

1 Wednesday, 3 July 2019

2 (10.00 am)

3 LADY SMITH: Good morning. As I indicated yesterday, we
4 begin this morning with another video link, which I'm
5 pleased to see seems to be up and running. I take it
6 we're happy that it's working well, Ms MacLeod, is that
7 right?

8 MS MACLEOD: Good morning, my Lady. Yes, I think so. The
9 next witness is brother Francis Hall.

10 LADY SMITH: Good morning, Brother Francis. Can you hear me
11 all right?

12 THE WITNESS: Yes, I can, Lady Smith. Good morning to you.

13 LADY SMITH: You obviously know who I am so I don't need to
14 introduce myself. You understand, I think, that I'm
15 chairing the Scottish Child Abuse Inquiry.

16 What I would like to do is begin by putting you on
17 oath.

18 BROTHER FRANCIS HALL (sworn)

19 (The witness appeared via video link)

20 LADY SMITH: Before I hand you over to Ms MacLeod, could
21 I just make it clear that it's very important to us that
22 you are comfortable with the video link, that you can
23 hear us properly, see us properly, and if you have any
24 difficulties at all, you must let me know; all right?

25 A. Of course, fine, thank you. Yes, at the moment it's

1 working very well.

2 LADY SMITH: We're doing okay and I'm very pleased to see
3 that. I'll hand over to Ms MacLeod and she'll explain
4 what happens next.

5 Questions from MS MacLEOD

6 MS MACLEOD: Good morning, Brother Francis.

7 A. Good morning, Ms MacLeod.

8 Q. Were you born on [REDACTED] 1951?

9 A. Yes.

10 Q. Are you 67 years old at the moment?

11 A. That's right.

12 Q. You've provided a statement for the inquiry and I think
13 you have a copy of that in front of you.

14 A. Yes, I do.

15 Q. I'll give the reference for the transcript. It's at
16 WIT.001.002.6082. Could you turn to the final page of
17 the statement?

18 A. Okay.

19 Q. Have you signed the statement?

20 A. Yes, I have.

21 Q. In the final paragraph do you say:

22 "I have no objection to my witness statement being
23 published as part of the evidence to the inquiry"?

24 A. Yes, I see that and that's what I agreed to in signing.

25 Q. Do you go on to say:

1 "I believe the facts stated in this witness
2 statement are true"?

3 A. Yes.

4 Q. As you know, Brother Francis, the reason you've been
5 asked to provide a statement and to give evidence today
6 is in connection with a note that you prepared in around
7 2000 in relation to Brother Farrell. You're aware of
8 that?

9 A. I am aware of that, yes.

10 Q. But before we look at that, I would like to look at your
11 background and your career within the Christian Brothers
12 order.

13 A. Okay.

14 Q. You tell us about some of that in your statement.
15 I think you say that you first entered the order in
16 1969.

17 A. Yes, that's right.

18 Q. Were you around 18 at that time?

19 A. Yes, I must have been. That's the initial formal entry
20 into any religious congregation, called novitiate.

21 Q. Initially were you placed at a training house in
22 Gloucestershire for a number of years?

23 A. That's right. That was for the spiritual training.

24 Q. And did you take your final commitment in 1977?

25 A. Yes, correct, in Liverpool.

1 Q. In Liverpool. Were you around 25 then?

2 A. I should have been, yes. That sounds right.

3 Q. After you became a brother, did you then obtain a degree
4 from Liverpool University?

5 A. Yes.

6 Q. Then did you go on to do your postgraduate qualification
7 in teacher training?

8 A. Right.

9 Q. In terms of your career within the order from there,
10 I think you tell us that you started out as a teacher.

11 A. That's correct, yes: two years in Scotland and
12 eight years in Liverpool.

13 Q. Your two years in Scotland, was that at Scotus Academy
14 in Edinburgh?

15 A. That's correct.

16 Q. You tell us you moved on to roles supporting teachers in
17 schools around spirituality?

18 A. That's correct. I was at that work for several years.

19 Q. Was that based in the UK?

20 A. It was, yes.

21 Q. I think you say you spent time working with a youth team
22 and teenagers in relation to their personal development.

23 A. That's right. That was following the school support
24 work. That was also in Liverpool but in a totally
25 different set-up, yes.

1 Q. You tell us that you later joined the international team
2 giving training courses worldwide.

3 A. That's right. That lasted for about four to five years,
4 yes.

5 Q. There came a time, I think you say, when you joined the
6 Congregation leadership team based in Rome.

7 A. Yes, that's right. We have an election every six years
8 and I was elected in 2008.

9 Q. Did you hold that role for six years?

10 A. That's right. That was the full term, yes.

11 Q. I think you tell us that your current role is with the
12 transition support team in Zambia.

13 A. That's correct, yes.

14 Q. Does that have to do with setting up communities in
15 developing world countries?

16 A. Yes, that's right. Training, supervision and support
17 work for brothers and lay colleagues who are working in
18 Zambia and India.

19 Q. In paragraphs 5 to 7 of your statement you provide us
20 with some more information about the Congregation
21 leadership team based in Rome. Is that also called the
22 General Council?

23 A. That's right. It was formerly called the
24 General Council, and in some religious congregations it
25 still is, but we changed the name to Congregation

1 leadership team a good while ago, at least 10 years or
2 more ago.

3 Q. Can you tell me a little bit about that? How many
4 members does that have and what is its function?

5 A. Right. It has five members. Their function is to have
6 an overall global view to carry the vision of the whole
7 congregational body across the world. So their main
8 area is spirituality and vision and they do that by
9 visiting all the places where brothers are located,
10 listening and seeing what's going well, suggestions on
11 the kind of mission work they're doing, and they would,
12 above all, have a pastoral role.

13 Q. Is there a leader within that group of five?

14 A. There is. There's one designated leader and one
15 designated deputy leader, and three other members.

16 Q. I think you tell us that, in terms of canon law, there
17 must be one team in charge for six years.

18 A. That's right. They have to come out of office after
19 six years and then a new team is elected.

20 Q. Is one of the roles of that leadership team one of
21 visitation of brothers?

22 A. That's right, yes. The term "visitation" is what
23 I referred to a minute ago, whereby probably two of that
24 team of five would go and stay in, say, Australia or
25 somewhere, for a period of weeks and go round attending

1 meetings, calling meetings, just to see what's happening
2 on the ground and then have a meeting with the local
3 leadership team of brothers in that country or that area
4 and discuss planning, review, any problems, finances,
5 all sorts of areas.

6 Q. After such a visitation, is a report compiled?

7 A. That's right. The members of the Congregation team
8 would normally write a report. It would depend -- the
9 level of detail would vary, but they would always write
10 some report, give it back to the people they visited in
11 some shape or form, and also to the leadership team of
12 that area, and then a copy is put in the archives in
13 Rome, which has now been transferred to Dublin.

14 Q. So these reports that were filed in Rome, do
15 I understand you correctly that these have now been
16 transferred to the archive in Dublin?

17 A. In Dublin, yes. It was purely a physical thing.
18 We have a proper, professionally supervised archive in
19 Dublin, purpose built, whereas the one in Rome wasn't.
20 So it's just a safer, more sustainable system in Dublin.

21 Q. As well as those kind of reports being filed in Rome
22 in the past, I think you tell us that Rome also held
23 some personnel files.

24 A. That would be the same files I'm speaking of.

25 Q. I see.

1 A. Visitation reports are sent -- ah well, personnel in the
2 sense of lists of names of brothers who are stationed in
3 certain places. Those files would also be there.

4 Q. These the lists where brothers are, are these still in
5 Rome or have these also been transferred to Dublin?

6 A. They're also been transferred. As far as I know -- and
7 to be quite honest I haven't visited the Rome archives
8 recently, but as far as I know, the whole group got
9 transferred.

10 Q. The note that we're going to look at, I think you tell
11 us it was dated around 2000, you think. I just wonder
12 if I can ask you a little bit, first of all, about what
13 your role was at that time in 2000. I think you tell us
14 about this at paragraph 8 of your statement. What was
15 your own role in 2000?

16 A. Okay. Well, I was based in England at that point.
17 I was on the team called the province leadership team
18 for England. I'm not sure that we were in Scotland by
19 then -- I think the two houses had both closed -- so it
20 was only England. I was a part of a team of five, and
21 one of my specific roles relevant to our inquiry today
22 is that I was in charge of the child protection activity
23 of the team. All our brothers' teams have obviously got
24 child protection guidelines and procedures, so I was the
25 one delegated to do that for the period I was on that

1 team in England.

2 Q. What was the period that you were on the team in
3 England?

4 A. Right. Let me just ... It was somewhere -- I haven't
5 got the exact date in front of me, to be quite honest.

6 Q. That's okay.

7 A. I would say 1996, possibly, through to 2002. That's one
8 probable set of dates.

9 Q. The English province leadership team, was that also
10 known as the English Provincial Council?

11 A. Correct. Again, the terminology changed and the
12 provincial council became the leadership team, that's
13 right.

14 Q. I think you tell us in your statement that the English
15 province leadership team would have meetings, monthly
16 meetings.

17 A. Yes. That's right.

18 Q. You've mentioned, just a few moments ago, that you were
19 the designated child protection -- you were in that
20 role, the designated child protection role.

21 A. Yes, that's right.

22 Q. What did that involve?

23 A. It involved being kind of the appointed person, the
24 person responsible for handling any allegations or any
25 issues relating to child protection that came to the

1 brothers in England, whether directly to that team based
2 in Manchester, or indeed through other sources like
3 through the schools, for instance.

4 Part of the role was to liaise with a special
5 advisory team that we'd set up around 1996/1997/1998 to
6 provide some outside perspective on any cases which came
7 up. So I was chairing that advisory team and liaising
8 between the advisory team and our own province
9 leadership team, provincial council. My responsibility
10 was to follow up whatever issues came our way.

11 Q. Was that an advisory team of lay professionals?

12 A. Yes. It consisted of two lay professionals and one
13 Christian Brother, who was a trained counsellor at the
14 university. So there were three members of the team.

15 Q. Having set out that background for us, Brother Francis,
16 I wonder if you could have a look at the note that we
17 hope to focus on today. Do you have a copy of the note
18 in front of you?

19 A. I do.

20 Q. I'll give the reference of that for the transcript:
21 CBR.001.001.5659.

22 Is this a note, a copy of a note, Brother Francis,
23 that you prepared?

24 A. I did, yes.

25 Q. We'll see from looking at it that the note comprises of

1 two pages, so we'll deal with each page in turn.

2 If we start first of all with the first page.

3 Are you able to give me any idea of the date that
4 the first page of the note was compiled? I think you
5 tell us that there isn't a date on the first part, but
6 that you can glean something from the date on the second
7 page of the note.

8 A. Yes, that's right. So just to check: we're talking
9 about the page that says "Phone call re visit", are we?

10 Q. That's right, yes.

11 A. Just to make sure I'm looking at the right side of the
12 page.

13 So the -- well, yes. The phone call -- I'm just
14 trying to get the dates in my head. On part 2, my phone
15 call following up that was 20 June 2000. So that phone
16 call, which I haven't recorded the date of, was previous
17 to 20 June 2000. Probably a few days earlier, but
18 I don't have any evidence or any note or record of the
19 exact date.

20 Q. I see. Do you think it was some time in June 2000?

21 A. Oh certainly, yes.

22 Q. If we focus on the first part of the note then that
23 starts with "phone call", could you tell me what
24 circumstances led you to writing this note?

25 A. Sure. The phone call came through from Fife Police,

1 a Detective Collins, naming the Reverend Mark Farrell,
2 as we knew him, as having received an allegation against
3 him. I wasn't told of the nature of the allegation.

4 So the detective requested to look at our archives,
5 which at that point were in Manchester. I maybe didn't
6 mention before: school archives would have been held
7 in the country, not in Rome or Dublin. So he requested
8 to look at our archives to see which pupils the
9 Reverend Farrell was teaching in his day.

10 Then they were going to do a thing called a dip
11 sample of the pupils. Then if this allegation was
12 unfounded, the case would cease, would drop. If it was
13 founded to have some substance, they requested there and
14 then to take away photocopies of the relevant documents
15 and then, later, requested the original documents that
16 they would need. So that was said on the phone. So
17 that's really all I can say about the phone call.

18 Q. What was the purpose of making the note? Was that an
19 internal memo?

20 A. Correct. Because I knew the importance of it, I wanted
21 to make sure I'd written down everything which he said
22 for our own records, but just for my own memory so that
23 when he came and when the thing took the next step,
24 I was clear on what was happening.

25 Q. What about the second part of that first page? I think

1 you note, "Send address", and you note a date.

2 A. That's right. This is again my own memo saying that the
3 date agreed for the visit from Detective Collins was
4 22 June in the afternoon. I was given his fax number
5 and I had to send him my street address in Manchester so
6 that he could physically come there on 22 June.

7 Q. Do you recall the phone call?

8 A. Well, I remember having had it. I can't say I recall
9 the discussion. If I hadn't read these notes,
10 I couldn't have given you that level of detail from
11 memory, no. But I know the phone call happened. I'm
12 comfortable that that's what did happen in the phone
13 call.

14 Q. When you received the call, did you know
15 Reverend Farrell? Was he somebody that you knew?

16 A. Yes, I knew him. I never lived with him, but he was
17 a member of the -- he was a former member by then of
18 what was called the English province, and he had been
19 stationed in the ... When he returned from
20 South Africa, he would have been stationed in either
21 England or Scotland during 1977 into the 1980s, and then
22 at some point he left the Congregation. So yes, I knew
23 him -- not personally, he wasn't either a friend or
24 a colleague in a working sense, nor did I live with him
25 in a community or work with him in a school.

1 Q. Before you received this call, had you ever heard
2 anything about an allegation in relation to
3 Brother Farrell?

4 A. No, I hadn't, no.

5 Q. If we can now turn, Brother Francis, to the second page
6 of the note, CBR.001.001.5660. Can you tell me what
7 this part of the note relates to?

8 A. Sure. Following that phone call from Detective Collins,
9 I contacted the Congregation leadership team in Rome,
10 where they would have these visitation files, to see if
11 there was anything on Mark Farrell. So this phone call
12 to Rome is dated 20 June 2000. I spoke to a
13 Brother Michael Colasuanno, who is a member of that
14 team, and what I've written there is what he told me on
15 the phone, that Mark Farrell was a young brother, sent
16 to South Africa with few qualifications. He was
17 10 years there, between 1967 and 1977. Then he came
18 home for a visit and felt homesick, so he requested
19 a transfer back to Europe, to the European -- somewhere
20 in Europe, either Ireland or England, and he was sent to
21 England.

22 Q. Do you know where in the archive or how the brother you
23 spoke to in Rome got that information?

24 A. That must have come from these visitation reports,
25 I presume. I don't actually know which document he

1 looked at to find that. We're 10 or 15 years after the
2 events and that brother wouldn't necessarily have known
3 him, so he must have read it from, you're right.

4 It would be in these visitation reports, I take it.

5 Q. Then you go on to mention the visitation report in your
6 note. Can you tell me what that relates to?

7 A. That's right. So the brother in Rome,
8 Michael Colasuanno, said the only reference was in
9 a letter from Brother Colman Curran, who was on the
10 General Council at that time, based in Rome, to
11 a Brother Joe O'Neill, who was the provincial of the
12 South Africa province at that time. And the quote that
13 I wrote is:

14 "I hope they won't put him [that's referring to
15 Mark Farrell] in a boarding school. I'm sure you know
16 about that."

17 That's the note I made at the time.

18 Q. Have you been shown a letter by the inquiry in relation
19 to that note?

20 A. Yes, I have indeed.

21 Q. Do you have that in front of you?

22 A. Yes, I've got it here right now.

23 Q. I'll give the reference: CBR.001.001.5706.

24 Does that appear to be a letter from Colman Curran
25 to Brother Clement, who I think we know is

1 Brother Joe O'Neill, dated 17 December 1977?

2 A. Yes, I'm pretty sure that's it.

3 Q. Had you seen any copy of this letter before the inquiry
4 shared it with you?

5 A. No, I hadn't, no.

6 Q. Looking at that letter, in the second paragraph, about
7 four lines down, at the end of the line, do we see that
8 it reads:

9 "Mark Farrell spent a few days with us here in Rome
10 en route to England. I hope they will not put him in
11 a boarding school -- I am sure you gave them some advice
12 about placing him."

13 A. Yes, I see that.

14 Q. What connection do you make between that part of the
15 letter and your note from the call in June 2000?

16 A. Yes, well, as the first half of that sentence, "I hope
17 they will not put him in a boarding school", is common
18 to what I heard and wrote down and what is now in the
19 letter, I'm taking it that that's consistent. But my
20 second half isn't consistent. I wrote down or heard and
21 wrote down, "I'm sure you know about that", and this is
22 not quoted in the letter. So I must have misheard what
23 I was told on the phone. That's the only explanation
24 I can make. I can't remember exactly, but looking at
25 the two pieces of evidence in front of us, that's what

1 I'm surmising.

2 Q. If we move down then to the third part of that page, the
3 end of the note, I think you have written, "Pursue", and
4 a number of things. Could you tell me about that part
5 of the note?

6 A. That's right. I put for myself the question:

7 "Should pursue with South African archives?"

8 In other words, to see was there any more detail
9 there. Then number 2 is Joe O'Neill himself. It says
10 "in Marino"; Marino is Dublin.

11 As I look at it now, I made that note. I don't know
12 whether that meant that I was intending to pursue or
13 whether the brother in Rome was intending to pursue.
14 Those are the two further contacts that we could have
15 made internally and I have no further evidence or memory
16 of either of those being pursued.

