothers were at the schools, it may be incomplete or inaccurate in part due to the nature and paucity of surviving records recovered. Where there is conflicting information about such dates, the most contemporaneously recorded source has, in the main, been used.

### Children were abused

I find that children were abused whilst in the care of the Marist Brothers at St Columba's and St Joseph's Colleges.

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## **I find that children were abused whilst in the care of the Marist Brothers at St Columba's and St Joseph's Colleges.**

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### Evidence

In these findings, reference is made to some parts of the evidence of individual witnesses where I have found them to be particularly illustrative of the main aspects of what was happening. They are, however, of necessity, a limited selection. The fact that a particular piece of evidence is not referred to or discussed does not mean that it has not been accepted or that it has not helped

to build the overall picture of the substance of the experiences of many children in the care of the Marist Brothers over the period of investigation.

In making these findings, I have applied the standard of proof explained in my decision of 30 January 2018, namely that:

*"... when determining what facts have been established in the course of this Inquiry, it is appropriate that I do so by reference to the civil standard of proof, namely balance of probabilities. I will not, however, consider myself constrained from making findings about, for example, what may possibly have happened or about the strength of particular evidence, where I consider it would be helpful to do so."*<sup>9</sup>

For the avoidance of doubt, I have not applied the criminal standard of proof in making these findings. The criminal standard of proof is a higher standard of proof, namely proof beyond reasonable doubt.

The period covered in evidence ranged from about 1950<sup>10</sup> to 1983.<sup>11</sup> All oral evidence was given on oath or under affirmation.

Where the evidence relied on is drawn from a written statement, the statement has been signed by the witness after having been reviewed by the witness and having been confirmed as a true account.

In describing what happened in these two boarding schools, I have quoted from some of the evidence of former pupils that I have accepted as establishing what happened. I do this so as, amongst other things, to ensure that their voices are now heard.

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9 [Standard of Proof - Lady Smith's Decision](#).

10 [Transcript, day 165](#): Brother Julian Harrison, at TRN.001.001.5417-5447.

11 [Transcript, day 162](#): "Alan", at TRN.001.006.5019-5055.

# 2 The Marist Brothers

## History and ethos

The Marist Brothers (“the Marists” or “the Order”) are an international religious institute established by a French priest, St Marcellin Champagnat, in 1817.<sup>12</sup> In their founding documents, the Marists are described as the “Marist Brothers of the Schools or Little Brothers of Mary”.<sup>13</sup> The principal aim of the Order was to “labour for the greater glory of God”,<sup>14</sup> and a secondary aim was to “procure the salvation of souls by the Christian Instruction and Education of children, chiefly those of rural districts”.<sup>15</sup> Furthermore, these documents stated that “the Institute should be a spirit of humility, simplicity, and modesty.”<sup>16</sup>

In 1863, the Marists obtained papal recognition when they were approved by the Holy See as an autonomous institute of pontifical right.<sup>17</sup> Being of “pontifical right” means that they are not subject to diocesan jurisdiction, other than requiring the

approval of a local diocesan bishop to set up a community in the diocese.<sup>18</sup>

## Structure

### Governance and administration

The Marists have a hierarchical structure. The General Chapter represents the Order with authority over all the Brothers.<sup>19</sup> The Superior General is the head of the Order, based in Rome, and is elected every eight years at a General Chapter.<sup>20</sup> He is subject to the authority of the General Chapter.<sup>21</sup> He “convokes” the ordinary General Chapter every eight years to address the election of the Superior General and other major issues.<sup>22</sup>

The Marists are divided mainly into administrative units (known as Provinces or Districts), each led by a Provincial or District Superior with the assistance of four to eight Councillors.<sup>23</sup> The Provincial Council meets

12 Constitutions of the Institute of the Marist Brothers of the Schools or Little Brothers of Mary (1968), at MAR.001.001.0561.

13 Constitutions of the Institute of the Marist Brothers of the Schools or Little Brothers of Mary (1923), at MAR.001.001.0242.

14 Constitutions of the Institute of the Marist Brothers of the Schools or Little Brothers of Mary (1923), at MAR.001.001.0245.

15 Constitutions of the Institute of the Marist Brothers of the Schools or Little Brothers of Mary (1923), at MAR.001.001.0245.

16 Constitutions of the Institute of the Marist Brothers of the Schools or Little Brothers of Mary (1923), at MAR.001.001.0246.

17 Constitutions of the Institute of the Marist Brothers of the Schools or Little Brothers of Mary (1986 with changes of the 19<sup>th</sup>, 20<sup>th</sup> and 21<sup>st</sup> General Chapters), at MAR.001.001.0285.

18 Institute of the Marist Brothers, [Parts A and B response to section 21 notice, Organisation](#): MAR.001.001.0062.

19 General Directory Vol. II. Rules of Government of the Institute of the Marist Brothers of the Schools (1930), at MAR.001.001.0147.

20 Constitutions of the Institute of the Marist Brothers of the Schools or Little Brothers of Mary (1986 with changes of the 19<sup>th</sup>, 20<sup>th</sup> and 21<sup>st</sup> General Chapters), at MAR.001.001.0332.

21 Constitutions of the Institute of the Marist Brothers of the Schools or Little Brothers of Mary (1986 with changes of the 19<sup>th</sup>, 20<sup>th</sup> and 21<sup>st</sup> General Chapters), at MAR.001.001.0332.

22 Constitutions of the Institute of the Marist Brothers of the Schools or Little Brothers of Mary (1986 with changes of the 19<sup>th</sup>, 20<sup>th</sup> and 21<sup>st</sup> General Chapters), at MAR.001.001.0337.

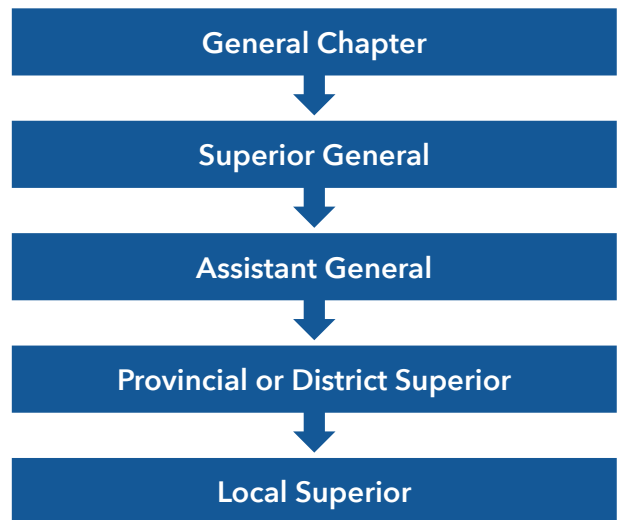
23 Institute of the Marist Brothers, [Parts A and B response to section 21 notice, Organisation](#), at MAR.001.001.0075.



six to eight times a year.<sup>24</sup> Since 2000, the United Kingdom has been part of the Province of West Central Europe, along with Ireland, Germany, the Netherlands, and Belgium.<sup>25</sup> Until 1969, the Provincial (of the Province of Great Britain) was based in a part of St Joseph’s College known as “Mount St Michael”.<sup>26</sup> Thereafter, the Provincial’s residence was elsewhere: initially at the Kinharvie Institute, about eight miles away from St Joseph’s College, then in Glasgow, and subsequently back in Dumfries.<sup>27</sup> Throughout the time that the Order was responsible for St Joseph’s College, the Provincial was close at hand.

At local level, Brothers live in communities, each led by a Superior or a Brother Director appointed by the Provincial, normally in consultation with members from the community.<sup>28</sup> Superiors “were responsible for leadership and management at local level.”<sup>29</sup> Their role was the care of, and responsibility for, the Brothers. The tradition within the Order was to show considerable respect and obedience towards Superiors. Questioning their decisions was not part of the culture.

**Figure 1: The Institute of the Marist Brothers’ hierarchical structure**



### Headteachers

Until the late 1960s, the Superior was the headteacher of St Joseph’s College.<sup>30</sup> Thereafter, the two roles were separated, with the headteacher being responsible only for the school, a responsibility that included the curriculum, staff, and relationships with, for example, the local education authority and the Secretary of State for Scotland. Headteachers were also expected to “keep the Brother Provincial informed of the school’s performance and achievements... [and] to inform the Brother Provincial immediately and directly regarding any concerns about the behaviour of a Brother.”<sup>31</sup>

24 Institute of the Marist Brothers, [Parts A and B response to section 21 notice, Organisation](#), at MAR.001.001.0075.

25 [Transcript, day 11](#): Brother Brendan Geary, at TRN.001.001.4444; Institute of the Marist Brothers, [Parts C and D response to section 21 notice](#), at MAR.001.001.0509. The UK was previously part of the Marist Province of Great Britain.

26 Mount St Michael, originally known as Laurelmount, was purchased by the Marist Brothers in May 1877 and initially served as accommodation to the Brothers of the parish school in Dumfries. See T. A. Fitzpatrick “The Marist Brothers in Scotland before 1918”, *The Innes Review*, 49 (1) (Spring 1998), pp.1-10.

27 [Transcript, day 11](#): Brother Brendan Geary, at TRN.001.001.4464.

28 Institute of the Marist Brothers, [Parts A and B response to section 21 notice, Organisation](#), at MAR.001.001.0075; [Transcript, day 11](#): Brother Brendan Geary, at TRN.001.001.4460.

29 Institute of the Marist Brothers, [Parts A and B response to section 21 notice, Organisation](#), at MAR.001.001.0076.

30 [Transcript, day 11](#): Brother Brendan Geary, at TRN.001.001.4463.

31 Institute of the Marist Brothers, [Parts A and B response to section 21 notice, Organisation](#), at MAR.001.001.0076.

The Superior of the community at St Columba's College was not always suitably equipped to be appointed as headteacher and, when that was the case, a different Brother was appointed as headteacher. The headteacher at St Columba's College "was directly responsible to the Brother Provincial."<sup>32</sup>

### Board of Governors

The Order produced a single-page, undated document that bears to be the "Constitution" of St Joseph's.<sup>33</sup> That document describes the Order as the "Founders" and that "[a]ll matters concerning the boarding education of the pupils shall be the exclusive concern of the founders."<sup>34</sup> The Constitution sets out that they are to be assisted by a Board of Governors. The Board itself was to be composed of the Provincial Superior and five members of the Order, along with three others: the St Joseph's College legal representative, the Director of Education, and County Clerk of Dumfriesshire. Board minutes for the periods 1961-1962 and 1969-1977 have been made available.<sup>35</sup> According to the Constitution of St Joseph's College, the Board was to meet three times

a year, once a term.<sup>36</sup> The Board considered matters such as finance and staffing. I heard no evidence that this aspect of the structure facilitated the ability of an individual Brother or a child to raise a concern. Nor was there any evidence of that arrangement enabling or assisting in the detection of abuse.

### The Marists' normative documents

The Inquiry was provided with the Order's normative documents known as the "Constitutions",<sup>37</sup> the "Common Rules",<sup>38</sup> the "Rules of Government",<sup>39</sup> and the "Constitutions and Statutes",<sup>40</sup> bearing dates from 1923 through to 1986, the 1986 version having been revised thereafter.

In its section 21 response, the Order maintained that it "made the Brothers aware of the requirements of the Common Rule and Constitutions of the Marist Brothers which indicated appropriate behaviours regarding the care of and relationships with children".<sup>41</sup> The section 21 response goes on to say that "[t]hese texts also indicated clearly the proper boundaries necessary to ensure healthy relationships with students and appropriate behaviour."<sup>42</sup>

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32 Institute of the Marist Brothers, [Parts A and B response to section 21 notice, Organisation](#), at MAR.001.001.0076.

33 St Joseph's College, Dumfries, Constitution, at MAR.001.001.1401.

34 St Joseph's College, Dumfries, Constitution, at MAR.001.001.1401.

35 St Joseph's College, Board of Governors Minutes, at MAR.001.001.1340-1400.

36 St Joseph's College, Dumfries, Constitution, at MAR.001.001.1401.

37 Constitutions of the Institute of the Marist Brothers of the Schools or Little Brothers of Mary (1923), at MAR.001.001.0242; Constitutions of the Institute of the Marist Brothers of the Schools or Little Brothers of Mary (1968), at MAR.001.001.0556.

38 Common Rules of the Congregation of the Marist Brothers of the Schools or the Little Brothers of Mary (1960), at MAR.001.001.0457.

39 Rules of Government of the Institute of the Marist Brothers of the Schools of Little Brothers of Mary, (1930), at MAR.001.001.0112.

40 Constitutions of the Institute of the Marist Brothers of the Schools or Little Brothers of Mary (1986 with changes of the 19<sup>th</sup>, 20<sup>th</sup> and 21<sup>st</sup> General Chapters), at MAR.001.001.0278.

41 Institute of the Marist Brothers, [Parts C and D response to section 21 notice, Organisation](#), at MAR.001.001.0499.

42 Institute of the Marist Brothers, [Parts C and D response to section 21 notice, Organisation](#), at MAR.001.001.0499.

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**“...the attitude to children inherited from Saint Marcellin Champagnat...emphasised sound pedagogical methods, an avoidance of harsh or unjust punishments, and clear boundaries between the living areas of the Brothers and those of the students.”**

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Of particular relevance here is the chapter in the Common Rules of 1960 entitled “Relations with the Pupils”. According to the Order’s section 21 response this chapter “builds on the attitude to children inherited from Saint Marcellin Champagnat (1789-1840)...which emphasised sound pedagogical methods, an avoidance of harsh or unjust punishments, and clear boundaries between the living areas of the Brothers and those of the students.”<sup>43</sup> Brother Brendan, when he first gave evidence, explained that this chapter was “based on the tradition of what had come before and that would be promoted and shared with the Brothers and that would be, if you like, the policy statement for that time”.<sup>44</sup> He said that the pre-1960 rules would have been “[v]ery similar”.<sup>45</sup>

Of particular note are the following Common Rules:<sup>46</sup>

*“415. Duty demands from the Brothers with respect to their pupils that they show them affection, **give them good example** and the help of their prayers, also religious and secular instruction, Christian education, supervision and correction. Such demands make it **an obligation for the Brothers to acquire a high degree of professional skill.**”*

*“421. **The pupils must not be allowed to enter those parts of the House reserved for the community, to come and go as they please in the school or take away anything without permission.**”*

*“431. The Brothers are **absolutely forbidden to strike their pupils, because such forms of corporal punishment denote lack of self-control, fail in the respect due to the pupil, and are opposed to Christian charity, to the dignity of the religious educator, and to the wishes of the parents.**”*

*“443. **Supervision should be more exact and careful in the dormitories and during the walks. For this purpose, there will be two Brothers for each of the boys’ dormitories, and at least as many with each school group out on the walks.**”*

Brother Brendan explained in his evidence that Rule 415 reflected the Brothers’ view that the education of young people was very important. He said that Rule 421 reflected the importance of the separation of any Brother’s religious life “in a quasi-monastic way” from his secular life, as well as “the wisdom of protecting young people of any possibility of being in a place where they should not be, with any moral dangers” as “there was a very

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43 Institute of the Marist Brothers, [Parts A and B response to section 21 notice, Organisation](#), at MAR.001.001.0074. Emphasis added.

44 [Transcript, day 11](#): Brother Brendan Geary, at TRN.001.001.4481. Brother Brendan Geary was the Provincial until April 2019; see [Transcript, day 168](#): Brother Brendan Geary, at TRN.001.006.5903-5905.

45 [Transcript, day 11](#): Brother Brendan Geary, at TRN.001.001.4482.

46 Common Rules of the Congregation of the Marist Brothers of the Schools or the Little Brothers of Mary (1960), Chapter XXXVIII *Relations with the pupils*, at MAR.001.001.0442-0446. Emphasis added.

clear sense of what we would nowadays call boundaries".<sup>47</sup>

So far as Rule 431 is concerned, it is striking that the Order questioned the appropriateness of using corporal punishment at a time when social norms were such that corporal punishment was still generally acceptable. Brother Brendan explained that in the early 20<sup>th</sup> century, the issue of whether the Order should allow corporal punishment in its schools was being discussed at General Chapters.

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**"...experience in religious life had shown there had been abuses in the past and that having other people around in that spirit of supervision actually protected the situation for any Brother who might be tempted to inappropriate activity by having someone else who was present."**

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Regarding Rule 443, Brother Brendan believed that, although it was partly to do with sharing the burden of the work, it was also a "kind of protection for each other" due to "an attitude almost of protection involved for the young people and for the Brothers themselves."<sup>48</sup> That was because "experience in religious life had shown there had been abuses in the past and that having other people around in that spirit of supervision actually protected the situation for any Brother who might be tempted to

inappropriate activity by having someone else who was present."<sup>49</sup> In short, Brother Brendan confirmed that the rule was a safeguarding provision.<sup>50</sup> It was, plainly, a rule that recognised the risk of children being abused.

It seems clear that by 1960, the Order was aware that children in its boarding schools had been abused in the past and realised that there was a risk of abuse. The Order sought to mitigate that risk by expressly ruling that pupils must not be allowed to enter places reserved for the Brothers, and that the Brothers should not be alone with pupils, particularly in dormitories. The kind of abuse children needed to be protected from included sexual abuse.

In its section 21 response the Order asserted that "[f]or the most part these regulations were faithfully followed."<sup>51</sup> This was clearly *not* the case at St Columba's and St Joseph's. The Order did not always have the resources to provide two Brothers for each dormitory. Children were induced to enter Brothers' private accommodation. At the risk of stating the obvious, where conduct in breach of the rules was the sexual abuse of children, it was also a breach of the Brother's vow of celibacy. It was a breach of any such Brother's duty to care for the children. Brother Brendan made it clear that "every Marist Brother knew that anything involved in the area of sexuality was against his vow of celibacy and to do anything to do with abuse with a child went against the practice and the values of our Order, plus good care of children. So there's nobody who was a Marist Brother who didn't know that. Anybody who chose to abuse, we would have to see what was happening

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47 [Transcript, day 11](#): Brother Brendan Geary, at TRN.001.001.4483.

48 [Transcript, day 11](#): Brother Brendan Geary, at TRN.001.001.4484-4485.

49 [Transcript, day 11](#): Brother Brendan Geary, at TRN.001.001.4485.

50 [Transcript, day 168](#): Brother Brendan Geary, at TRN.001.006.5907.

51 Institute of the Marist Brothers, [Parts A and B response to section 21 notice, Organisation](#), at MAR.001.001.0073.

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## **“Anybody who chose to abuse, we would have to see what was happening inside that person that led to that choice, and I don’t know what that was inside that person; except I can say that was clearly against the values and practice of the Marist Brothers”**

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inside that person that led to that choice, and I don’t know what that was inside that person; except I can say that was clearly against the values and practice of the Marist Brothers”.<sup>52</sup>

Brother Brendan disclosed that he had not actually been aware of the specific terms of the Common Rules of 1960 because, by the time he had joined the Order, the Rules had been superseded by the Constitutions of 1968. He had forwarded the Rules onto the Inquiry because he recognised their relevance to the Marist Brothers’ tradition.<sup>53</sup>

The Foreword to the Constitutions of 1968 provides that all normative books had been revised and that the Constitutions, the Common Rules, and the Rules of Government were to be reduced to two books, the Constitutions and the Directory.<sup>54</sup> The Directory was to deal with “[m]atters of transient nature which may change with different people or at different times” and it was to be published at a later date as Documents of the Chapter. The Foreword also explains that “The obligation of the Constitutions or its normative force, derives

from the old Constitutions...which this text simply renews and adapts to our times. The Constitutions may seem quite different, but a careful study will reveal that all that is essential in the old ones is maintained.”<sup>55</sup> The rules found in the Common Rules of 1960, addressing how Brothers were to interact with pupils, were not reproduced, but Brother Brendan explained that “aspects of that tradition” would have been understood.<sup>56</sup>

### **Legal status**

As an organisation, the Marists have been constituted as a charitable trust, conforming to a number of deeds beginning with a Deed of Declaration of Trust dated 6 November 1936.<sup>57</sup>

### **Vows**

In common with other religious orders, the Marists took three vows—chastity, poverty, and obedience. Once admitted to the Annual Vows, the Brother became a member of the Order. Admission to Perpetual Vows confirmed the Brother’s “definite admission” to the Order.<sup>58</sup>

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52 [Transcript, day 11](#): Brother Brendan Geary, at TRN.001.001.4508-4509.

53 [Transcript, day 168](#): Brother Brendan Geary, at TRN.001.006.5904.

54 Constitutions of the Institute of the Marist Brothers of the Schools or Little Brothers of Mary (1968), at MAR.001.001.0558.

55 Constitutions of the Institute of the Marist Brothers of the Schools or Little Brothers of Mary (1968), at MAR.001.001.0559.

56 [Transcript, day 168](#): Brother Brendan Geary, at TRN.001.006.5905.

57 Institute of the Marist Brothers, [Parts A and B response to section 21 notice, Organisation](#), at MAR.001.001.0063.

58 General Directory Vol. II. Rules of Government of the Institute of the Marist Brothers of the Schools (1930), at MAR.001.001.0126.

## Presence in Scotland

The Order first established a presence in Glasgow in 1858.<sup>59</sup> By 1863 the Order was in charge of three schools in Glasgow. The Order also established itself in Dundee and Dumfries. In 1872 the parish priest in Dumfries, Father Archibald MacDonald, had built new schools and a headmaster's house and he persuaded the Marists to take charge in 1873. A year later a vacated infirmary was purchased by the Order, with assistance from a local Catholic merchant, to house a novitiate. The first novices and postulants moved from Beaucamps, France, to Dumfries on 28 November 1874. As Beaucamps also housed, from time to time, some English-speaking pupils in its boarding school, it was decided that the same facility should be provided at Dumfries. An extension was

added to the infirmary for this purpose and named St Joseph's College. A few years later, in 1878, the novitiate was transferred to a new property in Dumfries, Laurelmount, later renamed Mount St Michael in honour of the town's patron saint.

## History and background of the schools

St Joseph's College (hereafter "St Joseph's") was established in 1875 as an independent, fee-paying boarding school.<sup>60</sup> The Marist Brothers had experience working in schools and boarding establishments in France, and that made them feel confident they could do the same in Scotland.<sup>61</sup> The aims were to provide boarding school facilities for "better off classes of boys" and also "to obtain funds for the support of the novitiate".<sup>62</sup>



Aerial picture of St Joseph's College, Dumfries, 1939 (SC 1438727 © Crown Copyright: HES).

59 Brother Clare, *Brother Clare's History of the Province*, (2011 - New Edition), at MAR-000000003, p.39.

60 Brother Clare, *Brother Clare's History of the Province*, (2011 - New Edition), at MAR-000000003, pp.83-93. The word 'Commercial' was dropped from the title of the College in 1925. Michael G. Taylor, *The Blue and Gold: St Joseph's College, Dumfries, 1875-2000*, (2000), Dumfries: The Past Pupils Association.

61 [Transcript, day 11](#): Brother Brendan Geary, at TRN.001.001.4456.

62 Brother Clare, *Brother Clare's History of the Province*, (2011 - New Edition), at MAR-000000003, p.83.

St Columba's College (hereafter "St Columba's") opened on 2 February 1921 as an independent, fee-paying preparatory school.<sup>63</sup> It was a boarding school for boys, becoming a 'feeder' school for Catholic boarding schools elsewhere in the UK, forging links with, in particular, St Joseph's and also Ampleforth College, a boarding school run by the English Benedictine Congregation. Although not specifically a preparatory school for St Joseph's, many of the St Columba's pupils went on to St Joseph's for their secondary education.<sup>64</sup>



Landour House

## St Columba's

Landour House in Largs was purchased by the Marist Brothers in 1920 with the assistance of "friends and benefactors of the Brothers".<sup>65</sup> The house was to serve a dual purpose: as a small boarding school for young pupils and, during the school holidays, as a holiday home for Brothers who were teaching in schools in Glasgow.<sup>66</sup>

## The buildings

Landour House was built in the 1830s. In 1949 it was described as a "small mansion with many rooms and a spacious vegetable garden at the back and ornamental grounds in front."<sup>67</sup> There was also an enclosed field by the sea used as a sports ground.<sup>68</sup>

Landour House had classrooms on the ground floor, with the upper floors providing the dormitory accommodation.<sup>69</sup> The children were accommodated in three shared dormitories according to age.<sup>70</sup> To the right of the conservatory there was what was described as "an old army-type hut, with...a corrugated roof",<sup>71</sup> also described as a "Nissen hut".<sup>72</sup> A separate building, in what was described as a converted stable block,<sup>73</sup>

63 Description of St Columba's Preparatory College, 1949, at MAR.001.001.0047.

64 Institute of the Marist Brothers, [Parts A and B response to section 21 notice, St Columba's College](#), at MAR.001.001.0081. Entries in the minute book indicate that some children went to Fort Augustus Abbey School, St Columba's College Minute Book, at MAR.001.001.0720 and 0736

65 Description of St Columba's Preparatory College, 1949, at MAR.001.001.0047; see also Brother Clare, *Brother Clare's History of the Province*, (2011 - New Edition), at MAR-000000003, pp.137-138.

66 Brother Clare, *Brother Clare's History of the Province*, (2011 - New Edition), at MAR-000000003, pp.137-138; Description of St Columba's Preparatory College, 1949, at MAR.001.001.0047.

67 Description of St Columba's Preparatory College, 1949, at MAR.001.001.0047.

68 Description of St Columba's Preparatory College, 1949, at MAR.001.001.0047.

69 [Transcript, day 157](#): John McCall, at TRN.001.006.4248.

70 Institute of the Marist Brothers, [Parts A and B response to section 21 notice, St Columba's](#), at MAR.001.001.0085; see also [Transcript, day 159](#): "Gerry", at TRN.001.006.4621.

71 [Transcript, day 157](#): John McCall, at TRN.001.006.4250.

72 [Transcript, day 158](#): "James", at TRN.001.006.4359; NRS ED32/221 School Inspectors' Reports, 1951-1958, SED, Form S 10, Inspection Report, 19 June 1951, at SGV.001.005.9124. According to the inspector the Nissen hut provided "a suitable recreation room."

73 [Transcript, day 166](#): "Peter", at TRN.00.006.5467.



St Columba's College, Northfield, Largs, 1998, (SC 1942041 © Crown Copyright: HES).

housed the Brothers' accommodation where all the Brothers slept, apart from the Brother charged with the supervision of the dormitories. In 1960 a "bath, four showers, and wash hand basins" were installed and the parlour furniture replaced.<sup>74</sup>

Subsequently, sometime after 1968, the Order acquired an adjacent building known as Northfield House.<sup>75</sup> That building then became classrooms for St Columba's, with upper floors accommodating retired Brothers. Landour House was used as accommodation for the pupils and was known as the Boarding House.<sup>76</sup> The children were accommodated in three dormitories.<sup>77</sup> Entries in the minute book (day book) for St Columba's indicate that both houses required significant and expensive repairs throughout the mid-1970s and early 1980s.<sup>78</sup> For example, an entry in the minute book on 9 December 1977 records that the "[c]eiling



St Columba's College, Northfield, Largs, 1998, (SC 1942040 © Crown Copyright: HES).

in hallway under showers collapsed. Thank God! No one hurt."<sup>79</sup>

### The school roll

St Columba's was a small school, and although very few records relating to it survive, it appears that numbers were never more than about 40 pupils in total, including some day pupils.<sup>80</sup> In 1949, for example, there were 36 boarders and this was "as many as [St Columba's] can accommodate."<sup>81</sup> In December 1976 it had 23 boarders and nine day boys.<sup>82</sup> A few months later, in September 1977, the number of boarders had fallen to 15, whilst the number of day boys had increased to 15.<sup>83</sup> In its final year, 1982/83, there were seven boarders and two day boys—with the number of day boys reduced to one by March 1983.<sup>84</sup> Children as young as six were admitted, and children tended to leave at the age of 12.<sup>85</sup>

74 Provincial Newsletter, October 1960, at MAR.001.001.1646.

75 [Transcript, day 158](#): "James", at TRN.001.006.4363.

76 Box 1 D File 13 Narrative of Facts, at CFS.001.012.0251.

77 Institute of the Marist Brothers, [Parts A and B response to section 21 notice, St Columba's College](#), at MAR.001.001.0085.

78 St Columba's College Minute Book, at MAR.001.001.0649, 0660, 0667, 0675-0676.

79 St Columba's College Minute Book, at MAR.001.001.0667.

80 See [Appendix D](#). In 1949 it was observed that the school had 36 boarders and this was "as many as it can accommodate." See, Description of St Columba's Preparatory College, 1949, at MAR.001.001.0047.

81 Description of St Columba's Preparatory College, 1949, at MAR.001.001.0047.

82 St Columba's College Minute Book, at MAR.001.001.0659.

83 St Columba's College Minute Book, at MAR.001.001.0665.

84 St Columba's College Minute Book, at MAR.001.001.0730 and 0734.

85 Description of St Columba's Preparatory College, 1949, at MAR.001.001.0047.



## Closure

St Columba's closed on 29 June 1983.<sup>86</sup> According to an entry in the minute book dated 30 August 1982 the school was being phased out due to a lack of demand for places.<sup>87</sup> Other factors leading to its closure were the financial cost of running the school, and the reduction in the numbers of Marist Brothers.<sup>88</sup> When the school closed, the grounds and buildings were sold and Northfield House converted into flats. Landour House was demolished.<sup>89</sup>

## St Joseph's

In its early years, St Joseph's was housed with the novitiate in the old infirmary building. The increasing number of pupils attending resulted in the novitiate moving to Mount St Michael in 1878. During this early period the school had "an inadequate number of good servants with the inevitable consequence of general untidiness, and all the imposition of domestic work upon the Brothers".<sup>90</sup> The number of teaching staff was also small, but teachers were said to be "capable" and discipline "good".<sup>91</sup>



Aerial photograph of St Joseph's College, Dumfries, 1939 (SC 1438729 © Crown Copyright: HES).

86 St Columba's College Minute Book, at MAR.001.001.0736.

87 St Columba's College Minute Book, at MAR.001.001.0730.

88 Institute of the Marist Brothers, [Parts A and B response to section 21 notice, St Columba's College](#), at MAR.001.001.0081.

89 Box 1 D File 13 Narrative of Facts, at CFS.001.012.0251.

90 Brother Clare, *Brother Clare's History of the Province*, (2011 - New Edition), at MAR-000000003, p.93.

91 Brother Clare, *Brother Clare's History of the Province*, (2011 - New Edition), at MAR-000000003, p.93.

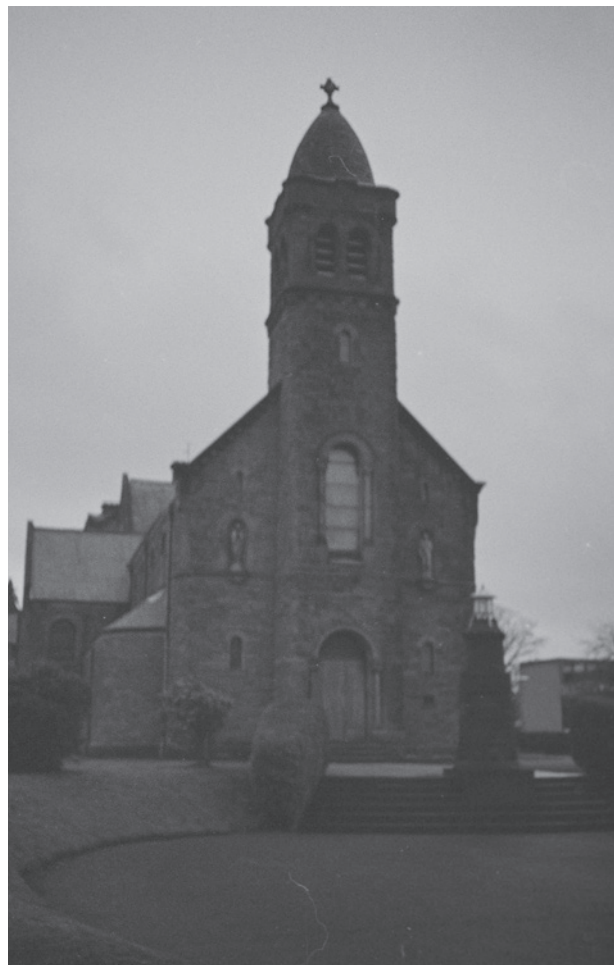
In 1883 a Brother James took charge of the school.<sup>92</sup> He remained as the headmaster for over a quarter of a century. He is credited with several improvements to the school and with its early success in attracting growing numbers of pupils. It was also Brother James who first opened up the school to external inspections. These were initially carried out by the principal of the Free Church Training College in Glasgow and subsequently by H.M. Inspector for Dumfriesshire and Galloway.

### The buildings

Between 1873 and 1907, St Joseph's College was located at the site of the old infirmary building, originally purchased to house the novitiate.<sup>93</sup> With the numbers of boarders attending the college increasing year on year, building work started on new premises for the school at Mount St Michael in 1907.<sup>94</sup> Mount St Michael was originally bought in 1877 to house the novitiate. The school transferred to its new building in 1909, with the novitiate and Juniorate moving to the Old College.

At the end of the First World War the Former Pupils' Association of St Joseph's College put forward plans for the erection of a memorial church in the grounds of Mount St Michael.<sup>95</sup> The new church was completed in 1925, and the old chapel became a recreation and concert hall for the pupils of the college. In 1932 a gymnasium hall was built with a legacy left by Brother John Joseph, a former pupil and staff member of St Joseph's.<sup>96</sup> Some of this legacy had previously been used to build the clock tower on the roof of the college.

In 1969, the main school building and a building referred to as "2<sup>nd</sup> block" included classrooms, science rooms, a biology room, a language lab, dining halls, dormitories, kitchens, toilets, and showers.<sup>97</sup> In addition, there was a chapel, three recreation halls, four houses for domestic staff, one house for lay teachers, and the chaplain's house.<sup>98</sup> There were also over 19 acres of playing fields.



St Joseph's College Chapel, Dumfries, 1982  
(SC 1876129 © Crown Copyright: HES).

92 Brother Clare, *Brother Clare's History of the Province*, (2011 - New Edition), at MAR-000000003, pp.93-99.

93 Brother Clare, *Brother Clare's History of the Province*, (2011 - New Edition), at MAR-000000003, pp.83-98.

94 Brother Clare, *Brother Clare's History of the Province*, (2011 - New Edition), at MAR-000000003, p.83.

95 Brother Clare, *Brother Clare's History of the Province*, (2011 - New Edition), at MAR-000000003, p.138.

96 Brother Clare, *Brother Clare's History of the Province*, (2011 - New Edition), at MAR-000000003, p.138.

97 St Joseph's College - Outline of school for the Public Schools Commission, at MAR.001.001.1328.

98 St Joseph's College - Outline of school for the Public Schools Commission, at MAR.001.001.1328.

The number of dormitories and single rooms available varied over time according to the number of pupils at the school and the space available for accommodation.<sup>99</sup> Most pupils were accommodated in the upper floors of the main College building throughout the period under consideration here. When a new building opened in 1960, pupils between 10 and 11 years of age were accommodated there. In the late 1940s accommodation for senior pupils was moved to the top floors of the Mount St Michael building where there were 21 single rooms, four shared rooms with three to eight beds, and three open dormitories with up to 12 beds.<sup>100</sup> Each boarding section had their own dormitory master.



St Joseph's College rear building, Dumfries, 1982 (SC 1876133 © Crown Copyright: HES).



Map of St Joseph's College

### The school roll

The available evidence provides only a partial picture of how many pupils attended St Joseph's at any one time. At the school's opening in 1875 there were 12 pupils on the school roll.<sup>101</sup> By 1877 the number of pupils had increased to 72.<sup>102</sup> The numbers continued to increase and by 1907 there were 160 pupils on the school roll.<sup>103</sup> Before the new St Joseph's building opened in 1909 there were 175 pupils on the school roll.<sup>104</sup> In 1912, three years after the school had moved into its new premises, 230 pupils were attending the school.<sup>105</sup> During the inter-war years the numbers reduced greatly, "until they were stabilised at about 120 boarders. This number was augmented by an annual influx of a dozen or so local boys after the passing of the 1918 Act."<sup>106</sup>

Over the period from 1947 to 1955, around 300 pupils annually attended St Joseph's as boarders.<sup>107</sup> The number of boarders

99 Institute of the Marist Brothers, [Parts A and B response to section 21 notice, St Joseph's College](#), at MAR.001.001.0100.

100 Institute of the Marist Brothers, [Parts A and B response to section 21 notice, St Joseph's College](#), at MAR.001.001.0100.

101 Brother Clare, *Brother Clare's History of the Province*, (2011 - New Edition), at MAR-000000003, p.93.

102 Brother Clare, *Brother Clare's History of the Province*, (2011 - New Edition), at MAR-000000003, p.93.

103 Institute of the Marist Brothers, [Parts A and B response to section 21 notice, St Joseph's College](#), at MAR.001.001.0099

104 Brother Clare, *Brother Clare's History of the Province*, (2011 - New Edition), at MAR-000000003, p.96.

105 Institute of the Marist Brothers, [Parts A and B response to section 21 notice, St Joseph's College](#), at MAR.001.001.0099.

106 Brother Clare, *Brother Clare's History of the Province*, (2011 - New Edition), at MAR-000000003, p.138. The Education (Scotland) Act 1918 abolished the system of parochial Schools Boards and introduced the principle of universal free secondary education and financial measures to consolidate its provision, at LEG.001.001.0926.

107 Institute of the Marist Brothers, [Parts A and B response to section 21 notice, St Joseph's College](#), at MAR.001.001.0099.

remained broadly stable through the 1960s, and started decreasing in the mid-1970s.<sup>108</sup> As set out below, after the local authority took over the school in July 1981 the boarding facility remained open for a further year.<sup>109</sup> Between 1981 and 1982, there were 30 boarders attending the school.<sup>110</sup> The number of boarders declined due to a combination of factors including changing societal views about boarding schools and the news that the local authority was planning to take over the school. The boarding facility closed in June 1982.

St Joseph's had day pupils from its early days.<sup>111</sup> According to the Order, the number of day pupils never exceeded 70 pupils.<sup>112</sup> That number is, however, contradicted by several other sources, including a report from St Joseph's College to the Public Schools Commission, circa 1969, indicating that as of January 1968 there were a total of 511 pupils, 152 of whom were day pupils;<sup>113</sup> and the visitation report dated 15-18 May 1978,<sup>114</sup> where it is noted that the school roll comprised "Boarders: 270, Day Boys: 245, Total: 515".<sup>115</sup> Evidence from various sources suggests that, as of 1971, when it was agreed

with the local authority that St Joseph's would provide secondary education to all Catholic boys in the Dumfries and Galloway Region, there were a similar number of day pupils and boarders.

Girls were first admitted to St Joseph's in 1971 when two girls joined the school as day pupils to complete their Sixth Year.<sup>116</sup>

St Joseph's pupils ranged in age from about eight to 19 years old.<sup>117</sup> They were split into four divisions for dormitory purposes, according to age range, with the youngest division known as "Control", the next group known as "Inters" (intermediate recreation), the next as "Mids" (middle recreation), and the most senior as the "Big Rec".<sup>118</sup>

Witnesses who gave evidence were unable to explain the label "Control". However, since then it has transpired that the primary level classes equating to primary 5 and primary 6 were described as "Control 1" and "Control 2" to reflect upcoming examinations. The primary 7 class was presented to the then 11+ exam, seen as a "Control Exam" because the outcome for a pupil controlled the type of school attended for secondary education.

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108 See [Appendix D](#).

109 St Joseph's College, Letter to parents, 25 January 1982, at MAR.001.001.1425. The Order had initially committed itself to provide board to those students who wished to finish their school careers as boarders at St Joseph's College after it had passed on to the control of the Local Authority. However, within six months of the school's transfer the Order wrote to the parents of the remaining 22 boarders to advise them that this arrangement was not suitable. The children were lodging with the Brothers who no longer had the "facilities available to occupy the leisure time of the boys, nor sufficient numbers to organise games." Parents were asked to transfer their children by August 1982.

110 Institute of the Marist Brothers, [Parts A and B response to section 21 notice, St Joseph's College](#), at MAR.001.001.0099.

111 Michael G. Taylor, *The Blue and Gold: St Joseph's College, Dumfries, 1875-2000* (2000), Dumfries: The Past Pupils Association of St. Joseph's College, at MAR.001.001.0044; Brother Clare, *Brother Clare's History of the Province*, (2011 - New Edition), at MAR-000000003, p.138 and 154.

112 Institute of the Marist Brothers, [Parts A and B response to section 21 notice, St Joseph's College](#), at MAR.001.001.0099.

113 St Joseph's College - Outline of school for the Public Schools Commission, at MAR.001.001.1329.

114 St Joseph's College, Reports of Visitations, at MAR.00.001.1455.

115 St Joseph's College, Reports of Visitations, at MAR.001.001.1457.

116 Michael G. Taylor, *The Blue and Gold: St Joseph's College, Dumfries, 1875-2000* (2000), Dumfries: The Past Pupils Association of St. Joseph's College, pp.141, 178

117 Institute of the Marist Brothers, [Parts A and B response to section 21 notice, St Joseph's College](#), at MAR.001.001.0100.

118 Institute of the Marist Brothers, [Parts A and B response to section 21 notice, St Joseph's College](#), at MAR.001.001.0100; [Transcript, day 11](#): Brother Brendan Geary, at TRN.001.001.4467-4468.

Thus, “Control 1” and “Control 2” preceded the “Control Exam”.<sup>119</sup>

### Transfer to the local authority

In 1971 the Order proposed to the local authority that St Joseph’s should be responsible for the education of all Catholic boys from the Dumfries and Galloway Region.<sup>120</sup> This was agreed. It led to an increase in the number of day pupils at St Joseph’s during the 1970s, an arrangement that caused financial difficulties for the Order because of the consequent reduction in income from boarding fees.<sup>121</sup> Also, the number of Brothers on the staff was decreasing, giving rise to a need for more lay teachers to be recruited and the cost of their salaries incurred.<sup>122</sup>

Although boarding declined, St Joseph’s continued to function as a boarding school until 1981. At that time, for reasons including concerns over finance and the reduction in the number of Brothers, the local authority agreed to take over the running and management of St Joseph’s.<sup>123</sup> It did so in July 1981, and St Joseph’s ceased being a boarding school and became a co-educational day school for Catholic pupils

from the Dumfries and Galloway Region.<sup>124</sup> After the local authority took over the school the boarding facility remained open for a further year.<sup>125</sup>

### Dormitory arrangements

The dormitories at St Columba’s and St Joseph’s were supervised by Marist Brothers. At St Columba’s, one Brother was in charge of the dormitory areas and had a bedroom close by. At St Joseph’s, there was a similar set-up. The Brother supervising a dormitory area was referred to at different points as the “prefect”,<sup>126</sup> “housemaster”,<sup>127</sup> “boarding supervisor”,<sup>128</sup> “rec master”,<sup>129</sup> and “dorm master”.<sup>130</sup> In these findings I use the description “dorm master” when considering the role as that was the label mainly used by former pupils.

