COMMISSION TO INQUIRE INTO CHILD ABUSE

PUBLIC HEARING

HELD AT HERBERT PARK HOTEL
BALLSBRI DGE, DUBLIN 4

ON TUESDAY, 13TH JUNE 2006 - DAY 226

EVIDENCE OF MS. BRIDGET McMANUS

BEFORE:

MR. JUSTICE SEÁN RYAN
CHAIRPERSON OF THE INQUIRY

and

MS. MARIAN SHANLEY

226

I hereby certify the following to be a true and accurate transcript of my shorthand notes of the evidence in the above-named action.

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MEMBERS OF THE COMMISSION PRESENT:

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MR. P. WARD BL

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MR. C. O'HIGGINS BL

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FOR SISTERS OF MERCY:  
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Instructed by:

FOR CHRISTIAN BROTHERS:  
MR. P. HANRATTY SC  
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MR. M. DOWLING BL

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## INDEX

<table>
<thead>
<tr>
<th>WITNESS</th>
<th>EXAMINATION</th>
<th>QUESTION NO.</th>
</tr>
</thead>
<tbody>
<tr>
<td>MS. B. McMANUS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>EXAMINED - MR. HANRATTY</td>
<td></td>
<td>1 - 1</td>
</tr>
<tr>
<td>EXAMINED - MR. GAGEBY</td>
<td></td>
<td>2 - 213</td>
</tr>
<tr>
<td>EXAMINED - MR. MAGUIRE</td>
<td></td>
<td>214 - 324</td>
</tr>
<tr>
<td>EXAMINED - MR. CONNAUGHTON</td>
<td></td>
<td>325 - 451</td>
</tr>
<tr>
<td>QUESTIONED</td>
<td>THE COMMISSION</td>
<td>452 - 490</td>
</tr>
<tr>
<td>EXAMINED - MR. O' MOORE</td>
<td></td>
<td>491 - 494</td>
</tr>
<tr>
<td>FURTHER QUESTIONED</td>
<td>THE COMMISSION</td>
<td>495 - 502</td>
</tr>
</tbody>
</table>
THE HEARING COMMENCED AS FOLLOWS ON TUESDAY, 13TH JUNE 2006:

THE CHAIRPERSON: Good morning. Now, Mr. MacMahon.

MR. MACMAHON: We are resuming the evidence of Ms. McManus.

THE CHAIRPERSON: Yes.

MR. HANRATTY: Sir, before we ...(INTERJECTION).

THE CHAIRPERSON: Yes, you wanted to ask something else.

MR. HANRATTY: Yes, there was a matter yesterday, if you recall, the witness required an opportunity to consider overnight.

THE CHAIRPERSON: Yes, that's all right.

MS. BRIDGET McMANUS WAS EXAMINED, AS FOLLOWS, BY

MR. HANRATTY:

1 Q. MR. HANRATTY: Ms. McManus, you did recall that I mentioned this question about a boy who died in Artane, we understand he attended the circus that day, attempted a circus trick on the stairs and fell. The information that we have, such as it is, is that, in fact, it was a serious teeth injury that he suffered, that it was considered necessary to perform an operation and that
Ms. Bridget McManus

Unfortunately he died, apparently of the anaesthetic in the course of the operation and that there was subsequently an inquest in relation to the matter; does that sound correct to you?

A. Yes, certainly, I think the footnote in the document appended to our statement it is indicated that Anna McCabe confirmed that the death was due to the anaesthetic and no negligence applied to the school.

MR. HANRATTY: Yes. For the benefit of the Commission, I think it is footnote No. 92. Thank you very much.

END OF EXAMINATION OF MS. MCMANUS BY MR. HANRATTY

THE CHAIRPERSON: Very good. Now, Mr. Gageby.

MS. BRIDGET MCMANUS WAS EXAMINED, AS FOLLOWS, BY

MR. GAGEBY:

Q. MR. GAGEBY: Good morning, Ms. McManus. Patrick Gageby is my name. And I formally acted for the Sisters of Mercy. Actually I think the brief today is to more to try and explore issues, (inaudible) necessarily partisan views on the past. I was interested in a couple of aspects of your career, if you excuse me, firstly, that you have a degree in history?

A. History and economics, yes.
Secondly, that you seem to have a lot of experience in the Department of Finance?

Yes, I worked there for most of my career.

Yes. In that sense, it was absent yesterday that a lot of the material which you were being asked about was about the Department of Education being pressed for moneys by the Resident Managers and the industrial schools and the various devices by which they will be refused or otherwise deflected from getting as much as they want; isn't that a very common aspect?

It certainly is a feature of the correspondence, yes.

We are looking at Ireland in the 1940's, 1950's and 1960's, if I can just put a sort of line somewhere around the mid-1970's, which is a very different country from the present one we have. For instance, if we look at the late 1930's, what the State had inherited in terms of the system. Firstly, it appears that the industrial school buildings were ones which had been built primarily by private means of religious orders and the civil communities in which they lived, that seems to have been the situation; isn't that right?

Oh yes, yes.

Nearly all of those, I think, were built either in the 19th Century or shortly after the turn of the century?

I assume, given that most of them were actually certified before then they were.

Extant?

They were extant, yes.
Ms. Bridget McManus

So on Independence it would seem -- and I am partly working off the Cussen Report here, on Independence in 1922 the State inherited, it would seem a system which had three or four main Acts, the 1908 Act, it inherited a number of certified industrial schools and obviously the buildings, it also inherited the numbers of religious male and female who were running those schools and that situation did not radically after Independence?

A. No, I think we say it in our statement, it is fair to say that the system post-Independence seems very similar to the system pre-Independence.

Likewise, the administration from the State point of view, I think the treasury had the original function of funding the part of the industrial schools and that was taken over ultimately by the Department of Education?

A. That's right, there was some in the chief secretary's office, if I recall.

Yes, which would have been a small office somewhere in the Castle perhaps?

A. In Dublin Castle, yes.

I think the Cussen Report is a relatively modest document, the Committee sat over, I think, about 38 days, had a reasonable range of people on it and was asked to actually review the industrial reformatory school system isn't that right?

A. That's right, yes.

There are no radical suggestions in that for alterations in the system are there?
A. There is no radical suggestions for changing the
structure by which the religious run them and the State
funds them and inspects them. The suggestions for, I
think it is fair to say, are probably for how that
system can be improved.

13 Q. So to tweak the system as it were?
A. Yes. I mean the medical inspection is one, they had
fairly strong recommendations on industrial training
which arose out of a separate industrial training
report which was done for them. But, I mean, it was
the basic -- they were not suggesting a change to the
basic structure, which I understand it is your
question.