17 Q. Then at the end of the note, do we see those are your
18 initials?

19 A. That's right, yes: SFH is myself.

20 Q. I think you tell us that the purpose of your -- you tell
21 us in paragraph 24 of your statement that the purpose of
22 this call to Rome was to try and get some more
23 information before the police visited you.

24 A. That's right.

25 Q. Do you know if any of the information from that call was

1 passed on to the police?

2 A. I don't know. I don't have any memory of passing it on.
3 That's all I can say honestly. Whether ... I can't see
4 who else would have passed it on unless they passed it
5 on from Rome, but that was unlikely because they weren't
6 in touch with the Scottish police, so I would say not.

7 Q. In terms of pursuing the two possibilities that you
8 mention in your note, Brother Joe O'Neill and the
9 South African archive, do you know if those things were
10 followed up by anybody within the order?

11 A. The answer is I don't know that they were followed up.
12 I've got no evidence or memory of them being followed
13 up.

14 Q. Did the visit then from the police go ahead?

15 A. Yes. The policeman, the gentleman, the
16 Detective Collins arrived and we spent the afternoon
17 with him going through the files from St Ninian's in
18 Falkland and he took out the classes that he wanted.
19 I didn't see exactly what he took, but he took what he
20 wanted, photocopied them, put them in his bag and headed
21 off, and that was the last time I heard of him.

22 Q. Was there any conversation about the allegations that he
23 had mentioned on the phone about Reverend Farrell?

24 A. I have no memory of any conversation with him. It's
25 hard to imagine whether I would have said anything. I'm

1 sorry, but I have to just say I do not remember
2 mentioning that I had contacted Rome or anything else
3 for that matter. So the answer is that I have no memory
4 of it.

5 Q. And following that visit, did you hear anything further
6 from the police?

7 A. No, I didn't. I heard nothing from the police.

8 Q. Did you have any further involvement in any allegations
9 in relation to Brother Farrell?

10 A. No, I didn't.

11 Q. In paragraph 27 of your statement, you were asked about
12 internal reporting of the case. Do you know whether
13 internally within the order anything happened
14 in relation to the allegations that were being made?

15 A. Specific to Reverend Farrell?

16 Q. Yes.

17 A. No, I don't. I have no knowledge of any other further
18 internal enquiries, so I don't know whether anything
19 happened or not, I'm sorry.

20 Q. I think you tell us that you're not aware of it coming
21 before the child protection advisory team.

22 A. That's right. I checked -- as I said there, I checked
23 with the minutes of that advisory team. I don't have
24 them now, but I checked with the archivist in Dublin and
25 she couldn't find any reference to this case in those

1 minutes.

2 Q. Would there be any other internal procedure whereby
3 these kind of allegations would be reported?

4 A. Yes. As well as the advisory team, it was the monthly
5 meetings of the English province provincial team where
6 such issues would be raised. Again, I don't know if
7 it's recorded in those because I don't have those
8 minutes, but the minutes will be there.

9 Q. Just before we finish, I would like to ask you a little
10 bit about St Ninian's in Falkland, which is where
11 Mark Farrell was positioned in part of the 1970s and
12 into the early 1980s. Did you yourself have any
13 involvement at any time with St Ninian's in Falkland?

14 A. My only involvement was a visit, because I was stationed
15 in Edinburgh, to bring a sports team of boys from the
16 school in Edinburgh to play the boys in St Ninian's.
17 That happened at least twice over the period I was in
18 Edinburgh. So I would go up with the team in a bus and
19 play the game and have tea afterwards and I'd meet the
20 other brothers who were there, just socially, chatting
21 over the tea and so on, and then we'd go back to
22 Edinburgh. So that was really the extent of my
23 knowledge about St Ninian's.

24 Q. During your visits there, would that have been in about
25 the early 1970s?

1 A. That's right, exactly, 1971, 1972.

2 Q. During your visits there, did you encounter anything
3 that gave rise to concern in any way?

4 A. No, I didn't. I thought the place looked -- what shall
5 I say? -- a kind of purposeful, friendly environment.
6 The brothers seemed to be on good name terms with the
7 boys, the other lay staff as well. I think I saw inside
8 part of the building and just had a look around. So no,
9 I wouldn't have had any sort of bad vibes about the
10 place.

11 Q. On any of the trips, did you stay overnight?

12 A. No, I didn't; we went back each day.

13 Q. I think you mention in your statement that you used to
14 hear stories of wet beds.

15 A. That's right. That's what I used to hear from the
16 staff, just saying, "Oh, so-and-so, they've wet their
17 beds again", yes. So this was just kind of chat, but it
18 obviously stayed in my mind all these years later.

19 Q. I think what you say at the end of your statement
20 is that:

21 "It seemed a lively, busy place to [you], and that
22 [you] admired the men who stuck it out to be there and
23 that [you] thought they were doing a good job."

24 A. Exactly. That was my own sense of it, without formally
25 saying this to anybody, but looking back, that's what

1 I remember.

2 LADY SMITH: Do you remember who the head of St Ninian's was
3 when you took the rugby teams there?

4 A. Hello, Lady Smith. No. Right now, I don't. I could
5 find out.

6 LADY SMITH: It doesn't matter, it just might have helped
7 identify just exactly when you were there. Don't worry.

8 A. I'm pretty certain I was there 1971/1972, maybe early
9 1973. Because I was in Edinburgh for two years, so it
10 was across the period September 1971 to, let's say,
11 June/July 1973.

12 LADY SMITH: And are you saying you had two fixtures with
13 St Ninian's each rugby season that you were there?

14 A. It was probably one each year. There was probably one
15 home and one away, so I probably went to St Ninian's
16 only twice.

17 LADY SMITH: Okay, thank you.

18 MS MACLEOD: Brother Francis, I have no further questions
19 for you. I'm not aware, my Lady, of any other questions
20 for Brother Francis. Thank you very much.

21 LADY SMITH: Are there any outstanding applications for
22 questions of Brother Francis? No.

23 Brother Francis, that does complete the questions
24 we have for you this morning. Thank you very much
25 indeed for engaging with the inquiry in the way you have

1 done, both in terms of giving us your very clear written
2 statement and giving evidence this morning by the video
3 link. It adds considerably to the valuable evidence
4 that we've been gathering about Christian Brothers and
5 I'm very grateful to you for that. I'm now able to let
6 you go. Thank you.

7 A. Thank you very much, my Lady.

8 (The video link was terminated)

9 MS MACLEOD: My Lady, I think it may be convenient to have
10 a short break before the next witness.

11 LADY SMITH: I think that would help and we can get
12 organised.

13 (10.38 am)

14 (A short break)

15 (10.48 am)

16 MR MacAULAY: My Lady, the next witness is Karen Johnson.

17 KAREN JOHNSON (sworn)

18 LADY SMITH: Please sit down and make yourself comfortable.

19 Could I ask you to make sure that you're in a good
20 position for the microphone? Because we do need to pick
21 up your voice over the microphone. That's looking
22 better. I'll let you know if there's a problem and
23 moreover the stenographers will tell me if they're
24 having a problem.

25 Mr MacAulay.

1 Questions from MR MacAULAY

2 MR MacAULAY: My Lady.

3 Good morning, Karen.

4 A. Good morning.

5 Q. Are you Karen Johnson?

6 A. Yes, I am.

7 Q. In the red folder, you'll find a number of documents,
8 but in particular you'll find the statement that you
9 provided to the inquiry. The reference for the
10 transcript is WIT.001.002.6802. Could I ask you to turn
11 to the last page of the statement?

12 A. Yes.

13 Q. Can you confirm for me that you have signed the
14 statement?

15 A. Yes I have.

16 Q. And do you also tell us in the last paragraph:

17 "I have to objection to my witness statement being
18 published as part of the evidence to the inquiry"?

19 Is that correct?

20 A. Yes, that's correct.

21 Q. Do you also go on to say:

22 "I believe the facts stated in this witness
23 statement are true"?

24 A. Yes.

25 Q. Am I right in saying that your date of birth is

1 [REDACTED] 1976?

2 A. Yes, that's correct.

3 Q. And I think you are aware that you've been called to
4 give evidence to the inquiry because of your role as the
5 archivist to the Christian Brothers; you understand
6 that?

7 A. Yes.

8 Q. Before we look at that, can I ask a little bit about
9 your background? Perhaps I can put on the screen -- and
10 I think you'll find this in your folder -- the resumé
11 that you have provided to the inquiry: CBR.001.001.9138.

12 A. Yes.

13 Q. You can look at this either in the hard copy you have in
14 front of you or under reference to the screen. Do you
15 tell us that your first degree was a BA in fine art?

16 A. Yes. That's correct.

17 Q. Thereafter, in 2000, were you the successful candidate
18 for a one-year archival studentship in the National
19 Library of Ireland?

20 A. Yes.

21 Q. Was that really the path you decided to follow at that
22 particular time?

23 A. Yes.

24 Q. You then tell us that in 2002 you completed your higher
25 diploma in archival studies at University College

1 Dublin; is that correct?

2 A. That's correct.

3 Q. Was it in June 2002 that you took up the position of
4 archivist for the Christian Brothers St Mary's province
5 in Ireland?

6 A. Yes.

7 Q. We have to distinguish that, of course, from what was
8 then the St Mary's province in England.

9 A. Yes.

10 Q. They are different provinces?

11 A. Yes.

12 Q. As you tell us here, and also in your statement, the
13 St Mary's province in Ireland amalgamated with the
14 St Helen's province in Ireland and also with the
15 St Mary's province in England?

16 A. Yes.

17 Q. And was that in about 2007?

18 A. Yes, towards the end of 2007.

19 Q. Did that mean then that not only were you the archivist
20 for the St Mary's province in Ireland, you're also the
21 archivist for the amalgamated provinces?

22 A. Yes.

23 Q. Have you worked in that capacity since that time?

24 A. Yes.

25 Q. Can you just tell the inquiry a little bit about what

1 your work involves?

2 A. Since 2002, most of my work has been involved in
3 answering enquiries from the commission to enquire into
4 child abuse in Ireland that was set up in 2000.

5 LADY SMITH: So that was the Ryan Commission?

6 A. The Ryan Commission, yes. So that was initially a lot
7 of work for that, and then the Residential Institutions
8 Redress Board followed on after that, so there was a lot
9 of requests for that. Then we've always got requests
10 from different organisations such as the Garda Síochána,
11 the Irish police, and Barnardo's and solicitors for
12 complainants or the Congregation or defendants.

13 So that's ongoing, sort of, as well as the
14 enquiries. And then other work that I do involves
15 research for members of the public that want to research
16 the family history. Their great grandfather might have
17 been in one of the schools, so I research that for them
18 and give them photocopies of the records.

19 Then the brothers and the staff in the province
20 centre also have requests for information from the
21 archives from time to time, so I'd search for what
22 they're looking for, and brothers out in the communities
23 also. So it's busy.

24 MR MacAULAY: I think you tell us in your statement that you
25 were the first professional archivist employed by the

1 Christian Brothers.

2 A. That's right, yes.

3 Q. When you went to the archive for the St Mary's province
4 in Ireland, was there somebody who was doing the job,
5 albeit not in a professional capacity?

6 A. No, there wasn't at that time. There had been somebody
7 there -- I think there were brothers working there from
8 about the 1980s up until about 2000, but for the year
9 before I started, there hadn't been anybody working
10 in the archives. There was a brother doing some
11 research, who was helpful to me when I arrived, so he
12 knew about a lot of schools and he was able to give me
13 a kind of guide to what was in the archives and what
14 records were there. So that got me started, yes.

15 Q. Can I look then at the creation of the Dublin archive
16 for the amalgamated province. As you've said, in 2007,
17 the amalgamation took place, which meant that St Mary's
18 province in England became part of the amalgamated
19 province. Where were the records of the English
20 province kept prior to that?

21 A. They were in the provincialate in Manchester, a house
22 called Woodeaves.

23 LADY SMITH: Could I ask you to try and get a little bit
24 nearer the microphone? You naturally have a lovely
25 gentle voice, but this is quite a long room and people

1 right at the back are also wanting to hear your
2 evidence. It's important that they can hear as well as
3 we can at the front.

4 (Pause)

5 Thank you. If we can try that. That might be
6 better.

7 MR MacAULAY: I think you told us that the St Mary's
8 province England records were in Manchester.

9 A. In the provincialate was in Manchester at that time,
10 yes.

11 Q. And that's where the records were?

12 A. Yes, in a house called Woodeaves.

13 Q. Had the records been somewhere else prior to that?

14 A. They had. The provincialate was based in Bath up until
15 1986 and then they moved to Liverpool in 1986. They
16 were in Liverpool in one house called Kiltama(?) up
17 until 1991, and then they moved just for a short time,
18 just for six months, to another house in Liverpool
19 before they moved to Manchester in 1992.

20 Q. We must, of course, focus on the fact that the English
21 province also included within its jurisdiction
22 St Ninian's in Falkland.

23 A. That's right, yes.

24 Q. So any records relevant to St Ninian's in Falkland would
25 ultimately be in the Manchester archives?

1 A. Yes.

2 Q. I think, subject to the qualification, that there may
3 also have been records relevant to St Ninian's that were
4 in Rome?

5 A. The visitation reports were in Rome, yes.

6 Q. You mentioned the location of the archive and you've
7 provided us with some very helpful photographs. Perhaps
8 I could look at some of these photographs with you. The
9 first photograph is WIT.003.002.1299. What are we
10 looking at here?

11 A. That's Woodeaves, the house, the provincialate in
12 Manchester. That was the provincialate from 1992 up
13 until 2007. That's the side of the house, really.

14 Q. Did you go to the provincialate in order to manage the
15 transfer of the archives from there to Dublin?

16 A. Yes. We were planning the archive in Dublin from about
17 2005 and 2006, and I didn't know what -- I had no idea
18 of what extent the archives were over there, so I went
19 over in 2006 and made a number of visits -- about ten
20 I'd say -- to get an idea of the collection and prepare
21 it for transfer to Dublin.

22 Q. If we look at the next photograph, 1300. What are we
23 looking at here?

24 A. That's the archives room. That was in the provincialate
25 in the house in Woodeaves. That's just one side of it.

1 You can mostly see books on that side. To the left
2 there's a few bays of shelving which you can see on the
3 next photograph.

4 Q. If we look at 1301. What are we looking at in this
5 photograph?

6 A. That was the St Mary's province archives. That's the
7 collection as it was when I went over; it was all in
8 different-sized boxes.

9 Q. Is that the sum total or was there more of it?

10 A. There were a few bays of shelving like that.

11 Q. It looks quite haphazard. That's maybe just the
12 impression one gets.

13 A. Yes, I think as the collection came in, it would be
14 labelled and just put into the archives. So that's why
15 I thought it couldn't have been transferred like that
16 and it needed to be put into standard archival boxes.

17 Q. Is that why you had to make the visits you made?

18 A. I made that many visits in order to get the collection
19 into the standard archive boxes, yes.

20 Q. Of course, although we're interested in St Ninian's in
21 Falkland, you were also having to transfer records
22 relating to the other establishments that were run by
23 the Christian Brothers in England?

24 A. Yes. There were records for the other schools, yes, and
25 communities.

1 Q. If we look at this next document, WIT.003.002.1302, can
2 you tell us what we see in this particular photograph?

3 A. The boxes, the blue boxes on the left, are the archival
4 boxes that I transferred the collections into. As I did
5 that I listed everything that was in each collection and
6 created a list of what was there.

7 Q. And the "SME" stands for?

8 A. "St Mary's England", and the "C" in that instance is the
9 bay of shelving. So the collection runs from A to H, so
10 that's just where I was at that point at C. And the
11 St Ninian's are actually C01L and C01R --

12 Q. And we'll look at that shortly. Just looking at the
13 percentage, if you like, of the St Ninian's records
14 compared to the whole archive that was kept here, what
15 sort of percentage of the archive would you say the
16 St Ninian's percentage would amount to?

17 A. Well, it's two boxes out of, I think, 154.

18 Q. So it's quite a small --

19 A. I can't work that one out ...

20 Q. And that gives us an impression --

21 A. And one box of photographs.

22 Q. -- as to the percentage.

23 You mentioned a list. If you look at
24 WIT.003.002.1303. If we can scroll down a bit. This
25 goes on for several pages. Did you compile this list?

- 1 A. This is the list that I compiled. As I was transferring
2 the documents from the older boxes into the new archive
3 boxes I listed everything that I transferred in and made
4 a note of what box they were going into, which would
5 mean when it came to Dublin, we could access the
6 collections, we'd know what was there and what was
7 transferred over.
- 8 Q. This list comprises eight pages. Does that represent
9 the whole of the archive from the English province?
- 10 A. I don't think you have the full list there. What
11 you have are the pages that refer to Falkland. It's
12 a much bigger list --
- 13 Q. I think you're probably right.
- 14 A. If you scroll to the end, you'll see ...
- 15 Q. If we look then at page 1304, if we scroll down towards
16 the bottom, do you set out there materials that relate
17 to St Ninian's in Falkland?
- 18 A. Yes. Falkland is on two pages. This page and the
19 following one.
- 20 Q. We'll come to that. Just to focus on this particular
21 page, there's reference to correspondence, 1947 to 1951,
22 and we needn't dwell too much on that. I think that
23 correspondence relating to the setting-up of
24 St Ninian's?
- 25 A. That's correct.

1 Q. And then there's some further correspondence that we may
2 have regard to. There's a reference to a memo, legal
3 documents, statistics. And then there's reference to an
4 admission register for 1951 to 1983; is that right?

5 A. That's right.

6 Q. Was that register complete in the sense that it covered
7 the whole period of the life of St Ninian's?

8 A. It does, yes.

9 Q. You then make reference to the annals, and we'll look at
10 that shortly.

11 There's then reference to three daybooks, big
12 diaries, giving numbers on roll. And you provide some
13 further details. So far as the daybooks or diaries are
14 concerned, are these sometimes referred to as logbooks?