Although it may have been envisaged that two Brothers would jointly supervise a dormitory area, for significant periods this did not happen. Brother Brendan, when he first gave evidence, said that two Brothers were allocated to each dormitory for “most of its history”.<sup>131</sup> He went on to say this was designed, at least in part, as a method to deal with a situation where a Brother “might

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119 Letter from a former pupil of St Joseph’s College to SCAI, 13 June 2020, at WIT-3-000000103.

120 Institute of the Marist Brothers, [Parts A and B response to section 21 notice, Organisation](#), at MAR.001.001.0077; St Joseph’s College, Reports of Visitations, Visit of Brother Provincial, November 16-19 1971, at MAR.001.001.1454; Michael G. Taylor, Michael G. Taylor, *The Blue and Gold: St Joseph’s College, Dumfries, 1875-2000* (2000), Dumfries: The Past Pupils Association of St. Joseph’s College, at MAR-000000009, pp.225-227.

121 St Joseph’s College, Board of Governors Minutes, 29 April 1977, at MAR.001.001.1340.

122 [Transcript, day 11](#): Brother Brendan Geary, at TRN.001.001.4457.

123 [Transcript, day 11](#): Brother Brendan Geary, at TRN.001.001.4457.

124 Institute of the Marist Brothers, [Parts A and B response to section 21 notice, St Joseph’s College](#), at MAR.001.001.0095; ED48/1986 Grant-Aided Secondary Schools, St Joseph’s College, Letter from Dumfries and Galloway Regional Council to SED, 15 September 1981, at SGV.001.006.1044.

125 St Joseph’s College, Letter to parents, 25 January 1982, at MAR.001.001.1425.

126 See for example St Columba’s College Minute Book, at MAR.001.001.0667-0668.

127 [Transcript, day 166](#): “Peter”, at TRN.001.061.5457.

128 Institute of the Marist Brothers, [Parts C and D response to section 21 notice, Appendices covering both schools](#), at MAR.001.001.0530.

129 [Transcript, day 160](#): “Kenny”, at TRN.001.006.4672; [Transcript, day 167](#): former Brother “Jack”, at TRN.001.006.5638.

130 [Transcript, day 167](#): read in statement of former Brother John Hutchinson, at TRN.001.006.5737.

131 [Transcript, day 11](#): Brother Brendan Geary, at TRN.001.001.4476.

be tempted to inappropriate activity".<sup>132</sup> Subsequently, Brother Brendan qualified what he had said about the presence of two Brothers, accepting that it was likely that such a practice was "not at times uniformly observed", a failure that he attributed to a "lack of numbers of Brothers and financial cost."<sup>133</sup> The evidence provided to the Inquiry gave little support to the existence of this practice—in fact, the dormitory areas were targeted by sexual abusers because the system facilitated easy and unfettered access to children.

## Finance

For many years St Columba's and St Joseph's were fee-paying schools. St Columba's received no state support.<sup>134</sup>

St Joseph's was, however, in receipt of grant funding from the Scottish Education Authority and, from 1980, Dumfries and Galloway Regional Council. Some children's fees were paid by their home local authority.<sup>135</sup> St Joseph's also had a parents and friends committee, and its Past Pupils Association was established in 1889.<sup>136</sup> The committee and the association raised funds for the school.

Changes in the demographics of both schools from the 1970s onwards meant that for many years the schools were subsidised

by the Order. The financial strain on the Order was partly instrumental in the closure of St Columba's and the handing over of St Joseph's to the local authority to become a Catholic co-education school.<sup>137</sup>

## Staffing

### St Columba's

In its section 21 response the Order contends that the Marist Brothers running St Columba's were "mostly experienced and qualified teachers, many of whom were retired."<sup>138</sup> Scottish Education Department (SED) inspections carried out in relation to St Columba's, including one that reported on 19 June 1951, noted that the two teaching Brothers at that time had no academic qualifications or training.<sup>139</sup> The number of Brothers involved with teaching at St Columba's ranged from four to six, assisted by three to five domestic staff.<sup>140</sup> The available evidence indicates that, at least between 1977 and 1981, St Columba's experienced chronic staff shortages, with the elderly Brothers often unable to teach due to illness and the domestic staff absent from work for various reasons.<sup>141</sup> For example, an entry in the minute book from 19 January 1978 records:

*"[Three members of domestic staff] did not come to work. Bro Martin did the kitchen. Bro Germanus took both classes all day*

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132 Transcript, day 11: Brother Brendan Geary, at TRN.001.001.4485.

133 Transcript, day 11: Brother Brendan Geary, at TRN.001.001.4487.

134 Institute of the Marist Brothers, [Parts A and B response to section 21 notice, St Joseph's College](#), at MAR.001.001.0096.

135 Institute of the Marist Brothers, [Parts A and B response to section 21 notice, St Joseph's College](#), at MAR.001.001.0096; St Joseph's School Role, June 1957, at MAR.001.001.1408.

136 See Michael G. Taylor, Michael G. Taylor, *The Blue and Gold: St Joseph's College, Dumfries, 1875-2000* (2000), Dumfries: The Past Pupils Association of St. Joseph's College, at MAR-000000009, pp.45-60.

137 Institute of the Marist Brothers, [Parts A and B response to section 21 notice, Organisation](#), at MAR.001.001.0062.

138 Institute of the Marist Brothers, [Parts A and B response to section 21 notice, St Columba's](#), at MAR.001.001.0080.

139 NRS ED32/221 School Inspectors' Reports, 1951-1958, SED, Form S 10, Inspection Report, 19 June 1951, at SGV.001.005.9122-9125. This inspection was carried out in accordance with section 61 of the Education (Scotland) Act 1946.

140 Transcript, day 11: Brother Brendan Geary, at TRN.001.001.4478; Institute of the Marist Brothers, [Parts A and B response to section 21 notice, St Columba's](#), St Columba's, at MAR.001.001.0087; St Columba's Minute Book, at MAR.001.001.0649-0735.

141 St Columba's Minute Book, at MAR.001.001.0649-0712.

*and prefectship [sic] till tea time. What a day!*"<sup>142</sup>

Brother Germanus, who was described by a former pupil as "too dim to teach",<sup>143</sup> was the Director of the community at St Columba's between 1976 and 1980.<sup>144</sup> As discussed later, his main responsibility was that of dorm master.

For 17 November 1978, this entry appears in the minute book:

*"The end of a very rough and tiring school week for Bro. R. Harris and Bro. Germanus, running school in all departments. Add to this only one in kitchen for three out of the five days."*<sup>145</sup>

Consequently, during this period children often had to help with domestic chores such as cooking, mowing the lawn, and cleaning gutters.<sup>146</sup> There is also evidence of visiting Brothers assisting in the classroom.<sup>147</sup>

### St Joseph's

At St Joseph's, the numbers of Marist Brothers in the community fluctuated between the years 1930 and 1982.<sup>148</sup> According to the last relevant visitation report made available, dated May 1973, there were around 18 Marist Brothers in the community.<sup>149</sup> By

1980, that number had reduced to around 10 Brothers.<sup>150</sup> The majority were teachers, although some also had dorm master duties with pastoral responsibilities. There were also lay staff, including female teachers. In 1973, for example, there were a total of 16 lay teachers—10 male and six female.<sup>151</sup> Over time, the ratio of Brothers to lay staff shifted. Until the 1950s, St Joseph's was staffed almost entirely by Marist Brothers; by 1980, there were fewer Marist Brothers than lay staff.<sup>152</sup> By the time St Joseph's closed as a boarding school, no more than five Brothers remained on staff.<sup>153</sup> Lay staff did not have accommodation on the premises.<sup>154</sup> A matron was first appointed to St Joseph's in 1953.

### Education, training, and qualifications

In Chapters 4, 5, and 6 I set out the findings that I have made on the abuse suffered at St Columba's and at St Joseph's.

I am satisfied that the environment at St Columba's was an abusive one and that, in turn, that environment had a deleterious impact on the children's education. That impact was reinforced by the use of inexperienced young men in the early period of their vocations as Marist Brothers.

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142 St Columba's Minute Book, at MAR.001.001.0668. The minutes between January 1975 and September 1980 were written by Brother Germanus and sometime during this period he became the Director. On 2 September 1980 Brother Germanus departs to Shettleston and Brother Arthur becomes the Directors. Also part of the community in September 1980 were Brothers Erill, Lewis Andrew, and Peter Toner.

143 [Transcript, day 158](#): "Edward", at TRN.001.006.4462.

144 St Columba's Minute Book, at MAR.001.001.0658 and 0712.

145 St Columba's Minute Book, at MAR.001.001.0679.

146 St Columba's Minute Book, at MAR.001.001.0685, 0688, 0697, 0699, 0706.

147 St Columba's Minute Book, at MAR.001.001.0703

148 Marist Brothers of St Joseph's College, 1930-1982, at MAR.001.001.2761.

149 St Joseph's College, Reports of Visitations, Visit of Delegation, 15-18 May 1973, at MAR.001.001.1455.

150 Marist Brothers of St Joseph's College, 1930-1982, at MAR.001.001.2761.

151 St Joseph's College, Reports of Visitations, Visit of Delegation, 15-18 May 1973, at MAR.001.001.1457.

152 [Transcript, day 11](#): Brother Brendan Geary, at TRN.001.001.4474-4475.

153 [Transcript, day 11](#): Brother Brendan Geary, at TRN.001.001.4475.

154 [Transcript, day 11](#): Brother Brendan Geary, at TRN.001.001.4477; Michael G. Taylor, *The Blue and Gold: St Joseph's College, Dumfries, 1875-2000* (2000), Dumfries: The Past Pupils Association of St. Joseph's College.

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## “...because all I was interested in was surviving in that place.”

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The environment at St Joseph’s was also an abusive one, but many of its pupils thrived academically. They were encouraged to regard themselves as the “crème de la crème”<sup>155</sup> and to proceed to further education. For others, the abuse created an environment where they failed to achieve their academic potential. “Nigel” (SJ 1968-73) performed well in his first and second years at St Joseph’s, but thereafter his performance deteriorated because “it became more and more a matter of surviving the environment rather than gaining anything out of it”.<sup>156</sup> “Andrew” (SJ 1971-75) explained that his “education suffered right from the start of that school [St Joseph’s] because all I was interested in was surviving in that place.”<sup>157</sup>

In the main, the Brothers at both schools began their training at a young age and some took on teaching responsibilities despite inexperience and lack of qualifications.

Brother Douglas Welsh was sent to St Columba’s in 1961 to teach general subjects to young children. He was 20 years old at the time and unqualified.<sup>158</sup> “Robert” was a Brother who had taken temporary vows when he was sent to St Columba’s in 1966 at 19 years old.<sup>159</sup> He had no training or experience

in the teaching of children.<sup>160</sup> His role at St Columba’s was that of a classroom teacher.<sup>161</sup> Having completed a year of teaching there, he was asked to do another year, but he decided to leave the Order and apply to university.<sup>162</sup> “Bernard” went to St Joseph’s in 1958 or 1959 when aged about 20, and taught a class of 49 primary school children with an age range of five to 10 or 11, again a role for which he was not qualified.<sup>163</sup> Former Brother Peter Toner, having taken his first (annual) vows, was at St Joseph’s in 1976, aged 18, where his role included dormitory and teaching responsibilities, a role for which he was not qualified.<sup>164</sup>

Brother Brendan accepted that to have unqualified young men in such roles was inappropriate.<sup>165</sup>

Nevertheless, the Marists had a presence in Scottish education for over 100 years and there can be no doubt that the Order made a significant contribution to children’s education in Scotland, and Catholic education in particular, with a legacy of well-educated former pupils who went on to lead fulfilling lives with major contributions to many aspects of society. In the following chapters I set out how the abuse of children in the Order’s care has blighted that legacy.

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155 Transcript, day 157: “Thomas”, at TRN.001.006.4309.

156 Transcript, day 159: “Nigel”, at TRN.001.006.4537.

157 Transcript, day 161: “Andrew”, at TRN.001.006.4915.

158 Transcript, day 166: Brother Douglas Welsh, at TRN.001.006.5521.

159 Transcript, day 166: Brother “Robert”, at TRN.001.006.5588.

160 Transcript, day 166: Brother “Robert”, at TRN.001.006.5588.

161 Transcript, day 166: Brother “Robert”, at TRN.001.006.5589.

162 Transcript, day 166: Brother “Robert”, at TRN.001.006.5593.

163 Transcript, day 165: Brother “Bernard”, at TRN.001.006.5377-5378.

164 Transcript, day 165: “Peter”, at TRN.001.006.5314-5315.

165 Transcript, day 168: Brother Brendan Geary, at TRN.001.006.5911.



## Hetland House

Although not an institution covered by the case study, Hetland House, Carrutherstown, was mentioned by a number of witnesses. Hetland House was the Marist Juniorate dedicated to the training of young people who wanted to join the Order. The Juniorate was first established in Scotland in 1888<sup>166</sup> and moved to Hetland House sometime during the Second World War.<sup>167</sup> The Juniorate closed in 1978 “because of a change of views on the training of future Brothers throughout the Institute.”<sup>168</sup>

## Visitations

In common with other religious Orders, the Marists had a visitation system. The 1930 “Rules of Government” provided that the Superior General or his delegate would visit a community every three years, and that the Provincial would conduct an annual visitation.<sup>169</sup> The broad purpose of a visitation was to be a “powerful factor towards the maintenance of fervour and good spirit”.<sup>170</sup> The Rules of Government envisaged that a visitation would include inspection of the schools and consider the provision of education.<sup>171</sup>

During his annual visit to a community, the Provincial would personally interview each Brother to consider “personal matters and issues related to their work and observance of the Marist rule.”<sup>172</sup> This gave the Provincial “the opportunity to better understand the needs and concerns of individual Brothers... After 1968 the nature of these interviews changed from one of accountability to one of pastoral support.”<sup>173</sup> Communities were expected to keep a book of annals and “in some communities, at the end of his visit, the Provincial would make entries in that book of annals.”<sup>174</sup> No book of annals was found for St Joseph’s. In his evidence, Brother Brendan clarified that the minute book (daybook) and the other two daybooks recovered for St Columba’s were what normally would be called the “annals”.<sup>175</sup>

No visitation reports have been found for St Columba’s, although the minute book for St Columba’s does record visits by the Provincial.<sup>176</sup>

Visitation reports for St Joseph’s (when managed by the Order) have been made available to the Inquiry, but they only cover a period from 1954 to 1973.<sup>177</sup> They contain positive comments, particularly about the school, but they also make suggestions for improvement, as the extracts below illustrate:

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166 Institute of the Marist Brothers, [Parts A and B response to section 21 notice, Organisation](#), at MAR.001.001.0061; Brother Clare, *Brother Clare’s History of the Province*, (2011 – New Edition), at MAR-000000003, p.90; Michael G. Taylor, *The Blue and Gold: St Joseph’s College, Dumfries, 1875-2000* (2000), Dumfries: The Past Pupils Association of St. Joseph’s College, at MAR.001.001.0044.

167 Institute of the Marist Brothers, [Parts A and B response to section 21 notice, Organisation](#), at MAR.001.001.0061.

168 Institute of the Marist Brothers, [Parts A and B response to section 21 notice, St Joseph’s College](#), at MAR.001.001.0095.

169 General Directory Vol. II. Rules of Government of the Institute of the Marist Brothers of the Schools (1930), at MAR.001.001.0169.

170 General Directory Vol. II. Rules of Government of the Institute of the Marist Brothers of the Schools (1930), at MAR.001.001.0169.

171 General Directory Vol. II. Rules of Government of the Institute of the Marist Brothers of the Schools (1930), at MAR.001.001.0170-0173.

172 Institute of the Marist Brothers, [Parts A and B response to section 21 notice, St Joseph’s College](#), at MAR.001.001.0104.

173 Institute of the Marist Brothers, [Parts A and B response to section 21 notice, St Joseph’s College](#), at MAR.001.001.0104.

174 [Transcript, day 11](#): Brother Brendan Geary, at TRN.001.001.4471.

175 [Transcript, day 168](#): Brother Brendan Geary, at TRN.001.006.5940-5941.

176 St Columba’s College Minute Book, at MAR.001.001.0660 and 0683.

177 St Joseph’s College, Reports of Visitations, at MAR.001.001.1426-1458.

Visit of the Brother Provincial, 30 January to 4 February 1955:

*"The moral tone of the schools is good and the pupils are well instructed in the knowledge and practice of their Faith... Secular subjects are well taught - as results prove - but higher standards all around need to be insisted upon and more time and care shown in some cases in the teaching."*<sup>178</sup>

Visit of the Brother Assistant, 2 February 1956:

*"The boys give me the impression of being contented"*<sup>179</sup>

Visit of the Brother Assistant, 10 September 1960:

*"If I may be allowed to judge by recent examination results there is distinct need for revision of methods and a more correct assessment of examination standards on the part of a number of senior teachers... The need for more thorough preparation of work, for clearer presentation of lessons, for more intelligent questioning, for more constant and exacting following-up of the individual pupil's work, is only too clearly reflected in the low percentage pass in the Recent General Certificate of Education results. I must appeal to the Brothers to co-operate with Brother Director in doing everything in their power to make sure that 1961 is more successful as regards success in school work."*<sup>180</sup>

Visit of the Brother Assistant, 4 May 1964:

*"The best compliment I can pay the college is to say I found the boys behaving in the highest Marist tradition...The pupils are polite, open and frank"*<sup>181</sup>

Visit of the Brother Provincial, 28 May 1968:

*"The general tone of politeness and behaviour is good. A gentle tightening up of discipline higher up the school would not impair the pleasantly happy atmosphere, this may well be possible whilst at the same time training the senior boys in personal responsibility."*<sup>182</sup>

Visit of the Delegation, 1 to 5 May 1969:

*"Strict limits as to discipline should be maintained, otherwise matters could get out of hand. A Student's Representative Council has been set up to give the students' point of view. In this, areas should be set in which students' representations are not to enter. Here again, it is a matter of limits."*<sup>183</sup>

Visit of the Brother Provincial, 28 February to 8 March 1970:

*"A good School is a happy School, and no one could question the boys' happiness here. There is a relaxed spirit very much in evidence which seems to indicate that the boys feel very much at home here in the College...Academic Studies in the School cannot be faulted: boys are given every opportunity to get to the top."*<sup>184</sup>

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178 St Joseph's College, Reports of Visitations, Visit of Brother Provincial, 30 January to 4 February 1955, at MAR.001.001.1432-1433.

179 St Joseph's College, Reports of Visitations, Visit of Brother Assistant, 2 February 1956, at MAR.001.001.1435.

180 St Joseph's College, Reports of Visitations, Visit of Brother Assistant, 10 September 1960, at MAR.001.001.1437.

181 St Joseph's College, Reports of Visitations, Visit of Brother Assistant, 4 May 1964, at MAR.001.001.1439-1440.

182 St Joseph's College, Reports of Visitations, Visit of Brother Provincial, 28 May 1968, at MAR.001.001.1444.

183 St Joseph's College, Reports of Visitations, Visit of Delegation, 1 to 5 May 1969, at MAR.001.001.1446. The matter of concern refers to the students' choice of hairstyle, and attempts to "divert the boys' energies and present day behaviour into right channels." Later the writer of this report notes that "Boarding school life under the best of conditions is difficult for those in charge of the students and more so in these days of unrest and demand for personal freedom. We need much patience and understanding and skill in handling this situation".

184 St Joseph's College, Reports of Visitations, Visit of Brother Provincial, 28 February to 8 March 1970, at MAR.001.001.1450-1451.

Visit of the Brother Provincial, 16 to 21 November 1970:

*"A happy atmosphere reigns in the School. Greater emphasis has been put upon personal responsibility, and the boys are responding well. Examination results were reasonably good. Perhaps more emphasis could be laid on inspiring the boys to make greater efforts in their studies. The Lay-Teachers here are exceptionally good in every respect and it is up to us to teach them the 'Marist' way in forming the characters of our students."<sup>185</sup>*

Visit of the Brother Provincial, 16 to 19 November 1971:

*"Good spirit prevails all around. The Senior Division has responded reasonably well to the disciplined, personal freedom they have been given. More responsibility has been placed in the hands of the School Captain and his Prefects with exceptionally good results...The Brothers are blessed with excellent Lay Teachers. It is only the Brothers who can make them feel as part and parcel of the whole set-up...Now that the numbers of day-boys is on the increase, we must look more closely at the daily routine which is naturally more geared to the needs of Boarders."<sup>186</sup>*

Visit of the Delegation, 15 to 18 May 1973:

*"I had very little opportunity of visiting the classes but I spoke with boys here and there. My impression is that the senior boys are a better group than those I met on my last visit: they are more friendly, responsive and open."<sup>187</sup>*

Although the main focus of the visitation reports was on the spiritual and community life of the Brothers, these extracts indicate that consideration was also given to the quality of the education being provided to boys and, to some extent, their welfare.

Throughout the period, visitation reports comment on Brothers' neglect of their spiritual life. For example, in a Visit of the Delegation carried out between 15 and 18 May 1973 it is observed that:

*"Unfortunately negligence in attendance at morning exercises and even Mass referred to in many previous reports, continues...I am afraid too that there is considerable neglect of spiritual reading."<sup>188</sup>*

Some visitation reports also comment on the demands imposed on Brothers by the necessities of the boarding school. For example, in 1970 the Brother Provincial wrote:

*"The demands made upon the Brothers in this Boarding school almost border on the impossible...It is not surprising that lapses take place from some individual Brothers as regards Morning Exercise. This, I am sure, is caused by excessive work, and the only solution is to staff the College with more Brothers. Despite the increasing number of lay-staff through shortage of Brothers, very few of them are able to help out after School hours."<sup>189</sup>*

The visitation system failed to identify abuse and was not conducive to doing so, given its focus on the Brothers rather than on the children in their care. The assessments made about the welfare of children were superficial.

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185 St Joseph's College, Reports of Visitations, Visit of Brother Provincial, 16-21 November 1970, at MAR.001.001.1452.

186 St Joseph's College, Reports of Visitations, Visit of Brother Provincial, 16-19 November 1971, at MAR.001.001.1454.

187 St Joseph's College, Reports of Visitations, Visit of Delegation, 15-18 May 1973, at MAR.001.001.1457.

188 St Joseph's College, Reports of Visitations, Visit of Delegation, 15-18 May 1973, at MAR.001.001.1455-1456.

189 St Joseph's College, Reports of Visitations, Visit of Brother Provincial, 28 February to 8 March 1970, at MAR.001.001.1448.

# 3

## The regime

### Introduction

Children were abused at St Columba's and St Joseph's. Some Brothers were able to access children who they then targeted for abuse. Lack of supervision contributed to abuse that included sexual, physical, and emotional abuse.

Children were sexually abused by a number of Brothers, including being raped. Some Brothers were open about their inappropriate sexual behaviour. Physical abuse often took the form of excessive punishment and children were injured.

Children were emotionally abused at both schools. This abuse included the emotional trauma and fear associated with the sexual and physical abuse that children suffered or witnessed.

### Atmosphere of fear and violence

The abuse inflicted on children had a negative impact on their mental well-being. One former pupil described his experience at St Joseph's as one of "fear, abject fear... [t]error. Complete abandonment. Feeling like there was nowhere that was safe."<sup>190</sup> The atmosphere at St Columba's was described as "an atmosphere of uncertainty, confusion and fear".<sup>191</sup> "Jack" (SC 1968-72, SJ 1972-77), who was abused during a family holiday by Brother Henry before starting at St

Columba's, spent the first two years there "waiting to be sexually abused by one of the Marist Brothers."<sup>192</sup> "Edward" (SC 1962-65, SJ 1965-70) carried the fear instilled by St Columba's when he went to St Joseph's, and "went with great trepidation...I was making sure nothing was going to happen to me."<sup>193</sup>

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**The atmosphere at St Columba's was described as "an atmosphere of uncertainty, confusion and fear."**

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"Gerry" (SC 1968-71, SJ 1971-76) was inclined to give brothers at St Columba's the benefit of the doubt so far as their intentions were concerned. The Marists did not, he felt, give the impression that they "were kind of deliberately trying to hurt children or were kind of cruel, cruelly devising ways to hurt children. I think it was more just the fact that their idea of authority and punishment was overly severe and violent. So the consequence was that it was a scary, violent experience."<sup>194</sup> I can accept that, in some cases of violence towards children, the intention was to maximise control over the children rather than the deliberate infliction of cruelty. However, Brothers did also inflict real cruelty. Children of tender years were beaten. There was excessive striking

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190 Transcript, day 160: Stephen Behan, at TRN.001.006.4777.

191 Transcript, day 160: "David", at TRN.001.006.4811.

192 Transcript, day 164: read in statement of "Jack", at TRN.001.006.5294.

193 Transcript, day 158: "Edward", at TRN.001.006.4429.

194 Transcript, day 159: "Gerry", at TRN.001.006.4629.

and hitting of children under the guise of corporal punishment. There were Brothers who lost their tempers and lashed out at children without justification and in a manner that can only be described as “cruel”. Also, to instil a sense of fear in a child, as happened at both schools, was an egregious cruel breach of trust.

## Home

Families entrusted their children to the temporary care of the Marists believing that they would be safe and obtain a good education in a Catholic environment. Whilst it may not have been reasonable to expect the boarding school environments to match the special love and warmth that many children received in their own homes, they should, at the very least, have been kept safe, protected from abuse and harm, and provided with the standard of care envisaged by the Order’s Common Rules (1960).<sup>195</sup> I have already referred to some provisions from these Common Rules on how Brothers should behave towards children in their care. The following should have been—but were not—observed:

*“415: Duty demands from the Brothers with respect to their pupils that they show them affection, **give them good example** and the help of their prayers, also religious and secular instruction...*

*416: They should **love all their pupils with a Christian love, be kind to them in speech and gentle in manner**”.*<sup>196</sup>

Had the principles enshrined in these excerpts been followed, then St Columba’s and St Joseph’s would have been providing a high level of care. Instead, the Order’s attitude towards children was authoritarian. “Gerry” described one Brother teacher as “[a] big, tough, angry guy”<sup>197</sup> of whom he was scared.<sup>198</sup> Generally, “[t]here was never any compassion shown when...at St Columba’s.”<sup>199</sup>

## Poor supervision

One significant aspect of the regimes at both schools was that individual Brothers had a remarkably free rein despite the Order recognising the dangers that could emerge from contact with children, as evidenced by the two Brothers rule.<sup>200</sup> However, that rule was generally not followed and no alternative safeguarding procedures were put in place. Easy access to children enabled abusers to pursue and commit abhorrent sexual abuse of the children they had a duty to protect. It enabled Brothers to engage in courses of conduct that would have led to dismissal in a well-led, well-run institution, truly committed to the care and protection of children. The following examples capture the abusive and dysfunctional nature of the regime:

### St Columba’s

- Brother Germanus, Director and dorm master at St Columba’s, was a sexual predator who abused young children for many years. He was also violent and emotionally abusive towards children under his care.

195 Common Rules of the Congregation of the Marist Brothers of the Schools or the Little Brothers of Mary (1960), at MAR.001.001.0457-0458.

196 Common Rules of the Congregation of the Marist Brothers of the Schools or the Little Brothers of Mary (1960), at MAR.001.001.0459. Emphasis added.

197 [Written statement of “Gerry”](#), paragraph 34, at WIT.001.002.4734.

198 [Transcript, day 159: “Gerry”](#), at TRN.001.006.4629. See also [Written statement of “Gerry”](#), paragraph 34, at WIT.001.002.4734.

199 [Written statement of “Gerry”](#), paragraph 35, at WIT.001.002.4735.

200 Common Rules of the Congregation of the Marist Brothers of the Schools or the Little Brothers of Mary (1960), Chapter XXXVIII *Relations with the pupils, Rule 443*, at MAR.001.001.0446.

- Former Brother Peter Toner, another sexual predator who abused children, succeeded Brother Germanus as dorm master at St Columba's, thereby perpetuating an abusive regime. He was also violent towards children. In 1983, he was not permitted to renew his temporary vows or to be admitted to perpetual vows. He was later convicted of serious sexual abuse.
- Former Brother John Hampson was in the habit of exposing himself to children at St Columba's, and placing a particular child's hand on his erect penis. In a rare instance of a contemporaneous complaint by a parent, he left the Order, and it seems that John Hampson was not allowed to continue as a Marist Brother.<sup>201</sup>

### St Joseph's

- At St Joseph's Brother Damian, who was openly sexual in his behaviour (to the extent that children called him "the wanker"),<sup>202</sup> sexually abused children, including rape. Despite his conduct being reported to the headmaster by children, he remained in his post.
- Brother Lucian, like Brother Damian, was openly sexual in his conduct towards children in class.
- Brother "Frederick" sexually abused two young boys on several occasions, yet remained in his post—despite the mother of one of the boys complaining about Brother "Frederick" after her son had confided in her.
- Brother Fergus repeatedly raped one boy, and sexually touched another boy.

- Former Brother Norman Bulloch "saw the dorm as his sexual playground".<sup>203</sup> He was a sexual abuser who was eventually convicted of sexual crimes relating to his time at St Joseph's, including sodomy.

### Alcohol abuse

In 1973 concerns were raised by the Delegation that carried out the visitation of St Joseph's about the amount of alcoholic beverages being purchased by the community:

*"The community should take a long objective look at the excessive amount of drink...For 6 months the amount spent on draught beer alone is more than £400. Yet every day at table bottled beer is served which is rather unusual in the Houses of the Province...Cigars and cigarettes £1000 p.a. General drink not included in the above £2000 p.a."*<sup>204</sup>

These comments accord with other evidence. It was well known by pupils that some of the Brothers, and a lay teacher, drank alcohol to excess, and were under the influence of alcohol when they were supposed to be responsible for children. At St Joseph's, for example, boys noticed that Brother Tatianus and Brother Fergus smelt of alcohol.<sup>205</sup> They also noticed that a female lay teacher would smell of alcohol after lunch, and fall asleep in class.<sup>206</sup>

This worrying propensity of some teachers to drink to excess and to drink during working hours was not addressed by the Order.

201 Email from Levy & McRae to SCAI, 16 October 2019, at MAR-000000007.

202 [Transcript, day 159](#): "Gerry", at TRN.001.006.4651.

203 [Written statement of Stephen Behan](#), paragraph 55, at WIT.001.002.4570. See also [Transcript, day 160](#): Stephen Behan, at TRN.001.001.4746.

204 St Joseph's College, Reports of Visitations, Visit of Delegation, 15-18 May 1973, at MAR.001.001.1457.

205 [Transcript, day 159](#): "Gerry", at TRN.001.006.4634.

206 [Transcript, day 159](#): "Nigel", at TRN.001.006.4358.

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## “...there were also happy days at St Columba’s...I know I had some happy times with a lot of the children, which sounds unreal, but we did.”

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### Positive aspects

Some former pupils of St Columba’s and St Joseph’s who gave evidence had positive experiences at the schools. Others found some aspects of their experiences positive despite suffering abuse and bullying. Some were able to build on their positive experiences to develop successful adult lives. Some children were fortunate to evade the sexual predators who plagued the lives of others and avoid the brutality that terrorised many.

### St Columba’s

“Edward” (SC 1962-65, SJ 1965-70), who was sexually abused by Brother Germanus, found some positive aspects at St Columba’s: “there was a good thing at Largs where we went on the beach and we went along the rocks and it was good, it was a nice happening. It’s one of the happenings I carry with me that— you know, anything that was good from the place... I had no problems with anybody else [other than Brother Germanus]”.<sup>207</sup>

“Billy” (SC 1978-82), who was abused by Peter Toner, described how “there were also happy days at St Columba’s... Definitely, there was fun days, there were lots of times I enjoyed myself... I know I had some happy times with a lot of the children, which sounds unreal, but we did.”<sup>208</sup>

Former pupils were also complimentary about particular Brothers at St Columba’s. For example, “Jack” (SC 1968-72, SJ 1972-77) was taught by Brother Nicholas, who he “trusted implicitly. I didn’t feel that he was a threat to me.”<sup>209</sup> “James” (SC 1965-68, SJ 1968-75) found Brother Germanus to be “relatively easygoing”, and “personally had no difficulty in relating to [him].”<sup>210</sup> “James” described him as follows: “Brother Germanus was the sort of guy who would pick up and care for small birds and animals.”<sup>211</sup> “Alan” (SC 1978-83) also got on “fine” with Brother Germanus; Brother Germanus did not discipline him as his dorm master and he did not see Brother Germanus disciplining other children.<sup>212</sup>

A number of former pupils of St Columba’s spoke positively of Brother Arthur. “David’s” (SC 1979-80) time with Brother Arthur “was a positive experience in that he genuinely appeared to engage with the pupils around him, certainly with myself anyway. He taught music, he seemed interested in how you were developing... he’s probably the only brother that I actually learnt anything from during my time at that school on a curriculum basis. That’s what perhaps made him stand out from the rest of the Marist Brothers.”<sup>213</sup> Similarly, things improved for “Billy” (SC 1978-82) when Brother Arthur became headmaster: “[Brother

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207 Transcript, day 158: “Edward”, at TRN.001.006.4420. Edward started attending St Columba’s as a day pupil in 1961.

208 Transcript, day 163: “Billy”, at TRN.001.006.5152.

209 Transcript, day 164: read in statement of “Jack”, at TRN.001.006.5296.

210 Transcript, day 158: “James”, at TRN.001.006.4370.

211 Written statement of “James”, paragraph 76, at WIT.001.002.4479.

212 Transcript, day 162: “Alan”, at TRN.001.006.5029.

213 Transcript, day 160: “David”, at TRN.001.006.4815-4816.

Arthur] stopped quite a few things as soon as he arrived, especially to do with the beating side...I don't remember getting the cane on the nights anymore and it just seemed to be a much more safer environment to be in as such when he was there. I felt safe when he was there."<sup>214</sup>

### St Joseph's

John McCall (SC 1958-62, SJ 1962-68) "had no adverse experience in St Joseph's".<sup>215</sup> Comparing his time there to his experience at St Columba's, he "never [got punished] to the same degree as [he] did in St Columba's".<sup>216</sup> "James" (SC 1965-68, SJ 1968-75) was not aware of any abuse taking place during his time at St Joseph's. Other than a period of homesickness, he has "very happy memories" with "a lot more opportunities and...freedoms".<sup>217</sup>

Similarly, St Joseph's was "a more positive experience than St Columba's" for "James" (SC 1960-63, SJ 1963-69).<sup>218</sup> This was also the case for "John" (SC 1960-64, SJ 1964-70): "[St Joseph's] was better for me than in St Columba's and we had more freedom. I was not abused by any brothers...It was more relaxed and freer."<sup>219</sup>

Some applicants wanted to point out that some of the Brothers at St Joseph's were good men. "Jim" (SJ 1958-63) provided this

assessment of the Brothers: "Clearly, they were [decent men]...their Gilbert and Sullivan operettas that I was in were wonderful...There was an opportunity to do things. There was a school choir that was wonderful. So there were good things and some brothers...didn't discipline you at all or were just great teachers or whatever. But there was a hard core of people who could make your life completely miserable."<sup>220</sup> The tragedy is that the "hard core" had the capacity to abuse children and inflict everlasting damage.

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**"So there were good things and some brothers...didn't discipline you at all or were just great teachers or whatever. But there was a hard core of people who could make your life completely miserable."**

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Stephen Behan (SJ 1970-74) conveyed a similar message: "There were some very, very good brothers there. My biology teacher, Brother Francis, was a very kind guy, he was a good teacher and he cared about the kids...He never even carried a belt. But he was the exception and he was a standout exception."<sup>221</sup>

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214 [Transcript, day 163](#): "Billy", at TRN.001.006.5122-5123.

215 [Transcript, day 157](#): John McCall, at TRN.001.006.4279-4280.

216 [Transcript, day 157](#): John McCall, at TRN.001.006.4279-4280.

217 [Transcript, day 158](#): "James", at TRN.001.006.4389.

218 [Transcript, day 162](#): read in statement of "James", at TRN.001.006.5015.

219 [Transcript, day 162](#): read in statement of "John", at TRN.001.006.5072.

220 [Transcript, day 156](#): "Jim", at TRN.001.006.4228-4229.

221 [Transcript, day 160](#): Stephen Behan, at TRN.001.006.4723.



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**“The attitude that existed in the past to deal with such matters internally, to sometimes move people who abused, or not implement necessary changes, was inadequate and led to further abuse. For this, we, the Marist Brothers, are profoundly sorry.”**

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### Both schools

“James” (SC 1965-68, SJ 1968-75) who went to St Columba’s in 1965 aged eight,<sup>222</sup> and spent three years there, summarised his time there as being “very happy”.<sup>223</sup> He moved to St Joseph’s in 1968,<sup>224</sup> and again he had

“very happy memories”<sup>225</sup> of his time there. Clearly, he and many others benefitted educationally, and “James” went on to university to study medicine as did others in his sixth form group.<sup>226</sup> This experience was also reflected in other evidence, particularly in connection with St Joseph’s, which promoted academic success. Many pupils thrived academically, and that is testament to the Marist educational ethos. But some were targeted by prolific abusers, and for some that abuse stunted academic achievement. This pattern of contrasting experiences mirrors patterns experienced by children in other institutions, as I have noted in other case study findings. It highlights how many childhoods were blighted by abuse but also that it was possible to provide non-abusive care. Abuse did not have to happen. Abuse did not have to be the inevitable consequence of residential care.

### Response to evidence about regime

Subject to some evidence led in connection with the death of Aldo Moroni (considered further in [Chapter 7](#)) the Order did not challenge the accounts of abuse given by former pupils of the schools. I was impressed by Brother Brendan’s frank acceptance that abuse happened in the ways described by witnesses, by his genuine recognition of the Order’s failings, and by his commitment to try to understand, learn from, and to support those who were abused. He was genuinely concerned about the Order’s past failures.

Brother Brendan summarised the Order’s position in the following way: “The Inquiry has shed light on shameful deeds in the past which were profoundly damaging to children, and which were criminal. The attitude that existed in the past to deal with such matters internally, to sometimes move people who abused, or not implement necessary changes, was inadequate and led to further abuse. For this, we, the Marist Brothers, are profoundly sorry.”<sup>227</sup>

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222 Transcript, day 158: “James”, at TRN.001.006.4357.

223 Transcript, day 158: “James”, at TRN.001.006.4373.

224 Transcript, day 158: “James”, at TRN.001.006.4373.

225 Transcript, day 158: “James”, at TRN.001.006.4389.

226 Transcript, day 158: “James”, at TRN.001.006.4389.

227 Written statement of Brendan Geary, at MAR.001.001.3045.

To the parents and families of children who were abused he had this to say: “What happened to these young people at St Columba’s College, Largs and St Joseph’s College, Dumfries was completely contrary to the aims and values of the Marist Brothers and bore no relation to the educational experience they had planned for their children. For this I am profoundly sorry”.<sup>228</sup>

These apologies impressed me as showing genuine contrition.

### **Conclusions about regime**

Marist Brothers in positions of trust at St Columba’s and St Joseph’s violated their monastic vows and breached the trust of children and their families. Opportunistic Brothers in positions of trust exploited the ready access they had to vulnerable children. Serious deficiencies in training and supervision contributed to the abuse of children. Children were abused, and deprived of what could have been non-abusive care involving positive childhood experiences.

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228 Written statement of Brendan Geary, at MAR.001.001.3079.

# 4

## Sexual abuse

I find that pupils at both St Columba's and St Joseph's were sexually abused by Marist Brothers. The abuse included forcible anal penetration and associated physical violence, oral sexual contact, masturbation, and voyeuristic practices including the enforced nakedness of children. For some children, the sexual abuse consisted of multiple episodes of abuse. Some children were induced to engage in inappropriate sexual behaviour with each other, including simulated anal sex. The lives of very young children at St Columba's were blighted by depravity and exposure to behaviour designed to corrupt. At St Joseph's blatant inappropriate sexual behaviour became a recognised norm.

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### **The lives of very young children at St Columba's were blighted by depravity and exposure to behaviour designed to corrupt.**

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Former pupils described how the fear of punishment, a culture of obedience, and the authority of the Catholic Church inhibited them from reporting the abuse. Some former pupils provided the Inquiry with more detailed accounts of the abuse than others, but those who had difficulty in articulating the precise nature of the abuse still provided

sufficient information for me to understand its acute nature and the profound impact it had on their lives both as children and as adults.

### **St Columba's**

There was some evidence of children younger than seven being admitted to St Columba's,<sup>229</sup> but the age range was generally 8-12 years. These were very young children; they were particularly vulnerable to the sexual predators who, for many, became their abusers. The system that allowed Marist Brothers to have easy access to children at night time created a platform from which abusers were able to target innocent children in their care for abuse.

### **Known abusers at St Columba's**

#### **Brother Germanus Paul (Born 1916)**

Brother Germanus Paul was at St Columba's for two separate periods, 1957 to 1973 and 1975 to 1980.<sup>230</sup> Between August 1976 and September 1980 he was the Director at St Columba's.<sup>231</sup> He was the dorm master and one of his primary tasks during those periods was that of supervising the dormitories. He left St Columba's in September 1980.<sup>232</sup> He was a serial sexual abuser who abused children in his care. He also physically abused children. He was a dominant figure at St Columba's, described by one witness as the "sergeant major"<sup>233</sup> and by another as the

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229 [Transcript, day 162](#): read in statement of "John", at TRN.001.006.5056; History of St Columba's College, Largs, at MAR.001.001.0047.

230 Marist Brothers, Parts C and D response to section 21 notice, Appendix A: Supplementary Report, 31 March 2019, at MAR.001.001.2722.

231 St Columba's Minute Book, August 1976 and 2 September 1980, at MAR.001.001.0658 and 0712.

232 St Columba's Minute Book, at MAR.001.001.0712.

233 [Transcript, day 157](#): John McCall, at TRN.001.006.4252.

“governor.”<sup>234</sup> In a period that spanned in excess of twenty years, he inflicted misery and pain on his many victims and represented a corrupting influence on very young children. He died in 1999.<sup>235</sup>

### Removal from beds and dormitory abuse

Brother Germanus had easy and unrestricted access to children at night. His room was in the main building close to the children’s dormitories.