14 Q. Yes. So certainly if you view the Cussen Committee
which sat, it had a lot of people who were involved on
every side, I think it is tab five if you have the same
thing, I am not intending to cross-examine you at
length, I am just trying to pick out a couple of
strands in the evolution of this system?
A. I think probably one other thing was they were quite
critical of the fact, which I think possibly continued
to be the fact, of the perception that a lot of the
children in it were criminals in some way and, in fact,
that was one that of their suggestions for change the
type, that was a perception rather than structural
issue.

15 Q. It would seem that the Cussen Committee was comprised
of people who had a knowledge of the system because
there was people who ran the system in the sense of the
Resident Managers' Association, or whatever they were called in those days, the people who worked in the Department of Education, the district justice who was involved in it and a relatively broad spread of people, it would seem, of a limited number of people who worked in it; is that right?

A. I don't know who some of the individuals were, I must confess, but, yes.

Q. Nowhere in that is the suggestion that we should close these institutions?

A. No, there is a certain concern expressed about the size, the scale, I think if I recall rightly, of Artane.

Q. Yes, that's right. The suggestion that it should be broken up into smaller schools?

A. Into smaller schools. But by and large, I think they actually have a reference of -- I am sure you can probably find it quicker than I can, that says these things should be continued, the broad structure should be continued.

THE CHAIRPERSON: But they said on the basis of the evidence that they had received the system should remain as it was...  

MR. GAGEBY: Yes.

THE CHAIRPERSON: Unhelpfully they didn't tell us what the evidence was.

MR. GAGEBY: So the situation was...(INTERJECTION).
THE CHAIRPERSON: Isn't that right,
Mr. Gageby, there is a
single paragraph about four lines when they say the
situation should continue as it is on the evidence. I
think you will find it in one of the early ones.

MR. GAGEBY: It is, yes.

THE CHAIRPERSON: I can't remember the
exact -- it is quite short.

But they don't say what the evidence was, they don't
even give an indication of who gave evidence to them
or...

MR. GAGEBY: They gave numbers who gave
evidence in private and
public and they visited a number of institutions.

A. Paragraph 28.

"As a result of our investigations we
are satisfied, subject to the
introduction of various changes which
we have indicated in the course of this
report is desirable, with the present
system of reform to industrial schools
that affords the most suitable method
of dealing with children suffering from
the disabilities to which we referred
and we recommend its continuance and
especially recommend that the
management to the schools by religious
orders who have undertaken that work
should continue."

MR. GAGEBY: Yes, in a sense because
there doesn't seem to have
been anybody else at the time.

THE CHAIRPERSON: Well given the -- well,
sorry, I shouldn't say
There was a lot of religious on the committee, yes.

That doesn't seem a radical or astonishing suggestion.

Mr. Chairman, perhaps not to be too skeptical about that aspect. At this stage in the 1930's, I mean there is no indication of a lot of people desiring to go into childcare, is there, if it existed.

You mean there was nobody looking for the franchise?

Yes.

I think that's a fair point.

In fairness, it was in a context where our schooling system was run on a religious basis with the State assisting it, our hospital system I think was run on the same basis so it completely fitted with the pattern of how we were structuring quite a lot of areas in Irish life.

And also looking at the general quality of the expectations which we had at that stage in terms of being educated in national school to a certain level or in secondary, for very few up to third level, I mean, there was no sense of unease in the Cussen Report that the system-- that the basic institutional nature of the system is wrong, is there?
A. I think there is a sense of unease, it would seem to me, and this is just an impression, about the way the schools are perceived and there is a sense of unease in the industrial training side, I think, as to are they fulfilling their remit. But there is no sense of unease about the basic legal or administrative structure, I think, for it.

Q. So, whatever flowed from Cussen in statutory terms was to be found in the 1941 Act after there was various representations made and a number of changes were made in the 1941 Act; isn't that correct?

A. That's right, yeah.

Q. The industrial training, just while we are on it, as I understand it, if you look particularly in the Cussen Report on the attitude to girls it seems an entire given that the females who were -- the girls who were in the industrial schools were headed for domestic service so they should be well prepared for it?

A. Yes, and I think that possibly reflected the kind of percentage of the female workforce at the time that would have been in domestic service and particularly the percentage of people coming from the social categories within which there was probably a predominance of children in the industrial and the reformatory schools.

Q. Yes. And there doesn't seem to be -- the unease about the training, as I understand it, just to my memory, was that there was a feeling that some of the boys were essentially being exploited for cheap agricultural
labor in the institutions which had agricultural land attaching to it?

A. As they weren't being given agricultural skills that would allow them to be skilled agricultural labourers when they entered the workforce. I think there was also suggestions...(INTERJECTION).

22 Q. For vocational aspects?

A. For perhaps better, more modern trades. Now, there is painting and decorating...(INTERJECTION)

23 Q. Boot making and tailoring were perhaps...(INTERJECTION)?

THE CHAIRPERSON: Expertise in the teach -- I mean, the one thing they were very -- it is fair to say about the Cussen Report, that for all the fact that it endorses blandly the system as it goes along, its actual criticisms are very radical, Mr. Gageby. The one you are looking at was very thorough. I didn't immediately appreciate that they had had a report done for them on industrial training because it is one of the strengths of the Cussen Report, where it emphasises the weaknesses of the system of industrial training and makes a lot of very sensible points about improving that.

A. And it is actually done, as far as I understand it, by the -- it is the branch in the Department that dealt with vocational training, as far as I can...(INTERJECTION)

24 Q. MR. GAGEBY: In fact, that therefore formed the model of the
industrial training which the Department required that the schools give; isn't that right?

A. Well, I think in fairness, as I said yesterday, I am not sure that while we have a sparsity of papers on it, I am not sure in fairness that the Department were very good at following through on some of the reforms that Cussen suggested.

Q. But industrial training that was done, let's say particularly in the female schools, in the girls' school, was a requirement?

A. That's right, they had a separate domestic economy syllabus that was adopted for the industrial schools and approved by the Department and they had a derogation for the normal primary school curriculum to do that particular domestic economy syllabus.

Q. They had, in fact, their own inspectors of that, whether that was good, bad or indifferent is another thing, but they had their own inspectors to ensure, at least for the Department, to satisfy itself that the requirements of the Department in industrial training for girls were being carried out?

A. Domestic economy for girls. I mean, it wouldn't have covered, I think, some of the -- as far as girls were doing other kind of work, it was just the domestic economy side of it.