15 A. Yes, I called it daybooks when I was doing that because
16 on one of the books -- on the inside is written
17 "daybook" and the date. But later on, we've referred to
18 them as logbooks, and I suppose logbook is printed on
19 the cover of two of them, so --

20 Q. So to be consistent, can we just refer to them all as
21 logbooks, although we understand the qualification you
22 that make?

23 A. Logbooks, yes.

24 Q. There's two other types of document that you make
25 reference to. Then moving on to the next page,

1 page 1305, I think you also found in the archive an
2 article from the Innes Review; is that right?

3 A. Yes.

4 Q. Then there's some electrical details and then there's
5 some photographs of the --

6 A. There's one box of photographs, yes.

7 Q. Does that then represent in the main what you recovered
8 for St Ninian's Falkland?

9 A. That's what was there in those two boxes. Now, there's
10 a couple of references to accounts that were in other
11 files with accounts for other schools or communities.
12 So they're just referenced elsewhere, but they weren't
13 part of the Falkland collection, as such.

14 Q. Can we then get some understanding of the current
15 archive -- this is the archive in Dublin -- because we
16 understand what you did was, having transferred the
17 English province archival documents into proper boxes,
18 you then had them moved over to Dublin --

19 A. That's right.

20 Q. -- to be in what's now the archive for the new province?

21 A. That's right, yes.

22 Q. Then if we look at photograph WIT.003.002.1310, can you
23 describe what we're looking at here?

24 A. That's what we'd call the reading room and my office as
25 well. So if we do have researchers in, that's where

1 they'd sit. There's some finding aids pointed out
2 there. So that list for the St Mary's province archive
3 would be there too. Then there's a brother who works
4 in that space there. He comes in to scan -- he mostly
5 scans photographs, but he will scan the registers or he
6 will scan the logbooks and things as well.

7 Q. And I think you tell us in your statement that the
8 records have now been digitised; is that correct?

9 A. Yes, they have fully for St Ninian's, yes.

10 Q. If we move to photograph WIT.003.002.1316, are we
11 looking here at the shelving system?

12 A. Yes.

13 Q. We can see, I think, it's a mobile shelving system
14 whereby you can turn the handles round and you can get
15 access into a particular area?

16 A. Yes.

17 Q. How many rooms do you have to have to house the whole
18 archive?

19 A. We've two rooms with these mobile shelving units in
20 them, and they're a mirror reflection of each other, so
21 the other room looks like this, just the opposite view.
22 Then we've another room -- there isn't mobile shelving,
23 but there's a map cabinet and larger shelving for larger
24 volumes. So there's three large rooms with two of them
25 with mobile shelving.

- 1 Q. If we look at the next photograph at 1317, we're looking
2 down one of the shelving areas. Can you tell me what
3 the boxes here represent?
- 4 A. They're the archives of St Mary's province Ireland. So
5 that would run along -- it runs actually along another
6 row as well. So that would be approximately three times
7 the size of the English province archive.
- 8 Q. The next photograph then, 1318?
- 9 A. Yes, that's St Mary's England.
- 10 Q. Is this the whole of the archive from St Mary's England?
- 11 A. Yes.
- 12 Q. Within that archive, I think you told us there are two
13 boxes that reflect the St Ninian's archive?
- 14 A. Yes. There's two boxes in that row and then the
15 photographs are in one other box, yes.
- 16 Q. So if we then look at photograph 1320, what do we see in
17 this photograph?
- 18 A. That's the one box of photographs for Falkland.
- 19 Q. And we can see that is on the label, "Photographs
20 Falkland SME"?
- 21 A. Yes.
- 22 Q. You told us there were two other boxes that would
23 contain the other materials from Falkland?
- 24 A. Yes, they're on the other -- in the other photograph.
- 25 Q. If we look at photograph 26 then -- I'm sorry, I should

1 really give the number: WIT.003.002.1325.

2 A. Yes.

3 Q. What do we have in this photograph?

4 A. They're the two boxes containing the documents from
5 St Ninian's.

6 Q. The numbers are --

7 A. C01L and C01R, that's left and right.

8 Q. Then if we look at photograph 1326, can you just tell us
9 what we're looking at now?

10 A. That's the contents of box C01R and it contains the
11 three logbooks that were listed on the list we looked at
12 earlier; the register is the brown book on the bottom
13 there.

14 Q. Do you set these out in the next photograph at 1327?

15 A. Yes.

16 Q. Maybe just move -- yes. Is that all that was in that
17 particular box?

18 A. That's all that's in that box, the three logbooks and
19 the register, yes.

20 Q. If we are moving from left to right, are we looking at
21 the three logbooks, first of all -- one with "logbook"
22 written on it -- and then the register to the far right?

23 A. Yes.

24 Q. You provide us with some photographs of entries, but
25 if we just focus on the logbooks, can you tell us -- and

1 we're referring to them all as logbooks now -- what
2 period do they cover, can you remember?

3 A. 1951 to 1976. One of them goes to 1968 and then the
4 last one goes up to the -- the last entry is
5 9 July 1976.

6 Q. If we're looking at the photograph, is the last logbook
7 the one on the right next to the admission register?

8 A. That's right, yes.

9 Q. If we look then at this photograph, WIT.003.002.1330,
10 are we here looking at the last page of that third
11 logbook with the final date being 9 July 1976?

12 A. That's correct, yes.

13 Q. I think if we can read the entry, it says -- there 's
14 the number 38, which I think refers to the number of
15 pupils, and then:

16 "All boys on holiday."

17 Do we read that?

18 A. Yes, that's the last entry.

19 Q. I think one of the conundrums here, Karen, was whether
20 or not there was another logbook in the sense that you
21 did not find a logbook, or any book, to bring
22 St Ninian's up until the point St Ninian's closed?

23 A. Yes, there's no other logbook in the archive. There's
24 no entries after that date, after 9 July 1976.

25 Q. If we look at the photograph WIT.003.002.1332, are you

1 here showing us the logbook that ends in 1976?

2 A. Yes.

3 Q. And making the point that thereafter there are blank
4 pages?

5 A. Just only blank pages in that book, that's right.

6 Q. If we go to your statement and look at paragraph 37
7 onwards, 37 through to perhaps 39, I think you're
8 putting forward there some information as to whether or
9 not there could have existed another logbook or entries
10 in another book; is that correct?

11 A. Yes.

12 Q. Can you give us your thinking on that?

13 A. Well, there's a number of things, you know -- do you
14 want me to talk about the relationship with the annals
15 and the logbooks?

16 Q. We'll come to that, I think. I think you're talking
17 about lists. First of all I think you say --

18 A. Oh yes.

19 Q. -- the list is important because it only lists the three
20 books.

21 A. When I went over in 2006 and I listed the full
22 collection, the full St Mary's province England -- you
23 know, I just listed everything as I found it and that's
24 what I found for St Ninian's. You saw that earlier, and
25 the three logbooks were all that were listed at that

1 time from 1951 to 1976. So there was no later logbook
2 when I was in Woodeaves in 2006. So that was the
3 collection that was transferred from Woodeaves to Marino
4 in 2008.

5 Q. But I think the list you referred to in paragraph 37 is
6 a list, a pencil list, written by someone who had access
7 to the St Ninian's archive?

8 A. Yes, there was a handwritten list that's within the
9 St Ninian's collection and it was written on scraps of
10 paper, really, using the back of a form. But that one,
11 I think is important because it records the same
12 collection by somebody else at an earlier date, but
13 I couldn't find out what date it was written. And the
14 list records the same three logbooks that I had
15 recorded, so it gave me -- when people started asking
16 questions about a later logbook it gave me some
17 reassurance that my list was correct with the three
18 logbooks, that this was -- somebody else had taken note
19 of there being the same three logbooks, and I can only
20 say that it was between 1991 and 2006 that that list was
21 written. I never found out -- I tried to find out who
22 wrote it, just to try and date it, but I couldn't.
23 Nobody knew who the handwriting belonged to.

24 Q. Why do you focus on that particular time frame?

25 A. Because there's a photograph album that was donated by

1 a member of staff in 1991. It's on the list, so it
2 would have to have been written after 1991, and then
3 when I went over, it was 2006, so I'm just -- that's the
4 time frame. But I think it's probably -- my guess is
5 the 1990s rather than any later than that.

6 Q. You also make reference to a solicitor's letter --

7 A. Yes.

8 Q. -- to, as it were, support you that the logbook
9 wasn't -- any other logbook wasn't there when you
10 accessed the archives. We can look at that letter.
11 It's at WIT.003.002.1342.

12 We can see this is a letter dated 8 July from
13 solicitors Hill Dickinson in Liverpool. What was the
14 background to this letter?

15 A. I think there was an investigation around that time and,
16 as you can see, it involved one of the brothers and
17 Hill Dickinson solicitors borrowed the St Ninian's
18 collection from Woodeaves. This is the letter from the
19 solicitor, returning most of the collection to
20 Woodeaves. I think he held on to some correspondence
21 files at that time. But he was returning the logbooks
22 and the annals and the photographs at that time.

23 Q. The letter only refers to three logbooks. He had two
24 logbooks and I think two daybooks -- the logbook and the
25 daybook and the logbook. Is that right?

- 1 A. I can't see the end of the letter, but yes.
- 2 Q. Number 2 is a logbook.
- 3 A. Yes.
- 4 Q. Number 6, I think, is referred to as the daybook, but
- 5 that's the annals?
- 6 A. That's the brown annals. That's the only one that's a
- 7 brown book.
- 8 Q. And number 7 is a daybook which we are calling a log
- 9 book, and then there's the other logbook. So three
- 10 logbooks were returned?
- 11 A. Three logbooks were returned and he says he's keeping
- 12 three correspondence files, but he didn't say he was
- 13 keeping another logbook or ...
- 14 Q. Have you checked since then to see whether or not
- 15 anything was --
- 16 A. Yes, we did contact the solicitors in the last few
- 17 weeks, really, and they just got back to me to say all
- 18 they found really -- they sent me an attachment which
- 19 was a scan of the annals for that period. That's all
- 20 they could find that looked like it could be entries in
- 21 a logbook, but it turns out it was the annals that they
- 22 sent back to me and they didn't find anything else.
- 23 Q. Who do you consider was responsible for keeping the
- 24 logbook up to date?
- 25 A. I thought it was the superior, but somebody later said,

1 one of the brothers mentioned that maybe the headmaster
2 was responsible.

3 Q. Sometimes the superior and headmaster were the same
4 person.

5 A. Sometimes, yes.

6 Q. You have provided us with a list of superiors and
7 headmasters from about 1976. If we look at
8 WIT.003.002.1343.

9 So we've got one heading, the year, then the
10 superior and then headmaster. Can we see, for example,
11 that up until about 1976 Brother **MHJ** was the **SNR**?

12 A. He was the **SNR** and he kept the -- you can tell by
13 the handwriting that he kept the logbook up until
14 9 July.

15 Q. I think you've just said that because you have carried
16 out an analysis --

17 A. Yes.

18 Q. -- to see who it was from the handwriting had made the
19 entries in the logbook; is that correct?

20 A. That's correct.

21 Q. And you're able to confirm that Brother **MHJ** was the
22 author up until .

23 A. He was, yes, from , it was Brother **MHJ**
24 writing.

25 Q. Do we see that the **SNR** thereafter were

1 Brother Coffey, 1976 to 1978, and then we have

2 Brother MBS [REDACTED]

3 [REDACTED]

4 A. Yes.

5 Q. Perhaps while we're looking at the photographs, if we
6 could look at WIT.003.002.1344. Can you tell us what's
7 shown in this photograph?

8 A. That's the book of annals, the brown book referred to
9 in the letter.

10 Q. We'll look at some aspects of that shortly.

11 Moving on to the next photograph, 1345, what do we
12 see here?

13 A. That's the contents of the -- the rest of the contents
14 of that box, C01L, and it's the correspondence files
15 referred to in the list.

16 Q. So do I understand then that in, let's call it box
17 number 1, we have the logbooks and the admission
18 register, and then in box number 2, we have the annals
19 and various bits and pieces of correspondence?

20 A. That's right, yes.

21 Q. So if we move on to photograph WIT.003.002.1347. Do we
22 see there a closer up view of some of the material? For
23 example we can read now on the yellowish folder that
24 it's correspondence 1942 to 1951. Do you see that?

25 A. Yes. It's 1947 maybe.

1 Q. 1947, it is, yes. If we look to the side, do we see
2 there a copy of the article by MKF?

3 A. Yes, that's from the Innes Review.

4 Q. So far as the annals are concerned, if we look at this
5 photograph, WIT.003.002.1352. Are you providing us
6 there with a photograph of the first page of the annals?

7 A. Yes, that's right.

8 Q. We shall look at that shortly.

9 You already mentioned that, in relation to the Rome
10 archives, the visitation reports relevant to St Ninian's
11 would have gone to the Rome archives?

12 A. Yes, they would have.

13 Q. Did you recover these?

14 A. Well, in 2013, when the police started their
15 investigations, we got a faxed copy of the 1970 to 1983
16 visitation reports from St Ninian's, but in 2015 the
17 full archive from Rome was transferred to Dublin, so the
18 originals are now in Dublin.

19 Q. For St Ninian's?

20 A. Yes, for St Ninian's and for all of the other schools
21 too.

22 Q. Do I take it from that that you did not find copies of
23 the visitation reports in the St Ninian's archives?

24 A. No, but that's quite normal. The reports were sent to
25 Rome, usually.

1 Q. I understand that, but I just wondered whether a copy of
2 the report --

3 A. No, they weren't kept in the provincialate. St Mary's
4 province in Ireland actually kept some copies before
5 sending them, but they weren't kept in the English
6 province, in the provincialate.

7 LADY SMITH: So do you have the impression that the reports
8 were initially, following the visitation, sent to the
9 relevant provincialate and then the provincialates were
10 sending them to Rome?

11 A. Well, it was a member of the provincial council who
12 would have carried out the visitation and would have
13 written the report, and then that member of the
14 provincial council would have sent the report to Rome.

15 LADY SMITH: I see. I did understand from some other
16 evidence that there may have been two copies of each
17 report, one held by the people in the place that had
18 been visited in the course of the visitation, and the
19 other going to Rome. You are telling me you haven't
20 come across that?

21 A. I haven't really come across that, no, that copies would
22 be held in St Ninian's itself. That's not something
23 I've seen, that reports for any school would have been
24 sent to the actual school. There might have been
25 a letter sent, you know, in response or, you know, with

1 advice maybe for the superior or recommendations.

2 LADY SMITH: I see. Thank you.

3 MR MacAULAY: Certainly if we look at the visitation
4 reports, one usually finds at the end that there are
5 recommendations.

6 A. Mm.

7 Q. For example, some recommendations that we may be looking
8 at later in other evidence mentions training in care, in
9 childcare, for example.

10 A. Yes.

11 Q. Are you suggesting that that sort of message would be
12 conveyed possibly by a separate letter to the local
13 congregation as opposed to a copy of the report itself
14 being sent?

15 A. Yes.

16 Q. Then did you find any such correspondence?

17 A. No, not for St Ninian's, unless they were attached to --
18 sometimes you would find a copy, a carbon copy of
19 a letter like that attached to the visitation reports.

20 Q. Did you find any such letters addressed to the superior
21 at St Ninian's setting out that sort of recommendation?

22 A. I don't recall any in the St Ninian's visitation
23 reports, but we do have them for other schools.

24 LADY SMITH: Mr MacAulay, it's after 11.30. I know we took
25 a little time between the two witnesses, but I still

1 think we should take a short break at this stage.

2 If it's all right with you, Karen, we normally take
3 a short break at this point in the morning and then we
4 will resume after that.

5 (11.32 am)

6 (A short break)

7 (11.47 am)

8 LADY SMITH: Karen, are you ready to carry on?

9 A. Yes.

10 LADY SMITH: Thank you.

11 Mr MacAulay.

12 MR MacAULAY: We've been looking at what records exist for
13 St Ninian's and you told us about the two boxes.

14 I think you tell us in your statement that there were no
15 personal files for any of the children within the
16 records; is that right?

17 A. That's correct. There's no individual files, yes.

18 Q. You talk about that in paragraph 47 of your statement
19 and you draw a comparison -- not a comparison, an
20 analogy with the Irish industrial schools.

21 A. Yes.

22 Q. I think what you say there is that it seems to have been
23 the practice for these schools for there to be no
24 individual files for residents until you get into the
25 1980s and 1990s; is that right?

1 A. That's right, yes. Out of the nine residential schools
2 the Brothers ran in Ireland, there's only individual
3 children's files for two of those schools, and of those
4 schools, one of them is still open and the other one,
5 the Brothers were involved with it until 1995. So it's
6 only for those two schools that stayed open into the
7 late 1980s and 1990s that I've seen individual files for
8 pupils.

9 Q. Are you suggesting then that you would not find it
10 unusual for there to be no individual files for the boys
11 at St Ninian's?

12 A. Yes, certainly for the 1950s, 1960s and 1970s, yes,
13 I wasn't surprised that there weren't individual files.

14 For one of the schools, the one in Galway that there
15 were individual files for, those files started being
16 created about 1979, with the earliest letters or reports
17 on them. But most of the documentation was the 1980s,
18 1990s, so I think I said in the statement that had there
19 been individual files in St Ninian's, they were likely
20 to have been better or fuller for that time close to the
21 closure of the school, sort of the late 1970s, early
22 1980s.

23 Q. So if there has been evidence that there were personal
24 files kept by the headmaster at St Ninian's, at least
25 latterly, then would you have expected to have seen

1 these files in the archive?

2 A. I would have, but they're not there. I can only
3 guess -- you know, I don't know what happened to them,
4 but I think towards the end, when the school was
5 closing, the residents, a lot of them, were transferred
6 to other schools, so perhaps files went with them to the
7 school that they were going to. But I don't know,
8 really.