John McCall (SC 1958-62, SJ 1962-68) described how Brother Germanus sexually abused him on several occasions, beginning when he was eight years old. The abuse began “[a]most immediately”<sup>236</sup> after John’s arrival at St Columba’s. The abuse generally happened after he had gone to bed, and involved Brother Germanus using a torch to check if he was asleep. If awake, John was taken to Brother Germanus’s room nearby. On the first occasion, Brother Germanus tickled him, ostensibly to help him sleep. This involved John lying on a bed with Brother Germanus kneeling over him and tickling John’s upper body. On subsequent occasions, Brother Germanus removed his own pyjamas (at least from the bottom part of his body).<sup>237</sup> John had to lie face down on the bed naked while Brother Germanus put his erect penis between his legs and “got [John] to close [his] legs.”<sup>238</sup> This abuse left a lasting impression on John who “can still feel [Brother Germanus’s erect penis] to this day”.<sup>239</sup>

This abuse happened on several occasions during the period John McCall was at St Columba’s, but the abuse stopped in his last year there.<sup>240</sup> John may have “blocked a lot of it out”.<sup>241</sup> Anticipating the possibility of further occasions of this abusive behaviour was an ordeal for John: “That was probably the biggest trauma, I think, out of the whole thing, was actually knowing the fact that he was going to come round the dormitory and he was going to see whether you were asleep...and you knew the consequences if you weren’t asleep. So...you really tried hard to ensure that he thought you were sleeping if you weren’t sleeping.”<sup>242</sup> Occasionally, John successfully convinced Brother Germanus that he was asleep although he was, in fact, awake.<sup>243</sup>

“John” (SC 1959-63, SJ 1963/4) was first taken to Brother Germanus’s room because he had wet the bed. Once there, Brother Germanus asked “John” to apply cream to his penis on the pretext that he, Brother Germanus, had a rash on it.<sup>244</sup> On subsequent occasions, “John” was awakened in the night by Brother Germanus, and taken to his room to be sexually abused. Looking back in hindsight, “John” realised that “Brother Germanus was very clever and manipulative in his coercing of me. He tried to naturalise the situation. At the same time he told me I couldn’t tell anybody. He made me feel wanted...That’s why I feel guilty now.”<sup>245</sup>

234 Transcript, day 162: “Alan”, at TRN.001.006.5025.

235 Attachment – Marist Brothers, at PSS.001.003.008,

236 Transcript, day 157: John McCall, at TRN.001.006.4261.

237 Transcript, day 157: John McCall, at TRN.001.006.4264.

238 Transcript, day 157: John McCall, at TRN.001.006.4263; TRN.001.006.4278.

239 Transcript, day 157: John McCall, at TRN.001.006.4278.

240 Transcript, day 157: John McCall, at TRN.001.006.4265.

241 Transcript, day 157: John McCall, at TRN.001.006.4265.

242 Transcript, day 157: John McCall, at TRN.001.006.4267.

243 Transcript, day 157: John McCall, at TRN.001.006.4266.

244 Transcript, day 162: read in statement of “John”, at TRN.001.006.5081.

245 Transcript, day 162: read in statement of “John”, at TRN.001.006.5087.

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**“Brother Germanus was very clever and manipulative in his coercing of me. He tried to naturalise the situation. At the same time he told me I couldn’t tell anybody. He made me feel wanted”.**

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On the first occasion “James” (SC 1960-63, SJ 1963-69) was taken to Brother Germanus’s room, he was asked to carry out exercises that involved arching his back, with his feet and hands on the floor, for which he was complimented.<sup>246</sup> On a subsequent occasion, Brother Germanus told him to carry out the exercises while naked so that he would not be impeded by his pyjamas. Brother Germanus then sat astride “James”.<sup>247</sup> Clearly, Brother Germanus derived sexual gratification from this practice. Later in life, “James” discovered that his younger brother “John” (SC 1960-64, SJ 1964-70) had been raped by Brother Germanus whilst also a boarder at St Columba’s.<sup>248</sup>

“Edward” (SC 1962-65, SJ 1965-70) was aged seven when he began boarding at St Columba’s. Within days of his arrival, Brother Germanus took “Edward” from his bed to inflict sexual abuse. It began by Brother Germanus telling him to stand on a table and reach up to take a bag down from a hatch. This process involved Brother Germanus taking hold of “Edward’s” hips.<sup>249</sup> Brother Germanus then told “Edward” to go into the bathroom and remove his pyjamas, saying they were dirty. “Edward” said they were

not dirty but Brother Germanus just gave him a “clout...a heavy-handed hit across the back of the neck and head”.<sup>250</sup> Brother Germanus removed “Edward’s” pyjamas and masturbated, eventually ejaculating onto “Edward’s” back while fingering “Edward’s” anus. Throughout this episode, “Edward” was crying and Brother Germanus was giving him “random slaps”.<sup>251</sup>

Sexual abuse involving the bag retrieval process happened on three or four occasions.<sup>252</sup> On one of them, “Edward” developed a nosebleed after being slapped by Brother Germanus. A younger man—who may or may not have been a Marist Brother—interrupted, told Brother Germanus to leave “Edward” alone, cleaned him up, re-dressed him in his pyjamas, and took him back to his bed.<sup>253</sup> However, although the bag retrieval charade stopped, the abuse continued, with “Edward” being taken from his bed on further occasions and sexually abused both in the bathroom and in Brother Germanus’s room.<sup>254</sup>

Brother Germanus would sit on boys’ beds at night. “John” (SC 1960-64, SJ 1964-70) pretended to be asleep on those occasions, but was aware of Brother Germanus on his

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246 Transcript, day 162: read in statement of “James”, at TRN.001.006.5010.

247 Transcript, day 162: read in statement of “James”, at TRN.001.006.5011.

248 Transcript, day 162: read in statement of “James”, at TRN.001.006.5011-5012.

249 Transcript, day 158: “Edward”, at TRN.001.006.4403-4404. Edward started attending St Columba’s as a day pupil in 1961.

250 Transcript, day 158: “Edward”, at TRN.001.006.4404.

251 Transcript, day 158: “Edward”, at TRN.001.006.4404-4406.

252 Transcript, day 158: “Edward”, at TRN.001.006.4408.

253 Transcript, day 158: “Edward”, at TRN.001.006.4408-4410.

254 Transcript, day 158: “Edward”, at TRN.001.006.4418-4421.

bed, that Brother Germanus had pulled his habit up over his knees, and that he was not wearing trousers underneath although the Brothers normally did so.<sup>255</sup> As a result, "John" developed night terrors.<sup>256</sup>

Brother Germanus began sexually abusing "David" (SC 1979-80) after he had boarded at St Columba's for several months.<sup>257</sup> He was about age 10 when the abuse began. Brother Germanus would take "David" out of the dormitory to his bedroom, expose himself and sit "David", naked, on his lap. Brother Germanus would move "David's" hips around his genital area and only "once he had achieved what it was he wanted to achieve, I was allowed to go back to my bedroom."<sup>258</sup> This happened on several occasions until "David" realised that if he pretended to be asleep he could avoid being chosen.<sup>259</sup> However, David witnessed other children being taken to Brother Germanus's room.<sup>260</sup> "David" summed up his feelings at the time: "I was very confused, very uncomfortable, and I really, really just wanted to get away. I didn't understand what was happening. I did know that what was happening wasn't normal, wasn't right, and I really just wanted to leave as quickly as I could."<sup>261</sup>

"David", like the many other victims who were preyed upon by Brother Germanus, was visibly upset when being abused, but no mercy was shown and Brother Germanus

was not in any way deterred from continuing with the abuse. From his position in the dormitory, "David" saw the "passing traffic" of children who were induced to go to Brother Germanus's room.<sup>262</sup>

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**"I was very confused, very uncomfortable...I didn't understand what was happening. I did know that what was happening wasn't normal, wasn't right".**

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"Billy" (SC 1978-82) saw Brother Germanus taking boys from the dormitory, and initially wondered whether they were being selected for "pop or sweets".<sup>263</sup> He asked Brother Germanus what was happening and, one night, he too was woken up by Brother Germanus and taken out of the dormitory, along with another boy. Brother Germanus took them to Northfield.<sup>264</sup> "Billy" was then pushed inside an elderly Brother's room and locked in. As this Brother moved towards him, he "just ran to the door and just went ballistic. I was banging that door screaming and then Germanus opened the door with a big cheesy grin on his face".<sup>265</sup> The other boy had been taken to another room. "Billy" also saw Brother Germanus at children's bedsides at night with his hands under boys' blankets, so he tried to protect himself: "I used to wrap

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255 Transcript, day 162: read in statement of "John", at TRN.001.006.5066-5067.

256 Transcript, day 162: read in statement of "John", at TRN.001.006.5066-5067.

257 Transcript, day 160: "David", at TRN.001.006.4822.

258 Transcript, day 160: "David", at TRN.001.006.4825.

259 Transcript, day 160: "David", at TRN.001.006.4826.

260 Transcript, day 160: "David", at TRN.001.006.4827.

261 Transcript, day 160: "David", at TRN.001.006.4824.

262 Transcript, day 160: "David", at TRN.001.006.4827.

263 Transcript, day 163: "Billy", at TRN.001.006.5128-5130.

264 Northfield House was the building where most of the Brothers' bedrooms were situated at.

265 Transcript, day 163: "Billy", at TRN.001.006.5129.

myself up in my bed like a mummy, the only bit you could see of me, when I was in my bed, was my mouth."<sup>266</sup>

### Voyeuristic practices

Brother Germanus derived sexual gratification by looking at, and making physical contact with, children in the showering and bathing area. John McCall (SC 1958-62, SJ 1962-68) described how Brother Germanus supervised the communal showering of boys, and how, after showering, the boys had to clean the showers on their hands and knees while naked.<sup>267</sup> Former Brother John Hampson, who also sexually abused John McCall, would sometimes be present with Brother Germanus watching naked boys. The involvement of these Brothers in supervising children showering was sexually motivated.

Another form of voyeurism was that boys were instructed to perform breathing exercises whilst naked. Brother Germanus told them to carry out "naked exercises" in the shower area. It involved several boys at a time and included stretching and touching toes.<sup>268</sup> Brother Germanus experienced sexual gratification from this practice.

Children were beaten by Brother Germanus when naked; the use of a strap on children's bare bottoms was a regular and wholly inappropriate form of punishment.

### Bathing/Showering

Brother Germanus targeted "John" (SC 1960-64, SJ 1964-70) when aged 10, after having developed a rash on his legs.<sup>269</sup> A doctor had suggested dabbing the area with a solution of Dettol and water but Brother Germanus decided to treat the problem by putting "John" in a bath to which Dettol had been added. This he did on a number of occasions, after other children had gone to bed. Following the bath, Brother Germanus made "John" stand naked in front of a mirror whilst he dried him from behind with a towel and tickled him. During these tickling sessions Brother Germanus' hands "would travel down to ["John's"] crotch area and he would feel around there."<sup>270</sup> Brother Germanus then took "John" to his room, told him to lie naked on the bed, and put a metal frame over his legs so as to avoid contact with the bedcovers. These episodes would end with "John" putting on his pyjamas and going to his own bed.<sup>271</sup> They went on for about two months and were virtually a nightly occurrence.<sup>272</sup> On one of these occasions, Brother Germanus took hold of "John" on the steps outside the attic room. He had a hold of "John's" arms, pulling him towards him. "John's" hands were on Brother Germanus's chest trying to resist the assault. From "John's" description it is likely that Brother Germanus ejaculated on "John's" leg.<sup>273</sup>

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266 [Written statement of "Billy"](#): paragraph 59, at WIT.001.001.8130.

267 [Transcript, day 157](#): John McCall, at TRN.001.006.4270; [Written statement of John McCall](#): paragraph 48, WIT.001.001.1032.

268 [Transcript, day 163](#): "Billy", at TRN.001.006.5127-5128.

269 [Transcript, day 162](#): read in statement of "John", at TRN.001.006.5063-5065.

270 [Transcript, day 162](#): read in statement of "John", at TRN.001.006.5064.

271 [Transcript, day 162](#): read in statement of "John", at TRN.001.006.5065.

272 [Transcript, day 162](#): read in statement of "John", at TRN.001.006.5064-5067.

273 [Transcript, day 162](#): read in statement of "John", at TRN.001.006.5065-5066.

Once, when “Billy” (SC 1978-82) was alone, emerging from his shower, Brother Germanus took hold of him from behind, by the neck. “Billy” screamed, Brother Germanus put his hand over “Billy’s” mouth and attempted to pull up his cassock, but he was interrupted by the appearance of another Brother. In the course of this sexual assault, “Billy” managed to bite Brother Germanus’s hand.<sup>274</sup>

On another occasion, Brother Germanus insisted on drying “Billy”, and “concentrated on [his] private parts, drying them really fast and harsh, and just kept rubbing [his penis] constantly.”<sup>275</sup> “James” (SC 1975-79) also experienced Brother Germanus waiting to dry him after a shower and concentrating on his genital area.<sup>276</sup>

Brother Germanus supervised the young boys showering “at all times, every movement of the boys coming...going into bathrooms...[he] was just always there.”<sup>277</sup> “David” (SC 1979-80) felt uncomfortable about this; he was “very capable” of having a shower himself without being supervised in this way.<sup>278</sup>

### Opportunism

Brother Germanus would take advantage of any opportunity to pursue a sexual motive. For example, “Jack” (SC 1977-80)

complained of a rash, so Brother Germanus, having assured “Jack” he could help, took him to his room and told him to strip naked and lie on top of the bed, and to rub cream between his legs.<sup>279</sup> It was, however, obvious to “Jack” that Brother Germanus was masturbating beneath his robe.<sup>280</sup>

### Former Brother Peter Toner (Born 1957)<sup>281</sup>

Peter Toner arrived at St Columba’s in May 1980,<sup>282</sup> having visited for brief periods on previous occasions. He remained there until September 1982.<sup>283</sup> He left the order in 1983.<sup>284</sup> Shortly after his arrival he succeeded Brother Germanus as the dorm master, a role that provided him, as it had Brother Germanus, with virtually unfettered access to children in his care. Just like Brother Germanus, he was a serial sex abuser of young children. He perpetuated an abusive and corrupting environment. Some children who were sexually abused by Brother Germanus were also sexually abused by Peter Toner.

Peter Toner’s sexual abuse of children descended to a level of depravity that included inducing children to engage in inappropriate sexual behaviour with each other in his presence, a perversion from which he derived personal sexual gratification.

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274 [Transcript, day 163](#): “Billy”, at TRN.001.006.5111-5113.

275 [Transcript, day 163](#): “Billy”, at TRN.001.006.5113.

276 [Written statement of “James”](#): paragraph 92, at WIT.001.001.9458; See also [Transcript, day 166](#): read in statement of “James”, at TRN.001.006.5608.

277 [Transcript, day 160](#): “David”, at TRN.001.006.4812.

278 [Transcript, day 160](#): “David”, at TRN.001.006.4813-4814.

279 [Transcript, day 163](#): “Jack”, at TRN.001.006.5195.

280 [Transcript, day 163](#): “Jack”, at TRN.001.006.5195.

281 Peter Toner requested anonymity under the pseudonym of “Peter” during hearings, and his transcripts will be referred to as such to avoid confusion. However, he has not been granted anonymity. See [my decision](#) on anonymity of convicted abusers.

282 St Columba’s Minute Book, at MAR.001.001.0707.

283 St Columba’s Minute Book, at MAR.001.001.0730.

284 Institute of the Marist Brothers, [Supplementary response, Part D, St Columba’s](#), at MAR.001.001.2704.



## Dormitory removals

"Alan" (SC 1978-83) was regularly taken from his bed by Peter Toner and taken to Peter Toner's room to be sexually abused.<sup>285</sup> Both of them would be naked: "[Peter Toner] would have me masturbate him, touch his bottom. He would try and do that to me."<sup>286</sup> Peter Toner also induced "Alan" to give him oral sex and there may have been an occasion when "Alan" was penetrated anally.<sup>287</sup> On other occasions there would be another boy involved. Both "Alan" and the other boy were encouraged to masturbate Peter Toner to ejaculation.

"John" (SC 1978-82) woke up after sensing cold water in his groin area, and saw Peter Toner leaving the room.<sup>288</sup> Other children in the room awoke and suggested to him that he had wet the bed. Peter Toner reappeared and told "John" to get out of his bed because he was wet. He took "John" to his room, and told "John" to remove his clothing and sleep naked with him.<sup>289</sup> Peter Toner had plainly engineered a situation that enabled him to take "John" to his room; it was the first of a number of such occasions. Thereafter, "John" would be taken to Peter Toner's room with another boy where, naked, they were induced to touch each other's penises. They were told to put each other's penis into their respective mouths and masturbate a naked

Peter Toner to ejaculation. They were also induced to: "mimic having anal sex with each other and then [Peter Toner] also carried out that act on us and it wasn't penetrative, but it was between my bum cheeks."<sup>290</sup>

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### **Peter Toner "would have me masturbate him, touch his bottom. He would try and do that to me."**

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"David" (SC 1979-81) was also targeted by Peter Toner.<sup>291</sup> He was taken from his own bed to Peter Toner's room and told to lie naked on his bed: "he asked me to start playing with myself."<sup>292</sup> "David" was only eight or nine years old. He thought: "I don't know what I'm meant to do".<sup>293</sup> Peter Toner's reaction to David's efforts was to become "quite aggressive...because obviously I wasn't doing things to his kind of standard...I just remember I wanted to get out."<sup>294</sup> Peter Toner also made contact with "David's" genitals.<sup>295</sup> This happened on several occasions. "David" experienced distressing anxiety in anticipation of Peter Toner's nightly visits: "You'd know he was coming and that sense of fear would be—would escalate because you'd know he was coming and you'd be thinking, please, don't let me get picked to go into his room tonight."<sup>296</sup>

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285 Transcript, day 162: "Alan", at TRN.001.006.5031-5038.

286 Transcript, day 162: "Alan", at TRN.001.006.5032.

287 Transcript, day 162: "Alan", at TRN.001.006.5033.

288 Transcript, day 164: "John", at TRN.001.006.5275.

289 Transcript, day 164: "John", at TRN.001.006.5275.

290 Transcript, day 164: "John", at TRN.001.006.5279.

291 Transcript, day 163: "David", at TRN.001.006.5235-5240.

292 Transcript, day 163: "David", at TRN.001.006.5235.

293 Transcript, day 163: "David", at TRN.001.006.5236.

294 Transcript, day 163: "David", at TRN.001.006.5236.

295 Transcript, day 163: "David", at TRN.001.006.5240.

296 Transcript, day 163: "David", at TRN.001.006.5238.

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## **“You’d know he was coming and that sense of fear would be—would escalate...and you’d be thinking, please, don’t let me get picked to go into his room tonight.”**

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### **Punishment options**

Children were given punishment options by Peter Toner. “David” (SC1979-81) remembered: “two of us going into his room together. We were told to take our clothes off, get naked, and...he always gave you a choice of punishments. At that time there was a choice of a belt over the hand, a belt over the backside, or he wanted me and this other boy to sort of caress each other... It was a bit of a weird thing to ask a little boy to do. Obviously that’s the easy option”.<sup>297</sup> The caressing that “David” and the other boy engaged in did not satisfy Peter Toner: “it wasn’t to his satisfaction and he wasn’t happy with what we were doing, so it was back to being punished.”<sup>298</sup> Both boys were naked.<sup>299</sup>

### **Hetland House**

“James” was in Nazareth House, Cardonald, between 1977 and 1981. In the late 1970s Peter Toner attended there to carry out volunteer work.<sup>300</sup> In my findings in relation to the Sisters of Nazareth case study, I explain that “James” was taken from Nazareth House to Hetland House by a Marist Brother and sexually abused there.<sup>301</sup> That Brother was Peter Toner. Other boys were also later taken to Hetland House by Peter Toner.<sup>302</sup>

### **Showering and bathing**

Peter Toner engaged in what were plainly voyeuristic practices in the communal shower area at St Columba’s. One of these involved the regular weighing of naked boys.<sup>303</sup> Peter Toner would keep some boys back from going to the local swimming pool in Largs to sexually abuse them.<sup>304</sup> At first, “Alan” (SC 1978-83) was kept back alone, but later on, with another boy or boys. The abuse involved the boys being encouraged to undress each other and get into the bath together. “Alan” was also induced to masturbate the other boy. On some occasions, Peter Toner was also in a state of undress and he masturbated while watching. This abuse lasted throughout Peter Toner’s time at St Columba’s.

### **Horror films and blatant abuse**

Peter Toner showed children horror films to frighten them; that enabled him to “cuddle up to some of the boys, get them to sit on his knee or lap and get his thrills from that.”<sup>305</sup> Peter Toner’s behaviour on these occasions was “tactile”.<sup>306</sup> The films included those such as “Texas Chainsaw Massacre, really brutal type stuff that you wouldn’t let young kids

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297 Transcript, day 163: “David”, at TRN.001.006.5227-5228.

298 Transcript, day 163: “David”, at TRN.001.006.5228.

299 Transcript, day 163: “David”, at TRN.001.006.5232.

300 Transcript, day 165: “Peter”, at TRN.001.006.5318.

301 Scottish Child Abuse Inquiry, [Case Study no. 2](#): The provision of residential care for children in Scotland by the Sisters of Nazareth between 1933 and 1984 in the Nazareth Houses in Aberdeen, Cardonald, Lasswade, and Kilmarnock (May 2019), pp.80-81.

302 Transcript, day 162: “James”, at TRN.001.006.5091-5092.

303 Transcript, day 163: “David”, at TRN.001.006.5217.

304 Transcript, day 162: “Alan”, at TRN.001.006.5031-5037.

305 Written statement of “Billy”: paragraph 67, at WIT.001.001.8132.

306 Transcript, day 163: “David”, at TRN.001.006.5242.

watch.<sup>307</sup> “John” (SC 1978-82) was frightened by the films.<sup>308</sup> Peter Toner would have “his arm round [the] boys.”<sup>309</sup>

“Billy” (SC 1978-82) once entered Peter Toner’s room and saw a boy on his knees in front of Peter Toner.<sup>310</sup> On another occasion “Billy” and other boys heard “weird noises” coming from Peter Toner’s room.<sup>311</sup> Driven by curiosity, “Billy” opened the door and witnessed a different boy on his knees in front of Peter Toner. In hindsight, he realised that these boys were being made to perform oral sex on Peter Toner.<sup>312</sup>

### School trips

On a school trip to Spain, Peter Toner asked “John” (SC 1978-82) to sleep next to him; “John” could feel “the bulge from [Peter Toner’s] groin area pushing into” him.<sup>313</sup> On what was probably the same trip, “Billy” (SC 1978-82) was “picked” by Peter Toner to sleep next to him on the floor. In the morning “Billy” discovered what he now knows to have been semen on his leg.<sup>314</sup>

### Convictions

On 8 February 2019 Peter Toner was convicted after trial at Glasgow High Court of seven charges that involved the sexual abuse of children in his care at St Columba’s and one charge of assault.<sup>315</sup> This included convictions for anal penetration and the

inducement of children to interact with each other in a sexually inappropriate way, including inducing a boy to attempt to penetrate the anus of another boy. On 7 March 2019 he was sentenced to 12 years imprisonment, comprising a custodial term of 10 years and an extension period of two years.

Peter Toner continued to abuse children after he left St Columba’s in 1982. On 8 May 2018 he was convicted after trial in the Crown Court at Central Criminal Court in England. The charges of which he was convicted included the sexual abuse of children aged eight or nine years old at a boarding school in England between 1986 and 1993, and being in possession of indecent images of children.<sup>316</sup> Tellingly, the images included moving pictures of children engaging with each other in inappropriate sexual behaviour; that is, they reflected practices that Peter Toner had pursued with impunity at St Columba’s.<sup>317</sup>

### Peter Toner’s denials

Peter Toner gave evidence to SCAI by way of a statement and during the case study hearings. He denied any wrongdoing. That had also been his position at his trial in the Glasgow High Court.<sup>318</sup> His position is that those who accused him of sexual abuse “are not telling

307 Transcript, day 164: “John”, at TRN.001.006.5267.

308 Transcript, day 164: “John”, at TRN.001.006.5267.

309 Transcript, day 164: “John”, at TRN.001.006.5267.

310 Transcript, day 163: “Billy”, at TRN.001.006.5140-5141.

311 Transcript, day 163: “Billy”, at TRN.001.006.5141-5142.

312 Transcript, day 163: “Billy”, at TRN.001.006.5141-5142.

313 Transcript, day 164: “John”, at TRN.001.006.5268.

314 Transcript, day 163: “Billy”, at TRN.001.006.5121-5122.

315 Indictment of Peter Toner, High Court of Justiciary at Glasgow, Marked-up indictment, at JUS.001.001.1412; Clean indictment, at JUS.001.001.1504; Extra sentence, at JUS.001.001.1480. See also [Appendix F](#).

316 Prosecution Sentencing Note, at CCC.001.001.0552-0554; Pre-Sentence Report for Peter Toner, at CCC.001.001.0556; Certificate of Conviction or Finding for Peter Toner, at CCC.001.001.0001.

317 Streamlined Forensic Report for Peter Toner, at CCC.001.001.0565.

318 Transcript, day 165: “Peter”, at TRN.001.006.5340.

the truth<sup>319</sup> and that there “has to have been a high degree of collusion.”<sup>320</sup> I reject his protestations of innocence. The evidence against him came from different sources and it was convincing, powerful, and consistent. He has no remorse nor contrition for the serious crimes and breaches of trust he committed.

### Other abusers

Although Brother Germanus and Peter Toner were the main serial abusers at St Columba’s, there was also evidence of sexual abuse by other Brothers.

John McCall (SC 1958-62, SJ 1962-68) was sexually abused by former Brother John Hampson in the sickbay and in the room known as the piano room.<sup>321</sup> In the sickbay, John McCall was forced to masturbate John Hampson. This happened two or three times.<sup>322</sup>

John McCall explained how he was abused in the piano room: “you would wait outside, so there would be a group of boys. What was strange was none of us ever spoke about it or even suggested anything. But you would wait outside and when it was your turn, you would go in supposedly for your piano lesson, but it would be the same ritual...you sat down and he might stand up beside you and he would take your hand and put it in his cassock and you’d have to play with his penis”.<sup>323</sup> On leaving the room another boy

would go in, but John McCall did not know “[w]hether the other boy got piano lessons or not”.<sup>324</sup> He had no recollection of hearing the piano being played. This abuse occurred fairly-regularly and lasted for one-and-a-half to two years when John was aged 10 and 11 years.<sup>325</sup>

When staying with an aunt during a summer holiday period, John McCall disclosed the abuse to a teenager who was lodging with his aunt, who in turn told John’s aunt. Subsequently, John was asked by his father to confirm the truth of the abuse that he had disclosed. When John McCall returned to St Columba’s after the holiday period, John Hampson was no longer there. John assumed that his father had contacted St Columba’s and reported the abuse.<sup>326</sup> The section 21 response submitted by the Order notes that John Hampson left the Order on 1 August 1961, which would have been during the summer holiday period.<sup>327</sup>

There was also what could be described as random opportunistic abuse. “Francis” (SC 1966-67) was abused by a Brother who fondled his penis as he lay in bed. His main reaction was “confusion” and, although the Brother said that he would be back, that did not happen.<sup>328</sup> “James” (SC 1975-79) was taken into a room by a Brother who “pulled a seat right beside me and started touching my genitals.”<sup>329</sup>

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319 Transcript, day 165: “Peter”, at TRN.001.006.5340.

320 Transcript, day 165: “Peter”, at TRN.001.006.5341.

321 Transcript, day 157: John McCall, at TRN.001.006.4271-4275.

322 Transcript, day 157: John McCall, at TRN.001.006.4273.

323 Transcript, day 157: John McCall, at TRN.001.006.4273-4274.

324 Transcript, day 157: John McCall, at TRN.001.006.4274.

325 Transcript, day 157: John McCall, at TRN.001.006.4275.

326 Transcript, day 157: John McCall, at TRN.001.006.4275-4277.

327 Institute of the Marist Brothers, Revisions to Appendices A-D, at MAR.001.001.3126; Email from Leo Martin to SCAI, 16 October 2019, at MAR-000000007; John Stephen’s Fiche, at MAR-000000008.

328 Transcript, day 162: read in statement of “Francis”, at TRN.001.006.4997-4998.

329 Transcript, day 166: read in statement of “James”, at TRN.001.006.5610.

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## **“On that first night it was made clear to me that there were some brothers that you absolutely had to make sure that you did not get caught alone with.”**

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“Alan” (SC 1978-83) witnessed a Brother putting his hand into a shower attempting to make contact with a naked boy. “Alan” ran away from St Columba’s at this time—an event that was recorded in the minute book on 21 February 1983.<sup>330</sup>

### **St Joseph’s**

St Joseph’s accommodated children with an age range from eight to 19.<sup>331</sup> Older children are not immune to abuse. In particular, they can be vulnerable to grooming, as happened at St Joseph’s. And although an older child might be more able to repel sexual advances, a vulnerable child, of any age, remains a likely target for sexual abuse.

### **Known abusers at St Joseph’s**

#### **Warnings from other boys**

On arrival at St Joseph’s, some boys received warnings from other boys about Brothers they should seek to avoid. “Edward” (SC 1962-65, SJ 1965-70) was “told early on about certain brothers to look out for, not to be caught alone with him.”<sup>332</sup> Stephen Behan (SJ 1970-74) was also provided with advice from other boys on his first night at the school: “On that first night it was made clear

to me that there were some brothers that you absolutely had to make sure that you did not get caught alone with. You had to absolutely make sure that you were never in a position where they could take advantage of the solitude.”<sup>333</sup> Stephen’s reaction that first night was “Fear, total fear. I’d never been away from home before. I’d never really had any of life’s experiences. I had nothing to compare or contrast it to. I’d had a comparatively normal childhood up until then and it was pretty terrifying.”<sup>334</sup>

### **Brother “Frederick” (Born 1934)**

Brother “Frederick” was a form master at St Joseph’s from 1956 to 1963.<sup>335</sup> The Inquiry has heard evidence that, during that time, he sexually abused boys and engaged publicly in sexually inappropriate behaviour. He left the Order in October 1968.<sup>336</sup>

### **Punishments and sexual abuse**

When Richard Kozub (SJ 1957-63) began boarding at St Joseph’s, Brother “Frederick” was his form master.<sup>337</sup> On one occasion, Richard was taken by Brother “Frederick” to a small attic room for “some misdemeanour or supposed misdemeanour.”<sup>338</sup> Brother “Frederick” told him to remove his trousers

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330 Transcript, day 162: “Alan”, at TRN.001.006.5041-5043.

331 Institute of the Marist Brothers, Parts A and B response to section 21 notice, St Joseph’s College, at MAR.001.001.0100.

332 Transcript, day 158: “Edward”, at TRN.001.006.4426

333 Transcript, day 160: Stephen Behan, at TRN.001.006.4724.

334 Transcript, day 160: Stephen Behan, at TRN.001.006.4725.

335 Brother “Frederick’s” Fiche, at MAR-000000016; NRS ED48/1429 Direct Grant Schools, 1959-1965, Grant-Aided Secondary Schools list of teaching staff salary at 1 January 1960, at SGV.001.006.0469; Province of Great Britain and Ireland, Provincial Bulletin, May 1963, at MAR.001.001.1638.

336 Brother “Frederick’s” Fiche, at MAR-000000016.

337 Transcript, day 156: Richard Kozub, at TRN.001.006.4170-4175.

338 Transcript, day 156: Richard Kozub, at TRN.001.006.4171.

and underpants and then proceeded to handle Richard's private parts while masturbating under his cassock. Brother "Frederick" then belted him on his bare backside. This abuse happened on several occasions, when Richard was only nine or 10 years old.<sup>339</sup> He mentioned what was happening to him to a friend, and discovered that his friend had suffered similar abuse.<sup>340</sup> During the summer holidays in 1958, Richard and his friend each disclosed the abuse to their mothers. Brother "Frederick" remained at the school.

### Grooming

Brother "Frederick" was also "Jim's" (SJ 1958-63) form master for two years—from his arrival at St Joseph's at age nine.<sup>341</sup> At that time, "Jim" thought Brother "Frederick" was "terrific" because, amongst other things, "on a Friday afternoon, he would stop everything and he would read to [the boys] Biggles Stories and ["Jim"] loved that."<sup>342</sup> Brother "Frederick" was an inspirational teacher whose ability to motivate and engage children is also likely to have facilitated his ability to abuse those who were vulnerable.<sup>343</sup>

Brother "Frederick's" sexual abuse of "Jim" involved grooming. He wrote to "Jim" during the school holidays: "I thought it was just very nice that he had written to me and asked how I was enjoying my holidays".<sup>344</sup> Early in

the next term at St Joseph's, "Jim" was told to go and see Brother "Frederick". In the course of that meeting he was sexually abused. That abuse involved Brother "Frederick" making contact with "Jim's" genitals and inducing "Jim" to handle Brother "Frederick's" penis. "Jim" described his response in the following way: "I was, I think, about 9...maybe 10. Really, I think I hadn't gone through puberty because I didn't react. I had no reaction, as I remember it. I liked him."<sup>345</sup>

### Brother Damian (Born 1922)

Brother Damian was a teacher at St Joseph's between 1969 and 1979.<sup>346</sup> For a period, he was also a dorm master.<sup>347</sup> He sexually abused children, and it was common knowledge that he regularly engaged in inappropriate sexual behaviour in the classroom. He died in 2002.<sup>348</sup>

### Open masturbation

The following captures the essence of Brother Damian's classroom behaviour: "it was a strange habit that he would have. He would come out from behind his desk and you could see that underneath his cassock that he had an erection...he would wind the rope round the erection, and sometimes he would pull it backwards and forwards. And this was visible to everybody."<sup>349</sup> The "rope" was the tasselled cord that Brothers wore around their waists. "Kenny" (SJ 1969-76)

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339 [Transcript, day 156](#): Richard Kozub, at TRN.001.006.4172-4174.

340 [Transcript, day 156](#): Richard Kozub, at TRN.001.006.4174.

341 [Transcript, day 156](#): "Jim", at TRN.001.006.4211.

342 [Transcript, day 156](#): "Jim", at TRN.001.006.4212.

343 Guy Ray-Hills, who sexually abused children at Loretto School in the 1950's and 1960's was, likewise, a gifted and inspirational teacher. However, the charm and charisma that he used to such good effect as a teacher also enabled him to groom children for abuse and sexually abuse them. See [Transcript, day 219](#): Don Boyd, at TRN-8-000000010, pp.26-28.

344 [Transcript, day 156](#): "Jim", at TRN.001.006.4230.

345 [Transcript, day 156](#): "Jim", at TRN.001.006.4232.

346 Institute of the Marist Brothers, Revisions to Appendices A-D, at MAR.001.001.3117.

347 [Transcript, day 159](#): "Nigel", at TRN.001.006.4515; [Transcript, day 160](#): "Kenny", at TRN.001.006.4675.

348 Institute of the Marist Brothers, Revisions to Appendices A-D, at MAR.001.001.3118.

349 [Transcript, day 159](#): "Nigel", at TRN.001.006.4574-4575.

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## **Brother Damian “would come out from behind his desk and you could see that underneath his cassock that he had an erection...he would wind the rope round the erection, and sometimes he would pull it backwards and forwards. And this was visible to everybody.”**

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saw Brother Damian pulling the tassels in this way so much that, in contrast to other Brothers—whose tassels were “absolutely immaculate, really quite pristine”— Brother Damian’s tassels were “completely shot... they were literally frayed and worn away.”<sup>350</sup> “John” (SJ 1971-76) saw Brother Damian walking up and down the aisles of the desks in the classroom; on one particular occasion, he could see that “everything was hanging out. He had his cords round his penis and he was walking up and down the aisles...he had his hands in his cassock...it appeared he was doing something under his cassock.”<sup>351</sup> Referring to having witnessed this practice, “Kenny” (SJ 1969-76) explained that “this, to me, is still kind of hard to believe, but it is true.”<sup>352</sup> Brother Damian masturbating in the classroom was described by numerous former pupils.<sup>353</sup> It appears that some report about this behaviour was made to the headmaster, Brother Cyril, in about 1973.<sup>354</sup>

When acting as the dorm master, Brother Damian was seen watching children in the dormitory area with “his penis...in his hand and he appeared to be masturbating.”<sup>355</sup> Because of Brother Damian’s notorious

inappropriate sexual behaviour, he was nicknamed “wanker”.<sup>356</sup>

### **Opportunistic abuse**

Brother Damian exploited his role as dorm master to sexually abuse children such as “Kenny” (SJ 1969-76). On an occasion when “Kenny” went to the toilet at bedtime, Brother Damian “suddenly and very physically and forcibly clutched me and put his hand down the back of my pyjamas...The sensation was that he was trying to put his finger into my anus.”<sup>357</sup> “Kenny” managed to get away and ran back to the dormitory.<sup>358</sup>

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## **Brother Damian “suddenly and very physically and forcibly...put his hand down the back of my pyjamas... he was trying to put his finger into my anus.”**

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Brother Damian also sexually abused pupils directly in the classroom. Children were summoned to his desk to discuss their homework and he would take the

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350 [Transcript, day 160](#): “Kenny”, at TRN.001.006.4703.

351 [Transcript, day 161](#): “John”, at TRN.001.006.4950-4951.

352 [Transcript, day 160](#): “Kenny”, at TRN.001.006.4701-4702.

353 For example, see also [Transcript, day 160](#): Stephen Behan, at TRN.001.006.4730-4731; and [Transcript, day 159](#): “Gerry”, at TRN.001.006.4652.

354 [Transcript, day 161](#): “John”, at TRN.001.006.4952.

355 [Transcript, day 159](#): “Gerry”, at TRN.001.006.4652.

356 [Written statement of “Gerry”](#), paragraph 76, at WIT.001.002.4744.

357 [Transcript, day 160](#): “Kenny”, at TRN.001.006.4699.

358 [Transcript, day 160](#): “Kenny”, at TRN.001.006.4700.

opportunity to put one hand down the backs of children's trousers while visibly masturbating.<sup>359</sup>

### Grooming and favourites

Brother Damian targeted "Andrew" (SJ 1971-75) in a more direct way. The abuse began against a background of "Andrew" being visibly homesick.<sup>360</sup> At that time, Brother Damian was the dorm master of another dormitory, but he had easy access to "Andrew's" dormitory. The abuse began by Brother Damian putting his hand under "Andrew's" sheets and making contact with "Andrew's" genitals.<sup>361</sup> "Andrew" was then taken to Brother Damian's room where "he tried to comfort me...[he] put his arm round me and tried to console me and I thought, you know, he was being nice to me...Nothing went any further than that".<sup>362</sup> "Andrew" realised, with the benefit of hindsight: "He saw my vulnerability, wanting home to see my mother and father."<sup>363</sup> "Andrew" described how this bed removal continued, escalating into serious sexual abuse, including "Andrew" having to masturbate Brother Damian and provide oral sex.<sup>364</sup>

"Andrew" was also sexually abused by Brother Damian in other locations; that abuse included rape. Brother Damian photographed "Andrew" naked.<sup>365</sup> "Andrew" was 12 years old when he began boarding at St Joseph's. The abuse continued during the four years "Andrew" spent there, but

it decreased as he got older and was able to resist Brother Damian's advances.<sup>366</sup> At the point when the sexual abuse began to escalate, "Andrew" reacted in this way: "I just froze...I froze like a rabbit in the headlights. I tortured myself all...my life that I didn't shout, I didn't run out of the room."<sup>367</sup> Brother Damian perpetrated anal penetration, causing "Andrew" to suffer anal bleeding that he did not dare disclose: "I was bleeding, and I bled for weeks, two weeks, whatever... for weeks I had to put towels, a facecloth and that or whatever on my bottom, my underpants, so it wouldn't come through and show, because I was absolutely shit-scared, what if somebody found out what had happened to me and said, 'Why are you bleeding?'"<sup>368</sup> His reaction was typical of many of those applicants from whom I have heard evidence in this inquiry and were abused when in care; desperate fear of what might happen if they told anyone about it was all too common, and poignant.

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**"I froze like a rabbit in the headlights. I tortured myself all...my life that I didn't shout, I didn't run out of the room."**

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Stephen Behan (SJ 1970-74) aptly described Brother Damian as a "predatory sexual player."<sup>369</sup> Brother Damian was "prone to

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359 Transcript, day 159: "Nigel", at TRN.001.006.4570-4573.

360 Transcript, day 161: "Andrew", at TRN.001.006.4863.

361 Transcript, day 161: "Andrew", at TRN.001.006.4864-4865.

362 Transcript, day 161: "Andrew", at TRN.001.006.4864.

363 Transcript, day 161: "Andrew", at TRN.001.006.4867.

364 Transcript, day 161: "Andrew", at TRN.001.006.4870-4874.

365 Transcript, day 161: "Andrew", at TRN.001.006.4870-4883.

366 Transcript, day 161: "Andrew", at TRN.001.006.4892-4896.

367 Transcript, day 161: "Andrew", at TRN.001.006.4872.

368 Transcript, day 161: "Andrew", at TRN.001.006.4887.

369 Transcript, day 160: Stephen Behan, at TRN.001.006.4730.



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## “...when you’re 11 or 12 and a significant figure of authority is masturbating in front of you under his clothes, I’d call that abuse.”

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these crushes”; he had favourite boys who would be taken to his room.<sup>370</sup> Brother Damian’s behaviour in the classroom was, of itself, a form of abuse. As Stephen Behan put it: “when you’re 11 or 12 and a significant figure of authority is masturbating in front of you under his clothes, I’d call that abuse.”<sup>371</sup>

When Brother Damian was a dorm master he targeted a French pupil, removing him from his bed and taking him to his room nearby.<sup>372</sup> This happened on a fairly regular basis. This was wholly inappropriate behaviour, and was in contravention of the Order’s 1960 Rules.

Brother Damian “would take [a boy] out of his bed and take him into his room, close the door, and after some time, [the boy] would come out again...It could be up to about 20 minutes, half an hour...[The boy] would simply go back to his bed...It was fairly regular”.<sup>373</sup> On an occasion when Brother Damian was in charge of his dormitory, “Gerry” (SC 1968-71, SJ 1971-76) saw him masturbating in the dorm master’s room.<sup>374</sup>

### Former Brother Norman Bulloch (Born 1951)

Norman Bulloch was a teacher and dorm master at St Joseph’s between 1973 and

1979.<sup>375</sup> He sexually abused children and was convicted in 1998 on charges involving serious sexual abuse of children at St Joseph’s. The details of the charges on which he was convicted are set out in [Appendix F](#). He was sentenced to eight years imprisonment. The charges covered a period from August 1973 to December 1976, and included charges of sodomy against two boys.<sup>376</sup> In passing sentence, Lord Cameron of Lochbroom told Norman Bulloch: “You must recognise that the sentence I impose is to reflect the appalling breach of trust and the period of time in which you persisted”.<sup>377</sup> Norman Bulloch targeted vulnerable boys whom he groomed before moving on to abuse them sexually. He left the order on 17 July 1996.<sup>378</sup> There is evidence that Norman Bulloch died in 2006.<sup>379</sup>

### Voyeuristic practices

Norman Bulloch “saw the dorm as his sexual playground” and he would view children in different stages of undress.<sup>380</sup> Stephen Behan (SJ 1970-74) compared Norman Bulloch to the previous dormitory master: “You knew he was predatory, you absolutely knew he was predatory. The difference between him

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370 [Transcript, day 160](#): Stephen Behan, at TRN.001.006.4733.

371 [Transcript, day 160](#): Stephen Behan, at TRN.001.006.4730.

372 [Transcript, day 159](#): “Nigel”, at TRN.001.006.4580-4582.

373 [Transcript, day 159](#): “Nigel”, at TRN.001.006.4581-4582.

374 [Transcript, day 159](#): “Gerry”, at TRN.001.006.4653.

375 Institute of the Marist Brothers, Revisions to Appendices A-D, at MAR.001.001.3118.

376 Indictment of Norman Bulloch, at JUS.001.001.1178; See also Conviction of Norman Bulloch, at JUS.001.001.1405. See also [Appendix F](#).