Q. That is, in fact, I mean that went on until the mid-1960's; didn't it?

A. Yes. I mean, I think the percentage of girls still coming out into domestic service is still quite high
from the industrial schools even in the 1960's and 1970's when it would have dropped in the population.

Q. I agree, but the requirement that the training be in domestic economy and that it be done was also a requirement in the 1960's?

A. I would have to check that, I'm afraid. There certainly was some point where they went back to the normal syllabus for primary schools, 1950's or 1960's, I'm not sure.

Q. You see one of the things that is very apparent is a complaint that people were being denied educational -- girls, I am just going to say for the moment in particular, were being denied educational opportunities and steered towards domestic service. But it is, in fact, the case that that was primarily something that could be found in the Cussen Report and it fundamentally remained unaltered for a minimum of 20 years?

A. I don't think it is as straightforward as that, because when you look at the individual inspection reports and the annual reports of the Department on industrial and reformatory schools there is very much a view that children who are able should actually be channeled into -- I mean, in the girls' case, things like nursing, the civil services, complemented for people...(INTERJECTION).

Q. Secretarial and that sort of stuff?

A. Secretarial work. So, I think it is true that there was a view that a large number of girls in the schools...
it was appropriate to have that type of training. But it was also encouraged that the brighter ones or the more able ones would be put into different kinds of educational careers. Indeed, I think at various times the Department compliments certain of the girls' schools for actually managing to have kind of numbers who go through second level at times before free education at second level. So, I think in terms of what they saw as suitable for the majority that's maybe true. But I think there was also a view that those who could be should be encouraged to do otherwise.

**UNKNOWN SPEAKER:** Can we clarify something here, please?

**THE CHAIRPERSON:** No.

**Q. MR. GAGEBY:** There was one caveat to that, wasn't there, before 1967 if, for instance, a girl was to go to secondary school, it couldn't be at a cost to the Department?

**A.** That's right.

**Q.** So it would therefore follow that if any girl was going to be, let's say, pushed towards secondary education, in whatever form it took, that was going to have to be paid in some way other than by looking to the Department?

**A.** Yes. I mean, as I understand it, what generally happened is the Orders carried them in either an Order school or had an arrangement with other Orders.

**Q.** Okay. Could I just then turn therefore to the question of education generally. I think usefully some...
statistics, you put out some statistics which we saw on
papers yesterday, that suggests, for instance -- if you
just give me one second, I might put it actually up on
the monitor. This is data on education which is
collated, it has got some of my scrawls on it so you
will have to endure that I am afraid.

What we are looking at here is:

"Data on education participation in
various years, including the proportion
of received pass set out below."

What we are looking at here is, let's say, take the
year 1931, number of candidates, 9,198, it would seem
that there were probably somewhere between around
50,000 children of the age who could have taken that,
abstracted that from the figures just down below, and I
have put a very rough ready reckoner on the right hand
side which I am sure it a couple of percentages out.

In 1931, there was 9,000 or so candidates for the
Primary Certificate, leaving aside the amount who
passed, that seems to be 20% of the children in
education. On the basis obviously of the age, on the
basis that the figure is somewhere between the late
50,000s, isn't that right, if you take my point?

A. Yes. I mean, it says 25% in the early 1940's, so I
presume it may have been 20, 25% whatever.

Q. Then rising in 1951 to 60% and in 1961, say,
approximately 66% So what it appears to be is that a
child, for instance, in 1941 who sat the Primary Certificate was on average one of four children of that age in the country who sat it?
A. Yes.

So on a purely average basis any child in Ireland, one in four only would reach the Primary Certificate and sit it?
A. Well, they would be in school to that age but would sit the Primary Cert, would have got to the standard that they could have sat the Primary Cert.

Well, in fact, it is a very large leap, I think, for obvious reasons in the 1940's, isn't that correct, because we see from 1951 it has more than doubled to about 60%?
A. Yes.

The pass rate is relatively uniformly high from somewhere about three-quarters to about 90% or so. We also know that in relation to secondary education, without getting too statistical about it, the chances of a person reaching intermediate level was extremely low, certainly in the 1940's, 1950's; isn't that right?
A. That's right, yes.

For instance, possibly, I think -- I am just looking for your statistics in this. I think, maybe you can help us, roughly the amount of people who would have done the intermediate certificate in the 1940's and 1950's, roughly the percentage?
A. I think we just had Leaving Cert, in fact, in the figures we gave you.
I have some statistics here. Sorry, I wasn't expecting to quite go into this. This is some statistics relating to education employment prospects 1940 to 1999. It seems to be extract from the central statistics population. I think from that that we can find out, if you want to look, let's say there is benchmarks in 1925 and 1950. Now, if I can just point to down here:

"Candidates for Inter Cert as percentage of children in primary education in 1952 2.2%"

Then moving across here in the leaving 0.97% just under 1% I think also if we just look at some observations about employment.

"In 1946 the census of population which was 35,000 children aged 15 and under engaged in gainful employment."

Is that right?

A. I assume if they are central statistics figures.

Well, we hope so. If we can just pause there. The children who were in industrial schools were firstly obliged to receive education in accordance with the requirements of the education Acts; isn't that right?

A. Yes.

And the issue, let us say, up to the 1940's as to whether they went to the Primary Certificate was a matter for the particular institution; isn't that right?

A. Well, the degree of schooling they got was a matter for
the particular institution --

Q. Correct.

A. -- in the sense that most of the -- a lot of the schooling was not recognised primary schooling.

Q. Particularly if it was an internal school?

A. If it was an internal school, yeah, up to the 1940's change.

Q. And there was a particular problem at that stage because there were certain persons who were not recognised for the purpose of the Department of Education; isn't that correct?

A. I think the issue was when the Department started to recognise the schools and pay the teachers, which was the issue involved, that quite a number of the teachers in individual schools wouldn't have had the qualifications to be recognised by the Department of Education, so there were sort of special arrangements. There were also issues about curriculum because in a lot of the schools they weren't following the proper curriculum so the Department issued a circular to say -- to the inspectorates to say the industrial schools would have to follow the normal primary school curriculum.

Q. One of the difficulties was the fact that a number of people didn't have qualifications in Irish?

A. Irish was an issue as well. But I think that's a reflection of the particular curriculum I think, at the time.

Q. Okay. So if we are looking at the statistics, which we
have looked at earlier, on a national average if, let us say, one quarter of the children in, let's say, 1941 industrial schools sat the Primary Certificate they were doing possibly better than the national average?

A. If half the children sat it?

47 Q Quarter, I said?

A. Sorry.

THE CHAIRPERSON: Say that again, Mr. Gageby.