9 Q. Who would be responsible for transferring any relevant
10 documentation from the school, when it was closing, to
11 the archive?

12 A. I would have thought it would have been -- the superior
13 would normally be the person responsible for closing the
14 house and bringing any documentation, particularly the
15 annals. The annals is always the one -- even now when
16 a house closes, I make sure that we get the annals when
17 I visit the house to make sure that anything else is
18 gathered up. But at that time there was no archivist,
19 so it would have been up to the superior, I would have
20 thought. Maybe the headmaster had some involvement,
21 I don't know.

22 Q. You've mentioned the annals and perhaps I should have
23 asked you this earlier: are the annals seen as
24 an important document?

25 A. Yes. They'd be the most important record for any of the

1 houses, the communities, that the brothers have. They
2 are encouraged to keep them up and write them regularly,
3 and that's one of the things that comes out in the
4 visitation reports: have they been checked? And
5 usually, the visiting brother would sign that they are
6 kept up to date.

7 Q. What is their purpose?

8 A. The annals record events in the life of the community.
9 It's really -- for the most part they're about the
10 brothers, but the schools will come into it. You could
11 have a book of annals that would -- that community could
12 cover a number of schools, so it might be just --
13 sporting achievements in the schools would come into it
14 but generally the annals would relate more to the
15 community of brothers and who arrived or who left and
16 that kind of thing. So it's events happening at the
17 time and what the superior really thinks is important to
18 record, I suppose.

19 Q. So just to understand then, looking at the whole
20 picture, you have told us about the two boxes that
21 housed the St Ninian's records. Am I to understand,
22 subject to the visitation reports that were received
23 from Rome, that that's the sum total of the records for
24 the life of St Ninian's school?

25 A. Those two boxes, yes, and the photographs. St Ninian's,

1 as you've seen, will have been referenced in
2 correspondence between the provincialate and the
3 generalate, but those letters would be mixed in with
4 other correspondence relating to all matters and all
5 schools. But the two boxes you've seen are the
6 documents from St Ninian's, yes.

7 Q. Can I then just look at some of the material. Let's
8 focus first of all on the annals. I'll put the relevant
9 documents on the screen. This is CBR.001.001.2208.

10 This is the page I think you took a photograph of,
11 but this is a clearer version, I think, that we have on
12 the screen. It's the first page, page 1 of the annals
13 for St Ninian's; is that correct?

14 A. Yes.

15 Q. Can we just read from the top:

16 "These are the annals of the foundation of the
17 Brothers of the Christian Schools of Ireland called
18 St Ninian's at the House of Falkland in the village of
19 Falkland, County of Fife. They are begun on the second
20 day of March 1660, thus tardily partly because of the
21 preoccupation, partly because of the modesty of the man
22 charged with the foundation, Brother LHC [REDACTED]."

23 So some nine years have passed before the annals --

24 A. That's correct, yes.

25 Q. -- were being written up?

1 A. They weren't written up as the events occurred. In the
2 annals for St Ninian's there's two large gaps like that.

3 Q. We'll come to the other gap. This particular gap is at
4 the beginning.

5 A. That's the beginning that he started, yes, March 1960 --
6 wrote from the foundation in 1946, yes.

7 Q. Then looking to the information that's provided over the
8 next few pages, which is quite detailed up to 1960, what
9 would the source of that information have been, do you
10 think?

11 A. I think he must have used some of the correspondence,
12 really, to gather that information, because a lot of
13 that, I think, is in the correspondence, those early
14 years, from 1946 to 1951, before the school opened.
15 There's quite a large file on that.

16 Q. Do you know who the author was of this particular
17 section of the annals?

18 A. I think it was Brother MOA

19 Q. And not Brother LHC, who had, I think, been involved
20 heavily with the setting-up of the school?

21 A. No, I think it was -- it looks like Brother MOA's
22 handwriting.

23 Q. Was he the SNR?

24 A. Back at that time, I'm not sure, actually. I would have
25 to check that.

1 Q. Can I now look at some of the visitation reports in this
2 connection with you. If I can put on the screen
3 CBR.001.001.2355.

4 We have here the visitation report for St Ninian's
5 and it's for the period -- the date of the visitation,
6 rather, is from 12 to 15 March 1979. Do you see that?

7 A. Yes.

8 Q. Brother Gillespie seems to have been the visitor.

9 A. Yes.

10 Q. Can we see at this time the community consists of
11 Brother MBS as the SNR, then reference to
12 Brother MHJ, reference to Brother LNA, who's
13 LNA, who is described as the SNR, and
14 another two brothers, Delaney and Harrington; do you see
15 that?

16 A. Yes.

17 Q. If we turn to the recommendations section at page 2359,
18 can we read there item 2, that annals be continued
19 in the house:

20 "The annals book has not been written up since
21 1960."

22 And we're now in 1979.

23 A. Yes.

24 Q. After that:

25 "Daybooks required by law were considered as

1 replacing annals."

2 I think that's reference to the logbooks?

3 A. Yes.

4 Q. And it goes on to say:

5 "That is not really the case. MHJ said that
6 he would, with the aid of the daybooks, try to write up
7 the annals between 1960 and 1979 and then hand them over
8 to the superior."

9 Do you see that?

10 A. Yes.

11 Q. That was the plan?

12 A. Yes.

13 Q. At least, so far as we have been able to see, there was
14 no logbook that we can see post 1976. But does this
15 suggest that there might have been something by way of
16 a record if he was to be able to write them up, the
17 annals up to 1979?

18 A. Well, this is the year 1979, so, yes, it was suggested
19 that he would, with the aid of the daybooks, try to
20 write the annals from 1960 to 1979. And he did that,
21 and you can see it in his handwriting. If you compare
22 the logbook for that time from -- there's two, from 1960
23 to 1979, he does -- you can see that he does use the
24 logbook to write up the annals and he takes out certain
25 dates and events particularly in relation to the

1 brothers.

2 But when it gets to 1976, I think, about May 1976,
3 the detail does change. From the period September 1976
4 onwards into 1977 and 1978, the entries are quite vague
5 and you could have -- there's only one or two entries
6 per year and they're general and it's not as detailed as
7 it was up to the first half of 1976 where logbooks did
8 exist.

9 So there is a change there in that it would appear
10 that he didn't have access to a logbook after July 1976
11 to write that logbook in 1977 and 1978 and actually in
12 1979 he doesn't write anything at all.

13 Q. Perhaps the way to look at this is to look at the
14 document itself. I think I understand what your
15 analysis is suggesting. If we look then at
16 CBR.001.001.2234. Unfortunately, the dates on the side,
17 I don't know why, they've been redacted out. We can see
18 at the top, it's 1 June 1975. I think what you're
19 saying is there was material in the logbook that would
20 support that sort of entry; is that correct?

21 A. Mm, yes.

22 Q. Then when we move into 1976, we see some further fairly
23 detailed references with specific dates; is that right?

24 A. Yes.

25 Q. And then when we move into September, we have a date for

1 September, but then in November we are just told it's
2 November 1976; is that correct?

3 A. Mm.

4 Q. If we turn over to the next page, page 2235, can we see
5 that there is a lengthy entry, against August, about
6 Brother LHC returning from Gibraltar and his
7 health. This is 1977.

8 Then another entry for September, and another entry
9 for December 1977. I think the point you're making,
10 there's very really little by way of specification of
11 dates.

12 A. Yes, they are very general sort of entries.

13 Q. If we look over to the next page, page 2236, we see an
14 entry for September 1978. Then, as you pointed out,
15 there is a gap up until 1980, so there's nothing entered
16 for the whole of 1979 and we don't know for how long in
17 1980; is that correct?

18 A. Yes.

19 Q. Again, although there are a couple of entries for 1980,
20 further entries, there aren't any specific dates, we're
21 given months, and we see a similar pattern up until
22 about, what, 1981; is that right?

23 A. I think in January 1981, I think, Brother MBS began
24 writing, and it looks like he was writing it as the
25 events occurred. So we have specific dates then. You

1 can see the handwriting changes, I think, at the end of
2 this page or the next page.

3 Q. So I think what you're suggesting, Karen, is that
4 although the suggestion at the time of the visitation
5 is that the logbook would be used as the basis, the
6 inference you can draw from these entries is that,
7 really, the logbook wasn't being used as the basis
8 because of the lack of specification?

9 A. Well, he did use the logbooks from 1960 up to July 1976.
10 You can see that from that time he did use the logbooks
11 to write up the annals from 1960 to 1976. But then that
12 period, 1976 up to about 1979, the entries are more
13 general, they're not taken -- it looks to me that
14 they're not taken from a logbook, he didn't have access
15 to a logbook at that time, and he wrote in what he could
16 out of -- like the death of Brother LHC. He would
17 have known that, so he could write that in.

18 Q. What's your conclusion then in relation to the position
19 of there being a logbook post-1976 on that basis?

20 A. Well, on the basis of a number of things, I think it
21 probably wasn't written, that the SNR, the last
22 SNR in 1976 -- I think it was Brother MHJ --
23 finished as SNR and SNR,
24 Brother Coffey, came in and it looks like he didn't
25 write a logbook, and Brother MBS didn't. He then

1 wrote the annals later on. But I've looked at this all
2 from all sorts of different directions and taken
3 everything into account and ...

4 There was a suggestion that the SNR might
5 have kept the log instead of the SNR but the
6 SNR, I think was at that time, 1976/1977,
7 Brother LNA I did notice that when Brother BHD
8 left in 1973, there's a gap in the logbook there,
9 1973/1974, before Brother MHJ came back.

10 Brother LNA kept the logbook for, I think, about
11 six weeks after Brother LNA (sic) but then there's
12 a blank page and it wasn't taken up again until
13 Brother MHJ realised probably it wasn't being
14 maintained in September.

15 Q. I think what you're saying is Brother LNA wasn't
16 particularly dedicated to keeping the logbook and that
17 furthermore, post 1976, after Brother MHJ's time,
18 there was no logbook being maintained?

19 A. Yes.

20 Q. Is that your conclusion?

21 A. Yes.

22 Q. Can we look at another visitation report,
23 CBR.001.001.2343. This is the visitation carried out by
24 Brother Hooper in November 1977. Do you see that at the
25 top?

1 A. Yes.

2 Q. And can we see that the community includes Brother LNA
3 as the SNR ?

4 A. Yes.

5 Q. Brother Coffey, I think, is described as the consultor
6 and SNR . And we see the names of the other
7 brothers.

8 If we go on to page 2348, if we move towards the
9 section headed "General comments", do we read there:

10 "No annals were submitted to me"?

11 Do you see that?

12 A. Yes.

13 Q. And then we read:

14 "The SNR keeps a logbook."

15 A. Yes.

16 Q. And it goes on to talk about the annals. This is
17 November 1977.

18 A. Yes.

19 Q. Well over a year after the last entry in the 1976
20 logbook.

21 A. I know, and I've looked at that and I think the concern
22 there was really for the annals. This is Brother Hooper
23 visiting in November 1977. But Brother Hooper had also
24 done the previous visitation, which was May 1976, and
25 he had the same concern about the annals not being

1 written up. He said in that visitation report of
2 May 1976 the same thing:

3 "No annals were written up, a logbook is kept."

4 So he knew at that time, May 1976, that a logbook
5 was kept, which it was, so I think you need to read this
6 entry, this visitation report, in connection with the
7 other one. Brother Hooper had the same concern and
8 maybe he assumed that the SNR kept a log and I think
9 I mentioned in my statement that he doesn't give
10 a description of the log in that at that time.

11 Q. I think what you're saying -- and you can correct me if
12 I'm wrong -- is that Brother Hooper may have been told
13 by the SNR, who was Brother LNA at this time --

14 A. Or the SNR, yes.

15 Q. I think he uses the word SNR, doesn't he?

16 A. Yes. But he could have been told by the SNR that
17 the SNR keeps a log or ...

18 Q. And you're suggesting he may not have looked at any
19 logbook?

20 A. Yes but he would have seen it in the May, probably --

21 Q. Previously?

22 A. -- if he queried it to that extent, yes.

23 Q. Looking at the position of records more generally -- and
24 you talk about this from paragraph 61 onwards -- I think
25 what you tell us, just below halfway in that paragraph,

1 is that, so far as the records for St Ninian's are
2 concerned, there isn't anything apart from what you
3 refer to as "very scant". That's the term you use.
4 What do you mean by that? Would you have expected to
5 have seen more documents?

6 A. I certainly would have expected there to have been
7 accounts because accounts were referred to in visitation
8 reports. For nearly every community that closes, a good
9 number of account books would come in. So I'd say
10 definitely accounts were kept and it's likely that they
11 were disposed of at the time of the closure of the
12 school.

13 I think there must have been some correspondence
14 kept -- created during the course of the -- while the
15 school was open. But none of that has come -- it hasn't
16 come with the annals and the logbooks from the school
17 itself. The correspondence that we have are those
18 correspondence files that you saw. They mostly came
19 from the provincialate. They were created and kept
20 there.

21 Q. Can I take you to an entry in the logbook in 1972. It's
22 CBR.001.001.2154. If we scroll towards the bottom of
23 the page -- this was looked at the other day. It's
24 1972. The second date from the bottom is 23 October.
25 There's reference there to:

1 "Brother Superior stays overnight at Scotus Academy,
2 tired and overwrought by conference, but more so over
3 nasty letter received by Brother Provincial through
4 Principal re St Mary's Twickenham sent by a past pupil,
5 obviously dictated by someone."

6 And there's a description as to the reaction to it.
7 That suggests that a nasty letter or a complaint of some
8 sort had been made. Did you see any evidence in any
9 documentation relating to any complaints being made in
10 any of the documentation you looked at in connection
11 with St Ninian's?

12 A. No, that's the -- that reference to the letter in the
13 logbook, I think there's that one. Complaints ...
14 I think I mentioned the reference to the punishment,
15 undue punishment.

16 Q. That's a different point. I'll maybe look at that in
17 a moment.

18 Did you see any document that would fit in with that
19 description that I've just put to you?

20 A. Of allegations of -- no, not in the St Ninian's
21 correspondence, no.

22 Q. In paragraphs 71 onwards, 71 to 73, you make reference
23 to some inaccuracies that you found, for example, in the
24 admission registers; is that right?

25 A. Yes.

1 Q. In summary, I think you say you found that there were
2 inaccuracies in relation to children's dates of birth.

3 A. That's right, yes.

4 Q. You also found that the names of children were often
5 recorded inaccurately and misspelt.

6 A. That's correct, yes.

7 Q. Either with the Christian names wrong or the surnames?

8 A. Yes.

9 Q. I think also you found that maybe parents' names might
10 have been incorrect.

11 A. The reference to the parents' names was that there
12 weren't many parents' names recorded. They were only
13 there for -- a few years actually include parents'
14 names, but for the most part the entries don't include
15 parents' names at all.

16 Q. If you look at things like dates of birth and children's
17 names, clearly that is important information --

18 A. Mm, yes.

19 Q. -- and there would be a need for real accuracy in
20 connection with that sort of information.

21 A. Yes.

22 Q. So that was missing?

23 A. Well, I've noticed it as enquiries have come in for
24 requests for confirmation of residency in a school from
25 a former resident or a solicitor. I've noticed the

1 details that they give are different to what's in the
2 register quite a lot of times and, you know, the date of
3 birth could be wrong or the name. It's something I've
4 noticed particularly with the St Ninian's register more
5 than for other ones.

6 So I did wonder about what information, what
7 documentation was coming into the school in order for
8 the brothers to have the correct name or date of birth
9 to write into the register. In the industrial schools
10 in Ireland, an order of detention was issued by the
11 children's court, so that would have all of the
12 information and that's what was used to -- that was
13 transcribed into the register.

14 So they are for the most part correct, but for
15 children who were admitted to local authorities, to the
16 industrial schools in Ireland, their records are similar
17 to the St Ninian's: there's less information and the
18 information can be inaccurate.

19 Q. The area you look at is the area in relation to
20 punishment books. I think certainly from a point in
21 time, particularly under the 1959 regulations, there was
22 a duty on institutions like St Ninian's to keep a record
23 of any punishments given to children. I think you're
24 aware of that.

25 A. Yes.

1 Q. I don't think the regulations actually used the word
2 "punishment book", and a logbook could serve that
3 purpose. In relation to the logbooks that you looked
4 at, particularly in the earlier periods, did you find
5 that punishments were being recorded?

6 A. Yes, they were, yes.

7 Q. What about the later period? What did you find?

8 A. There may have been some there, but I think for the most
9 part, the ones that I remember had been consistently
10 recorded, I suppose, were for the 1950s and maybe 1960s.
11 For the later part, maybe there were some, but the ones
12 I remember were from the earlier time and they'd record
13 the residents' names and there might be a reference to
14 the fact that they absconded, and then what the
15 punishment was. So it was fairly detailed, I think,
16 in the early years, definitely.

17 Q. But I think in the latter years, certainly if one looks
18 at the logbooks, that doesn't appear to be the case?

19 A. No, no.

20 Q. So either there were no punishments or punishments were
21 not being recorded. These are the two options?

22 A. Yes.

23 Q. Isn't that the case?

24 A. Yes.

25 Q. We don't know, of course, what the position is

1 post-1976, because there are no records.

2 A. No.

3 Q. Perhaps I can take you to this documentation. These are
4 inspection reports, which you may not have seen, and
5 certainly they didn't come from the St Ninian's records.
6 If you look at SGV.001.005.8726.

7 Perhaps go back a page to 8725. You'll see this
8 material is contained in a file that was kept by the
9 Scottish Education Department. We see the heading:

10 "Voluntary homes. Inspectors' reports."