377 “Marist Jailed: Eight years for schoolboy abuser”, Dumfries & Galloway Standard, 6 May 1998, at MAR.001.001.2662.

378 Indult regarding Norman Bulloch, 17 July 1996, at MAR.001.001.3172.

379 Email from DC Bell to DC Edward, 03 September 2008, at PSS.001.008.1795.

380 [Written statement of Stephen Behan](#), paragraph 55, at WIT.001.002.4570; [Transcript, day 160](#): Stephen Behan, at TRN.001.006.4746.

and his predecessor was like night and day. If I started to drop my trouser bottoms to get dressed, his predecessor would turn and walk away...but if you were stupid enough to have done it in front of [Norman Bulloch], he'd been out there with a microscope."<sup>381</sup> When children were getting changed, getting ready for bed, or in the ablutions, Norman Bulloch "would be studiously observing" them.<sup>382</sup> Norman Bulloch attempted to make contact with Stephen Behan's genital area when he was about 14 or 15 years old. In response, Stephen attacked him, head butting and kicking him, causing visible injuries to his face.<sup>383</sup> No action was taken against Stephen.

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## Norman Bulloch "saw the dorm as his sexual playground".

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### Commonly-known abuse

Norman Bulloch visited a boy in the sick bay where he told the boy: "[i]t's dark and there's no witnesses".<sup>384</sup> There was, in fact, another boy present in the sick bay and he spoke up so no abuse ensued on that occasion. Other children quickly learned of this episode and they confronted Norman Bulloch when he was in charge of the dinner routine. Norman Bulloch called the children to say grace but they, having pre-arranged what turned out to be "quite a seismic experience", all stood

up and repeated: "It's dark and there's no witnesses", at which Norman Bulloch's face "went like supersonic shades of scarlet."<sup>385</sup>

Children knew there were abusers amongst the Brothers at St Joseph's and they knew who they were. That knowledge was commonplace but no action was taken.

Brother Brendan gave evidence that, after he had finished his own studies in Ireland, he spent a period of six weeks assisting at St Joseph's in 1977.<sup>386</sup> Because of his proximity in age with the senior boys, they took him into their confidence and told him that Norman Bulloch had shown one of the senior boys some pornographic material and had asked the boy to masturbate him. Brother Brendan considered telling the headmaster but was concerned that he would "get into trouble because [he] had been too familiar with some of the senior students".<sup>387</sup> So, putting his own interests before that of the children at St Joseph's, he took no action.

### Brother Fergus (Born 1926)

Brother Fergus was a teacher at St Joseph's from 1950 to 1977.<sup>388</sup> He died in 1997.<sup>389</sup>

Brother Fergus invited Stephen Behan (SJ 1970-74) to his room when Stephen was aged 12 or 13, under the pretence of providing extra tuition in maths.<sup>390</sup> After a number of lessons, Brother Fergus "started talking about circumcision and [Stephen]

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381 [Transcript, day 160](#): Stephen Behan, at TRN.001.006.4747-4748.

382 [Transcript, day 160](#): Stephen Behan, at TRN.001.006.4746.

383 [Transcript, day 160](#): Stephen Behan, at TRN.001.006.4766.

384 [Transcript, day 160](#): "Kenny", at TRN.001.006.4705; Stephen Behan spoke of a similar, or possibly the same episode, see [Transcript, day 160](#): Stephen Behan, at TRN.001.006.4735.

385 [Transcript, day 160](#): "Kenny", at TRN.001.006.4706.

386 [Transcript, day 168](#): Brother Brendan Geary, at TRN.001.006.5946-5947.

387 [Transcript, day 168](#): Brother Brendan Geary, at TRN.001.006.5947.

388 Institute of the Marist Brothers, Revisions to Appendices A-D, at MAR.001.001.3116.

389 Dumfries and Galloway Constabulary Police Report c/a William Keogh, at PSS.001.008.0300.

390 [Transcript, day 160](#): Stephen Behan, TRN.001.006.4768-4769.

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**“When you do something to a 12 year-old child that is that horrendous, you’ve effectively killed that child, and what replaces that child is not what that child would have been subsequently.”**

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didn’t know what circumcision was”.<sup>391</sup> This led to Brother Fergus taking hold of Stephen’s penis and pulling back his foreskin. The abuse continued in this way: “I had this awful blow on the back, and I ended up on his bed...and he just battered me, just punched me. I don’t know if he kicked me, but he made it clear that nobody was going to stop what he was doing”.<sup>392</sup> He was then raped by Brother Fergus.<sup>393</sup> Stephen’s reaction was: “At that age you need to know when you’re safe. You’ve got to have some semblance of comfort, and that evaporated, and from that minute on I never, ever felt safe at that school.”<sup>394</sup>

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**“At that age you need to know when you’re safe. You’ve got to have some semblance of comfort, and that evaporated, and from that minute on I never, ever felt safe at that school.”**

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Stephen was raped on six occasions by Brother Fergus as his extra maths tuition continued to be sanctioned.<sup>395</sup> Brother

Fergus attempted to rape Stephen on a further two occasions. On the final occasion that Brother Fergus attempted to rape Stephen, he fought back, and in the ensuing fight he bit Brother Fergus’s earlobe.<sup>396</sup> By this time Stephen was older and stronger; as he put it, he “just completely lost the plot.”<sup>397</sup>

The impact of Brother Fergus’ abuse of Stephen was: “When you do something to a 12 year-old child that is that horrendous, you’ve effectively killed that child, and what replaces that child is not what that child would have been subsequently.”<sup>398</sup>

Brother Fergus called “Thomas” (SJ 1964-68), who was a cricketer, to his room, where he produced a jockstrap and abdominal protector. He told “Thomas” to remove his trousers and underwear, which he did. Brother Fergus put the jockstrap on him and “cradled” his testicles in his hand. This process was repeated several times. Brother Fergus said he was “checking” that “Thomas” was “maturing physically” as he did so.<sup>399</sup> The incident lasted about 45 minutes, with “Thomas” naked from the waist down apart from his socks. “Thomas” described his own reaction to this abuse: “I was thinking, there must be nothing from me, no movement, no sign of any kind of arousal,

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391 Transcript, day 160: Stephen Behan, TRN.001.006.4771-4772.

392 Transcript, day 160: Stephen Behan, TRN.001.006.4772.

393 Transcript, day 160: Stephen Behan, TRN.001.006.4772-4773.

394 Transcript, day 160: Stephen Behan, TRN.001.006.4773-4774.

395 Transcript, day 160: Stephen Behan, TRN.001.006.4775-4779.

396 Transcript, day 160: Stephen Behan, TRN.001.006.4779-4780.

397 Transcript, day 160: Stephen Behan, TRN.001.006.4779.

398 Transcript, day 160: Stephen Behan, TRN.001.006.4779.

399 Transcript, day 157: “Thomas”, at TRN.001.006.4328.

and nothing must happen here, I need to be absolutely...as close to motionless as possible...I was frozen."<sup>400</sup>

Brother Fergus' reputation was that he was an abuser. For example, "Edward" (SC 1962-65, SJ 1965-70) was advised by other boys: "don't be caught with [Brother Fergus] and don't be in the shower if he's around. It was a nod and a wink and I was carrying enough knowledge to know what they meant."<sup>401</sup>

### Brother Lucian (Born 1903)

Brother Lucian was a teacher at St Joseph's from 1968 to 1973.<sup>402</sup> He died in 1983.<sup>403</sup>

"Thomas" (SJ 1964-68) asked Brother Lucian for help in the maths class. Brother Lucian took advantage and used it as an opportunity to sexually abuse him. He sat alongside "Thomas" and: "started to put his hands under the desk...and he would touch me on my thighs, very close to my genitals. And he would always finish his demonstration by putting his arm round my shoulder and kissing me on the neck or the ear...[the kissing] was done quite openly".<sup>404</sup> Alongside the abuse would be a "belittling" running commentary by Lucian to the rest of the class that "Thomas" was not understanding what Brother Lucian was trying to explain to him about maths. "Thomas" described his dilemma: "I felt as if I was in a double bind. I needed help with mathematics, and what

I wasn't getting was help with mathematics, and the more I got no help, the more I got molested."<sup>405</sup> One day another boy shouted that Brother Lucian should "Keep your hands to yourself, you pervert!" as he was leaving that boy's desk; "Thomas" realised he was not the only boy being abused by Brother Lucian.<sup>406</sup>

"Nigel" (SJ 1968-73) was also sexually abused by Brother Lucian in the classroom: "Lucian's trick was...to take you behind the desk so that he would be facing into the class, you'd be standing beside him, always on his left-hand side, and he would have one hand looking at your book and talking to you, and his left hand would be down the back of your trousers and pants...Trying to fondle our backsides".<sup>407</sup> It did not happen every time a child was at his desk, but it was a regular occurrence and something the boys "openly talked about because it was happening to everybody, or virtually everybody."<sup>408</sup>

### Response to evidence about sexual abuse

Most of the Brothers against whom allegations of abuse were made by former pupils of the schools are deceased. The position of the Brothers who provided evidence and were present at the schools during the period examined was that they did not see or hear of abuse taking place at the time.<sup>409</sup> Brother Julian Harrison, also

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400 Transcript, day 157: "Thomas", at TRN.001.006.4328-4329.

401 Transcript, day 158: "Edward", at TRN.001.006.4427.

402 Institute of the Marist Brothers, Revisions to Appendices A-D, at MAR.001.001.3122-3123.

403 St Joseph's College, Civil Register, at MAR.001.001.1208.

404 Transcript, day 157: "Thomas", at TRN.001.006.4335.

405 Transcript, day 157: "Thomas", at TRN.001.006.4336-4337.

406 Transcript, day 157: "Thomas", at TRN.001.006.4337-4338.

407 Transcript, day 159: "Nigel", at TRN.001.006.4565.

408 Transcript, day 159: "Nigel", at TRN.001.006.4566.

409 See, for example, Transcript, day 165: Brother "Bernard", at TRN.001.006.5399-5400; Transcript day 166: Brother Douglas Welsh, at TRN.001.006.5550; Transcript, day 167: former Brother "Jack", at TRN.001.006.5639-5640.

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## The Order accepted that “it is beyond dispute that sexual abuse of the most serious kind occurred at the schools run by the Marist Brothers, and in particular at the hands of abusers who were themselves Marist Brothers.”

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known as Brother Francis, had been a pupil at St Joseph’s from 1950 to 1956. After joining the Order he taught at the school from 1962 to 1976. He said: “looking back, there were failings...at that time the culture would not have been looking for [sexual abuse] to be happening and therefore looking for signs of it happening.”<sup>410</sup>

Brother Douglas Welsh was a boarder at Hetland House. He spent time at St Columba’s (1961-63) and was a teacher at St Joseph’s (1976-86).<sup>411</sup> He explained that he “did not feel comfortable” around former Brother “William”.<sup>412</sup> He described that as a “very strong feeling...[he made] off-centre remarks, off-colour remarks... sexual remarks...not about anyone specific... it wasn’t to me the behaviour of a Marist Brother.”<sup>413</sup>

While he was a teacher at St Joseph’s, Brother Douglas was told by a 12-year-old boy at the school that former Brother “William” was speaking to him in an inappropriate way: “He was talking [to the boy] about the possibility of—could he share

a bed, that type of thing.”<sup>414</sup> Brother Douglas was “very, very shocked because that was before we all became conscious of child abuse...It wasn’t part of our thinking. In those days no one had ever mentioned child abuse in any context, but that would have been child abuse.”<sup>415</sup> Brother Douglas raised the matter with Brother “William”, who “didn’t seem particularly surprised...He didn’t deny anything...or give me some excuse.”<sup>416</sup> Brother Douglas said that “nothing came of it, which is probably my fault. I should have chased it up.”<sup>417</sup> Brother Douglas does not remember going to the headmaster, Brother Lewis, but “could well have done”.<sup>418</sup> Brother “William” left the Order shortly afterwards.

The Order accepted that “it is beyond dispute that sexual abuse of the most serious kind occurred at the schools run by the Marist Brothers, and in particular at the hands of abusers who were themselves Marist Brothers.”<sup>419</sup> Brother Brendan, as the former Provincial of the Order (a position he vacated in April 2019),<sup>420</sup> listened to most of the evidence in the case study. He described

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410 [Transcript, day 165](#): Brother Julian Harrison, at TRN.001.006.5445-5446.

411 [Transcript, day 166](#): Brother Douglas Welsh, at TRN.001.006.5515-5520.

412 Former Brother “William” was at St Joseph’s in 1975, 1977, and August to December 1979. He left the Marist Brothers in February 1981. See Marist Brothers, St Joseph’s College, Dumfries, 1930-1982, at MAR.001.001.2761.

413 [Transcript, day 166](#): Brother Douglas Welsh, at TRN.001.006.5567.

414 [Transcript, day 166](#): Brother Douglas Welsh, at TRN.001.006.5559.

415 [Transcript, day 166](#): Brother Douglas Welsh, at TRN.001.006.5560.

416 [Transcript, day 166](#): Brother Douglas Welsh, at TRN.001.006.5560.

417 [Transcript, day 166](#): Brother Douglas Welsh, at TRN.001.006.5559.

418 [Transcript, day 166](#): Brother Douglas Welsh, at TRN.001.006.5561.

419 Marist Brothers, Closing Submissions, at MAR.001.001.3157.

420 [Transcript, day 168](#): Brother Brendan Geary, at TRN.001.006.5901.

that experience as “probably one of the most difficult things I’ve done in my life as a Marist Brother. It’s been very difficult and unpleasant, but necessary.”<sup>421</sup>

The following was submitted on behalf of the Order at the end of the case study: “Clearly there are abusers here. Where there are convictions, there are abusers. Where there are not convictions, there is evidence which is, relatively speaking, overwhelming. It’s beyond doubt, for example, that, were Germanus alive, he would be prosecuted and convicted. It is beyond doubt, I think, that the same is true of Damien [sic].”<sup>422</sup> Senior Counsel for the Order conceded: “My Lady can be in no material doubt about certainly Germanus, Peter Toner, Damien [sic], “Frederick” and Fergus Keogh.”<sup>423</sup> He was right to do so—I am in no doubt that these men all abused children who were supposed to be cared for by the Order whilst boarders at its schools.

### **Conclusions about sexual abuse**

Children were sexually abused at St Columba’s and St Joseph’s over many years. There was a range of sexual abuse including oral sex, rape, and associated violence. And I accept Stephen Behan’s (SJ 1970-74) observation that “You won’t know this, I hope, I sincerely hope, but you cannot describe rape as anything other than violent. It’s the worst kind of violence.”<sup>424</sup>

Both schools had flawed systems that allowed abusers driven by sexual motives to have easy access to children in their care. The Marists, in their fundamental norms, recognised the risks and temptations that could arise from Brothers’ interactions with children and the need for heightened vigilance. However, they did no more than identify the risks. They did not devise and implement systems and practices to address them. They did not do so despite it becoming widely known that there were abusers in their midst. These were serious failures.

Perpetrators of sexual abuse targeted and abused their chosen victims with impunity. Brother Brendan agreed that, at St Columba’s, Peter Toner appeared “to have had the run of the establishment” and was “involved in fairly depraved acts of sexual nature.”<sup>425</sup> This is an apt description of the easy access that not only Peter Toner, but also other Brothers, had to children. The traumatic effect of the sexual abuse was, for some, considerable and long-lasting.

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421 [Transcript, day 168](#): Brother Brendan Geary, at TRN.001.006.5899.

422 [Transcript, day 169](#): Closing submission on behalf of the Marist Brothers by Jonathan Brown QC, at TRN.001.006.6029.

423 [Transcript, day 169](#): Closing submission on behalf of the Marist Brothers by Jonathan Brown QC, at TRN.001.006.6039.

424 [Transcript, day 160](#): Stephen Behan, TRN.001.006.4775.

425 [Transcript, day 168](#): Brother Brendan Geary, at TRN.001.006.5920.

# 5

## Physical abuse

Children were physically abused at St Columba's and St Joseph's, much of it by means of excessive corporal punishment. Some children also suffered sadistic treatment associated with sexual abuse. The infliction of unnecessary and severe punishments was cruel and caused misery to many children.

The following individual experiences capture the excessive nature of the punishments inflicted on children—some very young—at both schools. They exemplify how so-called “corporal punishment” was seen by some as affording them a free rein to be appallingly violent. Abusers often gave in to violent loss of temper in response to minor matters or for no apparent reason. These men were wholly unsuited to be involved with children who, according to the Order's Rules, were entitled to be respected, and shown affection, Christian love, kindness in speech, and gentleness.

### **Attitudes to punishment of children prevalent over the period of this case study**

The use of corporal punishment of children by their parents, and others at schools and institutional settings, was permitted by law during most of the period under consideration in this case study. There were, however, clear conditions as to when such punishment could be administered, by whom, and in which manner.<sup>426</sup>

Under Scots law, teachers were invested by the common law with the power to administer corporal punishment as a disciplinary measure. That power was considered to derive from the teacher's relationship with the children, and its use was largely a matter left to an individual teacher's discretion—provided, importantly, that the punishment was not excessive, in which case it constituted an assault. Teachers also had to comply with any terms in their contract of employment. [Appendix B](#) sets out relevant information in relation to the parental right of chastisement, corporal punishment in Scottish schools, and related matters. With changes in attitudes towards children during the post-war years, the phasing out of corporal punishment in schools in Scotland was increasingly encouraged, and it was eventually abolished in 1986.

### **Appropriateness of corporal punishment**

During the period examined the Order questioned the appropriateness of using corporal punishment, including at times when social norms were such that corporal punishment was still generally acceptable. For example, in the visitations of February 1954 of St Joseph's, the Brother Assistant carrying out the visitation noted that there was

*“no reason to complain of unduly severe punishments having been administered to the boys but I find that corporal punishment is inflicted for too readily*

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<sup>426</sup> For a fuller discussion on the lawfulness of corporal punishment of children in Scotland see Kenneth McK. Norrie, Report to SCAI, [Legislative Background to the Treatment of Children and Young People Living Apart From Their Parents](#) (November 2017), pp.346-357.

*and for trivialities. Let the Brothers pay attention to what our Rule advises in this respect and carry out the prudent regulations laid down. The frequent use of the strap, the cane, the belt or any other form of physical punishment can be an admission of failure either in the preparation of work or in moral ascendancy over the pupils.”<sup>427</sup>*

A few years later, the Order’s Common Rules of 1960 clearly stated that:

*“431. The Brothers are absolutely forbidden to strike their pupils, because such forms of corporal punishment denote lack of self-control, fail in the respect due to the pupil, and are opposed to Christian charity, to the dignity of the religious educator and the wishes of parents.”<sup>428</sup>*

During the period examined in this case study there is little evidence that the Marists took any serious notice of the Rule, the legislation and regulations in place, or the changing attitudes towards corporal punishment—or childcare practices more generally.

The Marists did not give consideration to whether what might have been acceptable by way of punishment during the school day—in relation to the delivery of education—might not have been acceptable during out-of-school hours. The question of whether classroom discipline was required or justified within the house setting was not addressed. The regime was the same throughout, and

no distinction appears to have been drawn. Many abusive punishments were inflicted in the evening or at night, whether the cause was school-related or not, although for some victims the cause was unknown.

## **St Columba’s**

From the late 1950s until its closure in the early 1980s, children suffered physical abuse at St Columba’s. Much of that abuse was at the hands of Brother Germanus, who was a dominant force for many years. His easy access to children and his ability to inflict excessive physical punishments became, for many pupils, the hallmark of their experience as pupils at St Columba’s.

### **Brother Germanus Paul (Born 1916)**

As discussed in [Chapter 4](#) Brother Germanus Paul was at St Columba’s for two separate periods, from 1957 to 1973 and 1975 to 1980.<sup>429</sup> He died in 1999.<sup>430</sup>

At St Columba’s, the lives of the children were dominated by the presence of this serial sex abuser who was also prone to violence. For over 20 years Brother Germanus abused children. His sexual abuse of children involved violence; see, for example, the treatment of “James” (SC 1960-63, SJ 1963-69), who described Brother Germanus as having a “bad temper” and being “belt-happy”.<sup>431</sup> He belted children on the hands, and buttocks and bare thighs were also targeted.<sup>432</sup>

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427 St Joseph’s College, Reports of Visitations, Visit of Brother Assistant, 27 February 1954, at MAR.001.001.1430.

428 Common Rules of the Congregation of the Marist Brothers of the Schools or the Little Brothers of Mary (1960), at MAR.001.001.0461.

429 Institute of the Marist Brothers, Parts C and D response to section 21 notice, Appendix A: Supplementary Report, 31 March 2019, at MAR.001.001.2722.

430 Attachment – Marist Brothers, at PSS.001.003.008,

431 [Transcript, day 162](#): read in statement of “James”, at TRN.001.006.5012.

432 [Transcript, day 162](#): read in statement of “James”, at TRN.001.006.5012.



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## “...there was always a fear of intimidation, a fear of doing the wrong thing inadvertently, because the parameters would change on a daily basis.”

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### Figure of fear

There was “no consistency in Brother Germanus’ acceptable or non-acceptable activities”—a very real problem for children at St Columba’s.<sup>433</sup> This inconsistency led to confusion around acceptable conduct. As a result, “there was always a fear of intimidation, a fear of doing the wrong thing inadvertently, because the parameters would change on a daily basis.”<sup>434</sup> It created a terrifying environment for children.

Children were sometimes forced to await their punishments, a practice that was also emotionally abusive. Brother Germanus had a practice of inflicting his punishments of choice in the Nissen hut described previously. Some children were taken there by Brother Germanus. Others were told to go there and wait for punishment.<sup>435</sup> On occasions, there would be a number of children there, waiting to be punished.

Although John McCall (SC 1958-62, SJ 1962-68) disclosed the sexual abuse he had suffered at the hands of John Hampson contemporaneously, he did not disclose the sexual abuse being perpetrated by Brother Germanus because he was afraid Brother Germanus would find out: “The

consequences of him finding out, to me as a child, were probably more of the same and more of the belt”.<sup>436</sup>

### Violent incidents

John McCall (SC 1958-62, SJ 1962-68), not long after entering St Columba’s at age eight, “licked [his] knife, not knowing that it was an offence”.<sup>437</sup> This “offence” resulted in seven strokes of the belt from Brother Germanus, two on each hand and three on the bottom with his trousers removed.<sup>438</sup> Being belted was a regular occurrence,<sup>439</sup> and contributed to John’s “feelings of fear... and trepidation”.<sup>440</sup>

Brother Germanus caught “David” (SC 1979-80) and another boy throwing sweets at each other in the dormitory. He told “David” to drop his pyjama bottoms and bend over a bed to be belted: “I can only describe this as being...every ounce of vigour that he had into ensuring that the belt came down on my bare bottom as forcefully as it possibly could...possibly eight, ten [strokes].”<sup>441</sup> The pain was “excruciating”, and “just when you thought that was the last one, there was another one, there was another one...and so it continued.”<sup>442</sup> When Brother Germanus had finished with “David” he then punished

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433 Transcript, day 160: “David”, at TRN.001.006.4811.

434 Transcript, day 160: “David”, at TRN.001.006.4810.

435 Transcript, day 157: John McCall, at TRN.001.006.4260.

436 Transcript, day 157: John McCall, at TRN.001.006.4278.

437 Transcript, day 157: John McCall, at TRN.001.006.4261.

438 Transcript, day 157: John McCall, at TRN.001.006.4256-4261.

439 Transcript, day 157: John McCall, at TRN.001.006.4259.

440 Transcript, day 157: John McCall, at TRN.001.006.4260.

441 Transcript, day 160: “David”, at TRN.001.006.4830.

442 Transcript, day 160: “David”, at TRN.001.006.4830-4831.

“David’s” friend in “David’s” presence. Brother Germanus was “quite literally jumping up off the ground and crashing down with as much as I’ve ever seen anyone demonstrate before. It was almost like he was obsessed with maximum pain.”<sup>443</sup> “David” was only 10 years old at the time.<sup>444</sup>

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**“He grabbed me, threw me over the bed, pulled my pyjama bottoms down and beat me as hard as he could...he hit me with a man’s hit...I was screaming and shouting... it has traumatised me all my life, being assaulted by that animal.”**

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“David’s” friend “Jack” (SC 1977-80) witnessed how “David” was treated: “I was shaking watching it happening”<sup>445</sup> and hearing how “David” was “screaming and screaming, asking for him to please stop, and the tears were running down his eyes, and the other boys in the dormitory, the fear of God was put in them”.<sup>446</sup> “Jack” was hit eight to 10 times: “He grabbed me, threw me over the bed, pulled my pyjama bottoms down and beat me as hard as he could...he hit me with a man’s hit, whacking me, and I was screaming and shouting... And to this day, it has traumatised me all my life, being

assaulted by that animal.”<sup>447</sup> “Jack” was only nine.<sup>448</sup>

On a separate occasion, Brother Germanus punched “Jack” in the face—a “man’s punch”—causing “Jack” to fall down, unconscious.<sup>449</sup> Germanus was a violent man who behaved violently towards young children.<sup>450</sup>

Brother Germanus physically abused “Billy” (SC 1978-82), including by slapping and punching him; it was always “front frontal, smash you as hard as he could in the face. You’d usually end up with a bloody nose or something.”<sup>451</sup> Brother Germanus sexually abused “John” (SC 1960-64, SJ 1964-70) following the development of spots on his legs. Associated with this sexual abuse was regular belting. “John’s” view was that “[h]e then just took the opportunity to get me by myself because of my leg and this seemed to trigger something in him, and maybe he was taking it out on me with the belt.”<sup>452</sup>

### Traumatic events

Brother Germanus physically abused children at night. On an occasion early in “Billy’s” (SC 1978-82) time at St Columba’s, when children were in bed, Brother Germanus entered the room and dragged a boy, age nine or 10, out of his bed: “He just screamed at him and dragged him out of bed. They were like hospital beds, so they were quite high and he hit the floor quite hard. The boy was screaming for his life and Germanus grabbed hold of him by his foot

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443 Transcript, day 160: “David”, at TRN.001.006.4831.

444 Transcript, day 160: “David”, at TRN.001.006.4830.

445 Transcript, day 163: “Jack”, at TRN.001.006.5190.

446 Transcript, day 163: “Jack”, at TRN.001.006.5190.

447 Transcript, day 163: “Jack”, at TRN.001.006.5190-5191.

448 Transcript, day 163: “Jack”, at TRN.001.006.5192.

449 Transcript, day 163: “Jack”, at TRN.001.006.5192.

450 Transcript, day 163: “Jack”, at TRN.001.006.5192-5194.

451 Transcript, day 163: “Billy”, at TRN.001.006.5124-5125.

452 Transcript, day 162: read in statement of “John”, at TRN.001.006.5067.

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**“The boy was screaming for his life and Germanus grabbed hold of him by his foot and started to drag him off and dragging him down the hall...it looked like his head clattered straight off the radiator.”**

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and started to drag him off and dragging him down the hall...it looked like his head clattered straight off the radiator.”<sup>453</sup> The violent scene caused “Billy” to run around the bedroom “like a headless chicken at the time because [he] didn’t know what to do.”<sup>454</sup> Other children shouted to him to go back to bed.<sup>455</sup>

The assault on the child continued, with Brother Germanus punching him, then dragging him by his foot into the shower room. As “Billy” recalled: “and then I just heard pure screaming. I remember pulling the blanket up and covering my ears.”<sup>456</sup> Another Brother arrived, interrupting the assault, and was overheard to have said to Brother Germanus ““What have you done to this poor child?””.<sup>457</sup> When the child returned to the bedroom, he was no longer wearing his pyjama bottoms and he had “like shit and stuff running down his leg”.<sup>458</sup>

This particular incident was not only a painful and terrifying one for the victim, but traumatic for the young children who witnessed the attack. “Billy’s” understandable

reaction was: “I was terrified, petrified. It was the scariest thing I’d seen in my whole life. Still is, near enough. It’s still the worst memory I’ve got of seeing someone in such fear, just screaming.”<sup>459</sup>

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**“I was terrified, petrified. It was the scariest thing I’d seen in my whole life...It’s still the worst memory I’ve got of seeing someone in such fear, just screaming.”**

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Brother Germanus beat a child in an incident witnessed by “John” (SC 1978-82). The attack began with Brother Germanus hitting the child then proceeding to whip him with a belt.<sup>460</sup> A number of children saw it and were “horrified” by what was happening.<sup>461</sup> “John” thought that Brother Germanus “just lost it”.<sup>462</sup> On another occasion “John” was caught fighting with another boy and Brother Germanus “got hold of me and basically threw me around like a rag doll and shook me.”<sup>463</sup>

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453 Transcript, day 163: “Billy”, at TRN.001.006.5106-5107.

454 Transcript, day 163: “Billy”, at TRN.001.006.5107.

455 Transcript, day 163: “Billy”, at TRN.001.006.5107.

456 Transcript, day 163: “Billy”, at TRN.001.006.5107.

457 Transcript, day 163: “Billy”, at TRN.001.006.5108.

458 Transcript, day 163: “Billy”, at TRN.001.006.5108.

459 Transcript, day 163: “Billy”, at TRN.001.006.5110.

460 Transcript, day 164: “John”, at TRN.001.006.5269.

461 Transcript, day 164: “John”, at TRN.001.006.5269.

462 Transcript, day 164: “John”, at TRN.001.006.5269.

463 Transcript, day 164: “John”, at TRN.001.006.5269.

In [Chapter 7](#) I address the issues raised by the presence at St Columba's of a child called Aldo Moroni. I am satisfied that he was physically abused in a dreadful manner by Brother Germanus.

### Brother Peter Toner (Born 1957)

Former Brother Peter Toner had some brief involvement with St Columba's in the 1970s, but it was in the period of some two and a half years in the early 1980s (from May 1980 to September 1982) that he serially sexually abused children at St Columba's and pursued sexual practices that were designed to corrupt children in his care. He was also physically abusive during that period. He left the order in 1983.<sup>464</sup>

One of the seven charges on which he was convicted at the Glasgow High Court on 8 February 2019 was a charge of assault to injury and permanent disfigurement—he had thrown a blackboard duster at “Billy” (SC 1978-82), hitting him in the face and leaving permanent scarring.<sup>465</sup> “Billy” explained to SCAI that Peter Toner had thrown a wooden duster at him for “daydreaming”, cutting him on his head.<sup>466</sup>

The blackboard duster, with its solid wooden base, should never have been thrown at a child; it could—and in this case did—easily cause painful and frightening injury.



Blackboard duster

### Sexual violence

Peter Toner targeted “John” (SC 1978-82) for sexual abuse but he also physically abused him. In one incident, Peter Toner lost his temper and, having placed “John” over his legs, he “kept slapping [his] backside and [his] back” with such force that “John” had difficulty breathing.<sup>467</sup>

### Classroom abuse

Peter Toner's behaviour in the classroom was that he had a “tendency to throw things at students...Pretty much everybody in the class was a victim”.<sup>468</sup> “Thomas” (SC 1979-81) explained that one of his reasons for engaging with SCAI was his memories of dusters being thrown at children.<sup>469</sup> This happened often enough to “traumatise” him; he would enter the classroom “in sheer terror”.<sup>470</sup> “Thomas” explained the impact of this violent behaviour: “At eight or nine years old, it instilled a mentality that it was better somebody else than me. I dreaded going

464 Institute of the Marist Brothers, [Supplementary response, Part D, St Columba's](#), at MAR.001.001.2704.

465 Indictment of Peter Toner, High Court of Judiciary at Glasgow, Clean indictment, at JUS.001.001.1505

466 [Transcript, day 163](#): “Billy”, at TRN.001.006.5116.

467 [Transcript, day 164](#): “John”, at TRN.001.006.5271.

468 [Transcript, day 158](#): “Thomas”, at TRN.001.006.4473-4474.

469 [Transcript, day 158](#): “Thomas”, at TRN.001.006.4474.

470 [Written statement of “Thomas”](#), paragraph 48, at WIT.001.002.6874; see also [Transcript, day 158](#): “Thomas”, at TRN.001.006.4475-4476.

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## **“...the strangest form of punishment that he dispensed was to take boys into what we called the parlour... to nip boys on the bottom...one nip on each side”.**

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into [Toner’s] classroom. I remember shaking in fear to the point that my face would twitch when he threw his duster, like a short circuit.”<sup>471</sup>

When “David” (SC 1979-81), aged nine, got his multiplication tables wrong, Peter Toner hit him with a blackboard duster; he also punched “David” in the side, knocking him off his chair.<sup>472</sup> Brother Arthur became aware that “David” had been injured in class but there was no investigation.

“David” was given a choice of punishment by Peter Toner on another occasion: “At that time there was a choice of a belt over the hand, a belt over the backside, or he wanted me and this other boy to sort of caress each other and...hold each other...As for other times...he just issued the punishment or gave you a choice of whether you got [the belt] over your hand or backside.”<sup>473</sup>

### **Other Brothers**

Another Brother was described as having a “dual personality”.<sup>474</sup> He had a practice of removing boys from the classroom and taking them to the parlour, and nipping them on the bottom. “Gerry” (SC 1968-71, SJ 1971-76) explained it was “the strangest form

of punishment that he dispensed was to take boys into what we called the parlour, which was a small room which had a piano in it... to nip boys on the bottom...one nip on each side”.<sup>475</sup> This practice was painful,<sup>476</sup> and a totally inappropriate form of punishment.

“Jack” (SC 1968-1972, SJ 1972-77) was caned on multiple occasions on the hand.<sup>477</sup> He described one such incident when the above-mentioned Brother punished him by striking him with a cane six times on his hand for providing a wrong answer in class when he was eight years old. “Jack” sees this now as an “excessive punishment”, and a cruel way to treat a child.<sup>478</sup> I agree. This behaviour was unacceptable and constituted physical abuse.

Another Brother was described as having a “very domineering personality. Most of the boys were scared of him.”<sup>479</sup> He had a temper, and was prone to throw chalk and blackboard dusters at children in the classroom. On one occasion, the Brother “slam[med] a child into the wall”.<sup>480</sup>

The potentially dangerous throwing of blackboard dusters was not only a habit of Peter Toner’s—it was a practice also pursued by other Brothers. “Jack” explained that it was

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471 Written statement of “Thomas”, paragraph 48, at WIT.001.002.6874.

472 Transcript, day 163: “David”, at TRN.001.006.5219-5222.

473 Transcript, day 163: “David”, at TRN.001.006.5227-5229.

474 Transcript, day 159: “Gerry”, at TRN.001.006.4622.

475 Transcript, day 159: “Gerry”, at TRN.001.006.4624.

476 Transcript, day 159: “Gerry”, at TRN.001.006.4625.

477 Transcript, day 164: read in statement of “Jack”, at TRN.001.006.5298.

478 Transcript, day 164: read in statement of “Jack”, at TRN.001.006.5298.

479 Transcript, day 159: “Gerry”, at TRN.001.006.4628.

480 Transcript, day 159: “Gerry”, at TRN.001.006.4629.

like having a “brick, a wooden brick...thrown at you”.<sup>481</sup> I have no difficulty in accepting that description as being apt.

“Dexter” was in the care of the Daughters of Charity, at Smyllum Park Orphanage, until 1958 when he was 15 years old. Upon leaving Smyllum, he was taken to St Columba’s where he had to work for the Marists, doing various chores for them. He was treated cruelly, in a way that seems indicative of the culture that prevailed. He was beaten for tripping over a rug one morning and spilling the coffee he had to take to a man who seemed to be in charge: “[He] went to his drawer and took out his belt. He lashed me 12 times across my back, leaving such painful weal marks. I decided after that I was leaving, I was running away from St Columba’s.”<sup>482</sup> “Dexter” was driven away, despite having nowhere to go—he ran away as soon as he got the opportunity to do so and lived, initially, in a phone box in Kilmarnock.<sup>483</sup>

### St Joseph’s

There was also extensive physical abuse at St Joseph’s. As with St Columba’s, the physical abuse experienced by the children at St Joseph’s cannot be divorced from the sexual abuse that also occurred—sexual abuse that included rape.

### Brother Tatianus (Born 1914)

At St Joseph’s, the lives of the younger children were blighted by their dorm master, Brother Tatianus, from 1936-79.<sup>484</sup> He died in 1998.<sup>485</sup>

Brother Tatianus was the dorm master for junior boys, whose ages ranged from seven to 10 years old.<sup>486</sup> “Brutal” was the description used by a number of former pupils to describe Brother Tatianus, and from the evidence that seems an accurate description. Apart from his use of a belt, his physical abuse of young children included lifting them up by their hair and ears.<sup>487</sup>

### “Brutal” Brother

Richard Kozub (SJ 1957-63) described Brother Tatianus as a “sadist”, and as someone who was “very happy to use the belt on little children.”<sup>488</sup> Richard described an incident when Brother Tatianus lashed the backs of his legs with the belt, leaving him with “weals on the back of [his] legs.”<sup>489</sup> Richard was aged nine at the time.

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**Brother Tatianus was  
“very happy to use the  
belt on little children.”**

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481 [Transcript, day 163](#): “Jack”, at TRN.001.006.5203.

482 [Transcript, day 162](#): read in statement of “Dexter”, at TRN.001.006.4990.

483 [Transcript, day 162](#): read in statement of “Dexter”, at TRN.001.006.4990; [Written statement of “Dexter”](#), paragraph 128, WIT.001.001.2331.

484 Institute of the Marist Brothers, Revisions to Appendices A-D: at MAR.001.001.3124.

485 Marist Brothers Suspect List, at PSS.001.003.0012.

486 [Transcript day 156](#): “Jim”, at TRN.001.006.4159.

487 [Transcript, day 161](#): “Andrew”, at TRN.001.006.4907.

488 [Transcript, day 156](#): Richard Kozub, at TRN.001.006.4177-4178.

489 [Transcript, day 156](#): Richard Kozub, at TRN.001.006.4178.

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## **Brother Tatianus “scared the hell out of people. I mean, he never spoke when he could shout, he never cajoled when he could threaten...When you’re a small child...that’s a pretty terrifying experience.”**

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Belting children was routine, with the main target being the child’s hands, and carried out with “maximum force”.<sup>490</sup> This form of belting left weals on wrists.<sup>491</sup> Brother Tatianus would belt all the boys in a dormitory if nobody owned up to “fooling about” at bedtime.<sup>492</sup>

Brother Tatianus ran the junior dormitory “in a most brutal way.”<sup>493</sup> Stephen Behan (SJ 1970-74) explained: “my God, he scared the hell out of people. I mean, he never spoke when he could shout, he never cajoled when he could threaten. It was just in his nature to be really bombastic. When you’re a small child and they represent authority, that’s a pretty terrifying experience.”<sup>494</sup>

Brother Tatianus was seen by some, including “Kenny” (SJ 1969-76), as a “Jekyll and Hyde”<sup>495</sup> character, who behaved in a manner that could “really make your blood run cold”.<sup>496</sup> “Kenny” attributed Brother Tatianus’s bad behaviour to the likelihood that he suffered from hangovers.<sup>497</sup> Brother Tatianus

was regularly under the influence of alcohol, to the extent that he was regarded by some as being an alcoholic.<sup>498</sup>

There was an incident witnessed by “Kenny” (SJ 1969-76) in which Brother Tatianus “lashed [a] boy across the neck with his leather belt...I do vividly remember the weals this boy had on his neck.”<sup>499</sup> “Kenny’s” own reaction to this assault was that he was “[t]errified...the effect that brutal disciplining does on an environment, it terrifies you.”<sup>500</sup>

“Brutal” was the description used by a number of former pupils to describe Brother Tatianus, and I am satisfied, on the evidence, that that was an accurate description. Apart from his use of a belt, his physical abuse of young children included lifting them up by their hair and ears.<sup>501</sup> “Andrew” (SJ 1971-75) explained how Brother Tatianus was in the “habit” of placing “Andrew’s” head under water in a sink as a punishment if there was a delay in getting washed in the morning.<sup>502</sup>

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490 Transcript, day 156: Richard Kozub, at TRN.001.006.4177-4178.

491 Transcript, day 156: Richard Kozub, at TRN.001.006.4177-4178.

492 Transcript, day 161: “Andrew”, at TRN.001.006.4903.

493 Transcript day 156: “Jim”, at TRN.001.006.4224-4225.

494 Transcript, day 160: Stephen Behan, at TRN.001.006.4726.

495 Transcript, day 160: “Kenny”, at TRN.001.006.4676.

496 Transcript, day 160: “Kenny”, at TRN.001.006.4676.

497 Transcript, day 160: “Kenny”, at TRN.001.006.4677.

498 Transcript, day 159: “Nigel”, at TRN.001.006.4513-4514; see also Transcript, day 159: “Gerry”, at TRN.001.006.4634; and Transcript, day 160: “Kenny”, at TRN.001.006.4677.

499 Transcript, day 160: “Kenny”, at TRN.001.006.4677.

500 Transcript, day 160: “Kenny”, at TRN.001.006.4678.

501 Transcript, day 161: “Andrew”, at TRN.001.006.4907.

502 Transcript, day 161: “Andrew”, at TRN.001.006.4902.

The Order's use of Brother Tatianus as the dorm master, with direct responsibility for young children, was an obvious systemic failure. The Order's inability to foresee that assigning a known alcoholic with a propensity to terrorise children to act as dorm master would result in abuse was a failure of the Order's duty of care.

### Other Brothers

Another Brother was also described as "brutal".<sup>503</sup> Stephen Behan described how that Brother was someone who could "lay into you" and that Stephen was called to his room to be given six strokes of the belt on this bare bottom.<sup>504</sup> Others, too, were excessive in their punishments and physically abusive.

### Belting

It is clear to me that a practice of unnecessary and excessive belting was pursued at St Joseph's. "John" (SC 1960-64, SJ 1964-70) and three other boys were given eighteen strokes of the belt, six on each hand and six on the bottom, for little reason. To make the event as public as possible, the partitions between classrooms were removed so that as many children as possible could witness the punishments.<sup>505</sup> That was also humiliating.

There were mass beltings if a wrongdoer did not own up to a perceived wrongdoing.<sup>506</sup>

There were regular beatings. Stephen Behan (SJ 1970-74) thought that he was beaten on more days than not, but another boy was beaten several times a day. These were "[t]hrashings with a belt".<sup>507</sup>

Another Brother used the belt over boys' pyjamas with such force that injuries in the form of weals resulted.<sup>508</sup>

A technique employed by one Brother when administering the belt was to ensure that a child's cuffs were pushed back and to adopt a frontal position so that the belt would strike the child's wrists and arms, causing bleeding.<sup>509</sup>

This was all cruel treatment.

### Other implements

"Nigel" (SJ 1968-73) saw metal spoons being thrown by a Brother at the younger boys from the "wee-rec".<sup>510</sup> "Jim" (SJ 1958-63) described how this Brother "banged you against the plaster cast he was wearing" if boys did not get their vocabulary right in class.<sup>511</sup> The throwing of wooden-backed dusters by Brothers at children in the classroom was commonplace.<sup>512</sup>

Stephen Behan (SJ 1970-74) saw another Brother "chasing" a child and "swiping" him with his crucifix which was "made of hardwood with brass applied to it, so it was a very effective mace."<sup>513</sup>

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503 Transcript, day 160: Stephen Behan, at TRN.001.006.4738.