48 Q MR. GAGEBY: If one quarter of the children in industrial schools sat the Primary Certificate they were doing better, because there is a difference between those who are present and those who sit?

THE CHAIRPERSON: Of course. Doing better how?

MR. GAGEBY: By sitting it.

A. They are about the same, I think, on your figures, a quarter, is it? Sorry, 20% yes, 20, 25% yes.

49 Q MR. GAGEBY: In relation to the education in industrial schools it was manifest, wasn't it, really throughout the history of the industrial schools that children who came into the system there was going to be a greater proportion who had educational difficulties?

A. Well, insofar as some of them were committed under the School Attendance Act because they were not attending schooling. One could assume the ones who were committed for not attending schooling had had less schooling than the norm assuming the School Attendance
Act implementation was functioning properly.

50 Q. Yes. One of the things, for instance, I noticed you had noted at page 108 -- is this helpful, if you want to look at it. Just to note what you are saying there:

"It is clear from examining the files held by the Department there was awareness that many of the children entering the industrial and reformatory school system were educationally disadvantaged and/or had learning difficulties. Many were illiterate or could only read and write imperfectly. It was an important function of the schools to improve the literary ability of the children of school going age in their care."

12 You put up a couple of statistics which I presume were extract from the admission records?
14 A. Yes.

51 Q. That in 1932 to 1933 254 children over the age of ten were committed to industrial school and 27 were illiterate, so approximately 10% of the over tens were illiterate at that stage; 90 could read and write imperfectly, which is approximately a third; 88 were moderately proficient; 42 could read and write well; and seven had received superior instruction from 20% had good to above good proficiency in literacy; isn't that right?

24 A. I think of those over ten can... (INTERJECTION).

52 Q. Yes, the point I am making is obviously nobody is making a claim for the under fours, but this is quite clear, that children committed over the age of 10 -- I think children who came in there seems to be some class, perhaps of a rather primitive assessment, as to
reading and writing ability from which we can find out whether children read, or read well or read imperfectly or cannot read, etc. So, there is absolutely no doubt from any review of the system that a higher proportion of children entering the system at any stage were, in fact, children who had, were going to have a high proportion of literacy problems?

A. I think it is probably very clear that a higher proportion of the children who entered at an older age, I am not sure there is any reason to believe that the category that were, if you like, the orphan grouping, who would have come in as babies and worked their way through, there is no...(INTERJECTION).

Q. I accept that.

A. But if you take it there was always children coming in older, the evidence would be -- we don't obviously know what the literacy rate is for the population as a whole.

Q. Possibly.

A. So if you consider that, I think, the oldest surveyed we currently have, I think, half a million people who would fall within the category of illiteracy. I am not sure what the comparative general statistics at the time would have been for literacy in the population, but certainly the perception, and certainly that's very true in the later years, I think, in it, would be of -- and particularly in the schools, like the reformatories, that took the much older groupings.

Q. In fact, you are referring to Letterfrack?
A. Yes.

Q. Where I think you cite quite an amount of material --

A. Yes.

Q. -- by 1968, where it appear that it is being suggested that there seems to be a very high percentage of boys who are approximately five years behind in developmental learning?

A. Yes.

Q. Without going into any particular institution. I mean, isn't it reasonably clear that the children who are coming into the system there was a greater proportion of them who were going to have developmental difficulties, if you take into account environmental considerations of possibly either unfortunate family circumstances, lack of school attendance, the difficulties which are simply attendant on children who may have not got a great start in life?

A. It seems a reasonable assumption, yes.

Q. In fact, I think the Kennedy Report notes that it seems there is a higher proportion of children coming into and in the system who have such problems?

A. Yes, certainly the Kennedy Report did some research work, if I recall rightly, and in fact the OECD Investment in Education Report, which was somewhat before it, which would have shown or at least identified a lower level of educational attainment in those -- in the system. Now, that's those in the system as opposed to coming in.

Q. I think, in fact, you did a concise resume at page 133
of your papers, and it is the last line which says:

"The Report", this is the Kennedy Report, "comments that a high proportion of children in care were educationally disadvantaged and the main limitation of the reformatory industrial school education system was that this fact had not been taken into account in catering for the children's educational needs."

Could I just pause there. Do you think it is historically fair to say that children who came into the industrial school system were educationally, or I want to say, trained in literal matters, in literary matters, really no different from children in any other national school or primary school?

A. I think there is a difference between the pre-1940's and post-1940's.

Q. I agree.

A. In that it was post-1940's when the schools within the industrial schools followed what one would call the normal literary curriculum.

Q. Let's deal with that then?

A. So, I mean, certainly there are individual issues where the Department Inspectors raise issues about particular qualifications of teachers and particular teaching of arithmetic in particular schools, which I think we cite in the report.

Q. Yes, you do.

A. But certainly in terms of recognition, inspection, there is no particular reason to believe that there was
any more difficulty with those schools and the way they were teaching other than a transitional period in the 1940's than there was with the generality of primary schools.

Q. I phrased my question wrongly, because I suppose what I am coming around to is this; if it be that there was going to be a greater proportion of children coming into and in the industrial school system who had educational difficulties, in a sense they were being educated in the schools exactly the same as a child in any other school in the country. In other words, there doesn't seem to have been any provision at all for what we now call special needs and the like?

A. Yeah, but I think that reflected a lack of provision generally for special needs.

Q. Agreed. In fact, we are talking about a society in which literacy problems weren't generally addressed in the way they would be now or developmental problems or an understanding of dyslexia or any of these difficulties?

A. But I think basically from the Department's perspective it is fair to say it was the 1960's, I think we give some information before that was recognised and, I think, you see the same trend in the industrial schools, in that in 1961 we allowed them specific facilities for more teachers and that, but up to then there was not a recognition, either in disadvantaged areas...(INTERJECTION).

Q. But that's across the board, that's in industrial...
schools and outside industrial schools?

A. And outside industrial schools, yes, it is in total context.

67 Q. Sorry, I am being told that I am interrupting you. Do answer please whenever you think I am cutting across you. What I am trying to elicit is this: In the 1940's and 1950's there doesn't seem to have been any of the education advancements of appreciating the needs of children who have special needs, even if only of a minor kind; is that true?

A. Yes, I think there is a number of things developed in the 1960's, in Ireland, a more child centred curriculum generally, a recognition of mental handicap, for example, in which you had early 1960's reports. The beginnings of extra resources for remedial education. I think probably on special needs, it was probably more severe special needs, probably considerably later, that actually there was a lot of investment, there was a start on special schools, if you like, at that period as well.