11 And the reference to "St Ninian's, House of
12 Falkland". Do you see that?

13 A. Yes.

14 Q. If we move on to page 8726, can we see there that the
15 visit that formed the basis of this report was one on
16 4 October 1966?

17 A. Yes.

18 Q. We're given some information about what the inspector
19 discovered. If we turn to page 8729, and move down
20 towards the heading "Records", do we read there:

21 "Brother MHJ keeps a logbook and register of
22 admissions and discharges. Mrs Wilkinson keeps the menu
23 book. Although corporal punishment is used, no record
24 is kept."

25 That seems to be contradicted, in fact, by some

1 entries in the logbook in that at this time we do see
2 some references to corporal punishment in the logbook.

3 A. Yes.

4 Q. Am I right in thinking that?

5 A. Yes.

6 Q. If we turn on to page 8732, under the heading

7 "Regulations", can we read there:

8 "Brother [REDACTED] has not seen a copy of the
9 regulations, but supposed that keeping them was a matter
10 of common sense"?

11 The inspector goes on to say:

12 "I said I would bring a copy on my next visit."

13 And we do see in a subsequent report that a copy of
14 the regulations was handed over to Brother [REDACTED]

15 Can we focus on the conclusion while we have this on
16 the screen? That is:

17 "This home is doing some good work in giving
18 difficult boys security, training and discipline. The
19 staff have a limited understanding of the principles of
20 childcare, resulting in a lack of adequate preparation
21 for the boys' return to normal community life."

22 Do we see there that there is a recognition by the
23 inspector that there is a limited understanding of
24 childcare on the part of the brothers in particular?
25 Do you see that?

1 A. Yes.

2 Q. I think we know from visitation reports -- and perhaps
3 we'll look at this later on with Brother John and
4 Brother Edmund -- that there was a recognition that
5 childcare training was required; is that your own
6 understanding of what's contained in the visitation
7 reports?

8 A. Yes, I think that it should have been the case that
9 there was more training or training made available to
10 the brothers before they went up to St Ninian's to care
11 for the children. I'm not sure if any of them did any
12 courses. Maybe in the later years there were some.

13 Q. Perhaps we can look at another of these inspection
14 reports. SGV.001.005.8743. I think we see the date
15 here is 1967:

16 "Mr Park visited 16.6.67 and met Brother MHJ "
17 That's the narrative.

18 A. Mm.

19 Q. If I take you to page 8748, if we scroll down to the
20 heading "Corporal punishment", do we read now:

21 "Corporal punishment is now recorded in a punishment
22 book. It is reserved for serious offences, the maximum
23 penalty being four strokes with a tawse on the buttocks
24 over trousers"?

25 So at least the inspector is being told, at least,

1 that a record is being kept, although I don't think the
2 logbook was described as a punishment book.

3 A. Sorry?

4 Q. This suggests that the inspector is being told by
5 Brother MHJ that there is a record being kept of
6 corporal punishment.

7 A. Yes, it looks like that in 1967. It looks that he's
8 saying -- I haven't seen this before, I was reading.
9 Yes, it looks like it is now recorded in a punishment
10 book, yes.

11 Q. You haven't seen this before and I take it then that
12 these inspection reports, you didn't find anything like
13 this in the archives?

14 A. No, no.

15 Q. But we do see at item 12 that the inspector has given
16 Brother MHJ a copy of the regulations?

17 A. Yes.

18 Q. One thing you tell us in your statement, Karen, is that
19 you had some difficulty in working out, at least for
20 some periods of time, who the lay staff were that were
21 at St Ninian's; that's at paragraph 100.

22 A. Yes. There's no wages books held for St Ninian's.
23 We have those for some of the larger schools that were
24 in Ireland. But for St Ninian's, there's no wages books
25 and there's no what we'd call school returns, which

1 would show a list of teachers that were teaching in the
2 schools. But for St Ninian's, we just don't have that.

3 So when the inquiry requested a list of lay staff,
4 what I did was I went through all of the documentation
5 that we do have, like the annals, the logbooks and the
6 correspondence, and I also used -- there was one list of
7 staff from 1982 that was useful that gave the dates of
8 when the staff members began employment in St Ninian's
9 and when they left.

10 So I used all of those sources to create a list of
11 staff and just put in any dates that I found there or
12 any references in the logbook that any particular -- if
13 any particular person was mentioned, I put in that
14 reference, because it saves -- you know, if you're asked
15 was one person there, instead of looking through the
16 entire collection every time, I kind of learnt that over
17 the years if I do a list of staff from the sources that
18 we have, then any queries that come in, I just check
19 that list.

20 Q. And I think you have sent that to the inquiry?

21 A. That's been sent to the inquiry, yes.

22 Q. In paragraph 102 you talk about discipline policy. What
23 you say is:

24 "There was no written discipline policy document
25 specifically for St Ninian's as far as I know."

1 But you make reference to the constitutions, where
2 we know there are some references to how children should
3 be punished.

4 A. Yes.

5 Q. You also make reference to a circular letter dating from
6 1961 from the provincial, Brother Curran --

7 A. Yes.

8 Q. -- that set out regulations on the use of corporal
9 punishment in Christian Brothers schools; is that
10 correct?

11 A. Yes, that was sent out, I think, to every school in the
12 English province at the time.

13 Q. That would include St Ninian's?

14 A. Yes.

15 Q. When you talk about regulations, do I understand from
16 that that these are Christian Brothers regulations as
17 opposed to legal regulations?

18 A. I'd say they were regulations that Brother Curran
19 drafted himself or the team, the provincial council,
20 decided upon.

21 Q. If we look at CBR.001.001.7590. We're looking at
22 a letter dated 16 January 1961. Is this the circular
23 you have in mind?

24 A. Yes.

25 Q. It's in general -- the heading at the beginning is,

1 "General terms". I'll read on:

2 "My dear brother, at the provincial chapter of the
3 English province the question of corporal punishment was
4 fully discussed. Many delegates advocated the abolition
5 of corporal punishment in the schools. Our classes are
6 now comparatively small and the majority of our boys are
7 well conducted and come from very good homes. There is
8 now little need for corporal punishment. I wish we
9 could eliminate it altogether."

10 But that isn't the guidance; the guidance is to
11 follow particular rules.

12 A. Mm.

13 Q. Is that correct?

14 A. I think so, yes.

15 Q. It goes on to say:

16 "I am sending you a copy of the regulations."

17 We see these are attached. If we move on to page
18 CBR.001.001.7593, we're looking at a document headed:

19 "Regulations governing the administration of
20 corporal punishment."

21 Are these the regulations that you have in mind?

22 A. Yes.

23 Q. It begins by saying:

24 "It must be the aim of every brother and master to
25 reduce corporal punishment to a minimum."

1 So that's a general principle, isn't it?

2 A. Mm.

3 Q. And if we look at (1), (2), (3), (4), at (1):

4 "Corporal punishment should be administered only for
5 grave transgressions, never for failure in lessons."

6 Do you see that?

7 A. Yes.

8 Q. There's further guidance given as to who should do it
9 and how it should be done. For example:

10 "Not more than two strokes on the palm of the hand
11 shall be administered."

12 Do you see that as the general principle?

13 A. Yes. The screen -- it must be lower down on the page,
14 is it? Yes.

15 Q. "If it is further considered that the occasion requires
16 further punishment, then the matter must be referred to
17 the headmaster."

18 A. Yes.

19 Q. At (4) we see:

20 "The boxing of pupils' ears, the pulling of their
21 hair and similar ill-treatment are absolutely
22 forbidden."

23 A. Yes.

24 Q. So this was sent to all the Christian Brothers schools?

25 A. Yes, I would think it was sent to all the schools in the

1 English province, yes. It's my understanding.

2 Q. Can I just look at one or two aspects relating to the
3 creation of St Ninian's. I'll take this from you
4 because your knowledge of the records is probably better
5 than anyone else's. If we look at the logbook -- and
6 this is at CBR.001.001.1925.

7 This is a transcript from the logbook for the years
8 1951 to 1960. I think this was arranged either by
9 yourself or at least by the Christian Brothers.

10 A. Yes, one of the brothers typed up all three logbooks.

11 Q. Which makes it much easier to work from. We see on this
12 particular document that the years it covers is 1951 to
13 1960; is that right? If we look at the very top.

14 A. Yes.

15 Q. I'm looking at this because we can see the reference to
16 conditions of entry:

17 "All boys admitted to this school shall be Roman
18 Catholic in faith."

19 Do you see that?

20 A. Yes.

21 Q. "Ordinarily, no boy shall be admitted who is under
22 11 years or over 14 years of age."

23 A. Yes.

24 Q. "Ordinarily, no boy qualified for senior secondary
25 school shall be admitted."

1 A. Yes.

2 Q. So these are the general provisions.

3 If we move on to another document, CBR.001.001.1714,
4 this is the document that's referred to as the daybook,
5 although we've been referring to it as a logbook.

6 A. Yes. "Daybook" is written on the inside on the top.
7 That's why he's typed "daybook" there.

8 Q. When you look at the dates, it covers what's been
9 blanked out, [REDACTED] 1951 to [REDACTED] 1968. So do
10 we see that it duplicates to some extent the logbook
11 that covers 1951 to 1960?

12 A. It does in a sense, but when I was asked to identify the
13 authors of the logbooks, I figured out that the logbook,
14 this one from 1951 to 1968, was kept by the [REDACTED] SNR,
15 and the other one, 1951 to 1960, was kept by the
16 [REDACTED] SNR, and the entries are different, they're not
17 exactly the same. There are some similar references,
18 I think, to who was admitted or whatever, but that's my
19 understanding: that the [REDACTED] SNR kept one and the
20 [REDACTED] SNR kept the other, and then in 1961 I think the
21 one that was kept by the [REDACTED] SNR ceased to be
22 written.

23 Q. Then if we look at this document at item (1), we can
24 read there:

25 "St Ninian's, House of Falkland, Fife, was opened on

1 [REDACTED] 1951, when 15 boys were received from
2 Nazareth House Lasswade, Midlothian."

3 Then it's been blanked out, but the names of all the
4 boys have been given.

5 We're then told who the staff are and that various
6 visitors come to the school.

7 A. Yes.

8 Q. We then read in item 2 that boys were admitted from
9 Smyllum Park school.

10 A. Yes.

11 Q. And I think there was one boy transferred from a place
12 known as "St Andrews Hostel, Ferry Toad" (sic) in
13 Edinburgh. Do you see that?

14 A. Yes.

15 Q. "Ferry Road", I think it should be.

16 If we turn over to page 1715, the date at the top is
17 [REDACTED] 1951, so we're still within the first year of its
18 opening:

19 "Eight boys were submitted from Smyllum Park
20 school."

21 Do you see that?

22 A. Yes.

23 Q. And the names are given. Then two dates down,

24 [REDACTED] 1951:

25 "Seven boys were admitted from Smyllum Park school."

1 And again the names are given; do you see that?

2 A. Yes.

3 Q. As we move down the page for that first year, can we see
4 that Smyllum Park school is the main feeder school for
5 St Ninian's?

6 A. Yes, it would appear so for those years.

7 Q. In the folder in front of you, Karen, you'll find a copy
8 of the admissions register for St Ninian's. Do you have
9 that in front of you?

10 A. Yes.

11 Q. Unfortunately, we can't put this on the screen because
12 of huge difficulties with redaction. But I just want to
13 take from you -- and put it into the evidence -- if you
14 look at the first page, there are six entries. These
15 are six of the boys transferred from Lasswade when the
16 school opened.

17 Can you see that the second entry relates to a boy
18 who could only have been 10 years of age?

19 A. Yes.

20 Q. Is that the same with the fourth entry?

21 A. Is he 11 or 10 ...? They would have been 10, yes.

22 Q. And similarly with the next entry.

23 A. Yes, he was 10.

24 Q. And the last entry on that page, I think that individual
25 boy had just turned 10.

1 A. Yes.

2 Q. If we move over to the third page, 1350, the third entry
3 from the top, again can we see that the boy who was
4 transferred at that time from Lasswade is 10?

5 A. Yes.

6 Q. So of the 15 transferred from Lasswade in [REDACTED] 1951,
7 five were only 10?

8 A. Yes.

9 Q. By the end of 1951, I think the population of
10 St Ninian's had grown to about 50 boys. And in the
11 main, these were children that had been transferred from
12 other Catholic homes; is that your understanding?

13 A. What did you say?

14 Q. At the end of the first year --

15 A. Oh, at the end of the first year. I can't remember the
16 numbers for each year now.

17 Q. If we turn to the logbook, CBR.001.001.1715, if we move
18 to the bottom of that page, we're coming into [REDACTED]
19 of 1951; can we see there's references to the number of
20 boys present being about 50?

21 A. Yes.

22 Q. If we look at paragraph 115 of your statement, Karen,
23 what you're saying there is that you do wish there was
24 more information available for residents; is that
25 correct?

1 A. Yes.

2 Q. Can you just explain that?

3 A. Well, if residents just come to us looking for their
4 records, you know, all I can really give for them is the
5 entry in the admission register. It's quite short, it's
6 even less information than we've just seen the later
7 ones can be. Very little information. But they do give
8 the date of admission and date of discharge. So that
9 admission register is useful for confirmation of
10 residency, but they might expect that there would be
11 a file for them and there just isn't, and all that I can
12 do then is check if there's any references in the
13 logbooks if they were there before 1976 or ...

14 Q. So far as the logbooks are concerned, is it patchy in
15 the sense that maybe perhaps it depends on the author,
16 but for times in the logbook there's quite a bit of
17 detail about what boys are doing and so on, whereas
18 others were just simply giving the number of boys?

19 A. There is just the number and maybe a brief account. But
20 then other superiors came in and wrote paragraphs for
21 each day. So yes, it depends on the person writing.

22 Q. I think you assisted in carrying out a search for
23 documents relating to the move of John Farrell from
24 South Africa to St Ninian's.

25 A. Yes.

1 Q. I think you've produced all the relevant material to the
2 inquiry.

3 A. Yes.

4 Q. You've already mentioned that you have carried out
5 an analysis to determine who were the authors of the
6 logbooks over different periods of time.

7 A. Mm.

8 Q. I want to take you to a particular entry in the logbook
9 at CBR.001.001.2148.

10 Moving towards the bottom, this is the entry I think
11 you touched upon before and indeed you have mentioned in
12 your statement. It's the entry for [REDACTED], although the
13 date is blanked out, and it's the entry involving an
14 incident that involved a former pupil by the name of
15 Frank McCue.

16 You're probably aware that Frank has given evidence
17 and provided the inquiry with an account of what he
18 described as a serious assault on him by the then
19 SNR [REDACTED], who was BHD [REDACTED].

20 A. Yes.

21 Q. Did you work out who the author of the entries in this
22 part of the logbook was?

23 A. Yes, I believe it to it be BHD [REDACTED].

24 Q. So there's the entry that we are looking at for [REDACTED],
25 and in particular the lines:

1 "The ^{SNR} [REDACTED] gets very angry and gives him rather
2 severe punishment."

3 You're saying the author was Brother ^{BHD} [REDACTED]?

4 A. Yes.

5 Q. Similarly, do you say for the next entry, the one for
6 [REDACTED], and I will quote:

7 "^{SNR} [REDACTED] apologises to Frank McCue in front of
8 all boys in chapel for the angry and unfair punishment
9 meted out the night before."

10 Again you would say the author of that is

11 Brother ^{BHD} [REDACTED]?

12 A. Yes.

13 Q. I think it is the case, Karen, that you have borne the
14 brunt of searching out the materials that the inquiry
15 has sought from the order in relation to -- under the
16 auspices of a number of section 21 notices.

17 A. Yes. That's right.

18 MR MacAULAY: Can I, on behalf of the inquiry, thank you for
19 your diligence in so doing, and can I also thank you for
20 coming to give your evidence today.

21 My Lady, no questions have been submitted to me.

22 LADY SMITH: Can I check whether there are any outstanding
23 applications for questions? No.

24 Karen, we owe you an enormous debt of gratitude.

25 I'm very conscious of this being but one small part of

1 an enormous archive for which you're responsible, and
2 nobody can fault the diligence that you have applied in
3 responding as well as you possibly can to our requests.
4 It's been of considerable assistance to us, so thank you
5 for that. I'm now able to let you go.

6 A. Okay, thank you.

7 (The witness withdrew)

8 LADY SMITH: I think rather than try and start the next bit
9 of evidence before the lunch break, I should just rise
10 now. We've got to do some shifting anyway. Thank you.

11 (12.50 pm)

12 (The lunch adjournment)

13

1

2 (2.00 pm)

3 LADY SMITH: Good afternoon. Mr MacAulay, what next?

4 MR MacAULAY: Good afternoon, my Lady. The next two

5 witnesses are Brother John Burke and

6 Brother Edmund Garvey.

7 BROTHER JOHN BURKE (sworn)

8 BROTHER EDMUND GARVEY (sworn)

9 LADY SMITH: Please do, both of you, sit down. I think
10 we've got you in the right order to sit with the seats
11 that have got your folders in front of you. Yes, that's
12 it.

13 If I could just ask you both to be aware that you're
14 having to share the microphone. I'm sure you won't
15 speak both at the same time, because that becomes
16 impossible for the stenographers, but it is important
17 that the sound system picks up all of your answers. So
18 if you could make sure you're in a good position for the
19 microphone, that would be really helpful.

20 I'll pass over to Mr MacAulay and he'll explain what
21 happens next.

22 Questions from MR MacAULAY

23 MR MacAULAY: Good afternoon to you both.

24 I plan to start with you, Brother John. Just to
25 look at your resumé, it's in the folder in front of you.

1 I'll put it on the screen: CBR.001.001.9139.

2 You tell us that you are John Burke.

3 BROTHER JOHN BURKE: Yes.

4 Q. And you were born in 1942 in County Cork?

5 BROTHER JOHN BURKE: That's correct.

6 Q. You set out in that first paragraph some aspects of your
7 academic history, ending up qualifying as a primary
8 schoolteacher in 1961/1962.