504 Transcript, day 160: Stephen Behan, at TRN.001.006.4738.

505 Transcript, day 162: read in statement of "John", at TRN.001.006.5071.

506 Transcript, day 159: "Gerry", at TRN.001.006.4642-4643.

507 Transcript, day 160: Stephen Behan, at TRN.001.006.4764.

508 Transcript, day 160: "Kenny", at TRN.001.006.4698.

509 Transcript, day 159: "Nigel", at TRN.001.006.4531.

510 Transcript, day 159: "Nigel", at TRN.001.006.4532-4534.

511 Transcript, day 156: "Jim", at TRN.001.006.4217.

512 Transcript, day 156: "Jim", at TRN.001.006.4217.

513 Transcript, day 160: Stephen Behan, at TRN.001.006.4727.



Another Brother also used implements including a golf ball and keys to punish children. “Kenny” (SJ 1969-76) saw a boy with “blood streaming down the front of his face” having being hit by the Brother with a set of keys.<sup>514</sup> That Brother also had a practice of “bumping” boys on the head with golf balls as punishment, and punching boys on the crown of the head.<sup>515</sup>

### Sexual violence

Several Brothers used violence to perpetrate sexual abuse at St Joseph’s. Stephen Behan (SJ 1970-74) was attacked by Brother Fergus and raped. “Andrew” (SJ 1971-75) had similar experiences at the hands of Brother Damian, and was violently forced to provide oral sex.<sup>516</sup> Richard Kozub (SJ 1957-63) was belted on his bare backside by Brother “Frederick” after being sexually abused. A friend suffered a similar fate.<sup>517</sup>

What is of some significance is how the physical and sexual abuse came to an end. For Richard Kozub (SJ 1957-63), the abuse ended when he moved into his second year and to a different dorm master.<sup>518</sup> For Stephen Behan (SJ 1970-74), Brother Fergus’ campaign of physical and sexual abuse ended when, having grown older and stronger, Stephen fought back, even biting his earlobe.<sup>519</sup> “Andrew” (SJ 1971-75) also began to resist as he got older and assumed that Brother

Damian “must have moved on to a younger boy who he could manipulate, because...I was resisting by that time.”<sup>520</sup> Younger, weaker, vulnerable children were most at risk, as the Order should have realised.

### Response to evidence about physical abuse

Most of the Brothers against whom allegations of physical abuse are made by former pupils are deceased. The position of the Brothers who provided evidence and were present at the schools during the period examined was that they did not see or hear of abuse taking place at the time.<sup>521</sup>

Brother “Robert” (SC 1966-67) spent nine months as a teacher at St Columba’s when he was aged 19. He did not remember any corporal punishment being administered during his time and “[t]here was never at any point in time any alarm bells ringing in relation to anything being wrong from the point of view of abuse”.<sup>522</sup>

Former Brother “Jack” (SJ 1972-73, SC 1973-74) said he did not use corporal punishment and does not ever remember seeing it administered at St Joseph’s. He did not see or hear anything inappropriate.<sup>523</sup> Similarly, he did not see or hear anything inappropriate at St Columba’s.<sup>524</sup>

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514 [Transcript, day 160](#): Kenny, at TRN.001.006.4681.

515 [Transcript, day 160](#): Kenny, at TRN.001.006.4681.

516 [Transcript, day 161](#): “Andrew”, at TRN.001.006.4873.

517 [Transcript, day 156](#): Richard Kozub, at TRN.001.006.4174.

518 [Transcript, day 156](#): Richard Kozub, at TRN.001.006.4177.

519 [Transcript, day 160](#): Stephen Behan, at TRN.001.006.4779.

520 [Transcript, day 161](#): “Andrew”, at TRN.001.006.4899.

521 See for example, [Transcript, day 165](#): Brother “Bernard”, at TRN.001.006.5399-5400; and [Transcript, day 167](#): former Brother “Jack”, at TRN.001.006.5639-5640.

522 [Transcript, day 166](#): Brother “Robert”, at TRN.001.006.5594; Written statement of Brother “Robert”, paragraph 59, at WIT.001.002.6895.

523 [Transcript, day 167](#): former Brother “Jack”, at TRN.001.006.5640.

524 [Transcript, day 167](#): former Brother “Jack”, at TRN.001.006.5648.

Brother “Bernard” (SJ 1958-63, 1964-65, and 1969-78) was appointed dorm master at St Joseph’s with no training or experience in disciplining boys, and the role was not explained to him by anybody.<sup>525</sup> He was very unhappy in the role, something he made known to the headmaster and the provincial, but was required to stay in the role for a further period. Brother “Bernard” used corporal punishment—one or two strokes on the hand. On one occasion he belted boys on the bare backside for smoking in the dormitory, something he regretted: “on reflection...maybe [I] overdid it with regards to the punishment there...I sometimes think that I could have slackened off a bit there.”<sup>526</sup>

Brother Julian Harrison (SJ 1962-76) was also a pupil at St Joseph’s from 1950 to 1956. He had not experienced belting as a form of corporal punishment in his previous school in England and was “shocked” on arrival at St Joseph’s when a boy was given six of the belt in front of the class.<sup>527</sup> He used the belt himself when he returned as a teacher in 1962, the range of strokes being one to a maximum of six.<sup>528</sup> Although corporal punishment was used, Brother Julian Harrison did not witness anything that he considered would constitute abuse, physical or sexual.<sup>529</sup>

Former Brother John Hutchison (SJ 1981-82) was sent to St Joseph’s to fill a gap as a dorm master for the senior boarders.<sup>530</sup> He did not recall corporal punishment being used, but noted he was not present in the class room.<sup>531</sup>

Former Brother Stephen Smyth (SJ 1975-79) was asked to belt children on one occasion, and he did not like having to do so. Boys in the Mids had paid another boy to shave his head. Another Brother was in charge, and decided to belt the boy who shaved his head and the boys who paid him to do it: “The boys were lined up in two lines. [The other Brother] belted one line and I belted the other.”<sup>532</sup>

Brother Douglas Welsh (SC 1961-63, SJ 1976-86) was principal teacher of guidance at St Joseph’s in the late 1970s.<sup>533</sup> He recalled one occasion when a boy complained that a lay teacher had slapped him and it was resolved by his parents coming to the school and having a discussion, after which they did not wish to take it further.<sup>534</sup> On another occasion, a boy complained that a Brother had assaulted him. The matter was referred to Brother Douglas, as principal guidance teacher, to the headmaster, and to the police. Brother Douglas’s recollection was that the police spoke with the child and the Brother concerned, and ultimately decided not to take matters further at that time.<sup>535</sup>

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525 Transcript, day 165: Brother “Bernard”, at TRN.001.006.5383.

526 Transcript, day 165: Brother “Bernard”, at TRN.001.006.5400.

527 Transcript, day 165: Brother Julian Harrison, at TRN.001.006.5425-5426.

528 Transcript, day 165: Brother Julian Harrison, at TRN.001.006.5435.

529 Transcript, day 165: Brother Julian Harrison, at TRN.001.006.5436.

530 Transcript, day 167: read in statement of former Brother John Hutchison, at TRN.001.006.5720.

531 Transcript, day 167: read in statement of former Brother John Hutchison, at TRN.001.006.5722-5724.

532 Transcript, day 167: read in statement of former Brother Stephen Smyth, at TRN.001.006.5751.

533 Transcript, day 166: Brother Douglas Welsh, at TRN.001.006.5550.

534 Transcript, day 166: Brother Douglas Welsh, at TRN.001.006.5544.

535 Transcript, day 166: Brother Douglas Welsh, at TRN.001.006.5546-5549.

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## **“Many witnesses gave compelling evidence to the Inquiry of their own experiences of abuse”.**

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The Order’s closing submissions included this preliminary observation: “The allegations concern in the main abuse that occurred many decades ago and, for the most part, the alleged abusers are dead and cannot answer allegations. There is no proper or realistic basis for challenge to the direct testimony of those who were present through these events. Many witnesses gave compelling evidence to the Inquiry of their own experiences of abuse”.<sup>536</sup>

At the end of the case study, Senior Counsel for the Order conceded, in relation to Brother Tatianus: “Overwhelmingly the evidence in respect of him is consistent and it certainly speaks to harsh physical punishment... certainly going far beyond what would ever be acceptable nowadays, but whether and to what extent standards were different in those days perhaps is a more difficult question... For my part...I would accept... that we ought to look at abuse as we would define it today.”<sup>537</sup> I agree.

### **Conclusions about physical abuse**

I am satisfied that the regimes at both St Columba’s and St Joseph’s enabled some Brothers to physically abuse children. I agree with the position adopted in the Order’s closing submissions that former pupils gave compelling evidence to support the conclusions that I have been able to draw as to the nature and extent of that abuse. It was abuse that caused children to suffer pain and injury, and blighted the childhoods of many. Children had to endure fearful, abusive environments, not the respectful and caring environments envisaged by the Order’s own Rules.

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536 Marist Brothers, Closing Submissions, at MAR.001.001.3157.

537 [Transcript, day 169](#): Closing submission on behalf of the Marist Brothers by Jonathan Brown QC, at TRN.001.006.6039-6040.



## Emotional abuse

The sexual and physical abuse at St Columba's and St Joseph's was not the only abuse suffered by children there. There was also emotional abuse. For some, its impact persisted into adulthood. Those children who were groomed for sexual abuse suffered manipulation and exploitation of their emotions. Children who were abused physically or suffered brutal sexual exploitation lived in fear. For some, the environments instilled a deep sense of fear that rekindled painful memories when giving evidence.

Examples of how children were emotionally abused are captured in many of the findings made in other chapters. I set out below some additional examples.

### St Columba's

The young children at St Columba's were vulnerable, impressionable, and easy targets for manipulation. St Columba's was plagued for many years by the presence of Brother Germanus and Peter Toner. The horrendous physical and sexual abuse they perpetrated also left an emotional impact. As "Thomas" (SC 1979-81) explained, that "abuse eroded trust. I still don't trust people to this day."<sup>538</sup> Regarding Peter Toner, who abused him,

"Thomas" remembered "confusion, sadness and dread heading to his classroom."<sup>539</sup>

### Emotional, physical, and sexual abuse

Brother Germanus sexually abused "Edward" (SC 1962-65, SJ 1965-70) and there came a point when "Edward" "started controlling the crying and just stood there like a zombie."<sup>540</sup> As "Edward" described: "From the first incident I would describe my being as zombified".<sup>541</sup>

Brother Germanus sat beside "Edward" (SC 1962-65, SJ 1965-70) in church on one occasion when he was seven or eight years old, and put his hand on the child's knee. "Edward" got such a fright that he soiled himself and was taken back to school by older boys: "I think about it today. It makes me shudder...with great shame and everything that went with it".<sup>542</sup> The episode demonstrates the terrifying hold Brother Germanus had over "Edward".

The sense of fear instilled by Brother Germanus's abuse left "Edward" (SC 1962-65, SJ 1965-70) unable to speak.<sup>543</sup> This sense of fear was compounded by the apprehension he suffered in bed at night: "was he coming, was he not, get to sleep if you can and sleep all night if you can, and if

538 Written statement of "Thomas", paragraph 66, at WIT.001.002.6878; see also Transcript, day 158: "Thomas", at TRN.001.006.4486.

539 Transcript, day 158: "Thomas", at TRN.001.006.4486.

540 Transcript, day 158: "Edward", at TRN.001.006.4411.

541 Transcript, day 158: "Edward", at TRN.001.006.4411.

542 Transcript, day 158: "Edward", at TRN.001.006.4414.

543 Transcript, day 158: "Edward", at TRN.001.006.4412.

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**“...worse than the abuse itself...was the apprehension of trying to get to sleep, knowing that [Brother Germanus] was coming round with a torch, and if he shone the torch and you blinked or gave any indication...that you were awake, he would take you out of your bed”.**

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it doesn't happen, it doesn't happen.”<sup>544</sup> But sleep did not always provide comfort, as “[Brother Germanus] would wake you up in the dead of night in his bare feet.”<sup>545</sup>

The emotional impact caused by the apprehension that Brother Germanus might come for you at night was echoed in other evidence. For John McCall (SC 1958-62, SJ 1962-68), “worse than the abuse itself...that ultimately took place was the apprehension of trying to get to sleep, knowing that he was coming round with a torch, and if he shone the torch and you blinked or gave any indication whatsoever that you were awake, he would take you out of your bed”.<sup>546</sup> John described this sense of apprehension as “the biggest trauma”.<sup>547</sup>

“David” (SC 1979-81) described how he would lie in bed waiting to see if he was the chosen target of Brother Germanus that night: the “sense of fear would...escalate because you'd know he was coming and you'd be thinking, please, don't let me get picked to go into his room tonight.”<sup>548</sup> I am in no doubt that, over the lengthy period of

Germanus's tenure at St Columba's, many children experienced similar feelings of apprehension because of his pervasive presence in the children's dormitories.

### **The matron**

Compassion for young children was not part of the Marist ethos at St Columba's. “John” (SC 1959-63, SJ 1963/64) had a problem with bed wetting throughout his time at St Columba's. The matron criticised and shouted at him for this and did so in front of other children during his first year there.<sup>549</sup> That embarrassed him and should not have happened.

Brother Douglas Welsh (SC 1961-63, SJ 1976-86) heard the matron at St Columba's shouting at children “every time you passed”, including telling some children that “you're such-and-such, you must come from a bad family”.<sup>550</sup> He said her behaviour “wasn't ever appropriate.”<sup>551</sup> When Brother Arthur became headmaster, he dismissed the matron because of her behaviour: “he decided very quickly that she had to go.”<sup>552</sup>

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544 Transcript, day 158: “Edward”, at TRN.001.006.4412.

545 Transcript, day 158: “Edward”, at TRN.001.006.4412-4413.

546 Transcript, day 157: John McCall, at TRN.001.006.4263.

547 Transcript, day 157: John McCall, at TRN.001.006.4267.

548 Transcript, day 163: “David”, at TRN.001.006.5238.

549 Transcript, day 162: read in statement of “John”, at TRN.001.006.5080.

550 Transcript, day 166: Brother Douglas Welsh, at TRN.001.006.5537-5538.

551 Transcript, day 166: Brother Douglas Welsh, at TRN.001.006.5537.

552 Transcript, day 166: Brother Douglas Welsh, at TRN.001.006.5537.

## Bed wetting

“David” (SC 1979-81) only began wetting the bed when he went to St Columba’s at eight or nine years old: “You were petrified to say anything. Too scared to even tell a soul. I remember doing it and I lay in bed pretending to be poorly in order not to have to deal with it, and get the wet sheet off the bed once school had started and hide them under my bed”.<sup>553</sup> He did so, as he was “[t]oo scared of what punishment [he’d] get and what would happen to [him]”.<sup>554</sup>

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**“You were petrified to say anything. Too scared to even tell a soul.”**

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## Coercive control

Brothers used control over the boys in a way that was emotionally abusive. For example, “David” (SC 1979-81) was “chuffed” to win a small teddy bear at the fair ground in Largs but a Brother confiscated it, saying that the teddy belonged to the school and “David” was not allowed to keep it.<sup>555</sup>

Similarly, “David” (1979-80) placed his toy cars on the mantelpiece in the dormitory. Brother Germanus threw them on the bed and floor. He told “David” the dormitory was not his, that he was not special, and he was not to display his cars there again: “it was a way that [Brother Germanus] could control everybody”.<sup>556</sup> “David” was also locked in a room by a Brother for misbehaving in the classroom: “There you would remain until such time as the door was unlocked and

you were allowed to come out...I would say anything from one hour to two, two and a half hours.”<sup>557</sup> I have no doubt that locking a child in a room in that manner was emotionally abusive.

## St Joseph’s

The abuse that “Edward” (SC 1962-65, SJ 1965-70) had been subjected to at St Columba’s meant that he “went to Dumfries with the great fear of what [he] was carrying from St Columba’s.”<sup>558</sup> However, the abuse did not continue: “But to fast forward on that, I need not have been worried because nothing happened to me untoward at Dumfries, although it took me two or three years to come out of my shell to get a bit stronger, to get a bit more confident about being about them.”<sup>559</sup> Despite the fact that the abuse from St Columba’s did not persist, its impact remained, casting a shadow over his life at St Joseph’s.

“Edward’s” (SC 1962-65, SJ 1965-70) experience at St Joseph’s can, however, be contrasted with the experiences of those children who were abused at St Joseph’s, as described previously.

## Emotional, physical, and sexual abuse

Brother Damian sexually abused “Andrew” (SJ 1971-75) at St Joseph’s. That was a campaign of sexual abuse that began by Brother Damian playing upon “Andrew’s” homesickness by pretending to console him. This was part of a grooming process that culminated in sexual abuse and threats that he would never see his parents again:

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553 Transcript, day 163: “David”, at TRN.001.006.5222.

554 Transcript, day 163: “David”, at TRN.001.006.5223.

555 Transcript, day 163: “David”, at TRN.001.006.5230.

556 Transcript, day 160: “David”, at TRN.001.006.4821.

557 Transcript, day 160: “David”, at TRN.001.006.4818-4819.

558 Transcript, day 158: “Edward”, at TRN.001.006.4423.

559 Transcript, day 158: “Edward”, at TRN.001.006.4423.

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## **“...it’s not just about the physical violation, the violation of the person and the soul, it’s the violation of the person’s psyche and thinking processes, and it dominated my life.”**

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“[Brother Damian] knew the thing that pressed the button on me was that I wanted home to mum and dad, because I’d never been away from mum and dad in my life before.”<sup>560</sup>

In the same way that “Edward” (SC 1962-65, SJ 1965-70) described being “zombified”<sup>561</sup> whilst being abused by Brother Germanus at St Columba’s, “Andrew” (SJ 1971-75) described being “froze[n] like a rabbit in the headlights” when Brother Damian sexually abused him at St Joseph’s: “I tortured myself all fucking my life that I didn’t shout, I didn’t run out of the room.”<sup>562</sup>

Brother Fergus sexually abused Stephen Behan (SJ 1970-74) who was able to articulate clearly the psychological injury it caused: “So you can honestly say it’s not just about the physical violation, the violation of the person and the soul, it’s the violation of the person’s psyche and thinking processes, and it dominated my life...When you do something to a 12-year old child that is that horrendous, you’ve effectively killed that child, and what replaces that child is not what that child would have been subsequently.”<sup>563</sup> Stephen explained how, as an adult, he returned to St Joseph’s on a mission of revenge, with the intention of killing Brother Fergus because “it was the right thing to

do.”<sup>564</sup> Brother Fergus was not there. In hindsight Stephen realised that his “thinking at the time was all wrong.”<sup>565</sup>

### **An environment of apprehension and fear**

Brother Tatianus put “Kenny” (SJ 1969-76) into a cold empty room at around two o’clock one afternoon as punishment for a perceived misdemeanour, and left him there for many hours: “As a young kid, I’m obviously confused, disempowered, uncertain about what exactly is happening here.”<sup>566</sup> In that instance, the disempowerment meant that he remained alone in this room for hours until he discovered that the door was unlocked, and the other children were in bed.<sup>567</sup>

Stephen Behan (SJ 1970-74) explained how, on his first night at St Joseph’s, other boys advised him not to be alone with certain Brothers because of their sexual and violent propensities. This was how he described the impact of what he was told: “I think on my first night there it was a pretty terrifying experience because I was told, you know, here’s all these so-called men of God and you don’t want to be in a room with that guy”.<sup>568</sup> His reaction: “Fear, total fear. I’d never been away from home before...I’d had a comparatively normal childhood up until then and it was pretty terrifying.”<sup>569</sup>

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560 Transcript, day 161: “Andrew”, at TRN.001.006.4862 and 4870-4872.

561 Transcript, day 158: “Edward”, at TRN.001.006.4411.

562 Transcript, day 161: “Andrew”, at TRN.001.006.4872.

563 Transcript, day 160: Stephen Behan, at TRN.001.006.4778-4779.

564 Transcript, day 160: Stephen Behan, at TRN.001.006.4778.

565 Transcript, day 160: Stephen Behan, at TRN.001.006.4778.

566 Transcript, day 160: “Kenny”, at TRN.001.006.4694-4695.

567 Transcript, day 160: “Kenny”, at TRN.001.006.4695.

568 Transcript, day 160: Stephen Behan, at TRN.001.006.4725.

569 Transcript, day 160: Stephen Behan, at TRN.001.006.4725.

For young children who were introduced to a boarding school environment, the dislocation from the home environment would inevitably expose them to a degree of isolation. Where compassion and kindness, if not a complete antidote, would have at least cushioned the impact caused by such isolation—as envisaged by the Marists’ Rules—for many, no such compassion or kindness was found.

What children desired, needed, and ought to have been able to feel was safety and security. In the case of “Thomas” (SJ 1964-68) that meant: “What I wanted so much during my time at St Joseph’s was somebody to relate to. Somebody who could fill the space, as much as they could do, that my father had left behind...That was never realised.”<sup>570</sup> “[I]t may not have been realisable, but that’s what I was looking for.”<sup>571</sup> This meant that survival in such an environment required him to create “a social camouflage”, by which he meant “fitting in rather than standing out.”<sup>572</sup> This is a sad indictment on a religious Order whose ethos was dedicated to the fulfilment of children’s aspirations.

This absence of compassion was captured by “Andrew” (SJ 1971-75): “I didn’t have any care, any compassion, sympathy, absolutely nothing...I was petrified of this place anyway.”<sup>573</sup> “Andrew” summarised the impact St Joseph’s had on him: “the thing that really, really destroys your life is the psychological abuse or torture that you’re subjected to by

these people. It absolutely fucks your head up.”<sup>574</sup>

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**“...the thing that really, really destroys your life is the psychological abuse or torture that you’re subjected to by these people.”**

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### Ridicule

Some Brothers prompted verbal abuse of boys by other boys. “Nigel” (SJ 1968-73) explained it was rooted in a “poof culture”.<sup>575</sup> Certain Brothers “would say within earshot of a group of pupils, maybe not directly to them, that, ‘So-and-so is a poof’...The effect that it was supposed to create was that other boys would start calling that particular boy a poof...[M]ost of us...particularly in first and second year, we didn’t know what a poof was...we were supposed to think it was something bad.”<sup>576</sup> This immature behaviour was wholly unacceptable and was abusive; it was the very antithesis of the conduct mandated by the Order’s Rules.

As the Brother in charge of the junior dormitory at St Joseph’s, Brother Tatianus was a “scary individual”.<sup>577</sup> Brother Tatianus would ridicule “Andrew” (SJ 1971-75) and other boys in the dormitory. One of his other practices was to knock over the individual lockers beside the boys’ beds.<sup>578</sup>

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570 Written statement of “Thomas”, paragraph 114, at WIT.001.002.2962.

571 Transcript, day 157: “Thomas”, at TRN.001.006.4315.

572 Transcript, day 157: “Thomas”, at TRN.001.006.4315.

573 Transcript, day 161: “Andrew”, at TRN.001.006.4908-4909.

574 Transcript, day 161: “Andrew”, at TRN.001.006.4908.

575 Transcript, day 159: “Nigel”, at TRN.001.006.4585.

576 Transcript, day 159: “Nigel”, at TRN.001.006.4585-4586.

577 Transcript, day 160: “Kenny”, at TRN.001.006.4695.

578 Transcript, day 161: “Andrew”, at TRN.001.006.4907-4908.



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## The matron “always dealt with us as if, at best, we were a nuisance, but she never dealt with us as if we were human beings.”

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Brother Tatianus did not allow boys to go to the toilet for half an hour after going to bed: “the object was to sneak past—his room was at the entrance to the dormitory ...he used to leave his door ajar...if you needed to go to the toilet in the first 30 minutes it was a case of sneaking past his door, checking to make sure you didn’t make any floorboards squeak...the once or twice that I was caught, it would be into his room to get the belt.”<sup>579</sup>

### The matron

Described by one former pupil as “far from being motherly or maternal”,<sup>580</sup> the matron exacerbated the abusive environment for many of the boys at St Joseph’s. As applicants put it, the matron “despised us all...She always dealt with us as if, at best, we were a nuisance, but she never dealt with us as if we were human beings”.<sup>581</sup> “[S]he absolutely despised the boys...There was a cruelty about her...She didn’t empathise—I don’t think she associated the boys as being patients or human and I don’t think she carried empathy for anybody who was ill or feeling poorly or anything like that.”<sup>582</sup>

The matron refused to have “John” (SJ 1971-76) medically examined when he had, “for a long time, [a] sore stomach, [a] sore

side”.<sup>583</sup> When a teacher eventually arranged for him to be seen by a doctor, he was sent to hospital where he required to have his appendix removed “there and then”.<sup>584</sup>

The matron’s way of dealing with bed wetting was to give the child a “verbal beating” in front of the other children: “She would call down the corridor, ‘Here comes the bed-wetter.’”<sup>585</sup>

Brother “Bernard” (SJ 1958-63, 1964-65, and 1969-78) recalled that the matron was “very strict” and “she didn’t put up with any nonsense from either students or brothers.”<sup>586</sup> As he saw it, she was “very good at her job”,<sup>587</sup> but it seems clear that her approach to the boys was inherently abusive in emotional terms.

### Response to evidence about emotional abuse

Most of the Brothers against whom allegations of abuse are made by former pupils are deceased. The position of the Brothers who provided evidence and were present at the schools during the period examined was that they did not see or hear of abuse taking place at the time.<sup>588</sup>

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579 Transcript, day 159: “Gerry”, at TRN.001.006.4637-4638.

580 Written statement of “Jim”, paragraph 87, at WIT.001.002.4089.

581 Transcript, day 159: “Nigel”, at TRN.001.006.4522-4523.

582 Transcript, day 160: Stephen Behan, at TRN.001.006.4743-4744.

583 Transcript, day 161: “John”, at TRN.001.006.4940.

584 Transcript, day 161: “John”, at TRN.001.006.4940.

585 Transcript, day 160: Stephen Behan, at TRN.001.006.4743-4744; Written statement of Stephan Behan, paragraph 46, at WIT.001.002.4568.

586 Transcript, day 165: Brother “Bernard”, at TRN.001.006.5401.

587 Transcript, day 165: Brother “Bernard”, at TRN.001.006.5401.

588 See for example, Transcript, day 165: Brother “Bernard”, at TRN.001.006.5399-5400.

In the concluding submissions on behalf of the Order they did “not seek to urge upon the Inquiry any particular findings in respect of any particular allegations of abuse”.<sup>589</sup> I take from that observation that the Order does not challenge those accounts from former pupils that amounted to emotional abuse.

### **Conclusions about emotional abuse**

Children were emotionally abused at St Columba’s and St Joseph’s. Much of that abuse was related to the sexual and physical abuse inflicted upon them. The psychological impact of the emotional abuse for some was long-lasting, although I recognise that many pursued fulfilling lives notwithstanding that painful legacy.

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589 Marist Brothers, Closing Submissions, at MAR.001.001.3158.

# 7

## Aldo Moroni

### Introduction

Aldo Moroni died on 29 February 1980, aged seven. At the time of his death, he was a pupil and a boarder at St Columba's, having been admitted there in August 1979.<sup>590</sup> He died in the Royal Hospital for Sick Children, Yorkhill, Glasgow.<sup>591</sup>

"David" (SC 1979-80) became friendly with Aldo, despite being almost three years older than him. At weekends, a number of children would go home and the number of children remaining at St Columba's could be significantly reduced. Aldo, whose bed was in a top floor dormitory, would, accordingly, sometimes be there alone at the weekend.<sup>592</sup> "David", whose place was in a first floor dormitory, asked Brother Germanus if he could keep Aldo company. Initially his request was refused, but Brother Germanus eventually gave him permission to join Aldo on the top floor; "David" slept there, and a friendship developed.<sup>593</sup> "David" described Aldo as being "a very lively, a little cheeky individual, full of beans, loved to talk".<sup>594</sup>

Although Aldo had only spent some five months at St Columba's, his time there created a legacy of positive memories, misunderstanding, and sadness, which I propose to address in this short chapter.

### The February mid-term break

The St Columba's minute book (day book) records that on 13 February 1980 "all boys depart[ed] for mid-term after lunch".<sup>595</sup> The minute book goes on to record that 18 February 1980 was the first day of school.<sup>596</sup> These entries suggest that the mid-term break was from 13 February 1980 until about 18 February 1980. It is apparent from other entries that Aldo did not return to St Columba's after the mid-term break. An entry for 27 February 1980 notes that "Aldo Moroni, who has not yet returned to school, taken to Greenock hospital".<sup>597</sup> An entry on 1 March 1980 records that his mother had phoned to say that Aldo had died the previous evening.<sup>598</sup>

### Medical history

Following Aldo's death on 29 February 1980 an autopsy was performed at the Royal Hospital for Sick Children on 3 March 1980. Aldo's medical history in the period leading up to his admission to the Royal Hospital for Sick Children is recorded in the autopsy report as follows:

*"Transferred from Inverclyde Hospital on 29.02.80. This boy was well until 12.02.80. He developed pyrexia which recurred*

590 Witness statement of Rita Moroni, 26 April 2016, at PSS.001.005.0441.

591 Death Certificate of Aldo Moroni, at MAR.001.001.2661. Witness statement of Rita Moroni, 26 April 2016, at PSS.001.005.0444.

592 Transcript, day 160: "David", at TRN.001.006.4835.

593 Transcript, day 160: "David", at TRN.001.006.4836-4837.

594 Transcript, day 160: "David", at TRN.001.006.4837.

595 St Columba's College Minute Book, at MAR.001.001.0702.

596 St Columba's College Minute Book, at MAR.001.001.0702.

597 St Columba's College Minute Book, at MAR.001.001.0703.

598 St Columba's College Minute Book, at MAR.001.001.0703.

*intermittently over the next few weeks. He was treated with Penicillan [sic] and another antibiotic. He had occasional upper abdominal pain. He had anorexia but no other significant symptoms. He was admitted to Inverclyde on 25.02.80 and the following day his appendix was removed. On 27.02.80 he became less well and on the following day deteriorated and became delirious. On 29.02.80 he was shocked and then transferred to R.H.S.C. He was admitted at 4 p.m. with a clinical diagnosis of gram. neg. septicaemia and shock and died at 9.30 p.m.”<sup>599</sup>*

The cause of death was recorded in the Register of Deaths as being “Septicaemia”.<sup>600</sup> There is no specific reference to trauma as being linked to the death.

### **Treatment by Brother Germanus**

Aldo was both physically and emotionally abused by Brother Germanus. As a small, vulnerable, seven-year-old child, he was an obvious target for someone of Brother Germanus’s violent propensities. Other children were aware of this abusive treatment by Brother Germanus and that led a number of former pupils to link it to Aldo’s untimely death.

From “Jack’s” (SC 1977-80) perspective, Aldo was “victimised” by Brother Germanus.<sup>601</sup> He described one particular incident that occurred late at night when he got out of bed to go to the toilet. As he made his way, he heard a “commotion” and realised that Aldo was screaming and shouting that he

needed to go to the toilet.<sup>602</sup> Aldo was at the door to the toilet at the time and “Germanus was beating him. He had his pyjamas down, he was battering him. He had his pyjama top, pulling him [by the collar]...he was battering him...and then shaking him like a rag doll and Aldo was screaming and screaming... Literally he was shaking the life out of Aldo.”<sup>603</sup> “Jack” was “scared to death” and ran back to his bed: “I wet my bed from fear and I pulled the covers over myself.”<sup>604</sup> As an eleven-year-old boy, who himself had been targeted for physical and sexual abuse by Brother Germanus, this experience is bound to have been traumatising for “Jack”.

“Billy” (SC 1978-82) also summarised Brother Germanus’s treatment of Aldo: “he treated him like shit, constantly picking on him... [j]ust the way he hit him and stuff, the way he hit him, the way he would mock him, the way—his name was Moroni, but he would call him Moron, Aldo Moron, missing the i off the end and things like that. He was spiteful about him.”<sup>605</sup>

“Billy” (SC 1978-82) was struck by how a “smack in the face in the dining room” resulted in “Aldo’s glasses [going] from one side to the other side of the dining room after [Brother Germanus] clouted him.”<sup>606</sup> On another occasion, “Billy” was with other boys on the stairs when Aldo came out of a bedroom, adjusting his clothing. He collapsed on the stairs, his face bleeding, and another Brother intervened and took Aldo to the shower area. Brother Germanus was heard shouting in the bedroom from

599 Extract of Report of Post-Mortem Examination of Aldo Moroni, 3 March 1980, at PSS.001.005.0413.

600 Death Certificate of Aldo Moroni, at MAR.001.001.2661; Witness statement of Rita Moroni, 26 April 2016, at PSS.001.005.0444.

601 Transcript, day 163: “Jack”, at TRN.001.006.5196.

602 Transcript, day 163: “Jack”, at TRN.001.006.5196-5197.

603 Transcript, day 163: “Jack”, at TRN.001.006.5197.

604 Transcript, day 163: “Jack”, at TRN.001.006.5197.

605 Transcript, day 163: “Billy”, at TRN.001.006.5155.

606 Transcript, day 163: “Billy”, at TRN.001.006.5155.

which Aldo had emerged. "Billy" later saw some blood around a sink where he believed Aldo had been taken to be cleaned.<sup>607</sup>

It is very likely that the incident described by "Billy" is the same commotion referred to by "John" (SC 1978-82) in his evidence.<sup>608</sup> He was at the bottom of the stairs with a few other boys when he heard "a boy... screaming upstairs like he was in pain."<sup>609</sup> As he and others started to go up the stairs to investigate, a Brother shouted at the boys to go back down the stairs, but even then "you could still hear the boy shouting in pain."<sup>610</sup>

What is clear is that Aldo suffered a physical assault from Brother Germanus during this incident, that it caused injury, and that it happened before the February mid-term break that began on 13<sup>th</sup> February.<sup>611</sup> The aftermath of the impact of this assault was witnessed by children who were "scared" by what they saw and heard.<sup>612</sup> I am in no doubt that these very real fears led to a perception that there was a link between the dreadfully abusive treatment that Aldo was subjected to at St Columba's and his death. However, as discussed below, there is no evidence that the physical abuse he suffered was the cause of his demise.

## Visits to Aldo

There is real controversy about the visits that Aldo received when he was at St Columba's.

"David" (SC 1979-80) only remembered Aldo receiving visits from a man whom he named and who he said visited Aldo on a number of occasions.<sup>613</sup> He thought that Aldo did not welcome these visits, and that Aldo "would sometimes get quite upset at the prospect of having to go away to see him."<sup>614</sup>

"Billy" (SC 1978-82) also described this named visitor as having visited "probably more" than a couple of occasions.<sup>615</sup> "Billy" understood this named man to be Aldo's stepfather.<sup>616</sup> There was other evidence that this named man was Aldo's stepfather.<sup>617</sup> Aldo did not, however, have a stepfather.

A common feature referred to was that the man seen was young and had red hair. "David" described this visitor as "quite a young man" with red hair.<sup>618</sup> "Billy" described this visitor as "probably early 20s" with ginger hair.<sup>619</sup> "Jack" also saw a man with red hair in his early twenties visiting Aldo.<sup>620</sup>

The man named by these witnesses gave evidence to the Inquiry using the pseudonym "Gary". "Gary" did have red hair, and he did have some involvement with the

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607 Transcript, day 163: "Billy", at TRN.001.006.5166-5170.

608 Transcript, day 164: "John", at TRN.001.006.5273.

609 Transcript, day 164: "John", at TRN.001.006.5273.

610 Transcript, day 164: "John", at TRN.001.006.5273.

611 St Columba's Minute Book, at MAR.001.001.0702.

612 Transcript, day 163: "Billy", at TRN.001.006.5171.

613 Transcript, day 160: "David", at TRN.001.006.4838.

614 Transcript, day 160: "David", at TRN.001.006.4839.

615 Transcript, day 163: "Billy", at TRN.001.006.5156.

616 Transcript, day 163: "Billy", at TRN.001.006.5156.

617 Transcript, day 166: read in statement of "James", at TRN.001.006.5612.

618 Transcript, day 160: "David", at TRN.001.006.4838.

619 Transcript, day 163: "Billy", at TRN.001.006.5157.

620 Transcript, day 163: "Jack", at TRN.001.006.5201-5202.

Marists.<sup>621</sup> During the time that Aldo was at St Columba's, however, "Gary" would have been only 19 or 20 years old.<sup>622</sup> He denied visiting St Columba's,<sup>623</sup> or having any knowledge of Aldo at that time.<sup>624</sup>

There were also suggestions that a named woman seen at the school was Aldo's mother.<sup>625</sup> The woman named by a former pupil as Aldo's mother gave evidence using the pseudonym "Barbara". In the past, she too had a connection with the Marists.<sup>626</sup> However, she is not Aldo's mother, and did not have any knowledge of him until more recent times.<sup>627</sup> She knew "Gary" as a work colleague.<sup>628</sup> She said that she had never been to St Columba's.<sup>629</sup>

I am satisfied that an unknown man visited Aldo at St Columba's, but I am also satisfied that the identification of that man as "Gary" is erroneous. It is a case of mistaken identity. "Gary" explained that his name was in the public domain because of his association with the Marists.<sup>630</sup> It may be that "Gary's" known association with the Marists and his red hair have been the catalyst for a flawed reconstruction by former pupils in adulthood of events when they were young, impressionable children.

Similarly, the connection that "Barbara" had with the Marists was known, having spoken on the telephone to a former pupil who thought he had seen "Barbara" at St Columba's and that she was Aldo's mother.<sup>631</sup> If a woman did visit Aldo, it certainly was not "Barbara", who is not Aldo's mother.

### Recent police investigation

A police investigation into Aldo's death in 2016 was prompted by allegations that Aldo's death might have been the result of an assault on him at St Columba's.<sup>632</sup> In the course of that investigation, the autopsy report was recovered and reviewed by two consultant paediatric and perinatal pathologists.<sup>633</sup> The report of that review is dated 4 August 2016.<sup>634</sup> Although that review highlighted that there had been previous bleeding into Aldo's skin that could have been traumatic in origin, it concluded that there was no suggestion that that trauma had any link to Aldo's death. This was a careful police investigation and it concluded that Aldo's death was unconnected to any abusive treatment that he may have suffered at St Columba's.<sup>635</sup>

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621 Transcript, day 167: "Gary", at TRN.001.006.5664.

622 Transcript, day 167: "Gary", at TRN.001.006.5673.

623 Transcript, day 167: "Gary", at TRN.001.006.5672-5679.

624 Transcript, day 167: "Gary", at TRN.001.006.5672.

625 Transcript, day 166: read in statement of "James", at TRN.001.006.5612.

626 Transcript, day 167: "Barbara", at TRN.001.006.5652.

627 Transcript, day 167: "Barbara", at TRN.001.006.5654-5655.

628 Transcript, day 167: "Barbara", at TRN.001.006.5659.

629 Transcript, day 167: "Barbara", at TRN.001.006.5656-5657.

630 Transcript, day 167: "Gary", at TRN.001.006.5682

631 Transcript, day 167: "Barbara", at TRN.001.006.5653-5659.

632 Transcript, day 168: DI Lynsey Watters, at TRN.001.006.5860.

633 Transcript, day 168: DI Lynsey Watters, at TRN.001.006.5862-5864.

634 Joint Paediatric Pathology Report, 4 August 2016, PSS.001.005.0490.

635 Transcript, day 168: DI Lynsey Watters, at TRN.001.006.5871.

## **“Gary’s” response**

“Gary’s” position was that the identification of him as a visitor to St Columba’s was a case of mistaken identity and that that error may have been caused by his known association with the Marists. I accept that that was a fair position to adopt on both counts.

## **Response to evidence about Aldo Moroni**

The thrust of the Order’s response on this issue was to assert that Aldo’s death was not caused by a beating he sustained at St Columba’s. The Order also submitted that neither “Gary” nor “Barbara” had any relationship with, or involvement with, Aldo.

## **Conclusions about Aldo Moroni**

Aldo was physically abused by Brother Germanus. Whether the evidence of trauma discovered in the course of the autopsy was linked to that abuse is impossible to say, but the abuse suffered about two weeks prior to his death certainly had the potential to produce such signs. However that may be, I am in no doubt that the treatment Aldo was subjected to at St Columba’s was not causative of his death. Aldo died from septicaemia following a hospital admission and subsequent treatment. I am also satisfied that the identification of “Gary” and “Barbara” as visitors to St Columba’s was a case of mistaken identity. Neither “Gary” nor “Barbara” had any knowledge of, or involvement, with Aldo.

Aldo “was just a lovely little boy”<sup>636</sup> and his untimely death at the age of seven must have caused his family and friends deep sadness. Further, tragically, the short time he spent at St Columba’s at the end of his young life was characterised by abuse, including terrible violence. He had the misfortune of entering an environment dominated by Brother Germanus, a serial abuser of children, who was more than willing to exploit his position of trust to target a vulnerable child. It is all the more sad when regard is had to it having been clear that what was also cut short was Aldo’s ability to touch the lives of other children in such a positive way as to promote memories of his happy personality, notwithstanding the adversity that he faced there.

## **Postscript**

My attention was drawn by the Order to comments made on social media about Aldo’s death. I cannot police social media except to say that I have issued a restriction order designed to protect the anonymity of classes of persons involved with SCAI. Social media can be a valuable and powerful communication tool but, if abused, it can be destructive and hurtful when those targeted are innocent of the allegations made. The clear message in my findings on Aldo’s death is that, whatever failures in the care of Aldo were committed by the Marists, the Marists were not responsible for his untimely death.

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636 Transcript, day 163: “Jack”, at TRN.001.006.5196.

# 8 Reporting

Many of the boys abused at St Columba's and St Joseph's did not report the abuse at the time. There were various reasons for this, including that: as children, some did not realise that what was being done to them was abusive; some did not have the vocabulary to express what was happening to them; some did not wish to upset their fee-paying, and often devout, Catholic parents; some had no one to confide in; and some feared they would not be believed, or that reporting would have detrimental consequences. All these reasons, in the circumstances, make perfect sense.

Some children did report the abuse, with varying consequences and outcomes.

## St Columba's College

### Warnings from Brothers

Brothers at St Columba's, and in particular Brother Germanus and Peter Toner, warned boys not to report abuse or frightened them with messages designed to prevent them from reporting abuse.