68 Q. So just to come back, what the Kennedy Report was really suggesting was that the children in the industrial schools in a sense didn't need to be educated the same, exactly the same as those children in outside schools, or in ordinary schools, but a large amount of them needed overcompensation, that's a point in fact, I think, that you make?

A. (WITNESS NODS).

69 Q. Because, in fact, it was the view of the Committee
"In light of the deprivation suffered by children in care it was necessary they be provided with more than the normal educational facilities so that they may be educated to their ultimate capacities. In this regard it was envisaged that such a programme of overcompensation would involve a team approach by those concerned with both residential and educational aspect."

So, in fact, without anybody spreading the blame, the children who were in industrial school, I am going to suggest, in all probability did have a higher proportion of children who may have had problems with literacy and other aspects and therefore were in special need, not just generally of being educated the same as every other child, whatever way that way, but they actually needed special attention; does that seem fair?

A. I think there were more children who needed special attention in those schools than you might have found in the average of the school population and I think it is fair to say that we didn't cater for them either in the general school population or in the industrial schools up to the 1960's.

Q. All right. I want to move on to a couple of other aspects then. I am not going to go over all the funding stuff, by the 1940's and 1950's the State had inherited this system of religious orders running the schools, the rather antiquated buildings with the rather grim appearance and the like and as we have seen
from the bits and pieces of correspondence which have come in recently there is a large amount of seeking of additional funds from the religious for...(INTERJECTION)?

**THE CHAIRPERSON:** By the religious.

**Q.** MR. GAGEBY: Yes. For the benefit of the schools?

**A.** Yes, they were seeking more money, yes.

**Q.** That's all -- I mean, there is acres of correspondence and everybody is always looking for an increase in the capitation fee or whatever. In 1946, there is an alteration because there is provision for a capital building programme. Now, this comes after the end of the war, which has been a time of privation in the industrial schools, that's a short term capital programme because it disappears in about 18 months, I think I'm right in that?

**A.** Yes, I think there was a general -- so far as I can tell from the papers, there was a concern that it was a very bureaucratic scheme and that the Association of Resident Managers would have preferred to just get the money straightforwardly because there was a lot of paperwork involved, I think, from the Department in administering...(INTERJECTION).

**Q.** Yes and that would mean that things would be done rather slowly, I am going to say?

**A.** I am not sure whether one could say it was done any faster when they got the shilling back on the general capitation.
Ms. Bridget McManus

1 74  Q. But just so we can mark, what you are actually saying is that the capital building programme was replaced by an extra shilling a week per child?
2  A. At the particular time, yes.
3 75  Q. For instance, I want to throw up a couple of examples and it may be unfair to you, for instance, there was a school in Dundalk which was a very old rather grim building on the street and there is an amount of correspondence in which the inspector deplored the lack of a proper recreation hall and it took -- after the inspector commented over the years, it took, I think it could have been, ten years to rebuild or provide a better recreation hall or something like that. That's the backdrop of where would the money for that come from, that is to come from the capitation; isn't it?
4  A. Yes.
5 76  Q. The extra shilling a week?
6  A. But the shilling a week had been carved out for a capital grant and then was put back in, in fact. I think is probably how it happened.
7 77  Q. But the shilling a week is, let's say, two pounds ten a year and you are going to get the same from the local authority, isn't that right, because there was a state in the local authority?
8  A. Yes, I can't recall whether it was a shilling each or a shilling between the two of them, yes.
9 78  Q. And it is unlikely to build an awful lot, a shilling a week?
10  A. I don't think there was ever any sense that it was
supposed to meet the total cost of any capital works, it was for certain projects. I mean, I think as we discussed yesterday, I think there was a perception that the Orders were going to put in -- provide the capital infrastructure, there was a certain assumption of that in the approach. Even in the correspondence, if I recall rightly, on the capital scheme, the idea was a third, a third, a third at some point. For example, a local authority a third, the Department third, the Orders a third, so there was always some kind of presumption of a significant contribution from the Orders or the managers.

Q. Yes. That's if the particular Order or sub-Order had sufficient funds? So, I mean, it doesn't seem to have been until the mid to late 1950's any really substantial rebuilding of these older places; is that fair?

A. I don't know the detail of what was done in various, but certain in inspection reports there are records of quite a lot of improvements being done of different sorts, but how many of them represented any kind of significant rebuilding I don't know.

Q. So thinking back on the institutional nature of these places, I mean there is the physical side, obviously of large grey buildings, dormitories, communal eating, all those aspects, now it is quite clear that a large number of the Orders appreciated that that should change, certainly from the early 1950's with Carysford of course?
Certainly there was Orders like Kilkenny, the Mercy in Kilkenny, who would have been changing into group skills from the 1950's.

Q. Obviously, if you change into group schemes hopefully (A) you are going to rebuild and try and provide more congenial -- say normal housing, more similar to a house; secondly, there is going to have to be more staff? I mean, if you are going to -- the one benefit of a large institution is that a few people can actually run it if it is being run on institutional lines, you can feed 100 children, you can put out a long table, you can have a big boiler, you can do all of those things like an army really, but if you want to move to the group homes there has got to be a lot of change; hasn't there?

A. Well, it depends on what your staffing was originally for the institutions, but if you have run to a large number of children there is an implication of more staff.

Q. Yesterday Mr. Hanratty was asking a lot about the Orders begging for money for the institutions and it seemed to be mainly Artane that he was mentioning, but I just want to put out that the move from the old grey institution run by a few people, if that was so, to the group homes or anything like it, had to involve the expenditure of money and the hiring of additional staff of some sort?

A. Well, certainly that would have been the case that was being made in the 1950's and 1960's in terms of the
Department of Education to the Department of Finance, would have been that more money was needed and it wouldn't have been the sort of CPI arguments there were in the 1940's and 1950's, it would have been arguments about the need for smaller units. Never actually explicitly, I think, more staff actually but kind of smaller units which may well have implied more staff, brighter surroundings, better recreational facilities, things like pocket money for the weekly pocket money for the children, I think is mentioned in some correspondence. So very much the case being made by the Association of Religious Managers (sic) to the Department in that 1950's, 1960's period.

There is that general case being made and then there is a case about the cost of overheads, which is probably specific to the boys' senior school's subset of the Association of Resident Managers, but certainly the Orders -- or the managers of the homes were certainly making a very strong case, I think, that they needed more money in the capitation if they were to deliver on these developments and it is certainly an argument the Department seems to have fully accepted, that there was a need for more money to do this because it is part of the case they would have made to the Department of Finance.