9 BROTHER JOHN BURKE: Correct.

10 Q. You go on to give us some more information about your
11 teaching experience, but you also attended
12 University College Cork for four years and obtained a BA
13 in Irish language, history and philosophy?

14 BROTHER JOHN BURKE: Correct.

15 Q. When did you take your final vows?

16 BROTHER JOHN BURKE: 1968.

17 Q. Were you, in 1976, invited by your provincial to move to
18 Uruguay to teach in a secondary school?

19 BROTHER JOHN BURKE: That's correct.

20 Q. I think that was religion and English that you taught?

21 BROTHER JOHN BURKE: Yes.

22 Q. And indeed, did you, as it were, graduate to become the
23 superior of the community in Buenos Aries?

24 BROTHER JOHN BURKE: Yes.

25 Q. In 1996, were you appointed for a six-year period to the

1 province leadership team of the Christian Brothers in
2 Ireland?

3 BROTHER JOHN BURKE: That's correct.

4 Q. So you're back in Ireland again?

5 BROTHER JOHN BURKE: Yes.

6 Q. And I think you were reappointed for another period of
7 time in that same position?

8 BROTHER JOHN BURKE: Yes.

9 Q. Perhaps you can tell us a bit about one of your main
10 portfolios during that period; that's the period 2002 to
11 2008. I think you mention it being something to do with
12 child sexual abuse.

13 BROTHER JOHN BURKE: Yes. One of my portfolios, being on
14 leadership, was safeguarding and making sure that
15 complainers were heard, complaints were reported to
16 statutory authorities, that safeguarding procedures were
17 put in place. It was everything around safeguarding.

18 Q. At that time, that's looking at the period 2002 to 2008,
19 did the Christian Brothers still run residential schools
20 or not?

21 BROTHER JOHN BURKE: No, not in Ireland.

22 Q. When you're talking about safeguarding then, what's the
23 context that you're talking about?

24 BROTHER JOHN BURKE: Well, it's safeguarding in -- we were
25 responsible for many, many, many day schools, so to make

1 sure that safeguardings were put in place. Well, they
2 were the safeguardings of the Catholic Church in
3 Ireland, really, adapted to our situation.

4 Q. You tell us that you were selected to join a new
5 initiative called New Life in Mission; what was that
6 about?

7 BROTHER JOHN BURKE: Well, it was a period when the
8 Congregation was growing old and we were handing over
9 our schools to a lay trust, the Edmund Rice School
10 Trust, so from 2008 onwards we had very little to do
11 with schools.

12 So what now? What would be the mission of the
13 Christian Brothers now? So five of us were selected,
14 including Brother Edmund, to have a look at religious
15 life and see where are we being called now as
16 a Congregation, and I found that a very productive
17 period of my life.

18 Q. What is the mission now? It's a matter you've raised.
19 What is the mission of the Christian Brothers if you're
20 moving away from education?

21 BROTHER JOHN BURKE: Well, one of the -- we got some
22 professionals to help us -- one from Canada, one from
23 Holland -- to help us over a two-year period to discover
24 where are we now. Because it was the height of the
25 child abuse as well in Ireland and practically

1 everything was gone, including our good name, so what
2 now?

3 One of the first things we were told to do was to
4 learn how to live in community because living community,
5 living together, having right relationships in
6 community, all different people, have right
7 relationships, and if the community is right, the
8 mission will be right as well. And if we haven't got
9 right relationships, then the mission goes wrong.

10 Q. Is that the present position, that you live in community
11 with other brothers --

12 BROTHER JOHN BURKE: I do, yes.

13 Q. -- rather than being involved in the education system?

14 BROTHER JOHN BURKE: I'm on the leadership team of the
15 Christian Brothers as well.

16 Q. I think you tell us that when you finished your six-year
17 terms on the province leadership teams, you were invited
18 to continue at the child safeguarding director and
19 is that your present position?

20 BROTHER JOHN BURKE: It is, yes.

21 Q. I think you tell us that you've been involved in both
22 criminal and civil matters --

23 BROTHER JOHN BURKE: Correct.

24 Q. -- in that capacity?

25 BROTHER JOHN BURKE: Yes.

1 Q. If I turn to yourself, Brother Edmund, you are
2 Edmund Garvey?

3 BROTHER EDMUND GARVEY: That's right, yes.

4 Q. And you were born on [REDACTED] 1945, also in Ireland?

5 BROTHER EDMUND GARVEY: Correct, yes.

6 Q. You also provide us in CBR.001.001.9137 with some
7 information about your academic background and
8 particularly your teaching experience. Do you tell us
9 that, having completed your secondary education, you
10 also took a primary degree at the University College of
11 Dublin, graduating with honours in English and Latin in
12 1968?

13 BROTHER EDMUND GARVEY: That's correct, yes.

14 Q. And I think you completed your final vows in 1970?

15 BROTHER EDMUND GARVEY: That's right, yes.

16 Q. You also obtained a diploma in education. Did you then
17 go on to teach in Belfast for a couple of years?

18 BROTHER EDMUND GARVEY: Correct.

19 Q. You tell us that in 1984, you were appointed to the
20 provincial council of St Mary's province Ireland, that
21 being one of the two provinces in Ireland at that time?

22 BROTHER EDMUND GARVEY: That's right, yes.

23 Q. And you were then elected in 1990 to assist the
24 Superior General in Rome as a member of that council?

25 BROTHER EDMUND GARVEY: Yes.

1 Q. Did you then succeed as Superior General?

2 BROTHER EDMUND GARVEY: In 1996.

3 Q. But you returned to Ireland in 2002?

4 BROTHER EDMUND GARVEY: That's right.

5 Q. In what capacity?

6 BROTHER EDMUND GARVEY: Almost no capacity, in a way, but

7 I was asked by the province leaders in Ireland and
8 England to coordinate the reorganisation of the three
9 provinces into one province, which became then what
10 we're calling now the European province.

11 The other capacity I had at that time was acting as
12 director of communications for the Congregation in
13 Ireland and England.

14 Q. You have mentioned the new province, the amalgamated
15 province. We heard from Karen Johnson about that. Were
16 you appointed eventually to the role of province leader
17 in 2014?

18 BROTHER EDMUND GARVEY: That's correct.

19 Q. That's the position you hold?

20 BROTHER EDMUND GARVEY: That's the position I currently
21 hold.

22 Q. As I have just mentioned, we've had the evidence of
23 Karen Johnson this morning, who gave detailed evidence
24 about records and what records were kept or not, as the
25 case may be. I don't know if you listened to that

1 evidence or not.

2 BROTHER JOHN BURKE: Yes.

3 Q. So I needn't dwell for too long on that material.

4 I just want to ask you this. She gave some evidence
5 about the annals and the relevance they play in the
6 Congregation. Perhaps, Brother Edmund, I could ask you
7 this: it would appear that the annals were not
8 maintained in a diligent way over the period of
9 St Ninian's' existence. Any comments on that? Would
10 that be unusual to find that sort of manner in keeping
11 the annals or not?

12 BROTHER EDMUND GARVEY: It wouldn't be unusual to find some
13 gaps or some lacunae in the maintenance and writing-up
14 of the annals. They were essentially community -- it
15 was essentially a community document, which was geared
16 to recording the principal or main events in the life of
17 community of brothers and, by way of extension, any
18 particular or special events connected with the
19 ministry, which in this case was the running of a care
20 home and a school for boys. It would record those
21 events as well.

22 Q. Whose responsibility would it be, in your view, to keep
23 the annals?

24 BROTHER EDMUND GARVEY: It would be the responsibility of
25 the local superior of the community, which in turn he

1 might delegate to a brother, who might have some special
2 gift for writing. But ultimately it was the
3 responsibility of the local superior.

4 Q. We've also heard reference to the logbooks. It does
5 appear, and it certainly is Karen Johnson's view, that
6 the logbooks cease to exist in 1976. Whose
7 responsibility would you say was the keeping of the
8 logbooks?

9 BROTHER EDMUND GARVEY: Insofar as I understand it, that
10 would be, I think, the responsibility of the headmaster
11 of the school.

12 Q. Can I then turn to the issue of the order's ability to
13 care for children. Because what happened in 1951
14 is that the order took on the responsibility of running
15 St Ninian's School in conjunction with the archbishop of
16 the day. You're probably aware of the evidence
17 Michael Madigan gave earlier to the inquiry that the
18 order presumed that it could also manage what was
19 a residential school. Do you recollect that evidence?

20 BROTHER EDMUND GARVEY: I do, yes.

21 Q. He actually thought that was a facile presumption. Have
22 you either of you any comments to make on that evidence
23 and in particular, at least with the benefit of
24 hindsight, on the presumption that the order could
25 manage a school like St Ninian's?

1 BROTHER EDMUND GARVEY: Well, the comment I would make
2 is that it was a facile presumption. I mean, the idea
3 that a religious community of celibate men were well
4 placed to care for and look after children was a very
5 misplaced idea or ideal. And I think it may have been
6 based on an ideal that was over-spiritualised in the
7 sense that people could do this simply because they were
8 religious people and they wanted to do good, if I may
9 put it that way.

10 The failure to train people or to find ways of
11 training people or preparing people specifically for
12 that role was a very significant failure. That's very
13 much with the benefit of hindsight. I'm wondering if
14 I'd been there at the time how I would have viewed it.

15 But I can certainly remember coming towards the end
16 of the 1960s in relation to the residential schools in
17 Ireland that brothers began to talk more and more about
18 the lack of training and the need for training.

19 Of course, the other assumption was that people
20 trained professionally to be teachers could also be
21 caregivers was, you know, a hopeless presumption on
22 which to base the care of the children.

23 Q. And I think in a very recent document that has been
24 supplied to the inquiry on your behalf, I think that
25 acknowledgement is made. I think it's in the folder in

1 front of you, I'll put it on the screen.

2 CBR.001.001.9141. It's the last paragraph:

3 "The Congregation acknowledges the evidence ..."

4 The date is 1 July 2019. So it's very recent:

5 "The Congregation acknowledges the evidence of
6 Michael Madigan that, by today's standards, it was
7 a facile presumption that brothers with experience of
8 managing day schools could also manage residential
9 schools without specific training."

10 I think that's the point you make?

11 BROTHER EDMUND GARVEY: That's the point I'm trying to make,
12 yes.

13 Q. Looking at the brothers who formed the Congregation in
14 those early days, Brother LHC for example, what
15 experience, if any, did any of them have in-connection
16 with residential schools so far as you're aware?

17 BROTHER EDMUND GARVEY: Insofar as I'm aware, I think maybe
18 Brother LHC had some experience in a residential
19 school in England and that's why he was brought to
20 Scotland.

21 With regard to all of the other brothers that I know
22 of, I'm not aware that they had any particular
23 experience and almost certainly no training.

24 Q. And as far as Brother LHC was concerned, the
25 residential school that he had been at, do you know what

1 type of school it was?

2 BROTHER EDMUND GARVEY: I'm sorry, I don't, no.

3 BROTHER JOHN BURKE: It was in Brentwood, outside London.

4 It was an institution similar to Falkland.

5 Q. With the same sort of age range?

6 BROTHER JOHN BURKE: I think they were younger.

7 Q. You have mentioned training, Brother Edmund. Do we see,
8 from certainly in the 1960s, an acknowledgement in the
9 visitation reports that training in childcare was
10 something that had to be given serious consideration?

11 BROTHER EDMUND GARVEY: Yes, I think the visitation reports
12 indicate that the visitors from the provincial
13 councils -- I'm not sure about the General Council, but
14 certainly the provincial councils -- saw that this was
15 a need that had to be fulfilled. What I don't see,
16 I suppose, is what was actually done. The need was
17 recognised, but what was done by way of action to fulfil
18 the need and to cater for the training, I don't see that
19 recorded.

20 Q. I'll come to that in a moment. If I could just look at
21 one or two of the references that I think you have in
22 mind. This is the visitation report, CBR.001.001.2299.

23 This is for the period, 25 to 28 April 1969, at
24 a time when Brother MHJ was the SNR and Brother
25 LHC was the

1 If we turn to the next page, page 2300, under
2 the heading "General", can we see four or five lines
3 from the top:

4 "Another necessity is that a brother be qualified in
5 childcare. The authorities are demanding this and we
6 must endeavour to release a brother to do at least
7 a year's course"?

8 So this is the late 1960s and it was seen as
9 a necessity at that time?

10 BROTHER EDMUND GARVEY: Yes. Very clearly.

11 Q. If we move on to the following year's visitation report
12 at CBR.001.001.2301, here we see this is for the period
13 12 to 15 March 1970. We're given the list of the
14 Congregation, including Brother **MHJ** still being the
15 **SNR**. I think we now have Brother **LNA**, who I'll
16 come back to later, as a member of the Congregation.
17 That's in 1970.

18 But if we turn to page 2304, if we look towards the
19 bottom of the page, again is there reference there to:

20 "The work does require men of a very generous
21 disposition and there should be some form of training
22 for the proper handling and care of the children"?

23 Again, it's recognised --

24 BROTHER EDMUND GARVEY: It's recognised, yes.

25 Q. -- that that is required?

1 I needn't take you to all the references that
2 we have, but perhaps I can take you to this particular
3 reference: it's at CBR.001.001.2319.

4 We're now in February 1974. We see who are the
5 members of the Congregation, including Brother LNA
6 who's the SNR because, I think, of
7 Brother MHJ's illness.

8 If we turn to page 2323. This is under the heading
9 "Recommendations". It's the fifth recommendation I want
10 to focus on:

11 "Some of the young brothers who will be undertaking
12 education courses should be encouraged to take courses
13 in remedial teaching."

14 So it's also recognised, I think, that a different
15 type of teacher is required; is that correct?

16 BROTHER EDMUND GARVEY: That's correct, yes.

17 Q. Was that because of the nature of the boys who were
18 attending St Ninian's?

19 BROTHER EDMUND GARVEY: Yes, reading what I've read about
20 St Ninian's and the type of educational background,
21 there was obvious need for remedial work, and therefore
22 need for remedial teachers as well.

23 Q. Can I take you to the previous page, 2322. It's
24 a separate point, but I think I've been asked to raise
25 this with you and I'll raise it now. If you move

1 towards the bottom part, there's a heading "Proposed
2 development", and the second paragraph:

3 "The community are now proposing that some home
4 units for the boys should be built in the grounds of
5 Falkland, leaving Falkland House as the school and
6 recreation centre."

7 Can you help me with that? Have you seen material
8 focusing on this particular proposition?

9 BROTHER EDMUND GARVEY: I haven't myself, no.

10 BROTHER JOHN BURKE: No.

11 Q. Were you aware that there was some discussion which
12 never, I think, came to any fruition, that a way ahead
13 would be separate and smaller units?

14 BROTHER EDMUND GARVEY: What's that year again?

15 Q. I think I said this was ...

16 LADY SMITH: 1974.

17 BROTHER EDMUND GARVEY: I do believe there was discussion
18 among brothers who were in residential institutions and
19 schools at that time, trying to propose something along
20 the -- to de-institutionalise the centres and to create
21 more homely kind of environments. I wasn't involved in
22 it myself, but I was aware of the discussion and
23 conversation going on.

24 MR MacAULAY: We do see references to that.

25 BROTHER JOHN BURKE: I am aware in Ireland, in one of our

1 institutions in Ireland, around that time, that did
2 happen, where this institution was broken down into
3 small units, into type of family units, and it was very
4 successful.

5 Q. I think we have that in other cases, that that became
6 the policy that the smaller the unit, the better the
7 level of care expected.

8 BROTHER JOHN BURKE: Yes, it happened in Galway in Ireland.

9 Q. If I can take you then to another visitation report,
10 this is at CBR.001.001.2324.

11 The date for this is February and I can tell you
12 I think it's 1975, although we don't actually see the
13 date on the front. We see the number "75" at the top
14 left in handwriting.

15 You'll see the name of the visitor is Brother
16 Colman Curran, whose name has featured in other contexts
17 in the inquiry. If I can take you to page 2324 -- in
18 fact, that's where I am. Towards the bottom of the
19 page, this is under reference to what's been reported to
20 Brother Curran:

21 "These men have a grievance as they consider
22 themselves heavily overworked."

23 Do you see that? That's because of the nature of
24 the regime, including the supervision in the evening and
25 during the night. That's the brothers' responsibility?

1 BROTHER EDMUND GARVEY: I see that and I think that was
2 a general complaint of brothers in residential
3 institutions, where they were required not only to be
4 teachers but also to be carers and sports masters and
5 all of that.

6 Q. If we turn to page 2326, about five or six lines from
7 the top, Brother Curran has reported:

8 "They are left to get on with it as best they can.
9 No new ideas have been tried out. There has been no
10 forward planning, no young brothers being professionally
11 prepared for this work. They are sent to Falkland on
12 a trial and error basis. Some brothers should be
13 trained in remedial work in Moray House to fit them for
14 the work in Scotland."

15 Then moving on, there's a sentence:

16 "An educational psychologist should be trained for
17 work in the province, particularly for work with these
18 very unbalanced children in St Ninian's. An educational
19 psychologist is an essential in the setting in Falkland,
20 not a luxury."

21 That's quite a strong recommendation.

22 BROTHER JOHN BURKE: Yes. Having sat through all the
23 inquiry for the last month, I found that was one of the
24 biggest faults: there was no psychologist there for
25 these children, which would have been so essential for

1 them. They might have a social worker, trained
2 teachers, but they needed a psychologist, and I think it
3 was a huge lack in the whole system.