Having abused "John" (SC 1960-64, SJ 1964-70), Brother Germanus took hold of him and told him not to disclose what had happened because "[t]here's no point in telling anyone because no one would believe you."<sup>637</sup> This arrogance took advantage of the pervasive authority of the Catholic church, and relied

upon a culture of obedience to and trust in its norms by devout Catholic parents who could not comprehend that a Marist Brother who had made promises to God in the form of religious vows would commit acts of sexual abuse. In such a culture, "John's" behavioural change, in fact caused by the abuse, was assumed to be just a phase that he was going through.<sup>638</sup>

"Edward" (SC 1962-65, SJ 1965-70) was abused by Brother Germanus. His brother died when "Edward" was seven years old, and Brother Germanus took advantage of this traumatic event. He threatened "Edward" that: "If you ever utter a word of our little secret, if you ever speak a word of our little secret, you'll never see [your brother] again."<sup>639</sup> "Edward" "was dumbfounded"<sup>640</sup> at the nature of the threat. At that time he had not properly registered the fact of his brother's death; he was confused: "I didn't really understand what 'gone to heaven' meant. But that's how he left it with me...the promise of never seeing [my brother] again lived with me and continued to live with me."<sup>641</sup>

Although "James" (SC 1975-79) told his uncle about physical abuse by Brother Germanus, he was "too frightened" to report the sexual abuse. Brother Germanus had told him it was their "secret" and that if he "told anybody

637 Transcript, day 162: read in statement of "John", at TRN.001.006.5066.

638 Transcript, day 162: read in statement of "John", at TRN.001.006.5068.

639 Transcript, day 158: "Edward", at TRN.001.006.4415.

640 Transcript, day 158: "Edward", at TRN.001.006.4416.

641 Transcript, day 158: "Edward", at TRN.001.006.4416.



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## **Peter Toner “made you feel like...you’d done wrong and [the abuse was] your punishment for what you did...The Catholic thing was always brought in, the Catholic guilt. He’d always make you feel guilty.”**

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[“James”] wouldn’t go to heaven”.<sup>642</sup> As a child brought up in a Catholic environment where the alternative to heaven was an eternity in hell, this was an all-powerful inducement conducive to silence in the face of appalling sexual abuse.

Peter Toner instructed “John” (SC 1978-82) not to report what he was doing to him and used grooming techniques to promote a message of silence: “I can’t remember word for word [what Peter Toner said], but basically that we weren’t to say anything to anyone”.<sup>643</sup> “John” described the inducements that Peter Toner was providing, inducements that would cease if the abuse was reported: “we were getting to use the CB radio, he let us drive a moped...loads of fizzy drinks... in the week [which other children only got at weekends]. So we’d get none of that if we ever said anything....Without a shadow of a doubt I was groomed by Brother Peter and he normalised something that is totally abnormal”.<sup>644</sup>

The deprivation of inducements was only one aspect of Peter Toner’s successful abusive exploitation of children. “David” (SC 1979-81) never reported the abuse by Peter Toner to anyone, until 12 weeks prior to providing evidence at SCAI hearings in 2019. He explained that Peter Toner “instilled fear” in him and that he was “too scared of him... Petrified of him”.<sup>645</sup> Even as an adult, “David”

thought that it was he who was in the wrong: Peter Toner “made you feel like...you’d done wrong and [the abuse was] your punishment for what you did, even though I can’t remember the kind of things I did, probably minor things...lying naked, or things like that, [Peter Toner] would say this is God’s way, this is God’s punishment for what you’ve done. The Catholic thing was always brought in, the Catholic guilt. He’d always make you feel guilty...you always thought he was right then, you always believed him.”<sup>646</sup>

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**“Without a shadow of a doubt I was groomed by Brother Peter and he normalised something that is totally abnormal.”**

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### **Lack of language and gaps in understanding**

A number of former pupils who were abused at St Columba’s explained that, at the time, they did not know what was being done to them. Some did not realise they were being abused. Some did not have the language to express the abuse or know in whom to confide.

As “Francis” (SC 1966-67) explained: “In a lot of cases children do not understand what is going on when they are being abused, as was the case with me. It is not unusual for

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642 [Transcript, day 166](#): “James”, at TRN.001.006.5615.

643 [Transcript, day 164](#): “John”, at TRN.001.006.5280.

644 [Transcript, day 164](#): “John”, at TRN.001.006.5280-5281; [Written statement of “John”](#), paragraph 65, at WIT.001.002.4376.

645 [Transcript, day 163](#): “David”, at TRN.001.006.5243.

646 [Transcript, day 163](#): “David”, at TRN.001.006.5243-5244.

people years later to all of a sudden disclose abuse. If children do not know what is happening, they cannot tell anybody, so there should be measures in place to allow abuse to be discovered or to be brought forward through education.”<sup>647</sup>

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**“In a lot of cases children do not understand what is going on when they are being abused...If children do not know what is happening, they cannot tell anybody, so there should be measures in place to allow abuse to be discovered or to be brought forward through education.”**

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“Alan” (SC 1978-83), who was repeatedly sexually abused by Peter Toner at St Columba’s, made a similar point: “I was still below the age of 10...in the mindset of a child, what would you compare it to? There was nothing at that point to suggest that anything was wrong because you’re in a place governed by people in trust.”<sup>648</sup>

“Edward” (SC 1962-65, SJ 1965-70) was sexually abused by Brother Germanus over a number of years, abuse that was dominated by fear: “I didn’t know what he was doing...I didn’t know why he was doing it, I didn’t know if it was happening to others, I [was]... so frightened and so caught up in it...I was unable to speak...And if I was going to say something, I’ve often thought to myself... what is it I’m saying and who am I going

to say it to?...that’s one of the reasons that closes you up and you become clammed up in the situation.”<sup>649</sup>

“Edward,” like others, used language of regret to express his feelings as he relived the memories of abuse when giving evidence: “I think of the things that if I’d had the courage to, say, scream the house down, if I had been a little boy not petrified, that ran out of that room screaming, ‘He’s touching me’, or, ‘He’s doing this’, things would have been different for a lot of people. Things would have been so different, but I didn’t do it...And what would you have said, what words would you use? I often think, what words do you use: he’s doing what to me? You don’t know what he’s doing to you. This is God’s man in town with a cross round his neck.”<sup>650</sup>

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**“And what would you have said, what words would you use?...he’s doing what to me? You don’t know what he’s doing to you. This is God’s man in town with a cross round his neck.”**

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There is absolutely no basis for any recrimination on the part of “Edward” or the others who harboured similar thoughts. They were young, vulnerable children whose innocence and vulnerability were exploited by sexual predators driven by a desire to achieve their own sexual gratification, and who did not care if they harmed vulnerable children in doing so.

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647 Transcript, day 162: read in statement of “Francis”, at TRN.001.006.5002-5003.

648 Transcript, day 162: “Alan”, at TRN.001.006.5038.

649 Transcript, day 158: “Edward”, at TRN.001.006.4412.

650 Transcript, day 158: “Edward”, at TRN.001.006.4463.

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## **“One of the reasons I did not want to tell my mother was that I thought she would feel guilty about having sent me to St Columba’s.”**

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### **Reporting to parents by letter**

There appears to have been little opportunity for the boys to engage in private correspondence at St Columba’s—letters were read and censored by the Brothers. Boys were, accordingly, inhibited from writing about the abuse in their letters to parents or others.

“Gerry” (SC 1968-71, SJ 1971-76) reflected on the importance of letters as a line of communication with family and the restrictive effect of this interference with their privacy by the Brothers. “Gerry” considered this invasion of the “almost sacrosanct kind of process to be able to communicate with your mother” to be “an outrageous imposition to somebody’s personal family life”,<sup>651</sup> a reaction which is entirely understandable.

### **Reporting directly to parents or other family members**

Some children disclosed aspects of their abuse to their parents or other family members. Others wanted to protect their parents by not upsetting them. Some chose not to tell because their parents were paying fees to the schools or because their parents were devout Catholics. Some children did tell parents or other family members, leading to varying reactions and outcomes.

“John” (SC 1960-64, SJ 1964-70) never told his father about the abuse he endured at St

Columba’s because “I didn’t want him to feel guilty about sending us there.”<sup>652</sup>

“James” (SC 1960-63, SJ 1963-69) did not feel that he could say anything to his father or stepmother about the abuse: “My stepmother was a staunch Catholic and wouldn’t have believed me. The other thing was that I didn’t want to upset my father. At the time I’m not sure I would have known how to report anything that had happened to me when I was at the college. I think I may have been able to do this by going to speak with the priest through confession. However, I don’t remember ever doing this.”<sup>653</sup>

“Francis” (SC 1966-67) echoed these sentiments in explaining why he did not disclose that he had been sexually abused: “One of the reasons I did not want to tell my mother was that I thought she would feel guilty about having sent me to St Columba’s. She often did feel guilty about sending us over to Scotland and I did not want to give her an added burden to carry.”<sup>654</sup> Instead, the fact of sexual abuse became an emotional burden that “Francis” himself chose to bear to spare his mother, a choice he should not have had to make.

“Edward” (SC 1962-65, SJ 1965-70) had mixed emotions about disclosing the abuse he suffered to his parents, which he never did, but he “went through phases of definitely going to tell them and never telling them. I never spoke about the matter”.<sup>655</sup>

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651 Transcript, day 159: “Gerry”, at TRN.001.006.4619.

652 Transcript, day 162: read in statement of “John”, at TRN.001.006.5075.

653 Transcript, day 162: read in statement of “James”, at TRN.001.006.5013.

654 Transcript, day 162: read in statement of “Francis”, at TRN.001.006.4999.

655 Transcript, day 158: “Edward”, at TRN.001.006.4415.

That was also a dilemma for other children. It demonstrates the insidious nature of child abuse that operates in such a way as to protect abusers—victims want to protect their loved ones from the knowledge that they are victims.

“John” (SC 1978-82) did not report the abuse by Peter Toner to anyone until 2019. Looking back to his experiences at St Columba’s, he reflected in this way: “When [the abuse] was happening, I knew it shouldn’t be happening, I knew it was wrong....you wonder why you don’t go running off to tell your parents...it’s an institution run by the church and you’re a little kid...you just seem to think that you’re not going to be believed. As well as that, you don’t want people to know....you know it’s wrong and it’s disgusting, you don’t want people to know that...I don’t think [my devout Catholic grandmother] would have [believed me]”.<sup>656</sup> This is another example of the powerful influence that devotion to the Catholic church had on the mentality of children brought up in Catholic families.

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**“...you wonder why you don’t go running off to tell your parents...it’s an institution run by the church and you’re a little kid...you just seem to think that you’re not going to be believed.”**

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Some parents did find out about the abuse of children at St Columba’s. Some parents took things further and reported the abuse to

the school. Others did not, instead blaming the child.

John McCall (SC 1958-62, SJ 1962-68) told his aunt’s teenage lodger about being abused in the piano room at St Columba’s by John Hampson; the lodger told the aunt, who in turn told John McCall’s father. John assumed that his father contacted St Columba’s and that was the reason why John Hampson was not there on John’s return after the holiday period. If so, this would be an example of a Brother being removed from St Columba’s, but there is no evidence of any further action being taken to protect other children who might, depending on where Hampson went, have been at risk from being abused by John Hampson thereafter.<sup>657</sup>

“John” (SC 1959-63, SJ 1963/4) never talked to anyone about being abused in St Columba’s and never reported it.<sup>658</sup> “John’s” brother told him in later life that he had found out “John” had been in Brother Germanus’s room and told their parents at the time.<sup>659</sup> Consequently, “when I came home from school one day, [my parents] had a go at me. They were standing over me, pointing and accusing me. When I admitted that I had been up in [Brother Germanus’s] room, they just left me there. They were angry, I thought at me, and I felt dirty and horrible.”<sup>660</sup> “John” has “always felt that [he] was blamed for what happened to [him at St Columba’s].”<sup>661</sup>

“Alan” (SC 1978-83) ran away from St Columba’s, having seen a Brother trying to touch a boy inappropriately in the shower area. He told his parents, who spoke with

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656 Transcript, day 164: “John”, at TRN.001.006.5281-5182.

657 Transcript, day 157: John McCall, at TRN.001.006.4276-4277.

658 Transcript, day 162: read in statement of “John”, at TRN.001.006.5083.

659 Transcript, day 162: read in statement of “John”, at TRN.001.006.5083-5084.

660 Transcript, day 162: read in statement of “John”, at TRN.001.006.5083.

661 Transcript, day 162: read in statement of “John”, at TRN.001.006.5083.

Brother Arthur, but nothing seems to have been done and there was no further mention of the incident.<sup>662</sup>

### Reporting to the school

Within St Columba's itself, there were few people the boys felt they could speak to about what was happening to them. Some did report abuse, to little effect.

"Gerry" (SC 1968-71, SJ 1971-76) did not see confiding in the Marist Brothers as an option. On an occasion when he had a terrifying nightmare, rather than seek comfort from a Brother, he asked a boy he was friendly with if he could "lie down on the bed beside him, just for some comfort."<sup>663</sup> He did not feel able to go to the Brothers for comfort or support.<sup>664</sup>

Rather than speak to anyone within the school, "Billy" (SC 1978-82) recalled an occasion when boys sent a message in a bottle explaining that they needed help at St Columba's: "We'd all had enough and we didn't know how to get a word out. We found a bottle down by the seaside and one boy had a pen on him...we just put, 'Help us, St Columba's College', on it and put it in a bottle, and then apparently, about a week later, it was found...because the police turned up at the school about it... The brothers locked us in the TV room...and told us to keep away from the windows and then went out and spoke to them. They just laughed and joked for a little while and then the police drove off."<sup>665</sup>

"Thomas" (SC 1979-81) told the headmaster, Brother Arthur, about Peter Toner's treatment of boys in class: "I guess the word I didn't use was 'intimidated', but I was afraid or uncomfortable being around him. I suppose scared."<sup>666</sup> Having told Brother Arthur, "nothing really changed."<sup>667</sup>

### St Joseph's College

#### Warnings by Brothers

Just as Brother Germanus and Peter Toner had done at St Columba's, Brothers "Frederick" and Damian warned boys at St Joseph's not to report what they were doing to them.

"Jim" (SJ 1958-63) was sexually abused by Brother "Frederick" and was warned by him "not to say anything to anybody", a warning that he heeded at the time.<sup>668</sup> Again, as with others who were victims of abuse, "Jim" had mixed emotions: "To be honest, I don't think I fully understood...I was...9...maybe 10...I hadn't gone through puberty because I didn't react. I had no reaction, as I remember it. I liked him. This was the man who taught me to serve Mass...I didn't tell my parents. I didn't tell anybody."<sup>669</sup>

Although "Andrew" (SJ 1971-75) phoned his mother every day during his first term at St Joseph's in 1971, he did not tell her that he was being sexually abused by Brother Damian: "Absolutely not because I was threatened. I was threatened [in relation to]

662 Transcript, day 162: "Alan", at TRN.001.006.5044.

663 Transcript, day 159: "Gerry", at TRN.001.006.4630.

664 Transcript, day 159: "Gerry", at TRN.001.006.4631.

665 Transcript, day 163: "Billy", at TRN.001.006.5124.

666 Transcript, day 158: "Thomas", at TRN.001.006.4477.

667 Transcript, day 158: "Thomas", at TRN.001.006.4477.

668 Transcript, day 156: "Jim", at TRN.001.006.4232.

669 Transcript, day 156: "Jim", at TRN.001.006.4232-4233.

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## **“I believed [the threat] because all I wanted to be was at home and I was threatened I’d be sent away to my other school and things would happen to my mum and dad.”**

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what the consequences would be. I believed [the threat] because all I wanted to be was at home and I was threatened I’d be sent away to my other school and things would happen to my mum and dad. I believed this”.<sup>670</sup>

### **Lack of language and trust in adults**

As was the case with some former pupils of St Columba’s, some former pupils of St Joseph’s did not know how to communicate what was being done to them by Brothers. Some did not know who to report matters to.

“Thomas” (SJ 1964-68) woke up in bed when he was in the process of being sexually abused by a Brother, an experience that left him confused because “you don’t know who to talk to, you don’t know who you can talk to, you don’t know who knows what”.<sup>671</sup> He did not have the vocabulary or the ability to identify an appropriate person to confide in and who could be trusted to take some action.<sup>672</sup>

Stephen Behan (SJ 1970-74) provided this important insight: “You’ve also got to remember that most of the children at the school at the time were either slightly religious, religious, deeply religious, or would have probably joined an order...we’re talking about the...very early 1970s here—there was no smoke, nobody was casting

aspersions on the behaviour of the clergy, and I think it’s one of the reasons why I was so shocked on my first day there when I was told about who to be wary of and who not. It had never occurred to me that these people could behave like that...The only time that I had a discussion with one of the other boys was one time when Brother Norman had tried to molest a close friend of mine.”<sup>673</sup>

### **Reporting to parents by letter or telephone**

Although most of the children at St Joseph’s were older and more mature, letter-writing was nevertheless strictly controlled by the Brothers and there was limited access to speak privately by telephone.

As “Jim” (SJ 1958-63) and “Thomas” (SJ 1964-68) explained, the boys had to show a Brother the letters they wrote to their parents before they were posted.<sup>674</sup> If a letter was not acceptable to the supervising Brother, it had to be re-written.<sup>675</sup> As at St Columba’s, this censorship inhibited children who may have complained to their parents from doing so.<sup>676</sup>

“John” (SJ 1971-76) saw the boarders section of St Joseph’s “as like a mini society”, where boys were encouraged to “keep [their] complaints indoors”:<sup>677</sup> “Your mail was going to be censored...any letters home, they had to go through them first. You were told...that

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670 Transcript, day 161: “Andrew”, at TRN.001.006.4877-4878.

671 Transcript, day 157: “Thomas”, at TRN.001.006.4332.

672 Transcript, day 157: “Thomas”, at TRN.001.006.4332.

673 Transcript, day 160: Stephen Behan, at TRN.001.006.4734.

674 Transcript, day 156: “Jim”, at TRN.001.006.4218-4249; Transcript, day 157: “Thomas”, at TRN.001.006.4313.

675 Transcript, day 157: “Thomas”, at TRN.001.006.4313.

676 Transcript, day 156: “Jim”, at TRN.001.006.4219.

677 Transcript, day 161: “John”, at TRN.001.006.4940-4941.

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## **“I couldn’t tell my parents about it. How did you do that?...this is the 1950s, early 1960s, a Catholic tradition, where priests and brothers and religious can do no wrong, and clearly they could.”**

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if you were complaining about the college outside the college, you were letting the side down and it would affect the Catholic ethos of the place.”<sup>678</sup>

### **Reporting directly to parents or other family members**

For reasons set out at the beginning of this chapter, some children did not tell their parents of abuse at St Joseph’s. For example, “Jim” (SJ 1958-63) explained that when abuses occurred, he “couldn’t tell [his] parents about it. How did you do that?...this is the 1950s, early 1960s, a Catholic tradition, where priests and brothers and religious can do no wrong, and clearly they could.”<sup>679</sup>

In terms of speaking to his parents about the sexual behaviour of Brother Lucian and Brother Damian in the classroom, “Nigel” (SJ 1968-1973) explained that “none of us could ever imagine that we would ever describe that to an adult because of the environment and the atmosphere we were in. It would have been the last thing we would have ever been able to do...The whole atmosphere and environment was that...you wouldn’t be believed, you’d be a liar, you’d be sick, or you’d done something to deserve it.”<sup>680</sup>

A sense of shame on the part of the victim also acted as a deterrent to the disclosure of abuse to a parent.<sup>681</sup>

There were some children who did tell parents about the abuse at St Joseph’s. In some cases, accounts of abuse were taken seriously by parents or other family members, and reported to the school. Others were not, and complaints were ignored.

In summer 1958, Richard Kozub (SJ 1957-63) told his mother that he had been sexually abused by Brother “Frederick”. He also told her that another boy had been abused, expecting that she would tell the other boy’s mother. His mother did contact the school and he thought that his mother did have a meeting with the headmaster, Brother Gaul, at which she was assured that the matter would be addressed.<sup>682</sup> However, Brother “Frederick’s” role remained unchanged and he still had the same position when Richard left the school six years later.<sup>683</sup>

“Kenny” (1969-76) did make some reference to his parents about what had happened some years after leaving the school: “There was a point where I just made an allusion in

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678 Transcript, day 161: “John”, at TRN.001.006.4941.

679 Transcript, day 156: “Jim”, at TRN.001.006.4234.

680 Transcript, day 159: “Nigel”, at TRN.001.006.4575.

681 Transcript, day 161: “John”, at TRN.001.006.4964.

682 Transcript, day 156: Richard Kozub, at TRN.001.006.4175-4176.

683 Transcript, day 156: Richard Kozub, at TRN.001.006.4176.

the context of my family towards the fact that there had been some advances made on me and that had the effect of...making my parents almost want to change the subject...That must have been quite horrific for them.”<sup>684</sup>

The importance of their faith to devout Catholic parents was captured by “Andrew” (SJ 1971-75): “my mother thought the Pope could walk on water and these were wonderful men”.<sup>685</sup> When “Andrew” left St Joseph’s, he told his mother he had been sexually abused, but she refused to accept that anything had happened.<sup>686</sup>

### Reporting to the school

Many boys did not report abuse to anyone at St Joseph’s. As at St Columba’s, a culture of silence prevailed. The Brothers were unapproachable. Some reports of abuse were made to Brothers, with little consequence.

For Richard Kozub (SJ 1957-63) to report the problems he was having with a particular Brother to any other Brother at St Joseph’s “was inconceivable”: “I wouldn’t have had any conversation with any of the brothers about any personal matter whatsoever.”<sup>687</sup>

“Kenny” (SJ 1969-76) did not tell anyone at St Joseph’s about the abuse because “there was a breach of trust and a duty of care that... makes you clam up...who do I tell? It’s the people that are actually in charge that have done this to me, so I can’t go and talk to the

people in charge because the people in charge did this.”<sup>688</sup>

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**“...there was a breach of trust and a duty of care that...makes you clam up... who do I tell?...I can’t go and talk to the people in charge because the people in charge did this.”**

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Stephen Behan (SJ 1970-74) explained: “We had no kind of pastoral care that could be considered safe for a child that was troubled. There was no respect of anonymity, no respect of privacy. None of the touchstones that you would use to describe good schooling today existed then at St Joseph’s College. It was a zoo.”<sup>689</sup> He felt that there was nobody at St Joseph’s that he could go and talk to because “[i]f you talked to a Brother you could never presume that it would be kept confidential.”<sup>690</sup> “You had to presume that it wouldn’t. You had to presume that [the Brothers] were together.”<sup>691</sup>

“John” (SJ 1971-76) confirmed there was no one in the school he could have confided in with any concerns he had: “you were brought up to think of the Pope and the priest as being next to god, and the monks weren’t far behind them.”<sup>692</sup> At the time, he described his feeling about that was happening with the Brothers: “Confused. Frightened. Just didn’t understand it.”<sup>693</sup>

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684 [Transcript, day 160](#): “Kenny”, at TRN.001.006.4708.

685 [Transcript, day 161](#): “Andrew”, at TRN.001.006.4878.

686 [Transcript, day 161](#): “Andrew”, at TRN.001.006.4909-4910.

687 [Transcript, day 156](#): Richard Kozub, at TRN.001.006.4184.

688 [Transcript, day 160](#): “Kenny”, at TRN.001.006.4707.

689 [Transcript, day 160](#): Stephen Behan, at TRN.001.006.4783.

690 [Written statement of Stephen Behan](#), paragraph 59, at WIT.001.002.4570.

691 [Transcript, day 160](#): Stephen Behan, at TRN.001.006.4751.

692 [Written statement of “John”](#), paragraph 110, at WIT.001.002.4135; see also [Transcript, day 161](#): “John”, at TRN.001.006.4963-4964.

693 [Transcript, day 161](#): “John”, at TRN.001.006.4964.



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## **“Even the ones that weren’t abusing, but knew about it, are to blame.”**

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“Gerry” (SC 1968-71, SJ 1971-76) agreed that there was nobody at St Joseph’s whom he could have told that he was unhappy: “They were all part of the authority establishment, so there was a them-and-us kind of atmosphere and consequently you wouldn’t go and confide in the authority figure.”<sup>694</sup>

### **Brothers’ knowledge**

Although a number of former pupils did not feel able to report the abuse to Brothers, some of it must have been known about. In relation to Brother Lucian’s abusive treatment, “Nigel” (SJ 1968-1973) considered that “it just seems impossible that [Brother Lucian’s abusive treatment of boys in maths class] couldn’t have been known about [by other Brothers].”<sup>695</sup> In relation to Brother Damian’s behaviour, “Kenny” (SJ 1969-76) explained that Brother Damian’s flagrant behaviour was: “common knowledge...amongst the kids, I can’t for the life of me see how other brothers couldn’t have known.”<sup>696</sup> “Kenny” added: “Even the ones that weren’t abusing, but knew about it, are to blame.”<sup>697</sup> I agree.

Stephen Behan (SJ 1970-74) was of the view that, as the confessor, “[the priest] absolutely must have known there was some bad stuff happening in that school...he was constrained by his oath of confidentiality, but there were ways that he could have made the authorities aware that there was bad stuff

happening in that school, and he absolutely derelicted his duty of care to the children.”<sup>698</sup>

Some children reported the abuse to teachers. When “Nigel” (SJ 1968-73) was 16 years old, and in his fourth year at St Joseph’s, there was a teacher “Nigel” considered might be approachable. When playing bridge with the teacher and two other boys, Brother Damian’s conduct came up in conversation. They told this teacher “that [Brother Damian] was playing with himself and playing with others” but he was dismissive, his attitude being that “it couldn’t be happening...it wasn’t like impertinent outrage...his whole demeanour was, ‘I’m part of this establishment and it’s not happening where I am’.”<sup>699</sup> “Nigel’s” disclosure to a second teacher also yielded a dismissive reaction, except that on this occasion the teacher attributed Damian’s behaviour to a disease he had contracted in Africa.<sup>700</sup>

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**“...it just seems impossible that [Brother Lucian’s abusive treatment of boys in maths class] couldn’t have been known about [by other Brothers].”**

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“Nigel” (SJ 1968-73) explained that his parents did make a report to the school

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694 Transcript, day 159: “Gerry”, at TRN.001.006.4654.

695 Transcript, day 159: “Nigel”, at TRN.001.006.4568.

696 Transcript, day 160: “Kenny”, at TRN.001.006.4713.

697 Written statement of “Kenny”, paragraph 189, at WIT.001.002.6118; Transcript, day 160: “Kenny”, at TRN.001.006.4713.

698 Transcript, day 160: Stephen Behan, at TRN.001.006.4757-4758.

699 Transcript, day 159: “Nigel”, at TRN.001.006.4592.

700 Transcript, day 159: “Nigel”, at TRN.001.006.4593.

regarding his brother.<sup>701</sup> His brother was sexually abused by Norman Bulloch and “was deeply unhappy at the school.”<sup>702</sup> It appears that “Nigel’s” brother told his parents that he was unhappy at the school. His parents met with the headmaster, Brother Cyril, and they were “persuaded” to leave his brother at the school, where he was subsequently abused again.<sup>703</sup>

### Documentation supporting reporting

Documentation was recovered by SCAI that supports reporting of abuse at St Joseph’s to the Order on at least two occasions during the time period examined: documentation from 1956, relating to allegations against Brother Augustine and Brother Albert, and documentation relating to allegations against Brother Damian and a related internal inquiry in 1973.

### Documents from 1956

When the Order’s British Province archive was transferred to the Scottish Catholic Archive in Edinburgh in March 2019 the Order employed an archivist to catalogue the archive. The archivist, Curstaidh Reid, was asked to let the Order know if she came across anything which might be of relevance to SCAI.<sup>704</sup> The archivist notified the Order of records relating to a report from a parent in 1956 in respect of allegations of a sexual nature.<sup>705</sup> A mother was in touch with St

Joseph’s about the behaviour of Brothers Augustine and Albert. It was noted that boys “were invited every night after tea” to Brother Augustine’s room, and that two boys were in his room at night.<sup>706</sup> It was noted that Brother Albert was “touching” someone in class. It is unclear whether or not the matters being reported in respect of Brothers Augustine and Albert were related. The mother communicated that her son was not involved, but either the mother, the son, or both were “disgusted”.<sup>707</sup> What was happening was “common knowledge”, and some of the boys had already told their parents.<sup>708</sup> On behalf of the Order, Brother Brendan confirmed that while neither the words “sexual” or “abuse” were used in the documents recovered, “it was clearly about some sexual impropriety on the part of some brothers with some students.”<sup>709</sup> The extent of any investigation, internal or otherwise, or its outcome, is unknown. This is another example of the Marists’ own Rules warning against inappropriate interactions with pupils being blatantly breached; it ought to have led, but did not lead, to a heightened level of vigilance.

### 1973 inquiry into Brother Damian’s conduct

In 1973 an internal investigation took place at St Joseph’s relating to the behaviour of Brother Damian.

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701 [Written statement of “Nigel”](#), paragraphs 183-184, at WIT.001.002.5500.

702 [Transcript, day 159](#): “Nigel”, at TRN.001.006.4595.

703 [Transcript, day 159](#): “Nigel”, at TRN.001.006.4596; [Written statement of “Nigel”](#), paragraphs 183-184, at WIT.001.002.5500.

704 [Transcript, day 168](#): Brother Brendan Geary, at TRN.001.006.5915.

705 Letter from Brother Brendan Geary to Leo Martin, 22 March 2019, at MAR.001.001.2860; see also [Transcript, day 168](#): Brother Brendan Geary, at TRN.001.006.5916.

706 Letter from Brendan Geary to Leo Martin, 22 March 2019, at MAR.001.001.2860; and enclosed handwritten notes of investigation, at MAR.001.001.2865; see also [Transcript, day 168](#): Brother Brendan Geary, at TRN.001.006.5916.

707 Letter from Brendan Geary to Leo Martin, 22 March 2019, at MAR.001.001.2860; and enclosed handwritten notes of investigation, at MAR.001.001.2866; see also [Transcript, day 168](#): Brother Brendan Geary, at TRN.001.006.5916.

708 Letter from Brendan Geary to Leo Martin, 22 March 2019, at MAR.001.001.2860; and enclosed handwritten notes of investigation, at MAR.001.001.2866; see also [Transcript, day 168](#): Brother Brendan Geary, at TRN.001.006.5916.

709 [Transcript, day 168](#): Brother Brendan Geary, at TRN.001.006.5916.

“John” (SJ 1971-76) did not know who had reported Brother Damian, but knew there was an inquiry. “John” had been away from the school for a few days, and upon his return, he was called to the headmaster, Brother Cyril’s, room and was asked about Brother Damian’s behaviour. “John” told the headmaster that Brother Damian walked up and down the classroom masturbating.<sup>710</sup>

Brother Cyril dismissed “John’s” report: “[I] basically got a lecture saying that nobody would believe me, I was insignificant in the scheme of things, and I should shut up, basically...[I] told him what I knew and then he gave me a lecture, telling me...it didn’t matter what I said, I was insignificant...he had had an inquiry and that was it, so everything carried on as normal...I always remember the word ‘insignificant.’”<sup>711</sup>

In the 1990s, “John” provided a statement to the police about Brother Damian’s behaviour. At that time his lawyer received a letter identifying 1973 as the year when “John” and other boys were interviewed by Brother Cyril.<sup>712</sup>

In a letter dated 11 April 2000, Brother Cyril wrote to Brother Ronnie about various matters including Brother Damian. In that letter, Brother Cyril said that three boys had “complained about Damian’s conduct circa 1973/1974”.<sup>713</sup> The mother of one of

the boys had also raised the matter with Bishop Monaghan in Edinburgh. Brother Cyril wrote that the mother “had come to Dumfries, read the statements made by the three boys, agreed that they appeared to be exaggerated and was quite happy to drop the matter.”<sup>714</sup> There is no evidence of further investigation, either internally or externally, at the time. Brother Damian continued with his abusive behaviour.

Years later, in the 1990s, as an adult, “John” (SJ 1971-76) went to the property occupied by retired Brothers in the vicinity of St Joseph’s and encountered Brother Cyril. “John” challenged him about Brother Damian, referring to him as a “paedophile”.<sup>715</sup> That accusation was met with a denial by Brother Cyril because Brother Damian’s victims were “post-pubescent”.<sup>716</sup> To accept—as he evidently did—that Brother Damian behaved as he did but, in effect, assert that it did not matter because the children involved were post-pubescent, beggars belief. It was a shameful response.

### **Prosecution of Brother Damian**

Brother Damian was arrested and charged on 19 September 1996 in relation to sexual offences against children at St Joseph’s.<sup>717</sup> The Procurator Fiscal raised concerns about his fitness to stand trial due to his state of health.<sup>718</sup> A medical report was arranged

710 [Transcript, day 161](#): “John”, at TRN.001.006.4952-4953.

711 [Transcript, day 161](#): “John”, at TRN.001.006.4953-4954.

712 [Transcript, day 161](#): “John”, at TRN.001.006.4966-4967.

713 Letter from Brother Cyril to Brother Ronnie McEwan, 11 April 2000, at MAR.001.001.2660; see also [Transcript, day 161](#): “John”, at TRN.001.006.4967.

714 Letter from Brother Cyril to Brother Ronnie McEwan, 11 April 2000, at MAR.001.001.2660; see also [Transcript, day 168](#): Brother Ronnie McEwan, at TRN.001.006.5816.

715 [Transcript, day 161](#): “John”, at TRN.001.006.4955.

716 [Transcript, day 161](#): “John”, at TRN.001.006.4955.

717 Dumfries and Galloway Constabulary, Police Report, at PSS.001.008.0085-0091; Faxed letter from Brother Ronnie McEwan to Brother Benito Arbues, 20 September 1996, at MAR.001.001.1762. SCAI has sought to obtain a copy of the indictment for this case, however, due to the time that has lapsed since it was reported papers in relation to the case have been destroyed. See email from COPFS to SCAI, 9 September 2019, at CFS.001.005.5844.

718 Letter from Maurice Smyth, of Gordon & Smyth Solicitors and Notaries, to Brother Ronnie McEwan, 7 November 1996, at MAR.001.001.1750.

by the Order, and was carried out by Dr G. D. Barr in December 1996.<sup>719</sup> A trial date was fixed on 21 July 1997. After a number of adjournments, the Procurator Fiscal confirmed on 27 October 1997 that “[d]ue to insoluble difficulties in bringing the accused to trial Crown Counsel have now decided that there should be no further proceedings.”<sup>720</sup>

Brother Douglas Welsh explained that Brother Damian intended to send a letter to the court but the legal advice had been that he should not send it. The letter was “an apology to the pupil involved, and an explanation of what he was doing which he stated was scratching his groin area.”<sup>721</sup> It is not known if the letter was ever sent, and Brother Damian died shortly afterwards.<sup>722</sup>

### Complaints about Brother Damian

Following complaints in 1996 relating to Brother Damian’s inappropriate touching and exposing himself, Brother Ronnie McEwan met with him and “confronted” him.<sup>723</sup>

Brother Damian told Brother Ronnie that he had a skin complaint that he had picked up on the mission, and that he had to air his body: “Some people might have seen me, but I wasn’t exposing myself: I just need to have my skin aired”.<sup>724</sup> Even if he did have a skin complaint, the extent to which he openly exposed himself including when in a state of arousal, was nonetheless abusive.

### Complaints about Brother Norman

In the same letter dated 11 April 2000 from Brother Cyril to Brother Ronnie mentioned above, Brother Cyril provided information about Brother Norman. From conversations with Brother Julian Harrison he had understood that Brother Norman “followed” a particular boy through the school as rec master, moving dormitory as the boy moved dormitory.<sup>725</sup> Brother Cyril said: “It would appear to me that there was connivance between Norman and [the boy] which would have made it difficult to detect without reference being made by boys in the Rec to myself or any other member of staff, and as far as I am aware, this did not happen.”<sup>726</sup> There was provision for two brothers to sleep in the dormitory at night, “although this was not necessarily adhered to because of the shortage of brothers”.<sup>727</sup> Brother Cyril recalled “telling Norman off regarding a matter of discipline within the Mids although I did not make regular visits to the dormitory.”<sup>728</sup>

In a letter to Brother Ronnie dated 10 December 1994, Brother Lewis recounted being made aware by Brother Robert Harris in August 1986 that Norman Bulloch was known to have been involved sexually with some teenage boys who were part of a group of teenagers frequenting a youth project set up by the Order in Glasgow. Brother Lewis had discussed the matter with

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719 Medical report relating to Thomas McCann by Dr G. D. Barr, 19 December 1996, at MAR.001.001.1743.

720 Letter from Procurator Fiscal to Brother Ronnie McEwan, 27 October 1997, at MAR.001.001.1675.

721 [Written statement of Brother Douglas Welsh](#), paragraph 115, at WIT.001.002.7079; see also [Transcript, day 168](#): Brother Ronnie McEwan, at TRN.001.006.5821-5822.

722 [Transcript, day 166](#): Brother Douglas Welsh, at TRN.001.006.5566.

723 [Transcript, day 168](#): Brother Ronnie McEwan, at TRN.001.006.5802.

724 [Transcript, day 168](#): Brother Ronnie McEwan, at TRN.001.006.5802.

725 Letter from Brother Cyril to Brother Ronnie McEwan, 11 April 2000, at MAR.001.001.2660.

726 Letter from Brother Cyril to Brother Ronnie McEwan, 11 April 2000, at MAR.001.001.2660.

727 Letter from Brother Cyril to Brother Ronnie McEwan, 11 April 2000, at MAR.001.001.2660; see also Common Rules of the Congregation of the Marist Brothers of the Schools or the Little Brothers of Mary (1960), at MAR.001.001.0463.

728 Letter from Brother Cyril to Brother Ronnie McEwan, 11 April 2000, at MAR.001.001.2660.

Norman Bulloch, who denied that any sexual acts had taken place. He had not discussed matters with the teenage boys or their families: "Brother Robert Harris had agreed to speak to the families to try and quieten things... I personally did not meet the boys or their parents, nor did I take any steps towards helping the psychological damage done to the boys. My main concern was to avoid scandal."<sup>729</sup> Norman Bulloch was asked to leave Glasgow and went to London. After a period of time, he returned to teaching.<sup>730</sup> This was Brother Ronnie's response regarding the way in which the Order dealt with the matter at the time: "Terrible... I think there should have been contact with the families, with the boys. I think it should have been reported to the police...Norman shouldn't have been sent to London. He should have been restricted from any contact with young people. And the due process, the legal process, should have happened."<sup>731</sup> I agree.

### Response to evidence about reporting

Subject to the report to Brother Douglas Welsh mentioned below, Brothers who provided evidence to SCAI said that no reports of abuse relating to the schools were made to them by children at the time. For example, former Brother "Jack" (SJ 1972-73, SC 1973-74) said that he did not have any reports made to him by boys; if he had had such reports, he would have reported them to the headmaster.<sup>732</sup> Headmasters to whom

reports were made, including St Joseph's headmasters Brothers Arthur and Cyril, are deceased.

Brother Julian Harrison (SJ 1962-76) was of the view that structures were not in place for the reporting of allegations of abuse at that time.<sup>733</sup> No child reported sexual abuse to him. Brother Julian Harrison said that in 1967 Brother Joseph McGuire, known as Brother Patrick, was accused of inappropriate behaviour with girls in Dumfries. He was charged and pled guilty.<sup>734</sup> In a letter dated 3 July 1967, Brother Gaul explained to the Brother Assistant that "it was noticed that as soon as the case was called the 'Daily Express' reporter walked out."<sup>735</sup> He went on to name the Chief Inspector and said he was "a good Catholic and a friend of mine; he has warned the Press that if they touch the case....there will be open war and he claims that they could not exist without him. It is pretty certain that [the story] will not appear at all."<sup>736</sup> The Order should not have been able to exert this influence on a senior police officer.

In 2005, Brother Julian Harrison was told by Brother Joseph Lavelle that Brother John Hampson "had been exposing himself to the boys", and that Brother Joseph had "reported it to the Director."<sup>737</sup>

As mentioned above, Brother Douglas Welsh felt uncomfortable in the presence of Brother "William". A 12-year-old boy reported to Brother Douglas Welsh that Brother "William"

729 Letter from Brother Lewis to Brother Ronnie McEwan, 10 December 1994, at MAR.001.001.2650.

730 Letter from Brother Lewis to Brother Ronnie McEwan, 10 December 1994, at MAR.001.001.2650.

731 [Transcript, day 168](#): Brother Ronnie McEwan, at TRN.001.006.5809-5810.

732 [Transcript, day 167](#): former Brother "Jack", at TRN.001.006.5639.

733 [Transcript, day 165](#): Brother Julian Harrison, at TRN.001.006.5445.

734 [Transcript, day 165](#): Brother Julian Harrison, at TRN.001.006.5442-5443; Letter from Provincial Administration, 2 July 1967, at MAR.001.001.2636.

735 Letter from Brother Gaul to the Brother Assistant, 3 July 1967, at MAR.001.001.2636.

736 Letter from Brother Gaul to the Brother Assistant 3 July 1967, at MAR.001.001.2636.

737 [Transcript, day 165](#): Brother Julian Harrison, at TRN.001.006.5444.

was speaking to him in an inappropriate way.<sup>738</sup> Brother Douglas Welsh does not recall reporting this to the headmaster, or anyone else.

### **Conclusions about reporting**

Many of the boys abused at St Columba's and St Joseph's did not report what was happening to them at the time. Some did not know what to report or who to report it to, or considered there was no one at the schools to whom they could comfortably and safely report abuse. Others did not want to upset their parents, or were of the view that their parents would not believe them. The pervasive authority of the Catholic Church, and a culture of obedience and unquestioning trust, were insurmountable barriers to many.

Some boys did report the abuse at the schools to parents and to Brothers, including headmasters. Reports by children, which called for investigation, were not taken seriously or investigated as they should have been. In a few cases, action was taken, usually moving a Brother on to another post elsewhere. None of the reports of serious abuse made to Brothers were passed on to the police at the time. Brother Damian's habit of masturbating in class can only be described as notorious, and was well known within St Joseph's, by both boys and Brothers. The Brothers failed to take appropriate action to protect children from abuse. The failures by the Brothers to respond appropriately to allegations, or known instances, of abuse exposed further children to abuse. Failures to respond adequately to reports of abuse represented serious failures in care.

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738 [Transcript, day 166](#): Brother Douglas Welsh, at TRN.001.006.5559.



## Reflections

This case study produced many thoughtful and insightful reflections. Some of these are referred to below.

### Childhood vulnerability

A consistent lack of compassion and positive engagement with children for their development was a common theme at both St Columba's and St Joseph's. This was a significant systemic failure as recognised by "Jim" (SJ 1958-63), who himself became a teacher: "When children talk to you, you have to put yourself where the child is, and they never did that with us. It's not like you're speaking to your mother or your father. So I think in a sense they almost—it's not their fault, it was the way the system was, but in a way, they stole your childhood."<sup>739</sup> "Jim" provides a real insight into how vulnerable children are and why that vulnerability must be met with, at least, compassion. The notion of the theft of a childhood captured by this evidence is a damning indictment of a religious Order supposedly dedicated to the respect and proper care of children; it represents a systemic failure.

That very young children were particularly vulnerable was confirmed for Richard Kozub (SJ 1957-63) by his chance experience as an adult lifting up a nine-year-old child. That encounter provoked this memory: "I picked him up and I realised how fragile and vulnerable he was, which was the age

I went to school. But I couldn't conceive of how people would be so harmful to such a fragile little creature. He was so vulnerable, you felt you could almost break them. But this didn't seem to bother the brothers very much."<sup>740</sup> Richard reflected upon how fragile he himself was at that age, and his lament was for that young child; he should have been protected.<sup>741</sup> The Order should recognise that the exploitation of the fragility of vulnerable children entrusted into their care was a deplorable and inexcusable failure in care.