So would it be wrong to put it this way that in the ideal world the Department of Finance would have shared money in response to this requests, it wasn't an ideal
world in those times?

A. Still isn't I am afraid.

Q. And it wasn't the desire of the religious to continue having their large grey institutions which were being run on institutional lines, they were pushing for a move towards the more family orientated dwellings and the difficulty was that the family wasn't coming through?

A. I think there is...(INTERJ ECTION)

THE CHAIRPERSON: Can you think of any instance, Mr. Gageby, where the religious were pushing for a change?

MR. GAGEBY: Well I would say, for instance, if you looked at the Carysford conference.

THE CHAIRPERSON: Of?

MR. GAGEBY: 1954.

THE CHAIRPERSON: Yes.

MR. GAGEBY: That I would say is a benchmark and, in fact, it is in the Department...(INTERJ ECTION).

THE CHAIRPERSON: It is the Carysford conference where we had various speeches and various talks given.

MR. GAGEBY: Yes.

THE CHAIRPERSON: But sorry that's a conference. Okay after that, where were they saying and where would the Resident Managers's Association -- I am trying to think

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of it, I am not saying it didn't happen, but the
picture I have is of the Resident Managers' Association
never distinguishing between any one or other
institutions, simply saying, we want -- one of the
things I think is intriguing, never saying, "look, one
place has a farm, one place has a good farm, one place
has a bad farm, one place has a lot of money", never
distinguishing, let's keep it very simple, "we want
more money", every year, nobody ever actually has a
real analysis of the whole problem, there are bits and
pieces which in one way suits everybody, it suits the
Resident Managers, it suits the institutions, it suits
the Department of Education, who simply shoves it on to
the Department of Finance and it suits Finance as well,
they simply say "no, there is no compelling case made
for making the money."

But you are saying that throughout the 1950s and 1960's
the religious -- the Congregations were saying "we
would love to abandon all these big places and go to
group homes but it is going to cost more money.

MR. GAGEBY: I'm not saying all.

THE CHAIRPERSON: Where's the evidence that
any of them were doing

that?

MR. GAGEBY: Firstly, I think that has
got to be in the detail and
I don't understand Ms. McManus to have said that wasn't
any part of the case. Secondly, material has come to
us relatively late and I believe we could probably cite some chapters and some verses in relation to that. So, in a sense if you are asking me for page numbers now, the answer is I can't.

**THE CHAIRPERSON:** In fairness, I appreciate that in Kilkenny there was a move to that.

**MR. GAGEBY:** Yes, in very early... (INTERJECTION).

**THE CHAIRPERSON:** At an early stage. But I am a little concerned when you say the religious didn't like this and they wanted to move from the cold big institution, the barrack like buildings into nice new comfortable ones. But I am not aware of any general picture of that.

**MR. GAGEBY:** Then I will have to come back to it.

**Q** 85 **THE CHAIRPERSON:** Sorry, are you aware of a general picture of that?

**A** I think there is certainly very strong correspondence on the other side from some of the schools complaining bitterly about their numbers dropping and about the fact that they want to keep up high numbers and complaining about judges who aren't committing, which would suggest in some cases people want to keep the big institutional arrangements. I think there is plenty of evidence for that. I think in fairness though there is evidence particularly in some of the interaction with the inspector on individual schools when they are
talking about improvements to be made to particular schools. You get a tone in some of the things that are coming back into that 1950's and 1960's period, I think, of an inspector suggesting improvements, commending them on actually bringing people into smaller group homes and concerned, I think, in fact that some of those moves can't be made because she's recommending moves for which there isn't funding.

So I think in individual cases you do see the general correspondence with the Association of Resident Managers, while it is referred to occasionally there is more of the homogeneity, I think, that you referred to, Chairperson.

THE CHAIRPERSON: That would be my impression, certainly, that it sometimes happens individually but it is certainly not a general picture.

Q. MR. GAGEBY: Yes, but I think distinction is this: The meetings between the conference of Resident Managers seemed to have essentially a general application, which was mainly to look for money, and in the particular places, as you have noted, which came through in the inspector's report and occasionally when that particular Resident Manager might make a written application to the Department; isn't that right?

A. Yes, but I think there was probably a difference within institutions. I don't necessarily think you can say
there was one position of all institutions.

87 Q I agree. Yes, I can certainly think of at least one place which wasn't advertising that it was desiring to move to group homes. But in that respect can we just look, when group homes did come about, which is really -- barring Kilkenny, is really the 1970's before that really comes to...(INTERJECTION)?

A The grant scheme started in the Department in 1971 on foot of Kennedy and I think there was a reasonably rapid move. We had the percentages somewhere of what they had achieved within a couple of years.

88 Q And the religious were still involved in the group home?

A Yes. Though there was -- I think Mr. Granville would have noted some resistance in some places to move into it and some who were enthusiastic to do it.

89 Q Some of that was probably reflected of an age thing as well, older member of staff from the previous institutions who had simply become accustomed to the place being run that way?

A I don't know what -- that seems reasonable that may have been a problem but I am not sure you mightn't have had older people who were quite enthusiastic as well.

90 Q I am sure, but what I am trying to draw out is this: The Department of Education was not a hot bed of innovation in the 1940's and 1950's?

A Not in the industrial and reformatory schools area.

91 Q All right. Whichever way it is looked at, there is a general recognition certainly of the desirability,
perhaps it is different from one Order to another, of the move towards de-institutionalisation, at least in the physical surroundings?

A. I think if you are looking within the Department of Education there are papers going both ways. Because, for example, I think in the Commission on Youth Employment response to that, which would have been in the late 1950's, I think there are papers on that, the Department would have taken a position that was still quite in favour of institutions rather than breaking it down. Whereas there are other papers that would seem to indicate that at the operational level the Department was encouraging a move towards group homes and, indeed, in the letters to Finance was using that as arguments. So, I am not sure it is fair the Department had a very clear cut position until quite close to Kennedy, the Kennedy period.

Q. I mean, there really wasn't enormous change in the nature of the institutions between Cussen and Kennedy, was there, I mean obviously conditions improved for hopefully everybody, but there wasn't an enormous change, in fact, between Cussen and Kennedy, there were institutions which were run as institutions subvented on capitation; isn't that right?

A. Well, I think...(INTERJECTION).

Q. Or is that too general?

A. I think it is probably very general, because I think you will get reports, like the Anna McCabe report that is done in 1964, that would say she sees a huge
difference between when she came in in 1939 and 1964.