4 Q. That then brings me to the point I think you raised,
5 Brother Edmund. Over a period of a number of years,
6 there are these recommendations suggested -- I think
7 they're stronger than suggestions because sometimes we
8 see the words "necessity, "not a luxury", "essential";
9 what should happen next?

10 BROTHER EDMUND GARVEY: What should have happened next was
11 that the -- I would have said the leadership of the
12 Congregation who were making the recommendations and the
13 observations should have moved in, should have tried to
14 find people who would be -- not qualified, but suitable.
15 Suitable persons suitable for training and have them
16 trained and release them for the training.

17 I think that's part of where the problem arose, that
18 people -- there weren't sufficient brothers to do
19 everything they wanted to do and therefore they didn't
20 prioritise the kind of proposals, the, I think,
21 farsighted and insightful proposals that are being made
22 here. They weren't transferred into action.

23 Q. Can I just understand exactly? Where do you say the
24 responsibility for that lay? Are you suggesting not at
25 the local level, because they wouldn't have the power,

1 but at what level?

2 BROTHER EDMUND GARVEY: No, no, at province level, the
3 provincial leadership of the province, and specifically
4 with the provincial leader on the advice maybe of his
5 consultors, as they were known at the time.

6 Q. If we stay with --

7 LADY SMITH: Just to be clear, which province are you
8 talking about for St Ninian's? Is that St Mary's
9 England?

10 BROTHER EDMUND GARVEY: Yes, my Lady.

11 LADY SMITH: Brother John, just going back a moment to your
12 remarks about the lack of an educational psychologist,
13 what do you think would have been the benefit to
14 St Ninian's of having the services of an educational
15 psychologist?

16 BROTHER JOHN BURKE: I think given the background of the
17 children, they needed a lot of psychological help, they
18 needed professional help. Probably the counselling
19 profession wasn't there at that time, but psychologists
20 were available. I think for their own personal growth,
21 they would need a psychologist. I think I, as a trained
22 teacher, I wouldn't have that ability.

23 LADY SMITH: We've heard, for example, various comments
24 about the level of the intelligence of these children
25 generally not being very high, but are you about to tell

1 me as a teacher, just because a child is struggling with
2 their schoolwork doesn't mean that they're not very
3 bright?

4 BROTHER JOHN BURKE: I could not agree more. It came out in
5 evidence that some of those ex-pupils were very, very
6 bright and they didn't intellectually develop in
7 St Ninian's. It was a shame. Some of them went on to
8 become professors in universities, high up in the Army,
9 got good working jobs. Anyway, that's what I heard.

10 LADY SMITH: Yes. Thank you.

11 MR MacAULAY: As you have pointed out, Brother John,
12 you have been here day after day listening to the
13 evidence and I'll come back to that in a moment or two.

14 If we stick with page 2326, which is still on the
15 screen, there is some further discussion there about the
16 creation of small units. Then we read on:

17 "They themselves [I think that's a reference to the
18 local community] do not feel competent to make decisions
19 about the future of the school, but they are seeking
20 guidance from the provincial council."

21 I think that's your point, isn't it --

22 BROTHER EDMUND GARVEY: Yes.

23 Q. -- that really the guidance should come from the top?

24 BROTHER EDMUND GARVEY: Yes.

25 Q. And we go on to read:

1 "They seek for what one brother called a blueprint
2 for the next 20 years of the school. Answers to the
3 following questions must be provided if these five
4 brothers are not to become frustrated."

5 So Brother Colman Curran sets out a number of
6 propositions. If you look at proposition 3 in
7 particular:

8 "How are we to handle these boys? As in the past,
9 a large single unit with a few overworked, frustrated
10 brothers ..."

11 He is characterising that's the position in the
12 past:

13 "... or in small purpose-built units with
14 houseparents assisted by trained teachers, remedial and
15 otherwise, and an organised aftercare hostel?"

16 Was anything like that ever put in place? Did that
17 ever happen? Did anyone apply their minds to these
18 particular propositions?

19 BROTHER JOHN BURKE: What surprised me was that all these
20 recommendations were made at visitation. My
21 understanding of visitations was there was a report sent
22 back and then the following visitation, there would be
23 questions about whether these were implemented. It
24 doesn't seem to have happened.

25 Q. Can you think of an explanation for that?

1 BROTHER JOHN BURKE: Well ...

2 Q. For example, could it be to do with finance?

3 BROTHER JOHN BURKE: The word "frustrated" is a word that
4 struck me there. Was it overwork? Were they not happy?
5 And if people are frustrated in their work, if I don't
6 get fulfilment in my work, I think it's a serious
7 symptom.

8 Q. Of course, in an environment like the one at
9 St Ninian's, with 40 or so boys from different
10 backgrounds, having frustrated brothers on the scene
11 would not be a particularly helpful recipe.

12 BROTHER JOHN BURKE: It's not healthy.

13 Q. Can I take you to this document. This is a report from
14 an inspector from the Scottish Education Department,
15 which was done after an inspection in 1972, which
16 pre-dates Brother Curran's visitation in 1975. It's
17 SGV.001.005.9021.

18 We read at the top, at the beginning, that this is
19 an inspection that happened on 26 October, and I can
20 tell you the date is 1972. If we look at the third
21 paragraph, there's a reference to Brother BHD, who
22 we've heard about in evidence:

23 "Brother BHD and I discussed a number of topics
24 prior to my inspection of the premises."

25 And then we read two paragraphs down:

1 "Handicaps: nearly all boys in the school are
2 intellectually dull."

3 Can one assume from that that that's information
4 being provided by Brother BHD to the inspector?

5 BROTHER JOHN BURKE: It does, yes.

6 Q. If I can turn to the final page, 9023. Under
7 the heading "Comment", the second paragraph:

8 "The most disturbing feature of St Ninian's is the
9 way in which childcare depends entirely on a small band
10 of humane and dedicated Christians, whose training is as
11 teachers and who do not even have special teacher
12 training to help them meet the needs of maladjusted dull
13 boys."

14 Again, do we have an echo here of what's in the
15 visitation reports and the limitations that there were
16 in relation to the caring of the boys?

17 BROTHER JOHN BURKE: Well, I don't like the language that's
18 used for the boys.

19 Q. I understand that.

20 BROTHER JOHN BURKE: But the special training dedicated --
21 special training is not there for those boys.

22 Q. If we read on:

23 "The brothers have plenty of insight into the
24 emotional and social plight of the boys, but quite
25 inadequate experience or training to give more than

1 amateur and superficial help."

2 I think that's the point you're making?

3 BROTHER JOHN BURKE: Yes.

4 BROTHER EDMUND GARVEY: That totally concurs with the
5 visitation reports and this is coming from outside the
6 system of St Ninian's and the inspector is saying
7 exactly what the brother inspector, if I may call him
8 that, is saying.

9 Q. And notwithstanding there being a sort of duet of that
10 kind from different sources, nothing seems to have
11 happened; is that fair?

12 BROTHER EDMUND GARVEY: That seems to be the case, yes.

13 BROTHER JOHN BURKE: That appears to be the case,
14 unfortunately.

15 Q. The final sentence in this particular report is:

16 "Like Mr Petrie [who had given a previous report],
17 I feel that St Ninian's needs complete reappraisal. As
18 run at present it belongs to the 1930s rather than the
19 1970s."

20 That's quite a critical observation.

21 BROTHER JOHN BURKE: Yes.

22 BROTHER EDMUND GARVEY: Very critical and obviously
23 demanding action.

24 Q. If I take you back to the recent response that has been
25 made on behalf of the Congregation at CBR.001.001.9141.

1 This is the very recent response, the date is
2 blanked out, but it is 1 July 2019. If I can take you
3 to page 9145. If we move towards the bottom of that
4 page, the paragraph above "Part B, 3.2(iii)". We can
5 read what's now said is:

6 "The Congregation also accepts that the visitation
7 reports demonstrate that it was identified there was
8 a requirement for special training in order to care for
9 children in a residential care setting."

10 And you make reference to that particular reference:

11 "Further, the Congregation notes a visitation report
12 which identifies that an educational psychologist is an
13 essential, not a luxury."

14 So it's clear that your position now is that the
15 training was inadequate?

16 BROTHER JOHN BURKE: Yes.

17 BROTHER EDMUND GARVEY: Yes.

18 Q. Another aspect that you raise in this new response that
19 you've made to the inquiry is to do with the
20 identification of risk by the order. Can I just move on
21 and discuss that with you for a moment or two? By that,
22 I mean the risk or risks there could be in running an
23 institution like St Ninian's.

24 If I could take you to page 9142 of that same
25 document that we have on the screen. If we could look

1 at "Part A, 1.5(a)(i)".

2 There you set out a reference to the constitution
3 and also to the Acts of Chapter for the order and quotes
4 from these sources are set out. For example, you tell
5 us that the Acts of Chapter (1972) provide:

6 "During recess periods, the pupils are to be guarded
7 as far as possible from moral as well as from physical
8 danger. In residential schools special vigilance is
9 required in guarding the morals of the pupils."

10 If we move on to page 9143, paragraph 3 -- we've
11 looked at this on more than one occasion in the past --
12 it's at paragraph 85 of the actual constitutions, but
13 it's the paragraph that provides:

14 "Whilst the brothers should cherish an affection for
15 all their pupils, especially the poor, they are
16 forbidden to manifest a particular friendship for any of
17 them. They must not fondle their pupils; and unless
18 duty and necessity should require it, a brother must
19 never be alone with a pupil."

20 I think the point you're making in this document now
21 is that these provisions do indicate that there were
22 certain risks recognised by the Congregation in the
23 context of a school like St Ninian's; is that right?

24 BROTHER JOHN BURKE: Yes.

25 Q. What were the risks?

1 BROTHER JOHN BURKE: When I read all this, it struck me very
2 forcibly. We talk about safeguarding today. There were
3 safeguarding procedures very much in place at that time
4 for the safeguarding of children, for the safeguarding
5 of ourselves as well, for the safeguarding of everybody.
6 From listening to the evidence over the last month, much
7 of that was not accepted, wasn't put ... the danger was
8 obvious.

9 BROTHER EDMUND GARVEY: Yes. While I do not know,
10 I wouldn't be able to comment really well on the
11 background, my best hunch is that this is written out of
12 a kind of a garnered wisdom or experience of dealing
13 with young people and working with young people over
14 many years and that this is kind of the collective and
15 succinct -- almost setting out professional boundaries
16 of behaviour when dealing with young people.

17 I would have to say it was a constitution that I was
18 particularly aware of all my life, from the moment I was
19 introduced to it. I'm not sure that I fully appreciated
20 from the beginning what it was really getting at, but it
21 was a constitution that was emphasised. So suggestions
22 that people weren't aware of it really baffle me in
23 a way. But that's in the evidence somewhere.

24 Q. I think there is evidence -- and you'll have heard this,
25 Brother John -- that it does seem that some brothers may

1 not have been aware with provisions contained in what
2 one might refer to as the rules and regulations of the
3 order.

4 BROTHER JOHN BURKE: I got the same formation and I would be
5 very aware of it. Also, in the 1960s and 1970s, we used
6 to have silence at breakfast. We used not to speak at
7 breakfast, but at the beginning of breakfast, sections
8 of the constitutions were read. So the constitutions
9 were constantly kept before us. Later in breakfast,
10 some religious book would be read, but the constitutions
11 were read to us constantly. So I can't understand how
12 they didn't know.

13 Q. Was that your understanding from some of the evidence?

14 BROTHER JOHN BURKE: Oh God it was, yes.

15 Q. There was a real ignorance as to what these provisions
16 said?

17 BROTHER JOHN BURKE: Yes.

18 LADY SMITH: Brother Edmund, I'm interested in your comment
19 regarding the likelihood that this is the garnered
20 wisdom or experience of dealing with young people. In
21 my mind, I add to that that your order had a habit of
22 taking people into the order quite young and we know
23 from what we've heard that young men could start working
24 in a place like St Ninian's when they were still quite
25 young and before, not to put too fine a point on it,

1 they had really learnt to deal with the challenge of
2 having made a vow that they were going to live
3 a celibate life.

4 This was part of what was to help them protect
5 themselves from putting themselves in the way of
6 temptations that they mustn't fall prey to and protect
7 children from getting involved in that. I'm sorry if
8 that sounds blunt, but would that be part of the
9 thinking behind this?

10 BROTHER EDMUND GARVEY: My Lady, I couldn't agree more.

11 LADY SMITH: Thank you.

12 MR MacAULAY: Then if we look at the recent response in that
13 context, this is at CBR.001.001.9141 at page 9145.

14 If we move down to the section headed "Part B, 3.2(i)",
15 the second paragraph, do you say:

16 "The Congregation acknowledges that its own
17 constitution, at paragraph 26 of page 29, provides
18 a clear indication that the Congregation recognised that
19 risks existed. The Congregation accepts that, by its
20 own acknowledgement of this risk, there should have been
21 an awareness on the part of the provincial council."

22 Do you see that?

23 BROTHER EDMUND GARVEY: Yes.

24 BROTHER JOHN BURKE: Yes.

25 Q. And that's your present position?

1 BROTHER EDMUND GARVEY: Oh yes. Absolutely.

2 BROTHER JOHN BURKE: Yes.

3 Q. So the point I think you're seeking to make is that if
4 you accept the evidence that's been presented to the
5 inquiry and, in any event, two people have been
6 convicted of serious sexual offences -- that is a matter
7 of public fact -- that happened against a background of
8 a risk that ought to have been identified?

9 BROTHER EDMUND GARVEY: Yes, it did.

10 Q. There has been undisputed evidence, for example, that
11 Brother Kelly, as he then was, had boys sleeping in his
12 room overnight, quite openly it would appear. Have you
13 any comments to make on that, Brother John?

14 BROTHER JOHN BURKE: I was appalled when I heard it.

15 I thought that was a complete breaking of boundaries and
16 the dangers involved were huge. I think that was ...

17 I do not know why it wasn't stopped. It was a lack of
18 proper authority, but it should never have happened and
19 it cannot be excused. I was shocked when I heard it.

20 I never lived in a situation where boys were allowed to
21 sleep in a brother's room. Never.

22 Q. It wasn't done, it would appear, in some sort of
23 secretive way.

24 BROTHER JOHN BURKE: Well, that's the frightening part of
25 it: it was in the open. And how it wasn't reported at

1 visitation or the superior didn't stop it -- maybe the
2 headmaster was too strong, I don't know, but it was one
3 of the most awful things I heard during my stay here.
4 It can't be condoned.

5 Q. You address that particular point in the new response.
6 This is at CBR.001.001.9147 at page 9148. It's towards
7 the bottom of that particular page where it is headed
8 "Part C, 4.5(b) (i)":

9 "The Congregation accepts in light of the evidence
10 heard at the inquiry it cannot be said that all the
11 brothers of St Ninian's adhered to the Congregation's
12 policies. For example, the inquiry has heard evidence
13 from applicants and brothers that children would sleep
14 on the floor of a brother's room. This is in stark
15 contrast to the requirements of the Congregation's
16 constitutions."

17 And reference is made to the constitutions.

18 BROTHER JOHN BURKE: Yes.

19 Q. And that's your point?

20 BROTHER JOHN BURKE: That's your point.

21 Q. Although you're putting it much more strongly than that?

22 BROTHER JOHN BURKE: Yes.

23 Q. What about the evidence, if it were to be accepted --
24 and that's ultimately a matter for her Ladyship -- that
25 there were brothers, Brothers Kelly and Farrell in

1 particular, who had what was referred to as favourite
2 boys? Can you comment on that, Brother John?

3 BROTHER JOHN BURKE: Well, I did hear the comments of it.

4 When some of the staff came, they contradicted it, so
5 I don't know who to believe.

6 Q. But if it's true, that's the hypothesis --

7 BROTHER JOHN BURKE: If it's true, it's wrong. It's wrong.

8 Q. Why is it wrong?

9 BROTHER JOHN BURKE: Because it can lead to a lot of abuse.
10 A lot of danger. It's a red flag.

11 MR MacAULAY: My Lady, that's 3 o'clock. We tend to have
12 a break at this time.

13 LADY SMITH: Yes. We'll break now for the afternoon break,
14 just five or ten minutes, and then resume after that, if
15 that's all right with both of you.

16 Thank you.

17 (3.00 pm)

18 (A short break)

19 (3.10 pm)

20 LADY SMITH: Brother Edmund, Brother John, if you're ready
21 we'll carry on. Is that all right?

22 Mr MacAulay.

23 MR MacAULAY: I now want to look for a moment or two with
24 you both about the position of Brother LNA

25 I emphasise LNA because we know there were two

1 [REDACTED] connected with St Ninian's and there are no
2 allegations whatsoever against [REDACTED] MCX [REDACTED] who
3 was one of the [REDACTED]

4 Insofar as [REDACTED] LNA [REDACTED] is concerned, it appears to be
5 the case that over a period of 10 years or so, there
6 have been allegations of serious sexual abuse that span
7 that period that have been made. So we're looking at,
8 as it were, almost different generations of pupil,
9 beginning in 1970/1971, all the way through until
10 [REDACTED] LNA [REDACTED] leaves Falkland in, I think, about 1980.

11 When you look at the visitation reports, and indeed
12 before that, do you see concern being expressed about
13 [REDACTED] LNA [REDACTED]'s position as a Christian Brother? Perhaps
14 I can put that to you, Brother Edmund.

15 BROTHER EDMUND GARVEY: Yes, I do. I'm relying on my memory
16 of reading the transcripts, some of the transcripts, and
17 what was said there, and some of the things that were
18 particularly quoted from visitation reports.

19 One of the striking things there is that there was,
20 I think, repeated concerns expressed about his adherence
21 to religious duties as part of a religious community and
22 his failure -- rather than his adherence, his failure to
23 have a really proper religious life as part and parcel
24 of himself and his work there.