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**"When children talk to you, you have to put yourself where the child is, and they never did that with us. So I think in a sense... they stole your childhood."**

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### The importance of an effective voice

Children's voices need to be not only given the opportunity to be heard, but listened to—as Stephen Behan (SJ 1970-74) emphasised: "I went to the police in 1996 because I thought I had a voice and I found out the hard way that I didn't have a voice. I'm now in my 60s and it's only because of the establishment of this inquiry that I've got a voice. It has taken well over 40 years for me to be listened to and that's not good enough."<sup>742</sup>

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739 Transcript, day 156: "Jim", at TRN.001.006.4239-4240.

740 Transcript, day 156: Richard Kozub, at TRN.001.006.4186.

741 Written statement of Richard Kozub, paragraph 74, at WIT.001.002.5423.

742 Transcript, day 160: Stephen Behan, at TRN.001.006.4798-4799.

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## **“I’m now in my 60s and it’s only because of the establishment of this inquiry that I’ve got a voice. It has taken well over 40 years for me to be listened to and that’s not good enough.”**

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“Jim” (SJ 1958-63) also provided this valuable insight into how his experience of a Marist teaching environment impacted on his own philosophy towards teaching: “I decided I would never be a teacher like them. I have never believed in corporal punishment. I think it is the refuge of a failure in the classroom to beat children. When children talk to you, you have to put yourself where the child is, and they never did that with us.”<sup>743</sup>

“Jim’s” experiences at the hands of the Marists convinced him that corporal punishment of children at school had to stop, and he did so sooner than the legislature reached that conclusion.

### **Painful journeys**

Former pupils who have decided to come forward to this Inquiry to provide evidence of abuse are now adults who have had to revisit abuses suffered in childhood—a painful journey for many of them. As “John” (SC 1978-82) explained: “when you listen to the voice of a witness or you look at a statement of a witness you are looking at a 40-plus year old man. That is not the person who was abused. You need to be looking at an 8 or 9 year-old kid, otherwise you’re not giving it the right consideration. It wasn’t me now that it happened to, it was me at 9 years

old.”<sup>744</sup> That extremely powerful and moving observation is one I have been mindful of when considering the evidence of pupils from the Marists’ schools.

“Edward” (SC 1962-65, SJ 1965-70), who was sexually and physically abused by Brother Germanus, described how he became “two people” in order to cope with that childhood abuse: “There’s the guy who’s in that room, who’s in that horrible room with that vicious man, and there’s the guy who wasn’t there, the guy who says, ‘No, no, close the door, don’t go in the room!’”<sup>745</sup> He went on to reflect about his experience in giving evidence to SCAI: “The furthest I’ve gone into that room is this morning with yourself [Inquiry Counsel and the Chair]...That’s what you had to do to survive: you had to shake it off and put it aside.”<sup>746</sup>

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## **“That’s what you had to do to survive: you had to shake it off and put it aside.”**

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Some children who were abused are, as adults, able to consider themselves relatively unaffected by that abuse.<sup>747</sup> “Francis” (SC 1966-67) explained that he had not been affected by the abuse, and considered himself “lucky.”<sup>748</sup> However, even he, from

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743 Transcript, day 156: “Jim”, at TRN.001.006.4239.

744 Transcript, day 164: “John”, at TRN.001.006.5288; Written statement of “John”, paragraph 86, at WIT.001.002.4380-4381.

745 Transcript, day 158: “Edward”, at TRN.001.006.4460.

746 Transcript, day 158: “Edward”, at TRN.001.006.4460.

747 Transcript, day 162: read in statement of “Francis”, at TRN.001.006.5000.

748 Transcript, day 162: read in statement of “Francis”, at TRN.001.006.5000.



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## **“We were entrusted to the Marist Brothers by parents, guardians, who unwittingly were paying the ultimate price in the pursuit for better educational opportunities.”**

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time to time, felt a “sense of anger about the way abuse survivors had been treated by the Catholic Church and the various religious orders, such as the Marist Brothers”.<sup>749</sup>

### **Parental expectations**

Some former pupils bemoaned the fact that their parents had sent them to St Columba’s and St Joseph’s with great expectations of a healthy environment and good education, which would advance their children’s life prospects. Instead, former pupils felt, they had been short-changed by an abusive and inferior experience. Richard Kozub (SJ 1957-63) was “infuriated” by the fact that his parents had been paying money for “the privilege of [him] being abused.”<sup>750</sup>

“David” (SC 1979-80) articulated this sense of loss: “The main reason why I’m here today giving evidence at the Scottish Child Abuse Inquiry is not so much about one or two abusing Marist Brothers, it’s about the Marist Brother organisation. From my own personal experience, the Marist Brothers are guilty of a complete and total systemic failure in providing a safe and suitably protected environment that was conducive to the basic welfare, education and required needs of what were very young, vulnerable, innocent boys, of which I was one. We were entrusted

to the Marist Brothers by parents, guardians, who unwittingly were paying the ultimate price in the pursuit for better educational opportunities.”<sup>751</sup>

“Edward” (SC 1962-65, SJ 1965-70) was sexually and physically abused at St Columba’s by Brother Germanus. At the time, he blamed his parents for sending him to St Columba’s and exposing him to that abuse. From the age of 18 he never returned home nor spent Christmas or Easter with his parents.<sup>752</sup> He offered this poignant reflection on how that affected him: “I never explained [what had happened at St Columba’s], which to my eternal shame, how I treated my mother, all because of Largs. It is my eternal shame that I never treated her the way I should. It wasn’t her fault. It wasn’t her fault.”<sup>753</sup> What “Edward’s” self-recrimination highlights is how the abuse of children can be so destructive and how its aftermath can affect adult familial relationships.

### **Helping others**

As with other case studies, I was impressed by the motivation behind some former pupils’ engagement with the Inquiry. John McCall (SC 1958-62, SJ 1962-68) appreciated the creation of the Inquiry for “allowing

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749 Transcript, day 162: read in statement of “Francis”, at TRN.001.006.5000.

750 Transcript, day 156: Richard Kozub, at TRN.001.006.4185.

751 Transcript, day 160: “David”, at TRN.001.006.4846.

752 Transcript, day 158: “Edward”, at TRN.001.006.4431.

753 Transcript, day 158: “Edward”, at TRN.001.006.4432.

people like myself to voice what has actually been done to them...in the past, and the impact that it is likely to have on them.”<sup>754</sup> For John, the importance of such a voice is that “it then puts it out into a public domain and it’s only when that happens I think that the powers that be start to take notice”.<sup>755</sup>

“Edward” (SC 1962-65, SJ 1965-70) wanted to ensure that “[t]omorrow’s children” were protected in future: “The damage is done, we can’t fix yesterday, but we can fix tomorrow.”<sup>756</sup>

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### **“The damage is done, we can’t fix yesterday, but we can fix tomorrow.”**

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“Thomas” (SC 1979-81) expressed these hopes for the Inquiry and for himself: “I hope I will find some peace from coming forward to the inquiry, knowing that it might help someone down the road or help myself down the road.”<sup>757</sup>

“Nigel” (SJ 1968-73) explained that part of his rationale for approaching the Inquiry was the hope of speaking for some people who were not able to speak, for whatever reason, for themselves. Some may have already died and “[t]here are people who are so damaged by what happened that they wouldn’t be able to come to the inquiry.”<sup>758</sup>

### **Words of caution**

“James” (SC 1965-68, SJ 1968-75) had positive experiences at St Columba’s and St Joseph’s, as did many other children. He offered words of caution based upon his own life experiences in a medical career. He wanted to point out that a single incident or a couple of incidents can become defining factors in life and where harm is done by someone, it may cause any prior good they achieved to be overlooked. To illustrate his message, he invoked this quotation from “Julius Caesar”<sup>759</sup>: “The evil that men do lives after them; the good is oft interred with their bones.”<sup>760</sup> His point was that the good aspects ought not to be forgotten and I can accept that. They cannot, however, excuse abuse, particularly where, as in this case study, there was a powerful consistency in the evidence of abuse provided by different and unconnected former pupils whose time at the schools covered a wide ranging period of time.

### **Reflections by the Order**

Brother Brendan offered these thoughts: “I really want this inquiry to be of good service to our country...It’s really important to me that the victims had a chance to have their stories heard, especially people who have held this for so long...I fully understand that people who were victims are angry. I completely understand that. I think I have

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754 [Transcript, day 157](#): John McCall, at TRN.001.006.4288.

755 [Transcript, day 157](#): John McCall, at TRN.001.006.4288.

756 [Transcript, day 158](#): “Edward”, at TRN.001.006.4464.

757 [Written statement of “Thomas”](#), paragraph 81, at WIT.001.002.6882; see also [Transcript, day 158](#): “Thomas”, at TRN.001.006.4489.

758 [Transcript, day 159](#): “Nigel”, at TRN.001.006.4604.

759 A play by William Shakespeare, first performed in 1599.

760 [Transcript, day 158](#): “James”, at TRN.001.006.4391.

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**“All the allegations made go against all our vows and it hurts me personally, as well as the other brothers, that members of our order have behaved in such a destructive and abusive way.”**

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probably shifted in my appreciation of how we might be any agents of healing. I think for some that might be impossible, but I think we should try.”<sup>761</sup> I do not doubt that Brother Brendan is genuinely dedicated to a process of healing engagement with survivors, but he is realistic to realise that there are difficulties in any such engagement with those survivors who are permanently scarred by their experiences of abuse.

Brother Ronnie acknowledged that the allegations of abuse were contrary to the Order’s ethos: “All the allegations made go against all our vows and it hurts me personally, as well as the other brothers, that members of our order have behaved in such a destructive and abusive way.”<sup>762</sup>

The hurt that Brother Ronnie felt was, I believe, genuine and reflects the tragedy of missed opportunity. Had the Brothers in charge of children at St Columba’s and St Joseph’s adhered to their vows and their Rules, children would not have been abused and have had an opportunity to thrive in inspiring environments.

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761 [Transcript, day 168](#): Brother Brendan Geary, at TRN.001.006.5948-5949.

762 [Transcript, day 168](#): Brother Ronnie McEwan, at TRN.001.006.5857; Written statement of Brother Ronnie McEwan, paragraph 24, at WIT.001.002.9621.

# 10 Records

As part of its investigations, I requested and recovered documents from a number of sources. I am grateful for the input and assistance provided in this regard by the Order and by others who were issued with notices in terms of section 21 of the Inquiries Act 2005.

## The Order's archivist

Brother Colin Chalmers has been the general archivist of the Institute of the Marist Brothers since 2014; he is based in Rome. He provided evidence to SCAI.

Prior to becoming the archivist, Brother Colin did not have previous experience of archival work. He explained that he had only a brief handover from his predecessor and "[v]ery much" learned on the job.<sup>763</sup> He taught at St Columba's College in 1974/5.<sup>764</sup>

## The general archive

Brother Colin explained that the general archive in Rome is designed to contain material in relation to the Order worldwide. It is an administrative archive, and the material therein dates back to the days of the Order's founder in the late 18<sup>th</sup> and early 19<sup>th</sup> centuries; it contains materials "right up to the present day."<sup>765</sup>

Each of the Order's provinces across five countries have their own separate archival system. Brother Colin said that "[e]ach province has its own archive, its own box, if you like, or set of boxes, depending on the size of their particular archive. That would go right back to the very early provinces."<sup>766</sup> He explained that the Order has "restructured in different ways" over time.<sup>767</sup>

## General archive: files relating to individual Brothers

The general archive contains over 38,600 individual files relating to members of the Order dating from 1820. Every Marist Brother has an individual file, "apart from the very earliest ones, the ones who were living at the time of the founder".<sup>768</sup> Brother Colin would expect every single Brother from the 20<sup>th</sup> century to have such a file.<sup>769</sup> He identified the individual files of Brothers requested by the Inquiry and believed that these files had been provided to SCAI.<sup>770</sup> In relation to the Brothers' files he said that "[e]very brother's file contains a sort of personnel file, date of birth, place of birth, parents' names and so on, and normally lists of different communities he's been in."<sup>771</sup>

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763 Transcript, day 168: Brother Colin Chalmers, at TRN.001.006.5876.

764 Transcript, day 168: Brother Colin Chalmers, at TRN.001.006.5875.

765 Transcript, day 168: Brother Colin Chalmers, at TRN.001.006.5881.

766 Transcript, day 168: Brother Colin Chalmers, at TRN.001.006.5883.

767 Transcript, day 168: Brother Colin Chalmers, at TRN.001.006.5883.

768 Transcript, day 168: Brother Colin Chalmers, at TRN.001.006.5882.

769 Transcript, day 168: Brother Colin Chalmers, at TRN.001.006.5882.

770 Transcript, day 168: Brother Colin Chalmers, at TRN.001.006.5882-5883.

771 Transcript, day 168: Brother Colin Chalmers, at TRN.001.006.5887.

He could not say for certain if information about any complaint or investigation in connection with a particular Brother would be in their personal file, but said “there may very well be that sort of information, particularly if it was in reference to the vows, a brother making vows or anything like that, where the provincial was getting in contact with either one of the General Councillors or the Superior General.”<sup>772</sup>

He clarified that he only provided the information he was asked for by the Order, so that there may well be more information in the Brothers’ files that SCAI is interested in, but which he has not been asked for: “There may very well be. I don’t know. I don’t know what the inquiry would be interested in.”<sup>773</sup>

### **General archive: files relating to schools**

Apart from records in large ledgers relating to the Order’s schools of the early days, the general archive did not hold records of schools for the individual provinces because the individual schools would be seen to be the concern of the individual provinces. It was the lives of the province and of the Brothers who made up that province that was the concern of the archives of the institute rather than the schools or the pupils.<sup>774</sup>

Consequently there were no records in the general archives on St Columba’s and St Joseph’s.

### **General archive: records of inspections**

The Marists’ visitation system has been discussed in [Chapter 2](#). Brother Colin explained that a record should have been kept of such visits: “There should be a record...every community should have its own annals book in which the provincial would write his report. The provincial would also send quite a brief report to, if not directly to the Superior General, to what we call the link councillor, the member of the General Council who’s responsible for liaison with the particular province.”<sup>775</sup> The material “would stay within the province—or a copy would stay in the province and the original would go to Rome or vice versa.”<sup>776</sup> Brother Colin did not recall uncovering any of that sort of material in the general archive in relation to St Joseph’s or St Columba’s: “I have no direct memory of that. I honestly couldn’t say I did.”<sup>777</sup>

### **British Province archive**

As well as the general archive in Rome, the provinces have their own archives. For the United Kingdom, that archive was in Glasgow. On 11 March 2019 the majority of that archive was transferred to the Scottish Catholic Archive in Edinburgh.<sup>778</sup> The following were not included in the transfer:

- the Order’s safeguarding archive (Police Scotland took possession of this as part of their investigations and a copy is held by Levy & McRae solicitors on behalf of the Order),

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772 [Transcript, day 168](#): Brother Colin Chalmers, at TRN.001.006.5889.

773 [Transcript, day 168](#): Brother Colin Chalmers, at TRN.001.006.5888.

774 [Transcript, day 168](#): Brother Colin Chalmers, at TRN.001.006.5884.

775 [Transcript, day 168](#): Brother Colin Chalmers, at TRN.001.006.5895.

776 [Transcript, day 168](#): Brother Colin Chalmers, at TRN.001.006.5895.

777 [Transcript, day 168](#): Brother Colin Chalmers, at TRN.001.006.5896.

778 [Transcript, day 168](#): Brother Colin Chalmers, at TRN.001.006.5886; Letter from Brother Brendan Geary to SCAI, 8 July 2021, at MAR-000000021.

- three volumes containing the Order's Provincial Council meeting minutes dated from 1903 to 1982,
- personal files relating to the Marist Brothers, which are held in Glasgow, and
- a file relating to Marist Brothers who have left the Order, which is also held in Glasgow.<sup>779</sup>

### British Province archive: St Columba's College

As already mentioned in the Preface, Brother Brendan provided evidence to SCAI on behalf of the Order on two occasions, initially during SCAI's first phase hearings in 2017, and again at the end of the case study in 2019. In 2017, Brother Brendan told SCAI that he had had reason to look for St Columba's records in recent times and had "discovered that there [were] no records [in the Glasgow archive] from St Columba's College Largs."<sup>780</sup> He clarified that there were no records about students and also that any records relating to the Marist community at the school "do not appear to have survived."<sup>781</sup> What he did find in the archive was a single accounts book with some names and some entries about money. He explained that he did not know what had happened to other records.<sup>782</sup>

In 2017, Brother Brendan explained that each community was supposed to have a book of annals, and that the Provincial would

make entries in that book of annals during a visitation. The annals are a type of day book or log book with frequent entries being made about happenings at the school. At that time annals had not been located for either school.<sup>783</sup> In 2018, Brother Colin was asked by Brother Brendan to carry out a search of the archive in Glasgow and certain material was found as a result. During that search, the three volumes of what can be regarded as the annals for St Columba's discussed earlier were found in the Glasgow archive.<sup>784</sup> He was "shocked that they hadn't been found beforehand...I wrote to [Lady Smith] and apologised for that and ensured that the documents were passed on to [SCAI]."<sup>785</sup>

### British Province archive: St Joseph's College

In 2017, Brother Brendan said, with reference to the archive in Glasgow, that there were few records available about St Joseph's.<sup>786</sup> He had seen three boxes marked as pertaining to St Joseph's College in the Glasgow archive and looked through them.<sup>787</sup> He said that much of what was there was concerned with superannuation and contracts, with no evidence of personal records.<sup>788</sup> Brother Brendan explained that school records for St Joseph's would have been left in the school when the Marists left.<sup>789</sup>

In response to a query from SCAI, Brother Brendan confirmed that the Order did not destroy any school records relating to St

779 Letter from Brother Brendan Geary to SCAI, 8 July 2021, at MAR-000000021.

780 Transcript, day 11: Brother Brendan Geary, at TRN.001.001.4470.

781 Transcript, day 11: Brother Brendan Geary, at TRN.001.001.4470.

782 Transcript, day 11: Brother Brendan Geary, at TRN.001.001.4470.

783 Transcript, day 11: Brother Brendan Geary, at TRN.001.001.4470.

784 Transcript, day 168: Brother Brendan Geary, at TRN.001.006.5914.

785 Transcript, day 168: Brother Brendan Geary, at TRN.001.006.5914.

786 Transcript, day 11: Brother Brendan Geary, at TRN.001.001.4470.

787 Transcript, day 11: Brother Brendan Geary, at TRN.001.001.4471.

788 Transcript, day 11: Brother Brendan Geary, at TRN.001.001.4470.

789 Transcript, day 11: Brother Brendan Geary, at TRN.001.001.4470.

Joseph's, and that the school records were left to the school when the leadership of the school was handed over to its first lay principal, on 1 March 1982.<sup>790</sup> Brother Brendan explained that the headteacher at St Joseph's told him in conversation that she consulted Dumfries and Galloway Council Education Department about student records when refurbishment and rebuilding of the school was taking place around ten years ago. The Department's policy was to hold pupil records for seven years then destroy them. Acting in accordance with this policy, records that were more than seven years old were then destroyed by the school. Brother Brendan clarified that the Order had not been aware of this policy, nor the advice given, nor the decision to destroy school records.

The Visitors' Books for the school are still held by St Joseph's.<sup>791</sup>

St Joseph's produced a book annually, called "the blue book". These books were produced to SCAI in 2017 for most years from 1940 to 1974. These annuals contain information about the school roll and the office bearers/directors for the relevant year. Some contain information about academic and sporting achievements.<sup>792</sup> Brother Brendan found them of assistance when responding to section 21 notices.<sup>793</sup>

As mentioned above, when the British Province archive was transferred to the

Scottish Catholic Archive in Edinburgh, the archivist responsible for cataloguing it came across records relating to the report mentioned above from a parent in 1956 in respect of allegations of a sexual nature. No other records of a similar nature were identified by the archivist.<sup>794</sup>

### **British Province archive: records of visitation and inspection**

Brother Brendan did not come across any documents relating to visitations by the Order, in respect to either school in the Glasgow archive.<sup>795</sup> In response to a query from SCAI, he confirmed by letter that he had no knowledge of the destruction by the Order of visitation reports relating to either school.<sup>796</sup> In evidence he also said that the Order did not hold records of inspection for either school. In relation to St Columba's he had asked for enquiries to be made with the current local authority to ascertain if there was any archival material relating to the school, with a negative response.<sup>797</sup>

### **Registers of pupils**

Registration books of the sort that would record details of pupils, such as when they were admitted to the schools and when they left, have not been found for either school. Apparently there were careful records kept for children at St Columba's but it is not known what happened to them.<sup>798</sup> No registers have been produced to SCAI.

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790 Letter from Brother Brendan Geary to SCAI, 8 July 2021, at MAR-000000021.

791 Letter from Brother Brendan Geary to SCAI, 8 July 2021, at MAR-000000021.

792 St Joseph Annuals for 1940-42, 1947-48, 1952, 1954-59, 1961-72 and 1974, at MAR.001.001.2503-2627.

793 [Transcript, day 11](#): Brother Brendan Geary, at TRN.001.001.4469.

794 Letter from Brother Brendan Geary to Leo Martin, 22 March 2019, at MAR.001.001.2860; and enclosed handwritten notes of investigation, at MAR.001.001.2865; see also [Transcript, day 168](#): Brother Brendan Geary, at TRN.001.006.5916.

795 [Transcript, day 11](#): Brother Brendan Geary, at TRN.001.001.4471.

796 Letter from Brother Brendan Geary to SCAI, 8 July 2021, MAR-000000021.

797 [Transcript, day 11](#): Brother Brendan Geary, at TRN.001.001.4502.

798 [Transcript, day 168](#): Brother Brendan Geary, at TRN.001.006.5941.

## Brothers' recollections

Some Brothers and former Brothers who provided evidence to SCAl spoke of their own recollections, or the lack thereof, of records at the schools.

Brother Colin said of his own time as a teacher at St Columba's in 1974-75 that he probably kept records of lessons he was about to give but he had no recollection of writing report cards.<sup>799</sup> He had no recollection of inspections.

A number of Brothers spoke of there being no system of recording punishments given to pupils, such as a punishment book. For example, Brother "Bernard" said he did not keep a record of punishment of children.<sup>800</sup> Brother Douglas was aware of record-keeping during his time at St Joseph's, but he himself was not involved in that process, a process he saw as being one for the headmaster in the school and the director of the community. He never heard mention of a punishment book.<sup>801</sup> Nor did he recall there being a punishment book at St Columba's.

Brother Douglas said that when St Columba's closed, the Brothers moved in to a bed and breakfast in Largs for a while. He visited them there and recalled: "when I dropped in to see them, you couldn't move for all the bits of furniture...There could well have been records...if they were lost, that's how they would have been lost".<sup>802</sup>

Former Brother Stephen Smyth (SJ 1975-79) said that he did not "know of any records being kept" at St Joseph's.<sup>803</sup> He presumed major incidents were recorded but did not know. He did not think a record was kept when children were punished.<sup>804</sup>

## Former pupils' recollections

While former pupils could not be expected to recall the details of record-keeping systems at the schools, it is of note that a number of them were clear that they had no recollection of a punishment book at the schools during their time. "James" (SC 1960-63, SJ 1963-69) said: "I do not know if there was a punishment book where it would be recorded when you were punished. To the best of my knowledge, there wasn't anywhere punishments were recorded [at St Columba's]."<sup>805</sup> "John" (SC 1960-64, SJ 1964-70) said that he did not recall "any record of punishments being made in a book. I don't remember any brothers rushing off to record it. Punishment was spontaneous."<sup>806</sup> Stephen Behan (SJ 1970-74) did not recall any Brother making a record of punishments administered during his time at St Joseph's.<sup>807</sup>

## Response to evidence about records

The Order did not make a closing submission in relation to its position in respect of records. The Order's position is reflected in the evidence of Brother Brendan and Brother Colin as set out above.

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799 [Transcript, day 168](#): Brother Colin Chalmers, at TRN.001.006.5880.

800 [Transcript, day 165](#): Brother "Bernard", at TRN.001.006.5398-5399.

801 [Transcript, day 166](#): Brother Douglas Welsh, at TRN.001.006.5557.

802 [Transcript, day 166](#): Brother Douglas Welsh, at TRN.001.006.5531.

803 [Transcript, day 167](#): read in statement of former Brother Stephen Smyth, at TRN.001.006.5753.

804 [Transcript, day 167](#): read in statement of former Brother Stephen Smyth, at TRN.001.006.5753.

805 [Transcript, day 162](#): read in statement of "James", at TRN.001.006.5013.

806 [Transcript, day 162](#): read in statement of "John", at TRN.001.006.5072.

807 [Transcript, day 160](#): Stephen Behan, at TRN.001.006.4764.



## **Conclusions about records**

Very few records relating to either school have been produced to SCAI. The main documents of substance and of some assistance to SCAI recovered from the Order were the three volumes of annals (also referred to as the minute or day book) for St Columba's, the annuals for various years for St Joseph's, and the visitation reports. Those materials fail to disclose anything of the significant levels of abuse that I have found to have been inflicted upon children at St Columba's and St Joseph's over the period examined.

# 11 Inspection Reports

Until the late 1950s there was no legislative regulation governing either the setting up or running of boarding schools by private individuals, organisations, or religious groups.<sup>808</sup> The regulation that has existed since then has (until relatively recently) afforded the state very little oversight of how such schools are conducted or power to provide any genuinely effective protection of children there resident.

Section 61 of the Education (Scotland) Act 1946 Act placed a duty on the Secretary of State to arrange for the inspection of every educational establishment. It was left to the discretion of the Secretary of State to decide the frequency and focus of such inspections. In addition, section 62 of the 1946 Act allowed independent schools to request an inspection—and if such a request was made, the costs of the inspection had to be met by the school. It seems that, although section 61 was to apply to both state and independent schools, in practice it was section 62 of the 1946 Act that applied to independent schools.<sup>809</sup>

Section 61 of the 1946 Act was replaced, unaltered, by section 67 of the Education (Scotland) Act 1962—which was in turn replaced by section 66 of the Education

(Scotland) Act 1980. Section 62 of the 1946 Act was not repeated in the 1962 Act.

Part IV of the Education (Scotland) Act 1946 required independent schools to register with the newly created Registrar of Independent Schools in Scotland; not doing so was from then on a criminal offence.<sup>810</sup> However, it was not until the Registration of Independent Schools (Scotland) Regulations 1957 that the relevant provisions came into force.<sup>811</sup> The 1957 Regulations clarified the procedure for registration and the information required. Although the 1957 Regulations did not establish the requirements for standards of care and education of pupils, it brought into effect a complaints mechanism that provided greater opportunity for the oversight of these provisions.

## St Columba's

No inspection reports for St Columba's were submitted to SCAI by the Order.

Three inspection reports were recovered from the Scottish Government. The first related to a visit on 19 June 1951 on behalf of the Scottish Education Department (SED).<sup>812</sup> At the date of the inspection there were 36 boarders and four day boys. It was

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808 Kenneth McK. Norrie, *Report to SCAI, Legislative Background to the Treatment of Children and Young People Living Apart From Their Parents* (November 2017), p.318.

809 NRS ED48/1377, *Registration of Independent Schools: General Policy, 1953-67*, Minute, 06 October 1955, at SGV-000007325, p.41-42.

810 See *Education (Scotland) Act 1945*, Part IV.

811 Kenneth McK. Norrie, *Report to SCAI, Legislative Background to the Treatment of Children and Young People Living Apart From Their Parents* (November 2017), p.318.

812 NRS ED32/221 *School Inspectors' Reports, 1951-1958*, SED, Form S 10, Inspection Report, 19 June 1951, at SGV.001.005.9122-9125. This inspection was carried out in accordance with Section 61 of the Education (Scotland) Act 1946.

noted that the school admitted boys aged six to 12, although occasionally boys as young as five were admitted. It is not clear whether boys of that age were boarders or day boys. The report records that, at that time, the teaching staff consisted of two Brothers—both over 60 years of age and neither of whom had any academic qualifications or training. Another Brother, aged 25, was in the process of completing a degree course at Glasgow University. There was also a prefect who was “in charge of meals and games and assisted pupils with their private studies.”<sup>813</sup> The report is critical of the cramped accommodation, noting that it was unsuitable for more than 30 pupils. The accommodation was graded as B minus. The report was otherwise positive, with the instruction graded as B plus. It concluded that “[t]he tone of the school was very good.”<sup>814</sup>

The school did not receive a copy of this report. It was instead informed by letter that “the work of the School was found to be generally satisfactory but that some improvements of dormitory accommodation and bathing facilities appears to be desirable.”<sup>815</sup>

A further inspection was carried out on 28 November 1951.<sup>816</sup> Again, there was concern about numbers; the number of boarders had increased to 39, “so the congestion [was] worse, not better.”<sup>817</sup> The report notes that, despite the fact that “[t]he boys looked clean, well fed, and happy”, “[a] watchful eye should be kept on this school.”<sup>818</sup> Thereafter, the SED wrote to St Columba’s that “the present dormitories are inadequate for 39 boarders...unless the dormitory accommodation can be increased the number of boarders should be reduced to about 30.”<sup>819</sup>

The other SED inspection report recovered is dated 23 January 1953, the day of the visit. At this time, the school roll had 41 pupils, of whom 32 were boarders and nine were day boys, with an age range from five to 11 years old.<sup>820</sup> Because of a rearrangement of dormitory accommodation, there was now ample space for boarders and the accommodation was now graded as B. The report notes that “[c]lasswork continues to be very satisfactory”<sup>821</sup> with instruction graded as B plus. The author concludes by saying: “I propose however to pay further visits from time to time to see that satisfactory standards are maintained.”<sup>822</sup>

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813 NRS ED32/221 School Inspectors’ Reports, 1951-1958, SED, Form S 10, Inspection Report, 19 June 1951, at SGV.001.005.9123.

814 NRS ED32/221 School Inspectors’ Reports, 1951-1958, SED, Form S 10, Inspection Report, 19 June 1951, at SGV.001.005.9123-9125.

815 NRS ED32/221 School Inspectors’ Reports, 1951-1958, Letter from S.C. Aldridge to Brother Francis, St Columba’s Preparatory College, 14 September 1951, at SGV.001.005.9132. The SED did not issue reports of inspections carried out under Section 61 of the Education (Scotland) Act 1946 to schools.

816 NRS ED32/221 School Inspectors’ Reports, 1951-1958, Memorandum to ‘S’ Branch, 28 November 1951, at SGV.001.005.9134; and Letter to the Headmaster of St Columba’s Preparatory College, 14 January 1952, at SGV.001.005.9136.

817 NRS ED32/221 School Inspectors’ Reports, 1951-1958, Memorandum to ‘S’ Branch, 28 November 1951, at SGV.001.005.9134.

818 NRS ED32/221 School Inspectors’ Reports, 1951-1958, Memorandum to ‘S’ Branch, 28 November 1951, at SGV.001.005.9134.

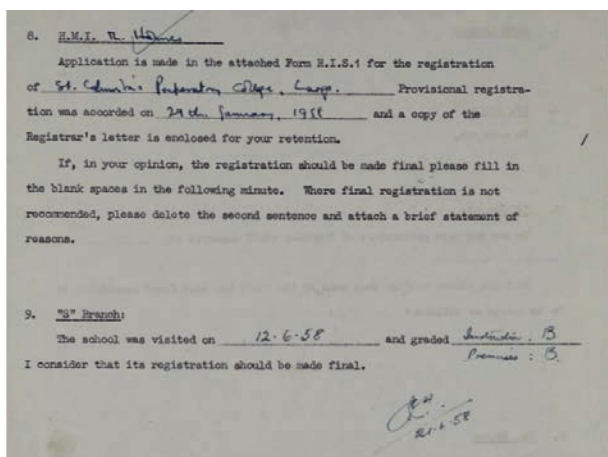
819 NRS ED32/221 School Inspectors’ Reports, 1951-1958, Letter to the Headmaster of St Columba’s Preparatory College, 14 January 1952, at SGV.001.005.9136.

820 NRS ED32/221 School Inspectors’ Reports, 1951-1958, Report for St Columba’s Preparatory College, 23 January 1953, at SGV.001.005.9139.

821 NRS ED32/221 School Inspectors’ Reports, 1951-1958, Report for St Columba’s Preparatory College, 23 January 1953, at SGV.001.005.9139.

822 NRS ED32/221 School Inspectors’ Reports, 1951-1958, Report for St Columba’s Preparatory College, 23 January 1953, at SGV.001.005.9139.

From 1957 independent schools were required to register with the Registrar of Independent Schools in Scotland.<sup>823</sup> St Columba's was inspected again on 12 June 1958 as part of the process of securing its registration with the Independent Schools Registrar.<sup>824</sup> No report was recovered, but a note of the visit indicates that both the accommodation and instruction were graded as B.



NRS ED32/221, Minute, 21 June 1958, at SGV.001.005.9148

The St Columba's minute book makes reference to two other inspections. The first was on 17 January 1979, 21 years after the 1958 inspection: "H.M. Inspector phoned his arrival at 9.25 A.M. He arrived at 11 am."<sup>825</sup> The second was on 17 June 1982: "H.M.I. Ayr Division, pays official visit to the school."<sup>826</sup> No reports of these inspections were recovered.

## Former pupils

Former pupils generally had no recollection of inspections taking place.<sup>827</sup> Although "Billy" (SC 1978-82) did remember that there was supposed to be an inspection, he did not think that it proceeded because the school was closing. He accepted that his recollection could have been wrong.<sup>828</sup> The last of the two inspection reports recovered for St Columba's, dated 23 January 1953, predates the arrival of the applicant John McCall in 1958, the beginning of the period over which evidence of abuse at St Columba's has been led. Furthermore, that report predates the arrival of the prolific abuser, Brother Germanus, who did not arrive at St Columba's until 1957.

## St Joseph's

No inspection reports for St Joseph's were submitted to SCAI by the Order.

Several SED inspection reports on St Joseph's were recovered from the Scottish Government. These were concerned primarily with the academic school environment and were conducted under the Education (Scotland) Act 1878<sup>829</sup> and the Education (Scotland) Act 1946.

Seventeen inspection reports for St Joseph's between the period 1900 and 1946 have been recovered by SCAI (see [Appendix C](#)). Although the focus of these inspections, understandably, was on the academic aspects of St Joseph's, there are some

823 Part V of the Education (Scotland) Act 1946 required independent schools to register with the Registrar of Independent Schools in Scotland, but the relevant provisions did not come into force until September 1957 with the publication of the Registration of Independent Schools (Scotland) Regulations 1957.

824 NRS ED32/221 School Inspectors' Reports, 1951-1958, Minute, 21 June 1958, at SGV.001.005.9148.

825 St Columba's College Minute Book, 17 January 1979, at MAR.001.001.0683.

826 St Columba's College Minute Book, 17 June 1982, at MAR.001.001.0728.

827 [Transcript, day 160](#): "David", at TRN.001.006.4819; [Transcript, day 166](#): read in statement of "James", at TRN.001.006.5605.

828 [Transcript, day 163](#): "Billy", at TRN.001.006.5122.

829 The introduction of the Leaving Certificate Examination, by which schools aimed at a standard examination and a link to university admittance, had a significant influence in independent schools like St Joseph's engagement with the SED for acknowledgement of its curriculum and standards.

insights into general life there. The following extracts are a random selection:

*"the pupils are bright, intelligent, & interested in their work; and the best of relations exist between teachers & taught."*<sup>830</sup>

*"As has been stated in previous Reports this school is well organised, well equipped and well managed. The boys present the appearance of good health and of good spirits, and thus show most careful attention is given to their welfare."*<sup>831</sup>

*"A second visit to this school has confirmed the favourable impression formed last year. The boys apply themselves with equal zest to their studies & to their games, and the relation between them and their masters is frank and happy."*<sup>832</sup>

*"The boys have all the appearance of being healthy, vigorous, and happy while the staff work with zeal and devotion for their welfare."*<sup>833</sup>

*"The tone of school, which owes much to the supervision of the headmaster, is excellent. The boys are healthy and happy and are frank and courteous in demeanour."*<sup>834</sup>

It should be noted that the system prior to the Education (Scotland) Act 1946 involved a school inviting an inspection by the submission to the SED of a standard form on an annual basis.<sup>835</sup> There are examples during the war years where St Joseph's intimated that an inspection was "not desired."<sup>836</sup>

An inspection was requested in 1945<sup>837</sup> and took place during various dates in May 1946.<sup>838</sup> Again, the focus of the inspection was on the academic performance of the school.

It is apparent that there were other inspections in the late 1940s and the 1950s.

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830 NRS ED32/237 School Inspectors' Reports, 1904-1955, Report for St Joseph's Commercial College, 24 June 1905, at SGV.001.005.9160.

831 NRS ED32/237 School Inspectors' Reports, 1904-1955, SED, Form S 10, Report for St Joseph's College, 28 June 1926, at SGV.001.005.9163.

832 NRS ED32/237 School Inspectors' Reports, 1904-1955, SED, Form S 10, Report on St Joseph's College, 17 June 1929, at SGV.001.005.9172.

833 NRS ED32/237 School Inspectors' Reports, 1904-1955, SED, Form S 10, Report on St Joseph's College, 30 June 1933, at SGV.001.005.9189.

834 NRS ED32/237 School Inspectors' Reports, 1904-1955, SED, Report for St Joseph's College to Rev. John K. Small, 8 July 1939, at SGV.001.005.9243.

835 Prior to the Education (Scotland) Act 1946 schools were asked by the SED to complete Form H 5 on an annual basis order to make arrangements for inspection. As well as asking schools to indicate whether they would like an inspection to take place, Form H 5 also collected information on the number, age, and gender of pupils enrolled in the school; the number of teachers employed; and whether there were any pupils to be presented for the Junior or Senior Leaving Certificates. The schools were also asked to indicate which subjects were to be inspected. Only schools not in receipt of grants from the Department were required to complete form H 5.

836 NRS ED32/237 School Inspectors' Reports, 1904-1955, SED, Form H 5, Higher Inspection, 1940, 6 January 1940, at SGV.001.005.9252; Higher Inspection, 1941, 3 December 1940, at SGV.001.005.9254; Higher Inspection, 1942, 23 April 1942, at SGV.001.005.9256; Higher Inspection, 1943, 19 January 1943, at SGV.001.005.9257; Higher inspection, 1944, 24 July 1943, at SGV.001.005.9259; Higher Inspection, 1945, 14 November 1944, at SGV.001.005.9263; Higher Inspection, 1947, 19 November 1946, at SGV.001.005.9279.

837 NRS ED32/237 School Inspectors' Reports, 1904-1955, SED, Form H 5, Higher Inspection, 1946, 17 December 1945, at SGV.001.005.9265-9266.

838 NRS ED32/237 School Inspectors' Reports, 1904-1955, SED, Form S 10, Report for St Joseph's College, 7, 17, 28 and 30 May 1946, at SGV.001.005.9267-9269. It seems a copy of the report was sent to the school, n.d., at SGV.001.005.9275-9276.

The following extracts are a random selection:

*“Apart from a mild attack of chicken-pox, which necessitated the closure of the school on medical grounds for one week, attendance and health records have been good.”<sup>839</sup>*

*“In recent years the roll has increased substantially and the one laboratory available is now quite inadequate: a second laboratory is urgently required. The need for this is fully appreciated by the College authorities, and it is understood that the extra accommodation will be provided as soon as circumstances permit.”<sup>840</sup>*

*“Numbers have increased considerably since the last report, and at the time of the visit there were 489 pupils on the roll; 318 of these were boarders. Classrooms are adequate, but more accommodation is needed for the instruction in science. Dormitory provision for boarders and sanitary facilities are satisfactory.”<sup>841</sup>*

In response to a letter dated 11 February 1954 from The Royal Naval Scholarship Fund in connection with a scholarship award,<sup>842</sup> the SED disclosed by letter dated 17 February

1954 that St Joseph’s had been regularly inspected by them under section 62 of the Education (Scotland) Act 1946 “and had been found on each occasion to be efficient.”<sup>843</sup>

In 1957, probably at a time when the registration of St Joseph’s with the registrar was being considered, the H.M. Inspector raised concerns about the lack of a full inspection of the school in the previous years. After reviewing the records, the Inspector noted that

*“the school is satisfactory on the educational side but there is very little information about the accommodation and I think I should look at the residential accommodation at least before the end of September.”<sup>844</sup>*

Consequently, the 1957 report considered in some detail the accommodation available.<sup>845</sup> The main deficiencies identified were in classroom accommodation for science and art, the old Assembly Hall, and some cramped dormitories. The report concludes that the deficiencies found in accommodation would be resolved by a new proposed building that was due to start

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839 NRS ED32/237 School Inspectors’ Reports, 1904-1955, SED, Form S 10, Report for St Joseph’s College, 17-18 April and 9 May 1951, at SGV.001.005.9332.

840 NRS ED32/237 School Inspectors’ Reports, 1904-1955, SED, Form S 10, Report for St Joseph’s College, 7 December 1954, at SGV.001.005.9374-9375. It seems a copy of the report was sent to the school on 13 December 1954, at SGV.001.005.9376-9377.

841 NRS ED32/237 School Inspectors’ Reports, 1904-1955, SED, Form S 10, Report for St Joseph’s College, 30 June 1955, at SGV.001.005.9392.

842 NRS ED32/237 School’s Inspectors’ Reports, 1904-1955, SED, Letter from the Secretary of the Royal Naval Scholarship Fund to the Secretary of the Ministry of Education for Scotland, 13 February 1954, at SGV.001.005.9364

843 NRS ED32/237 School Inspectors’ Reports, 1904-1955, Letter to the Secretary of the Royal Naval Scholarship Fund, 17 February 1954, at SGV.001.005.9366. Section 62 of the 1946 Act allowed independent schools to request an inspection—and if such a request was made the costs of the inspection had to be met by the school. Evidence indicates that whilst section 61 of the 1946 Act—which placed a duty on the Secretary of State to arrange the inspection of every education establishment—was to apply to both public and independent schools, that in practice section 62 of the Act applied to independent schools. See NRS ED48/1377 Registration of Independent Schools: General Policy, 1953-67, Minute, 6 October 1955, at SGV-000007325, pp.41-42.

844 NRS ED32/239 School Inspectors’ Reports, 1954-1958, Minute to S Branch from W.Gilles, 23 July 1957, at SGV.001.005.9413.