Q. In fact, Dr. McCabe, it seems, hadn't got the job the first time around because of insufficient Irish?

A. That's right.

Q. But just while we are on that, Dr. McCabe wrote a sort of a past history in 1964, about a year or so before she left, and in that she noticed the great change from the late 1930's into the 1960's. She also noticed and remembered the fact that there were some deplorable conditions particularly in the 1940's, touching on food, diet, clothing, appearance of children. It certainly seems that by the early 1960's she seems to be happy that things have improved vastly, although there was quite a number of institution were basically institutions; isn't that right?

A. Yes.

Q. In fact, I think she noted, it is at page -- the small folder on page 23. Are you on the same page as I am?

A. Yes.

Q. Firstly, I should say that she does say that on her appointment in 1940 she went around and visited all the schools which came under her supervision and she was appalled at the conditions existing in the majority of them. We have seen. I think, in public sessions, particularly centring on food, nutrition and clothing and the like. She seems to have got the assistance of the Minister for Education at the time during the war years and her ideas involved large capital expenditures, she noticed:
And apparently the State had no function to provide monies for such a purpose. As any of the improvements envisaged by me must be met out of the income of the grants which literally only provide for the maintenance of the children."

So that was Dr. McCabe's view, that she had been pushing, it would seem for large capital expenditure and that it just hadn't happened, as it were. I think she also then is farsighted because she says:

"Should any improvements be contemplated these could only be achieved through the resource of the communities running these institutions. Now being aware of the position at this juncture, I decided to see what improvements I could possibly achieve with the cooperation of all concerned. This I found extremely difficult, particularly in the case of the boys' schools."

And she thought they were in a deplorable State. She said:

"She had to use constant pressure and exhortation and that most of the schools have now reached a standard which pertains today which she considers all around as being good."

She adds:

"This has been borne out by favourable comments made to me by visitors from other countries. She has visited Great Britain, Scandinavia, has a much higher capital grant is provided. This higher income is affecting better conditions existing in the schools."

She goes on to speak of some institutions which she was
very critical of, and she notes, I think, that:

"In the case of the girls' schools the nuns were most cooperative and welcomed and carried out my suggestions as they could and today these schools compare very favourably with modern secondary boarding schools, so much that the diocesan authorities, it seems, considered the improvements made warranted these schools being put to more productive use and turned into secondary boarding school, which has been done in a number of cases."

Which is an interesting observation made by her. She then goes on to summarise the advances really in the 25 years or so and she speaks of the improvement of the medical system the cooking and dietary aspects and the improvement in the wearing of apparel and bedclothes.

Obviously that relates to the -- not just to the physical comfort of the children, but also to the institutional nature, where children wouldn't be identified by their clothing; isn't that right?

A. Yes, colour schemes and difference in clothing.

Q. Yes. Trying to afford the children an element of individuality; isn't that right?

A. That's right, yes.

Q. She makes very adverse comments about corporal punishment as well; isn't that correct?

A. Yes.

Q. And that includes an unfortunate -- it would seem the cutting of girl's hair; isn't that right?

A. In a particular case, yes.
She noted a particular instance that had occurred in the northwest which I think had probably occurred about a year or two before she wrote this report, which is in 1964, it is the Bundoran incident?

A. Yes.

She has a number of recommendations, one of them is a relatively common sense one which is:

"When juveniles are brought before the courts in a committal an assessment should be made available to the court".

One of the things that's interesting there is in a shorter form that was also something that was recommended by the Cussen Report; isn't that right?

THE CHAIRPERSON: Sorry, Mr. Gageby, I didn't hear that.

MR. GAGEBY: In a shorter form that was something that was recommended by the Cussen...(INTERJECTION)

THE CHAIRPERSON: What was recommended?

MR. GAGEBY: There should be an assessment before a district justice -- for any child there is an application for committal. This goes back to one of the very justifiable complaints, is that children were committed with really very little even paperwork, that up to, I think, the 1970's the chances of a district justice seeing any assessments of the child are really very slim aren't they?

A. Well, I would have to say that while my remit is very
wide, fortunately we didn't deal with the middle process. But certainly on the assessment issue, the assessment issue was one that was raised by the managers. There was an ability for -- as I understand it, for a district justice to get an assessment.

But that usually only happened in Dublin, I think, because of the availability of specialised person?

There was a higher percentage. And I think consideration was given up to and including Government level under the Department of Justice to actually make it obligatory to have an assessment but the Government decided against that in the late 1950's, 1956.

You see, I mean, there are very justifying complaints of people who find that they were put into an institution and that the amount of paperwork which is generated seems wholly, you know, an inverse proportion to the importance of the event. For instance, some of your figures are extracted from the notes on admission of children who came into the institutions in the 1940's, thus the ones about literacy and the like. Therefore the amount of information which any child looking back on the course of its admission is astonishingly small, isn't it, so it seems?

Well certainly by the time we were into the 1970's, there was certainly a very strong view being expressed by the Department that if you were to have -- leave aside the issue on what the basis the courts should be committing children, which I think is a different issue, but that from the point of view of proper
childcare and child development it would be desirable for the institutions to have a lot more information on the background of the child and issues relating to the child than was being provided by the system of committal. I think there was a job done in the 1970's to recreate quite a lot of the information on children.

Q. I also -- and I am just going back to page 25, that Dr. McCabe stressed the great importance that the people associated with the running of the schools should receive suitable training for the work. Now, just to pause there, it would seem that, certainly from the religious orders, the -- and this is prior to any training course existing -- probably the highest training in terms of any formality is that a person would be a recognised teacher or possibly a female nurse?

A. Yes, I mean, there were some nurses in the institutions and there were a number of qualified teachers apart from the teachers in the schools.

Q. And in that in some of the institutions what you are talking about is an amount of religious, be they male or female, and some lay staff running the relevant institutions?

A. Yes.

Q. And in relation to the religious those religious might also have functions of teaching the children as well as simply running the institution?

A. Yes, some of them would have been teachers who taught in the school and who also had care of the children in
the evening.

Q. I think it is noted that a large proportion of these industrial schools really relied on the religious to work more than 40 hours or the 46 and the 48 or the 60 hours, whatever it was?

A. It was certainly noted in some of the reports and commentary that they did work long hours.

Q. It is. Training was, of course, training in childcare was, of course, a relatively modern phenomenon, wasn't it, even in the 1960's?

A. I think there would have been training in the UK, things like the Home Office training in the 1960's and there were courses in the 1950's, if I recall, that some of the -- in England, that some of the Orders were doing, late 1950's, early 1960's.