25 So I have to come to the conclusion that the very

1 first reason why any of us become religious -- the
2 primary reason is to serve God and to live a religious
3 life -- seemed to be, seemed to be anyway, absent from
4 his life and there were many expressions of concern
5 about this and the fact that he was using work and
6 commitment to work as an excuse for his non-presence.

7 So it strikes me that -- yes, it strikes me that
8 looking at his life, he had lost sight of the primary
9 reason why he was a Christian Brother. And then, when
10 I go on to read, unfortunately, about the allegations of
11 abuse against him, it's simply appalling.

12 The other thing then that strikes me is that while
13 the observations were made about his life as
14 a Christian Brother, there does not seem to have been
15 anything really done to correct it and to get him to
16 make amends for it or to change it, or indeed to remove
17 him out of the situation. So in some ways, I have to
18 put my hand up and say as leaders in the past, my
19 predecessors failed probably in that area.

20 Q. If you look at his track record, and indeed begin before
21 he went to St Ninian's -- I'll put this on the screen
22 for you to look at -- it's a minute of the provincial
23 council. It's at CBR.001.001.7875.

24 We can see that this was a meeting of the council
25 held at St Mary's on 29 June to 1 July 1967 and all

1 members were present.

2 If I turn to the next page, page 7876, the heading
3 "Gibraltar" is where I want to look at. What we read
4 there is:

5 "The provincial had visited Gibraltar early in June
6 to try to get Brothers MBV, LNA and [another
7 two brothers] to wake up to a sense of personal
8 responsibility as Christian Brothers, especially as men
9 of prayer."

10 So even at that point in time in 1967, there is
11 an issue being raised as to his performance as
12 a religious brother.

13 Do we see that message really time and time again
14 in the visitation reports?

15 BROTHER EDMUND GARVEY: I have to confess, this is the first
16 time I've actually seen this, but it succinctly
17 expresses what I've been trying to say in relation to
18 this, yes.

19 Q. If I look at other amendments that are being introduced
20 by the new documentation that has been lodged,
21 if we turn to CBR.001.001.9147. If I could ask to look
22 at page 9148. The heading at the top is "Part C,
23 4.3(a)(i)". That's at page 9148. I'm sorry, let me
24 get ... it's 9149.

25 That first paragraph where the Congregation

1 acknowledges that it would have been beneficial for the
2 brothers to know the background of the boys that were
3 admitted because I think there was some suggestion in
4 evidence that it was better to take children as they
5 found them. You don't accept that, is that your
6 position?

7 BROTHER EDMUND GARVEY: No, particularly the special
8 circumstances, I think, that were pertaining to all of
9 the boys who were entering St Ninian's. I would have
10 had an expectation that people would be well-informed as
11 to their background and would have discussed what were
12 the particular needs that children would have. And they
13 would all have different needs, I suspect, but I mean,
14 that would be a requirement for me.

15 And simply to rely solely, however well intentioned
16 it might be, that you take everybody on their merits
17 from a first meeting, I think this is a much more
18 specialised situation and set of circumstances that
19 requires a much more professional approach as well as
20 the personal approach of the other one, that
21 irrespective of what I know about you, I'll still take
22 you on your merits as I meet you.

23 Q. Perhaps this is for you, Brother John, but in relation
24 to schooling, because you've touched on this already,
25 the next paragraph on this page addresses schooling and

1 education and it says:

2 "The Congregation acknowledges the evidence heard by
3 the inquiry that there was a lack of formal curriculum
4 at St Ninian's and that the quality and standard of the
5 schooling was less than should have been expected."

6 Is that your view?

7 BROTHER JOHN BURKE: Well, I've reflected on this and
8 I would say there were -- both the Congregation and the
9 state failed those children. I think the state had an
10 obligation. If it's a school, they had the obligation
11 to see that there was a curriculum and it looked like
12 there was no curriculum. So I think we have to share
13 the blame on that one between the Congregation and the
14 state. They surely must follow a state programme.

15 I'm not familiar with the Scottish system, but it's
16 logical to me that there should be a state programme for
17 them as well and that should be -- there should be an
18 inspectorate for that.

19 Q. As you said before, to characterise children as dull
20 when clearly that was not the case --

21 BROTHER JOHN BURKE: That's not fair, it's not fair.

22 BROTHER EDMUND GARVEY: If I could just comment on that.

23 It is another aspect that appalled me about this
24 situation, because the Christian Brothers have
25 a reputation now for many things, but if we ever had

1 a reputation for anything, I think it was for the
2 quality of schooling and the quality of education and,
3 if I may say so, the quality of achievement within most
4 of the schools. So to find a school run without an
5 adequate management structure in it, without an adequate
6 curriculum structure, I do recognise, I think, that this
7 may have pre-dated -- and this is where my education may
8 fall down -- but this may have pre-dated the whole area
9 of different intelligences and the need to respond in an
10 educational way to different intelligences among people.

11 But to think that -- for example, just one symptom
12 of it, that there seemed to be no real interest in
13 applying boys for standardised attainment tests, state
14 or otherwise. That was absent as far as I can see. And
15 to the extent that it was absent, I just find it
16 appalling for us as a Congregation.

17 LADY SMITH: There were state tests and we've had reference
18 to one or two boys doing one or two -- they were
19 referred to as O-grades. So it's not correct to say
20 there was no such thing as a curriculum available in
21 Scotland and used in the state schools at that time.

22 BROTHER JOHN BURKE: I thought I heard one of the staff
23 saying that they looked at the level of their education
24 when they came in. I thought I heard that in recent
25 days. I'm aware that some boys did go out into the

1 village, out into the technical school as well. Some
2 boys went out to finish their education.

3 LADY SMITH: Yes, and certainly St Ninian's was taking some
4 boys who were there because they had been truanting from
5 school, so they would have missed schooling -- school
6 refusers, as we sometimes called them -- for various
7 reasons, so no doubt they would be behind. But
8 certainly what we don't seem to have had in the evidence
9 was any plan to really get those children to catch up on
10 what they'd missed and get them up to speed and educated
11 to the best level you could for their ability.

12 BROTHER JOHN BURKE: That's the pity of it.

13 MR MacAULAY: Can I ask you a little bit about the movement
14 of Brother Farrell, as he then was, and also
15 Brother MCE, against a background of allegations of
16 abuse.

17 If we look at Brother MCE, first of all, it would
18 appear that he was moved from Gibraltar to St Ninian's
19 against that particular background. Have you any
20 comments to make?

21 BROTHER JOHN BURKE: Yes. Well, I was aware from the
22 documentation that I'd looked through during the
23 investigation into St Ninian's that Brother MCE was
24 moved from Gibraltar to St Ninian's. I was only aware
25 when the criminal case came that Brother Farrell had

1 problems in Pretoria. One of the things that makes me
2 sad, actually, is that the Superior General,
3 Brother Kelty, he didn't accept the advice of Brother
4 Colman Curran and said, "I will take responsibility and
5 put him into a boarding school". That was shocking.
6 Just shocking.

7 The other man, MCE being sent from Gibraltar and
8 it was obvious he had psychological problems as well;
9 that was obvious from all the documentation. It
10 shouldn't have happened, but it happened and this is the
11 consequence.

12 MR MacAULAY: If we look at Brother Farrell's position --
13 and you'll have heard his evidence, Brother John --
14 I just want to ask, perhaps, Brother Edmund about the
15 likelihood of this, because his position, if it's to be
16 accepted, is that his superior, Brother Kelleher, did
17 not tell him about the nature of any allegation or
18 allegations that were being made and why he was to be
19 moved from where he was to a new establishment. How
20 likely is that in your opinion?

21 BROTHER EDMUND GARVEY: In those times, I'm sorry to say it
22 could be possible. The willingness of people to mention
23 anything, particularly a moral violation or a sexual
24 violation or a crime violation, which hardly came into
25 the reckoning at all in my view, the fact that a crime

1 could have been committed -- I think the failure to
2 explicitly name it for what it was, state clearly to the
3 individual what was known in this allegation, I'm afraid
4 in the times that that was well within the bounds of
5 possibility.

6 It goes through a kind of secretive kind of culture,
7 but also to maybe -- I'm not sure what the word for
8 it is, but a lack of clear openness about sexual
9 deviation and naming it for what it is, calling it for
10 what it is, and speaking it out. And in this case,
11 while there are references to something having happened
12 in Pretoria, I'm not reading so far explicitly that
13 anybody said explicitly what happened and I think that
14 was a failure.

15 Q. If the expectation was -- and we see some reference to
16 this in the documentation -- that by being moved,
17 Brother Farrell, as he then was, would have the
18 opportunity, as it were, to sort himself out, if
19 he wasn't told why he was being moved, then how could he
20 take advantage of such an opportunity?

21 BROTHER EDMUND GARVEY: I agree, if he wasn't told. I think
22 in a situation like that, to be moved without a very
23 clear reason for your removal, without commenting at all
24 on the inappropriateness of moving in the first place --
25 but not to be told I think was only going to generate

1 anger and frustration even more. I think it was
2 a failure on the part of leadership to be explicit.

3 Q. If that was the case?

4 BROTHER EDMUND GARVEY: If that was the case, yes.

5 BROTHER JOHN BURKE: Mr MacAulay, I find it difficult,
6 actually, to accept that he wasn't told. I have gone
7 back over records and records and records, and so many
8 people have been told, so I just don't understand.
9 I find it difficult to believe that he wasn't told.

10 Q. That, if I may say so, makes sense because if he's not
11 told, then it becomes difficult for him to face up to
12 the problem.

13 BROTHER JOHN BURKE: Maybe I'm making a judgement now, but
14 I find it difficult to believe it.

15 Q. Can I ask you a little bit now about what I can refer to
16 as the Frank McCue incident and the role played in that
17 incident by Brother BHD

18 There doesn't appear to be any serious dispute --
19 and indeed it has been recorded to some extent in the
20 logbook -- that Frank McCue suffered a severe beating
21 at the hands of Brother BHD, who at the time was
22 SNR and indeed, I think, SNR
23 . Do you have any comments to make, Brother John,
24 on that?

25 BROTHER JOHN BURKE: There were punishments meted out to

1 students in St Ninian's. Corporal punishment was
2 allowed by law, but it's the abuse of any law that's
3 wrong. What happened to Frank McCue was just wrong.
4 What happened to the boy who was beaten with a leather
5 strap on his feet, that's wrong. I wouldn't expect it
6 anywhere. So I just ... It was shocking.

7 Q. But in relation to Brother BHD behaviour in
8 connection with Frank McCue, which on one view was
9 a serious assault --

10 BROTHER JOHN BURKE: Yes.

11 Q. -- what should have happened to Brother BHD ?

12 BROTHER JOHN BURKE: He should have been reported to the
13 provincial.

14 Q. And there is no evidence of that happening?

15 BROTHER JOHN BURKE: No.

16 Q. Because I think we know that he remained at the school
17 for about another year or so.

18 BROTHER JOHN BURKE: That's right, yes.

19 Q. Can I go back to the recent response at CBR.001.001.9147
20 and take you to page 9149. Again, I think that may not
21 be the correct ... I'm sorry, it's page 9150.

22 Towards the bottom of that page, this is dealing
23 with part D, 5.2(i). Can you take me through this --
24 perhaps, Brother John -- the response that the
25 Congregation wants to make in relation to certain

1 evidence that's been presented to the inquiry? Because
2 I think you have listened to the evidence and of course
3 you know there have been serious convictions.

4 (Pause)

5 BROTHER JOHN BURKE: Well, what John Farrell and Paul Kelly
6 were convicted of, I just -- I accept that.

7 Q. I think what you say here is:

8 "The Congregation has heard evidence at the inquiry
9 that could be categorised as, at times, representing
10 a culture of abuse at St Ninian's."

11 If the evidence is correct, that's your view?

12 BROTHER JOHN BURKE: Yes.

13 Q. And that is particularly so during the tenure of
14 Brothers [REDACTED] and Farrell and Kelly. The Congregation
15 accepts that the extent of abuse was intolerable,
16 unacceptable and reprehensible?

17 BROTHER EDMUND GARVEY: Yes.

18 BROTHER JOHN BURKE: I have noticed, listening to the
19 evidence that was given, that there is a period there
20 when most of the abuse happened. It was the period six
21 or seven or eight years [REDACTED] that
22 I think most of the applicants that came -- I might be
23 wrong, but they were from that period. There's another
24 30 years and there's nothing like the same amount that
25 have come forward. So there was something going on at

1 that time.

2 Q. Did you attend the trial, Brother John?

3 BROTHER JOHN BURKE: I did, yes, but it was held in camera.

4 Q. You actually -- I'm sorry, the trial of Kelly and
5 Farrell: did you go to the High Court trial?

6 BROTHER JOHN BURKE: Yes. It began in Dundee and I was in
7 a number of sessions in Dundee. Then when it
8 transferred to Glasgow, I think I was there for the
9 first two weeks, and then after that, we had a brother
10 there during the whole trial as a support to those
11 people.

12 Q. You'll be aware that both Brothers Farrell and Kelly
13 were convicted of extremely serious sexual abuse
14 charges.

15 BROTHER JOHN BURKE: Yes.

16 Q. For example, one of the charges involving Brother Kelly
17 wasn't just with a boy, it was like a group sexual --

18 BROTHER JOHN BURKE: That's correct, yes.

19 Q. -- thing which was clearly designed or likely to corrupt
20 the children.

21 BROTHER JOHN BURKE: I believe when they crossed the
22 boundaries of allowing children to sleep in a brother's
23 bedroom, it was a recipe for disaster.

24 MR MacAULAY: Well, Brother John, Brother Edmund, these are
25 really all the questions I would propose to put to you.

1 I believe you may want to make some final remarks
2 yourselves.

3 BROTHER JOHN BURKE: Yes, please, if I may.

4 LADY SMITH: Before I invite you to do that, let me check if
5 there are any outstanding applications for questions.
6 No, there are many shaking of heads.

7 Please, if there's anything more you want to say, do
8 take this opportunity to do so. You will need to use
9 the microphone as I do want to hear it properly, as does
10 everybody, even at the back of the room.

11 BROTHER JOHN BURKE: Thank you.

12 I just want to say, having over the last month --
13 whatever about the standard of education or
14 social workers or everything, there are some things
15 I cannot accept.

16 I just cannot accept the sexual abuse of a child,
17 and that happened. I think it is an appalling thing to
18 happen for an adult to abuse a child.

19 I was shocked to hear that boys were sleeping in
20 brothers' bedrooms. It was a red flag.

21 I was shocked when Superior General overruled
22 Brother Curran to allow John Farrell to teach in
23 St Ninian's.

24 There were four or five brothers who should never
25 have been in St Ninian's. If they had not been there,

1 St Ninian's would have been a completely different
2 experience for the boys who were there. One witness
3 said:

4 "How could I complain to SNR when he was
5 the problem?"

6 I think one of the great learnings for me has been
7 training. Around the world, we probably start many
8 initiatives, but have we the personnel properly trained
9 for those ministries? Goodwill is not enough.
10 Training, professional training, is an absolute
11 necessity, and remedial training was essential in
12 St Ninian's.

13 The purpose of this inquiry is to shine the light on
14 the shadow, to the dark, abusive side of St Ninian's and
15 the truth, it is said, will set you free. Then and only
16 then can the full story of St Ninian's be told of the
17 night, the light and the half light, as Yeats puts it.
18 Normally, when stories of institutions and schools are
19 told, it's all about the success, those who are
20 successful, but we must embrace the night and the light
21 and the half light.

22 To the former pupils of St Ninian's, may I say
23 thank you for coming to the inquiry to tell of your
24 experience while you were in our care. Now that
25 you have told your story, your story has been heard in

1 a very respectful atmosphere. I wish you well into the
2 future. Now that you have told your story, your burden
3 probably has been released from you.

4 Finally, my Lady, I wish -- the last month has not
5 been easy. I wish to thank you for the support --
6 I have attended when statements were being taken in
7 Liverpool twice, statements being taken in Dublin.
8 I wish to thank the support team that is in place. They
9 have been very kind to me over the last month. So
10 I wish to say thank you -- and to our legal team and to
11 the inquiry team. I think that light was necessary.
12 Thank you.

13 LADY SMITH: Brother John, thank you for that. Thank you
14 both for being so frank and professional in your
15 approach to dealing with the evidence that has been
16 presented about the Christian Brothers' work at Falkland
17 at St Ninian's. I do really appreciate not only that
18 you've been here and you've previously engaged with us,
19 but you've obviously listened and thought again about
20 what you want to say to us to assist us in our important
21 work. I'm very grateful to you both and I'm now able to
22 let you go with my thanks.

23 BROTHER JOHN BURKE: Thank you.

24 BROTHER EDMUND GARVEY: Thank you.

25 (The witnesses withdrew)

1 LADY SMITH: Mr MacAulay.

2 MR MacAULAY: My Lady, that's the end of the evidential part
 3 of this case study. We adjourn and we meet again a week
 4 on Tuesday --

5 LADY SMITH: Yes.

6 MR MacAULAY: -- for submissions.

7 LADY SMITH: Submissions a week on Tuesday. That will be
 8 the 16th? Is that about right?

9 MR MacAULAY: Yes.

10 LADY SMITH: 16 July. I will adjourn now until Tuesday,
 11 16 July at 10 o'clock.

12 (The inquiry adjourned until
 13 Tuesday, 16 July 2019 at 10.00 am)

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17 BROTHER FRANCIS HALL (sworn)1

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19 Questions from MS MacLEOD2

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21 KAREN JOHNSON (sworn)23

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23 Questions from MR MacAULAY24

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25 BROTHER JOHN BURKE (sworn)84

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2 BROTHER EDMUND GARVEY (sworn)84

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4 Questions from MR MacAULAY85

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