845 NRS ED32/239 School Inspectors’ Reports, 1954-1958, Report for St Joseph’s College, 7 October 1957, at SGV.001.005.9415-9419.

in March 1958. At that time, the school roll comprised 410 boys of whom 85 were day pupils. There were 72 children at primary school level, of whom 56 were boarders. The staff list included in the report discloses that at that time all 17 teachers were Brothers.<sup>846</sup>

Following on from this report, St Joseph's was provisionally registered in the Register of Independent Schools on 20 November 1957.<sup>847</sup> Prior to the registration being made final, the school was visited on 22 January 1958, receiving a B grade.<sup>848</sup> Final registration was confirmed on 11 March 1958.<sup>849</sup>

The final SED inspection report recovered by SCAI for the period up to 1981 (when the school was taken over by the Regional Council) was for a visit over the period 15-18 January 1962.<sup>850</sup> At this time, the school roll had risen to 485, causing the inspectors to observe that "[t]he total number of teachers is barely adequate and, as a result, the rolls of a number of classes are larger than desirable."<sup>851</sup> Nevertheless, the conclusion reached was that "[i]n general, the school is in good heart and the atmosphere is conducive to the all-round development of the pupils."<sup>852</sup>

## Conclusions about inspections

The last of the two inspection reports recovered for St Columba's, dated 23 January 1953, predates the beginning of

the period over which evidence of abuse at St Columba's was led in the case study, and predates the arrival of the prolific abuser, Brother Germanus. There was an inspection in 1958, although the report has not been submitted to SCAI. Then there is the evidence alluded to above that there was an inspection on 17 January 1979, leaving a gap of 21 years from 1958. During that 21-year period, numerous children were abused at St Columba's. After 1979, there may have been an inspection in 1982 shortly prior to the closure of the school.

The last inspection report recovered for St Joseph's prior to 1981 is the report dated 15-18 January 1962 mentioned above. The applicants who would have been at St Joseph's at the time were Richard Kozub (SJ 1957-63) and "Jim" (SJ 1958-63), both of whom suffered physical and sexual abuse. There is an apparent gap in inspections in excess of 19 years. What can be said from the reports recovered up to 1962 for St Joseph's is that they provide solid evidence of a good educational environment geared to producing well educated children.

The adequacy of inspection regimes generally is a topic that SCAI intends to consider at a later stage. It is sufficient for me to observe at this point that, if the inspection gaps identified here did take place, they demand an explanation.

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846 NRS ED32/239 School Inspectors' Reports, 1954-1958, Dumfries, St Joseph's College, Staff, 7 October 1957, at SGV.001.005.9420.

847 NRS ED32/239 School Inspectors' Reports, 1954-1958, Registration of Independent Schools I.S. 14/5, 20 November 1957, at SGV.001.005.9423.

848 NRS ED32/239 School Inspectors' Reports, 1954-1958, Memorandum, 22 January 1958, at SGV.001.005.9425.

849 NRS ED32/239 School Inspectors' Reports, 1954-1958, Registration of Independent Schools I.S. 14/5, 11 March 1958, at SGV.001.005.9428.

850 NRS ED48/1430 Direct Grant Schools, 1958-1969, Report for St Joseph's College, 15-18 January 1962, at SGV.001.006.0681-0682. It seems a copy of the report was sent to the school on 9 April 1962, at SGV.001.006.0686-0690.

851 NRS ED48/1430 Direct Grant Schools, 1958-1969, Report for St Joseph's College, 15-18 January 1962, at SGV.001.006.0681.

852 NRS ED48/1430 Direct Grant Schools, 1958-1969, Report for St Joseph's College, 15-18 January 1962, at SGV.001.006.0682.

## Appendix A - Terms of Reference

### Introduction

The overall aim and purpose of this Inquiry is to raise public awareness of the abuse of children in care, particularly during the period covered by SCAI. It will provide an opportunity for public acknowledgement of the suffering of those children and a forum for validation of their experience and testimony.

The Inquiry will do this by fulfilling its Terms of Reference which are set out below.

1. To investigate the nature and extent of abuse of children whilst in care in Scotland, during the relevant time frame.
2. To consider the extent to which institutions and bodies with legal responsibility for the care of children failed in their duty to protect children in care in Scotland (or children whose care was arranged in Scotland) from abuse, regardless of where that abuse occurred, and in particular to identify any systemic failures in fulfilling that duty.
3. To create a national public record and commentary on abuse of children in care in Scotland during the relevant time frame.
4. To examine how abuse affected and still affects these victims in the long term, and how in turn it affects their families.
5. The Inquiry is to cover that period which is within living memory of any person who suffered such abuse, up until such date as the Chair may determine, and in any event not beyond 17 December 2014.
6. To consider the extent to which failures by state or non-state institutions (including the courts) to protect children in care in Scotland from abuse have been addressed by changes to practice, policy or legislation, up until such date as the Chair may determine.
7. To consider whether further changes in practice, policy or legislation are necessary in order to protect children in care in Scotland from such abuse in future.
8. To report to the Scottish Ministers on the above matters, and to make recommendations, as soon as reasonably practicable.



## Definitions

'Child' means a person under the age of 18.

For the purpose of this Inquiry, "Children in Care" includes children in institutional residential care such as children's homes (including residential care provided by faith based groups); secure care units including List D schools; Borstals; Young Offenders' Institutions; places provided for Boarded Out children in the Highlands and Islands; state, private and independent Boarding Schools, including state funded school hostels; healthcare establishments providing long term care; and any similar establishments intended to provide children with long term residential care. The term also includes children in foster care.

The term does not include: children living with their natural families; children living with members of their natural families, children living with adoptive families, children using sports and leisure clubs or attending faith based organisations on a day to day basis; hospitals and similar treatment centres attended on a short term basis; nursery and day-care; short term respite care for vulnerable children; schools, whether public or private, which did not have boarding facilities; police cells and similar holding centres which were intended to provide care temporarily or for the short term; or 16 and 17 year old children in the armed forces and accommodated by the relevant service.

"Abuse" for the purpose of this Inquiry is to be taken to mean primarily physical abuse and sexual abuse, with associated psychological and emotional abuse. The Inquiry will be entitled to consider other forms of abuse at its discretion, including medical experimentation, spiritual abuse, unacceptable practices (such as deprivation of contact with siblings) and neglect, but these matters do not require to be examined individually or in isolation.

## Appendix B - The parental right of chastisement, corporal punishment in Scottish schools, and related matters

### The Parental Right of Chastisement

The common law of Scotland granted parents the right to inflict corporal punishment upon their children.<sup>853</sup> This right was statutorily acknowledged in 1889 by the Prevention of Cruelty to, and Protection of, Children Act, and repeated by its successors—including the Children Act 1908 and the Children and Young Persons (Scotland) Act, 1937.<sup>854</sup> However, corporal punishment was only lawful, if it was “(i) aimed at chastisement, in the sense of educative punishment, and (ii) within a moderate and reasonable level of severity. Acting in a manner beyond ‘reasonable chastisement’ has long been a legal wrong”.<sup>855</sup> Although the concept of “reasonableness” has changed over time according to society’s changing views on the rights of children and their parents, “cases from the earliest period indicate a judicial awareness of the dangers to vulnerable children of excessive physical punishment.”<sup>856</sup> Therefore, although parents did have the right to punish their children, this parental right was not without limits—it had to have a purpose and had to be reasonable.

### Corporal Punishment in Scottish Schools

As mentioned above, throughout much of the period examined in this case study, corporal punishment was permitted in Scottish schools. In Scotland, the corporal punishment in question commonly took the form of striking the palm of the pupil’s hand with the “Lochgelly tawse”.<sup>857</sup> After the Second World War, changing attitudes towards children and new understandings about their development, saw increased concerns about the use of corporal punishment not only at school, but also in circumstances where children were living away from the family home.

### Curtis Report

In September 1946, the Secretary of State for the Home Department, the Minister of Health, and the Minister of Education presented a report to Parliament from “The Care of Children Committee”. The committee had been chaired by Miss Myra Curtis and became known as the “Curtis Report”. It was the result of detailed inquiry into the provision for children in care and its recommendations, strongly urged on the government, included:

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853 See Alexander Birrell Wilkinson and Kenneth McK. Norrie, *The Law Relating to Parent and Child in Scotland*, 3<sup>rd</sup> ed. (2013) at 7.36. See also Kenneth McK. Norrie, Report to SCAI, [Legislative Background to the Treatment of Children and Young People Living Apart From Their Parents](#) (November 2017), at p.346.

854 Kenneth McK. Norrie, Report to SCAI, [Legislative Background to the Treatment of Children and Young People Living Apart From Their Parents](#) (November 2017), at p.346.

855 Kenneth McK. Norrie, Report to SCAI, [Legislative Background to the Treatment of Children and Young People Living Apart From Their Parents](#) (November 2017), at p.346.

856 Kenneth McK. Norrie, Report to SCAI, [Legislative Background to the Treatment of Children and Young People Living Apart From Their Parents](#) (November 2017), at p.347.

857 See BBC Scotland, 22 February 2017, “[How the tawse left its mark on Scottish pupils](#)”.

### *“Discipline*

*We have given much thought to this question and have come to the conclusion that corporal punishment (i.e. caning or birching) should be definitely prohibited in children’s Homes for children of all ages and both sexes, as it already is in the Public Assistance Homes for girls and for boys of 14 and over. We think that the time has come when such treatment of boys in these Homes should be unthinkable as the similar treatment of girls already is and that the voluntary Homes should adopt the same principle. It is to be remembered that the children with whom we are concerned are already at a disadvantage in society. One of the first essentials is to nourish their self-respect; another is to make them feel that they are regarded with affection by those in charge of them. Whatever there is to be said for this form of punishment in the case of boys with a happy home and full confidence in life, it may, in our opinion be disastrous for the child with an unhappy background. It is, moreover, liable to... abuse. In condemning corporal punishment we do not overlook the fact that there are other means of enforcing control which may have even more harmful effects. We especially deprecate nagging, sneering, taunting, indeed all methods which secure the ascendancy of the person in charge by destroying or lowering the self-esteem of the child”.*<sup>858</sup>

This insightful message is one that boarding schools like St Columba’s and St Joseph’s ought to have taken cognisance of because they housed children separated from loving families, a separation that, in itself, especially for younger children, created a vulnerability.

### **The Administration of Children’s Homes (Scotland) Regulations 1959**

Although not applicable to boarding schools, it is worth mentioning the Administration of Children’s Homes (Scotland) Regulations 1959, which applied to both local authority and voluntary homes and came into force on 1 August 1959. These Regulations reflected a shift in social attitudes to the punishment of children in any institution, including boarding schools.

These Regulations “contained rules for the administration of homes, the welfare of children accommodated therein, and for oversight of both these matters.”<sup>859</sup>

Regulation 1 required those responsible for the administration of the home to ensure that it was “conducted in such manner and on such principles as will secure the well-being of the children of the home.”<sup>860</sup> Thereafter, Regulation 10 held that:

*(1) The general discipline of the children accommodated in a home shall be maintained by the personal influence of the person in charge of the home.*

*(2) Except as provided in Regulation 11 a child whom it is necessary to punish for misconduct shall be punished only by a temporary loss of recreation or privileges.*

*(3) A record of any punishment administered to a child shall be made in the log book...*

*(4) Any case in which a child is punished with abnormal frequency shall be reported by the person in charge of the home to the administering authority who shall arrange for an investigation of the child’s mental condition.*<sup>861</sup>

858 The Curtis Report, paragraph 493(xviii) at LEG.001.001.8889-8890.

859 Kenneth McK. Norrie, Report to SCAI, [Legislative Background to the Treatment of Children and Young People Living Apart From Their Parents](#) (November 2017), at p.204.

860 The Administration of Children’s Homes (Scotland) Regulations 1959, reg. 1, at LEG.001.001.2719.

861 The Administration of Children’s Homes (Scotland) Regulations 1959, reg. 10, at LEG.001.001.2722-2723.

Regulation 11 provided that corporal punishment may “exceptionally be administered”.<sup>862</sup> In such cases, it “could only be administered by a person specifically empowered by the administering authority to do so.”<sup>863</sup> If the child was known to have any physical or mental disability, sanction was required from the medical officer before corporal punishment could be administered.<sup>864</sup>

### Approved Schools (Scotland) Rules 1961

Again, although not directly applicable to boarding schools, it is also worth mentioning the Approved Schools (Scotland) Rules 1961 as the standard noted in these Rules could be said to reflect what was expected at the time in relation to the use of corporal punishment in schools.

The Approved Schools (Scotland) Rules 1961 contained provisions relating to discipline and punishment.<sup>865</sup> Rule 28 provided that discipline and punishment were the responsibility of the headmaster of the approved school.<sup>866</sup> The headmaster could delegate this responsibility, except where special provision to the contrary was made in the Rules. Rule 29 listed the punishments available:

- “(a) reprimand;*
- (b) forfeiture of privileges or rewards;*
- (c) loss of conduct marks or reduction in ranks;*
- (d) loss of recreation or liberty;*
- (e) performance of useful additional tasks;*

*(f) the disallowance of home leave, which may be used only in the case of a serious offence;*

*or*

*(g) corporal punishment.”<sup>867</sup>*

Rule 30 established that

*“The type of punishment to be used shall be determined not only by the gravity of the offence but also by the age, temperament and physical condition of the offender. The Medical Officer shall be consulted if there is reason to think that punishment might be harmful to the pupil. In no case shall the nature or the extent of the punishment be such as might be injurious to physical or mental health. Punishments shall not be awarded more than once for the same offence.”<sup>868</sup>*

Rule 31 dealt specifically with corporal punishment and provided that it may be inflicted only in the following conditions:

*“(a) for an offence committed in the course of ordinary lessons in the schoolroom the principal teacher may be authorised by the Managers to inflict on the hands not more than three strokes in all;*

*(b) except as provided in the last foregoing paragraph, the punishment may be inflicted only by the Headmaster or, in his absence or incapacity, by the Deputy Headmaster or by the master specifically directed by the Managers under Rule 14 to exercise the functions of the Headmaster;*

862 The Administration of Children’s Homes (Scotland) Regulations 1959, reg. 11, at LEG.001.001.2723.

863 Kenneth McK. Norrie, Report to SCAI, [Legislative Background to the Treatment of Children and Young People Living Apart From Their Parents](#) (November 2017), at p.206.

864 The Administration of Children’s Homes (Scotland) Regulations 1959, reg. 11, at LEG.001.001.2723. See also Kenneth McK. Norrie, Report to SCAI, [Legislative Background to the Treatment of Children and Young People Living Apart From Their Parents](#) (November 2017), at p.206, and [Transcript, day 2](#): Professor Kenneth Norrie, at TRN.001.001.3250.

865 Approved Schools (Scotland) Rules 1961, Rules 28-32, at LEG.001.001.2704-2705.

866 Approved Schools (Scotland) Rules 1961, Rule 28, at LEG.001.001.2704.

867 Approved Schools (Scotland) Rules 1961, Rule 29, at LEG.001.001.2704.

868 Approved Schools (Scotland) Rules 1961, Rule 30, at LEG.001.001.2704.

(c) except when the punishment is inflicted in the presence of a class in a schoolroom, an adult witness must be present;

(d) no pupil may be called upon to assist the person inflicting the punishment;

(e) the punishment may not be inflicted on a girl other than a pupil in a school classified under subsection (1) of section 85 of the Act as a junior school and not more than three strokes in all may be inflicted on the hands only;

(f) for boys under 14 years of age, the number of strokes may not exceed two on each hand or four on the posterior over ordinary cloth trousers;

(g) for boys who have attained the age of 14 years, the number of strokes may not exceed three on each hand or six on the posterior over ordinary cloth trousers;

(h) only a light tawse may be used: a cane or other form of striking is forbidden;

(i) the punishment may not be inflicted on more than one occasion for the same offence; and

(j) no pupil who shows any sign of physical weakness or mental illness shall receive corporal punishment without the sanction of the Medical Officer;

and any person who commits a breach of this Rule shall be liable to dismissal or other disciplinary action.<sup>869</sup>

Rule 32 provided that

*“(1) The Headmaster shall, without delay, enter in the punishment book full particulars of each occasion on which home leave is stopped or corporal punishment inflicted. A teacher who inflicts*

*corporal punishment under paragraph (1) of Rule 31 shall, without delay, report the punishment to the Headmaster for entry in the punishment book.”<sup>870</sup>*

Rule 32 also indicated the information that should be included in punishment books.

### **Elimination of Corporal Punishment in Schools: Statement of Principles and Code of Practice**

By the 1960s, following agreement in principle that the teaching profession should be encouraged to move towards the gradual elimination of corporal punishment, a consultative body—the Liaison Committee on Educational Matters—worked on and issued a booklet entitled “Elimination of Corporal Punishment in Schools: Statement of Principles and Code of Practice.”<sup>871</sup> It set out rules designed to limit the use of corporal punishment:

*Until corporal punishment is eliminated its use should be subject to the following rules:*

- (i) *It should not be administered for failure or poor performance in a task, even if the failure (e.g. errors in spelling or calculation, bad homework, bad handwriting, etc.) appears to be due not to lack of ability or any other kind of handicap but to inattention, carelessness or laziness. Failure of this type may be more an educational and social problem than a disciplinary one, and may require remedial rather than corrective action.*
- (ii) *Corporal punishment should not be used in infant classes. Its elimination from infant classes should be followed*

869 Approved Schools (Scotland) Rules 1961, Rule 31, at LEG.001.001.2704-2705.

870 Approved Schools (Scotland) Rules 1961, Rule 32, at LEG.001.001.2705.

871 See Corporation of Glasgow, Education Department, Meeting of Schools and School Welfare Sub-Committee, 6 May 1968, at GLA.001.001.0703. The booklet was sent to all education authorities in February 1968.

*by progressive elimination from other primary classes.*

- (iii) In secondary departments, only in exceptional circumstances should any pupil be strapped by a teacher of the opposite sex or girls be strapped at all.*
- (iv) Corporal punishment should not be inflicted for truancy or lateness unless the head teacher is satisfied that the child and not the parent is at fault.*
- (v) The strap should not be in evidence, except when it is being used to inflict corporal punishment.*
- (vi) Where used, corporal punishment should be used only as a last resort, and should be directed to punishment of the wrong-doer and to securing the conditions necessary for order in the school and for work in the classroom.*
- (vii) It should normally follow previous clear warning about the consequences of a repetition of misconduct.*
- (viii) Corporal punishment should be given by striking the palm of the pupil's hand with a strap and by no other means whatever. The Secretary of State for Scotland welcomed the issue of this booklet. The thinking as to what was acceptable even in the school setting had begun to shift significantly by the last two decades of St Ninian's existence.<sup>872</sup>*

The thinking as to what was acceptable, even in the school setting, had shifted significantly by the late 1960s. Further developments in the 1980s saw corporal punishment abolished at most schools.

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872 Liaison Committee on Educational Matters, *Elimination of Corporal Punishment in Schools: Statement of Principles and Code of Practice*, February 1968, at GLA.001.001.0706.

## Appendix C - Inspection reports relating to St Joseph's between 1900 and 1957

- 23 September 1904<sup>873</sup>
- 24 June 1905<sup>874</sup>
- 28 June 1926<sup>875</sup>
- 9 July 1927<sup>876</sup>
- 30 May 1928<sup>877</sup>
- 17 June 1929<sup>878</sup>
- 4 July 1930<sup>879</sup>
- 12 June 1931<sup>880</sup>
- 6 June 1932<sup>881</sup>
- 30 June 1933<sup>882</sup>
- 25 May 1934<sup>883</sup>
- 3 July 1935<sup>884</sup>
- 6 and 27 June 1936<sup>885</sup>
- 22 June 1937<sup>886</sup>
- 30 May 1938<sup>887</sup>
- 2, 3, and 16 May 1939<sup>888</sup>

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873 NRS ED32/237 School Inspectors' Reports, 1904-1955, SED, Form A 81. Inspector's Report on Classes conducted under the provisions of the Minute of 30 May, 1903, 23 September 1904, at SGV.001.005.9155-9157.

874 NRS ED32/237 School Inspectors' Reports, 1904-1955, Report for St Joseph's Commercial College, 24 June 1905, at SGV.001.005.9158-9160.

875 NRS ED32/237 School Inspectors' Reports, 1904-1955, SED, Form S 10, Report for St Joseph's College, 28 June 1926, at SGV.001.005.9163-9164.

876 NRS ED32/237 School Inspectors' Reports, 1904-1955, SED, Form S 10, Report for St Joseph's College, 9 July 1927, at SGV.001.005.9165-9166.

877 NRS ED32/237 School Inspectors' Reports, 1904-1955, SED, Form S 10, Report for St Joseph's College, 30 May 1928, at SGV.001.005.9168-9171.

878 NRS ED32/237 School Inspectors' Reports, 1904-1955, SED, Form S 10, Report for St Joseph's College, 17 June 1929, at SGV.001.005.9172-9174.

879 NRS ED32/237 School Inspectors' Reports, 1904-1955, SED, Form S 10, Report for St Joseph's College, 4 July 1930, at SGV.001.005.9176-9179.

880 NRS ED32/237 School Inspectors' Reports, 1904-1955, SED, Form S 10, Report for St Joseph's College, 12 June 1931, at SGV.001.005.9180-9184.

881 NRS ED32/237 School Inspectors' Reports, 1904-1955, SED, Form S 10, Report for St Joseph's College, 6 June 1932, at SGV.001.005.9185-9188.

882 NRS ED32/237 School Inspectors' Reports, 1904-1955, SED, Form S 10, Report for St Joseph's College, 30 June 1933, at SGV.001.005.9189-9192.

883 NRS ED32/237 School Inspectors' Reports, 1904-1955, SED, Form S 10, Report for St Joseph's College, 25 May 1934, at SGV.001.005.9193-9197.

884 NRS ED32/237 School Inspectors' Reports, 1904-1955, SED, Form S 10, Report for St Joseph's College, 3 July 1935, at SGV.001.005.9198-9202.

885 NRS ED32/237 School Inspectors' Reports, 1904-1955, SED, Form S 10, Report for St Joseph's College, 6 and 27 June 1936, at SGV.001.005.9217-9225.

886 NRS ED32/237 School Inspectors' Reports, 1904-1955, SED, Form S 10, Report for St Joseph's College, 22 June 1937, at SGV.001.005.9226-9231.

887 NRS ED32/237 School Inspectors' Reports, 1904-1955, SED, Form S 10, Report for St Joseph's College, 30 May 1938, at SGV.001.005.9232-9234.

888 NRS ED32/237 School Inspectors' Reports, 1904-1955, SED, Form S 10, Report for St Joseph's College, 2, 3 and 16 May 1939, at SGV.001.005.9236-9240. It seems a copy of the report was sent to the school on 8 July 1939, at SGV.001.005.9241-9243.

- 7, 17, 28, and 30 May 1946<sup>889</sup>
- 19 and 23 June 1948<sup>890</sup>
- 23 May 1950<sup>891</sup>
- 17-18 April and 9 May 1951<sup>892</sup>
- 10 June 1953<sup>893</sup>
- 7 December 1954<sup>894</sup>
- 30 June 1955<sup>895</sup>
- 18 September 1957.<sup>896</sup>

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889 NRS ED32/237 School Inspectors' Reports, 1904-1955, SED, Form S 10, Report for St Joseph's College, 7, 17, 28 and 30 May 1946, at SGV.001.005.9267-9269. It seems a copy of the report was sent to the school, n.d., at SGV.001.005.9275-9276.

890 NRS ED32/237 School Inspectors' Reports, 1904-1955, SED, Form S 10, Report for St Joseph's College, 19 and 23 June 1948, at SGV.001.005.9297-9299. It seems a copy of the report was sent to the school on 1 July 1948, at SGV.001.005.9300-9301.

891 NRS ED32/237 School Inspectors' Reports, 1904-1955, SED, Form S 10, Report for St Joseph's College, 23 May 1950, at SGV.001.005.9312-9315. It seems a copy of the report was sent to the school on 8 July 1950, at SGV.001.005.9318-9319.

892 NRS ED32/237 School Inspectors' Reports, 1904-1955, SED, Form S 10, Report for St Joseph's College, 17-18 April and 9 May 1951, at SGV.001.005.9332-9335. It seems a copy of the report was sent to the school in October 1951, at SGV.001.005.9336-9337.

893 NRS ED32/237 School Inspectors' Reports, 1904-1955, SED, Form S 10, Report for St Joseph's College, 10 June 1953, at SGV.001.005.9350-9351. It seems a copy of the report was sent to the school on 15 July 1953, at SGV.001.005.9353-9354.

894 NRS ED32/237 School Inspectors' Reports, 1904-1955, SED, Form S 10, Report for St Joseph's College, 7 December 1954, at SGV.001.005.9374-9375. It seems a copy of the report was sent to the school on 13 December 1954, at SGV.001.005.9376-9377.

895 NRS ED32/237 School Inspectors' Reports, 1904-1955, SED, Form S 10, Report for St Joseph's College, 30 June 1955, at SGV.001.005.9392-9395. It seems a copy of the report was sent to the school on 1 August 1955, at SGV.001.005.9397-9398.

896 NRS ED32/239 School Inspectors' Reports, 1954-1958, Report for St Joseph's College, 18 September 1957, at SGV.001.005.9415-9420.



## Appendix D - Breakdown of numbers of children at St Columba's and St Joseph's

### St Columba's College Statistics

#### Number of children at St Columba's College between 1951 and 1982

Between 1951 and 1982, St Columba's likely accommodated over 1,000 children.<sup>897</sup>

Date	St Columba's College
1951	40, four of which were day pupils <sup>898</sup>
1952	43, four of which were day pupils <sup>899</sup>
1953	41, nine of which were day pupils <sup>900</sup>
1954-1976	Not known
1977	34 pupils, 12 of which were day pupils <sup>901</sup>
1978	30, 15 of which were day pupils <sup>902</sup>
1979	More than 20, of which at least three were day pupils <sup>903</sup>
1980	18, of which six were day pupils <sup>904</sup>
1981	More than 12 <sup>905</sup>
1982	19, of which seven were day pupils <sup>906</sup>
1983	Nine, of which two were day pupils <sup>907</sup>

897 This is an estimation given the lack of records for some years.

898 NRS ED32/221 School Inspectors' Reports, 1951-1958, SED, Form S 10, Inspection Report, 19 June 1951, at SGV.001.005.9122.

899 NRS ED32/221 School Inspectors' Reports, 1951-1958, SED, Note, 28 November 1951, at SGV.001.005.9134, and File, 14 January 1952, at SGV.001.005.9137. Included in this file is a note at SGV.001.005.9136, stating that the school is restricted to a maximum of 40 boarders, however the inspection report recommends no more than 30 boarders until such time as the dormitory and bathing areas are upgraded.

900 NRS ED32/221 School Inspectors' Reports, 1951-1958, SED, Report, 23 January 1953, at SGV.001.005.9139.

901 St Columba's College Minute Book, 1 March 1977, at MAR.001.001.0661.

902 St Columba's College Minute Book, 6 and 7 September 1977, at MAR.001.001.0665. St Columba's College Minute Book, 8 January 1978, at MAR.001.001.0667, lists 18 pupils, but it is unclear from the entry whether 18 is the total number of students or the total number of boarders.

903 St Columba's College Minute Book, 9 January 1979, at MAR.001.001.0679, states that there were 17 boarders. St Columba's College Minute Book, 15 March 1979, at MAR.001.001.0686, states there were 3 day pupils. There were likely more than 20 pupils, given the note on 28 June 1979, at MAR.001.001.0691, stating that 20 boys remained for lunch.

904 St Columba's College Minute Book, 25 May 1980, at MAR.001.001.0707, states there were 12 boarders after a student left. St Columba's College Minute Book, 21 April 1980, at MAR.001.001.0706, states there were 6 day pupils.

905 St Columba's College Minute Book, 12 September 1980, at MAR.001.001.0712, states 12 of the boys went to a birthday party.

906 St Columba's College Minute Book, 31 August 1981, at MAR.001.001.0722.

907 St Columba's College Minute Book, 30 August 1982, at MAR.001.001.0730.

## St Joseph's College Statistics

### Number of children at St Joseph's College between 1951 and 1983

Between 1951 and 1983, St Joseph's likely accommodated nearly 14,000 children.<sup>908</sup>

Date	St Joseph's College
1951-1952	329 <sup>909</sup>
1952-1953	360 <sup>910</sup>
1953-1954	375 <sup>911</sup>
1954-1955	388, <sup>912</sup> of which 70 were day pupils <sup>913</sup>
1955-1956	398 <sup>914</sup>
1956-1957	419, <sup>915</sup> of which 90 were day pupils <sup>916</sup>
1957-1958	421 <sup>917</sup>
1958-1959	440 <sup>918</sup>
1959-1960	Not known
1960-1961	493 <sup>919</sup>
1961-1962	496 <sup>920</sup>
1962-1963	480 <sup>921</sup>
1963-1964	Not known
1964-1965	494 <sup>922</sup>
1965-1966	Not known
1966-1967	491 <sup>923</sup>

908 This is an estimation given the lack of records for some years.

909 St Joseph's College Annual (1952), at MAR.001.001.2526-2528. According to Brother Clare during the early fifties "numbers stood at about 150 boarders and 70 day boys." *Brother Clare's History of the Province*, (2011 - New Edition), at MAR-000000003, p.154.

910 NRS ED32/237 School Inspectors' Reports, 1904-1955, at SGV.001.005.9348. According to Brother Clare at the start of the academic year in 1952 there were 295 boarders and 66 day pupils. *Brother Clare's History of the Province*, (2011 - New Edition), at MAR-000000003, p.154.

911 NRS ED32/237 School Inspectors' Reports, 1904-1955, at SGV.001.005.9367.

912 NRS ED32/237 School Inspectors' Reports, 1904-1955, at SGV.001.005.9382-3.

913 NRS ED32/237 School Inspectors' Reports, 1904-1955, at SGV.001.005.9401.

914 St Joseph's College Annual (1956), at MAR.001.001.2537-2539.

915 St Joseph's College, Dumfries, School Roll 1956/57, at MAR.001.001.1409; NRS ED48/1429, Direct Grant Schools, at SGV.001.006.0467.

916 St Joseph's College - School Roll, at MAR.001.001.1409.

917 NRS ED48/1429, Direct Grant Schools, at SGV.001.006.0467.

918 NRS ED48/1429, Direct Grant Schools, at SGV.001.006.0467; St Joseph's College Annual (1959), at MAR.001.001.2549-2551.

919 St Joseph's College Annual (1961), at MAR.001.001.2553-2555.

920 St Joseph's College Annual (1962), at MAR.001.001.2558-2561.

921 Province of Great Britain and Ireland Provincial Bulletin, May 1963, at MAR.001.001.1638.

922 St Joseph's College Annual (1965), at MAR.001.001.2576-2580.

923 St Joseph's College Annual (1967), at MAR.001.001.2588-2592.

Date	St Joseph's College
1967-1968	502, of which 152 were day pupils <sup>924</sup>
1968-1969	511, of which 173 were day pupils <sup>925</sup>
1969-1970	498 <sup>926</sup>
1970-1971	481, <sup>927</sup> of which 192 were day pupils <sup>928</sup>
1971-1972	491, <sup>929</sup> of which 216 were day pupils <sup>930</sup>
1972-1973	Unknown
1973-1974	556, of which 291 were day pupils <sup>931</sup>
1974-1975	595, of which 330 were day pupils <sup>932</sup>
1975-1976	600, <sup>933</sup> of which 330 were day pupils <sup>934</sup>
1976-1977	Not known
1977-1978	Not known
1978-1979	324, <sup>935</sup> of which 244 were day pupils <sup>936</sup>
1979-1980	Not known
1980-1981	256 <sup>937</sup>
1981-1982	Not known
1982-1983	Not known

924 St Joseph's College - Outline of school for the Public Schools Commission, at MAR.001.001.1329.

925 St Joseph's College Board of Governors Minutes, 17 January 1969, at MAR.001.001.1397.

926 St Joseph's College Annual (1970), at MAR.001.001.2606-2611.

927 St Joseph's College Annual (1971), at MAR.001.001.2613-2617. The Board of Governor's Minutes for 25 June 1971 reports an average roll of 488 pupils, at MAR.001.001.1384.

928 St Joseph's College Board of Governors Minutes, 25 June 1971, at MAR.001.001.1384.

929 St Joseph's College Annual (1972), at MAR.001.001.2619-2624. The Board of Governor's Minutes for 25 June 1971 reports an estimated roll of 496 pupils, at MAR.001.001.1384.

930 Estimated figure; St Joseph's College Board of Governors Minutes, 25 June 1971, at MAR.001.001.1384.

931 NRS ED48/2170 Grant Aided Secondary Schools, Discussions and Meetings: Future of Schools, SED, January 1974 Pupil Numbers of St Joseph's College, at SGV.001.006.9531.

932 NRS ED48/1705 Educational Provision, Phasing out of Grant-Aided Schools, SED, 19 May 1975 Meeting Notes, June 1975, at SGV.001.006.0817.

933 Estimated figure; NRS ED48/1705 Educational Provision, Phasing out of Grant-Aided Schools, SED, Meeting Notes, 5 March 1976, at SGV.001.006.0803.

934 Estimated figure; NRS ED48/1705 Educational Provision, Phasing out of Grant-Aided Schools, SED, Letter, 17 March 1976, at SGV.001.006.0795.

935 St Joseph's College - Class list, 1978, at MAR.001.001.1300-1315.

936 NRS ED48/1986 Grant-Aided Secondary Schools, 1978-1981, St Joseph's College, Letter, 10 December 1979, at SGV.001.006.1093.

937 St Joseph's College - Class list, 1980, at MAR.001.001.1316-1327.

## Appendix E - Numbers of complaints, civil actions, police investigations, criminal proceedings and applicants to SCAI

### St Columba's College and St Joseph's College

Number of complaints made to the Order relating to abuse or alleged abuse at St Columba's and St Joseph's as at 26 October 2019.	28 complaints comprising: Four complaints relating to St Columba's, and 24 complaints relating to St Joseph's. <sup>938</sup>
Number of civil actions raised against the Order relating to abuse or alleged abuse at St Columba's and St Joseph's as at 26 October 2019.	Two civil actions, one relating to St Columba's and one relating to St Joseph's. <sup>939</sup>
Number of police investigations relating to abuse or alleged abuse at St Columba's and St Joseph's of which the Order was aware as at 26 October 2019.	The Order were aware that 26 complaints had been made to police, relating to 14 Brothers or former Brothers. <sup>940</sup>
Number of criminal proceedings resulting in a conviction relating to abuse at St Columba's and St Joseph's of which the Order was aware as at 26 October 2019.	Two: criminal proceedings against Peter Toner in relation to abuse at St Columba's, and criminal proceedings against Norman Bulloch in relation to abuse at St Joseph's. <sup>941</sup>
Number of SCAI applicants relating to St Columba's and St Joseph's.	35 <sup>942</sup>

938 Institute of the Marist Brothers, Revisions to Appendices A-D, at MAR.001.001.3116, Appendix B at MAR.001.001.3129.

939 Institute of the Marist Brothers, Revisions to Appendices A-D, Appendix C, at MAR.001.001.3153.

940 Institute of the Marist Brothers, Revisions to Appendices A-D, at MAR.001.001.3116, Appendix D, at MAR.001.001.3155.

941 See [Appendix F](#).

942 As of 13 October 2021.

## Appendix F - Convictions of Norman Bulloch and Peter Toner

### Norman Bulloch

#### Convictions in Scotland

On 14 April 1998 Norman Bulloch pled guilty to and was convicted of four charges at Glasgow High Court. On 5 May 1998 he was sentenced to eight years' imprisonment.<sup>943</sup>

Norman Bulloch was convicted of the following four charges:

On various occasions between 28 August 1973 and 30 August 1974, both dates inclusive, at St Joseph's College, Craigs Road, Dumfries, while employed there as a teacher, you did use lewd, indecent and libidinous practices and behaviour towards **Child A**, then a pupil at said St Joseph's College, rub cream on his private member and hinder parts, expose your private member and masturbate in his presence, handle and masturbate his private member, induce him to handle and masturbate your private member, masturbate and suck his private member to the emission of semen and induce him to suck your private member.

On various occasions between 27 August 1974 and 27 June 1975, both dates inclusive, and between 27 August 1975 and 25 June 1976, both dates inclusive, at St Joseph's College, Craigs Road, Dumfries, while employed there as a teacher, you did conduct yourself in a shamelessly indecent manner towards **Child A**, then a pupil at said St Joseph's College, assault him, remove his clothing, expose your private member in

his presence, suck his private member and rub your private member against his hinder parts.

On various occasions between 27 August 1974 and 27 June 1975, both dates inclusive, and between 27 August 1975 and 25 June 1976, both dates inclusive, at St Joseph's College, Craigs Road, Dumfries, while employed there as a teacher, you did penetrate the hinder parts of the body of **Child A**, then a pupil at said St Joseph's College, with your private member and did have unnatural carnal connection with him.

On one occasion between 1 and 30 November 1976, both dates inclusive, at Bruno's Restaurant, Balmoral Road, Dumfries and thereafter at St Joseph's College, Craigs Road, Dumfries, you did assault **Child B**, then a pupil at said school, induce him to remove his clothing, remove his underpants, expose your private member in his presence, kiss him, handle and masturbate his private member, penetrate the hinder parts of his body with your private member and did have unnatural carnal connection with him.

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943 Indictment of Norman Bulloch, at JUS.001.001.1178; Certificate of Conviction of Norman Bulloch, at JUS.001.001.1182; Minute sheet at JUS.001.001.1183; Extract Sentence, at JUS.001.001.1405

## Peter Toner

### Convictions in Scotland

On 8 February 2019 Peter Toner was convicted of seven charges at Glasgow High Court. On 7 March 2019 he was sentenced to 12 years' imprisonment, comprising a custodial term of 10 years and an extension period of two years.<sup>944</sup>

Peter Toner was convicted of the following seven charges:

On various occasions between 3 September 1980 and 17 September 1982, both dates inclusive, at St Columba's College, Greenock Road, Largs you PETER TONER did use lewd, indecent and libidinous practices and behaviour towards **Child C**, c/o Police Service of Scotland, St Marnock Street, Kilmarnock, a pupil at said school and a child in your care, and did expose your penis to him, masturbate in his presence, induce him to touch your penis and masturbate you, ejaculate onto his pyjamas and face, induce him to watch pornography, penetrate his mouth with your penis and induce him to attempt to penetrate the anus of another boy, also a pupil as said school with his penis.

On an occasion between 3 September 1980 and 17 September 1982, both dates inclusive, at St Columba's College, Greenock Road, Largs you PETER TONER did assault **Child C**, c/o Police Service of Scotland, St Marnock Street, Kilmarnock, a pupil at said school and a child in your care, and did rub lubricant on his anus and penetrate his anus with your penis and have unnatural carnal connection with him, to his injury.

On various occasions between 1 January 1981 and 17 September 1982, both dates inclusive, at St Columba's College, Greenock Road, Largs you PETER TONER did use lewd, indecent and libidinous practices and behaviour towards **Child D** c/o Police Service of Scotland, St Marnock Street, Kilmarnock, a pupil at said school and a child in your care, and did induce him to remove his clothing, remove your clothing, masturbate him, touch and kiss his anus, penetrate his anus with your fingers, compel him to touch your penis and masturbate you insert his penis into your mouth; induce him and other boys, also pupils at said school, to touch each other's penis, induce him to rub his naked body against said boys, and induce him to cause another pupil to lie naked with him in bed.

On various occasions between 19 May 1980 and 17 September 1982, both dates inclusive, at St Columba's College, Greenock Road, Largs you PETER TONER did use lewd, indecent and libidinous practices and behaviour towards "**Alan**", c/o Police Service of Scotland, St Marnock Street, Kilmarnock, a pupil at said school and a child in your care, and did induce him to enter a bath and to touch his penis and masturbate in your presence, masturbate yourself in his presence; induce him to enter a bath with other boys, also pupils at said school, including **Child C**, c/o Police Service of Scotland, St Marnock Street, Kilmarnock, **Child D**, c/o Police Service of Scotland, St Marnock Street, Kilmarnock and "**John**" c/o Police Service of Scotland, St Marnock Street, Kilmarnock and induce him and said other pupils to touch each other's penis in your presence; remove your clothing in his presence, induce him to touch your body and penis and to masturbate you, induce him to penetrate your anus with his finger,

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944 Indictment of Peter Toner, High Court of Justiciary at Glasgow, Marked-up indictment, at JUS.001.001.1412; Clean indictment, at JUS.001.001.1504; Extra sentence, at JUS.001.001.1480.

induce him to attempt to penetrate your anus with his penis, penetrate his mouth with your penis, ejaculate in his presence, induce him to remove his clothing, induce him to masturbate in his presence, touch his penis, rub your finger on his anus; induce him in your presence, to touch the penis of **"John"** and to penetrate **"John's"** mouth with his penis, and induce him to masturbate you and ejaculate in his presence.

On various occasions between 19 May 1980 and 25 June 1982, both dates inclusive, at St Columba's College, Greenock Road, Largs you PETER TONER did use lewd, indecent and libidinous practices and behaviour towards **"John"**, c/o Police Service of Scotland, St Marnock Street, Kilmarnock, a pupil at said school and a child in your care, and did pour water on his body as he lay in bed, induce him to sleep beside you, show him a pornographic magazine, expose your naked body to him, induce him to touch your penis and masturbate you and penetrate his mouth with your penis; induce him to simulate anal sexual intercourse with **"Alan"**, induce him to touch the said **"Alan's"** penis and to penetrate the mouth of the said **"Alan"** with his penis, induce him to masturbate you in the presence of the said **"Alan"**, ejaculate in his presence and; in the presence of said **"Alan"**, penetrate the mouth of the said **"John"** with your penis, insert his penis into your mouth, masturbate him, place your penis between his buttocks and simulate anal sexual intercourse with him.

On various occasions between 19 May 1980 and 25 June 1982, both dates inclusive, at St Columba's College, Greenock Road, Largs you PETER TONER did use lewd, indecent and libidinous practices and behaviour towards **"Billy"**, c/o Police Service of Scotland, St Marnock Street, Kilmarnock, a pupil at said school and a child in your care, and did expose your penis to him, enter a bath beside him while you were both naked.

On an occasion between 19 May 1980 and 25 June 1982, both dates inclusive, at St Columba's College, Greenock Road, Largs you PETER TONER did assault **"Billy"**, c/o Police Service of Scotland, St Marnock Street, Kilmarnock, a pupil at said school and a child in your care, and did throw a wooden duster at him causing it to strike him on the face to his injury and permanent disfigurement.

### Convictions in England

On 8 May 2018 Peter Toner was convicted by a jury in the Crown Court at Central Criminal Court in England of three counts of possession of indecent photographs of a child in 2015, three counts of indecency with a child (one between 1986 and 1988 and two between 1989 and 1993) and one count of taking indecent photographs of a child between 1986 and 1988. The indecency with a child and taking an indecent video, dated back to Peter Toner's time as a teacher at a boys' boarding school, St John's Beaumont Preparatory Boys School in Berkshire, near Windsor. Both victims were aged nine or ten years old. On 6 June 2018 Peter Toner was sentenced to three years and six months' imprisonment.<sup>945</sup>

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945 Certificate of conviction, at CCC.001.001.0001 and CCC.001.001.0005; Order of imprisonment, at CCC.001.001.0008; Prosecution sentencing note, at CCC.001.001.0552; Pre-sentence report, at CCC.001.001.0555.

## **Appendix G - Notice of draft findings**

An individual received notice of relevant findings in draft form and was afforded a reasonable time to respond, if he wished to do so. The individual did respond and I carefully considered his responses before finalising my findings.