Q. I think the Orders that were available to avail of that were the Orders with substantial connections with England. That is why, for instance, particularly mention the Irish Sisters of Charity and the French Sisters of Charity and the Good Shepherd Orders, they are specifically mentioned?

A. Yes.

Q. This is actually where I was thinking of, I think in the same paragraph Dr. McCabe is adamant and had been adamant that elderly redundant people should not be appointed in these schools and where possible she has endeavoured to get a nun whose is a trained nurse put on to the staff?

A. (WITNESS NODS).
Q. I think that's something that is a thread that runs through some of the matters, that some of the people involved were quite advanced in years, involved in the institutions?
A. Well, we cite a number of incidents in our statement, the Department had to -- after the 1941 Act, the Department had the power to approve the Resident Manager or to ask for their removal. And certainly the cases where it arose there were sometimes cases where it was seen as being a very elderly religious member who wasn't capable. And in those kind of contexts there is certainly quotations where we sort of talk about the -- the Department talks about the desirable thing is to be a young, active Sister, whatever.

Q. Absolutely. In any event, I think, the training courses in Ireland sort of came on stream for instance, the Kilkenny course?
A. Yes.

Q. That was, in fact, I think, founded at the instigation of Bishop Birch, I think?
A. That was I think an ad hoc committee, there was a Sr. Legoria who wrote into the Department and there was an ad hoc committee set up on foot of that and eventually there was the course in 1971 which the Department funded.

Q. In fact, there was the child guidance clinic out of the Mater which was also associated with the religious?
A. Yes.

Q. The Cathal Broughal Street had its genesis in the
Ms. Bridget McManus

1 religious, isn't that right, I am not talking about the
catering end?

3 A. I'm afraid I don't know.

4 119 Q. In fact, in Goldenbridge there was a series of courses
taught, students, in fact, from Trinity and UCD used to
attend there as well?

7 A. I don't know.

8 120 Q. I think could I just note one thing. Did the
Department have carriage of any institution -- was
there any lay institution, if I can use that phrase,
was there any non-religious institution in the State
of the industrial school kind? There was Marlborough
House?

14 A. There was Marlborough House which was a detention
centre rather than an industrial school, in that there
was no training, but yes, there was Marlborough House.
You had Baltimore for a period which was diocesan run
rather than Order run.

19 121 Q. That was closed in 1951, I think?

A. I think in the pre-Independence days you had a number
of Protestant institutions.

22 122 Q. Marlborough House was effectively a short term remand
centre and it was staffed and run by the Department of
Education?

A. That's right.

26 123 Q. It would seem that quite a high proportion of the
members of staff were retired members of the guards,
judging by the small amount of the documents I have
read?
A. I think there was an actually a period, I think, where there was criticism I think, following the 1962 interdepartmental committee about the fact that we were just taking people willie nillie out of the unemployment exchange and I think there were suggestions that we should allow some derogation from whatever Garda rules there were about pensions to allow retired guards to be employed. I am not sure what percentage of employees they did represent but there was some correspondence about the desirability of it.

Q. That's right. So it would seem the Marlborough House was staffed by people who were on the live register?

A. There was certainly criticism of that in the 1962 report, that the process seemed to be the Department of Justice taking whoever they could get off the live register.

Q. Would it be fair to say it would seem that such persons would not have had any training in the management of children?

A. Well, given that at the period we are talking about, nobody seems to have had training in the management of children, I don't think that's an unreasonable assumption.

Q. It would also seem that the staff numbers on average were approximately six, in the 1940's or so there was an average staff number of six or so?

A. I don't know what the average staff numbers were.

Q. I think the numbers are in the papers. I am sure if I am wrong we will come back to it. And that was for an
average number of 10 boys?
A. I am afraid I don't know what the numbers are, I can check those for you and come back.

Q. This was not a very large institution with 50 or 100 boys at any given time, although many passed through its doors, it would seem approximately it could be 10 or 15 boys per...(INTERJECTION)?
A. Sorry, 1943, the daily average number was 10. The daily average number in 1960 was 15 and in 1972 16 boys at the stage it was closed.

Q. And these people would have been the people employed there?
A. My apologies, yes, six staff.

Q. Six staff.
A. In 1944 and by 1972 there were 24 staff.

Q. For 15 boys?
A. 1972, 16 boys.

Q. Would it be fair to say that would compare very favourably with all the industrial schools in terms of staffing?
A. Certainly in 1944 it would have. I mean by 1972 we were into the sort of higher ratios in places like Lusk and Finglas.

Q. So would it be unfair to them would that indicate that the Department, in relation to its own employees, understood the difficulties of staffing and dealing with -- or would that be an unfair question?
A. Well I wouldn't like to stand over Marlborough House as a shining light of good childcare practice from...
In fact, if you would excuse the impression, it had all the worst attributes of any institution, for a starters, the building were in dangerous condition; weren't they?

A. Yes.

I think District Justice Kennedy felt that she was in danger of death when she actually passed through it, that the building would fall down on her?

A. I think they did have some kind of buttresses or something in the front of it, if I recall rightly. They did say it was safe.

I think they kept their coats on when they were in it?

A. I don't recall that. But certainly there are inspection reports by the Office of Public Works going back to the 1950's that would indicate that it was actually in very poor physical condition.

Can I come back to just some more general stuff, and I don't want to pick at any particular aspect, what level of coordination would you see in the 1940's and 1950's between the Department of Education, the Department of Justice and any other Department touching on the affairs of these institutions?

A. I think looking at the paperwork, other than on particular times where there were particular interdepartmental groups or particular -- like the Kennedy Committee, for example, there is certainly no great evidence from our files in terms of the written record and that is all we can go on, of there being any
great structured interaction. There was on Marlborough
House a reasonably fraught correspondence between the
Department of Justice and the Department of Education
of who should have responsibility for it. But on the
general institutions and on issues such as foster care,
the more general social policies, if you like, that
might have an impact across Departments there certainly
doesn't appear to have been any great structured
interaction between Departments on those issues.

Q. I mean, the Department at that time, let's say in the
1940's and 1950's, was conscious of its duty in regard
to examinations, medical examinations and other
examinations, and when they were critical they
hopefully acted on them particularly the medical
inspector; isn't that right?

A. Yes, they would have followed -- there would have been
a system of if an inspection was done it identified
problems of a fairly structured follow up by
administrative staff.

Q. But what isn't there is, let us say, the Department is
the centre of a proactive rethinking of any system? I
mean, there is no ginger group within the Department
saying "listen, let's rethink all of this", or anything
like that, change came slowly?

A. Yes, there is no great evidence of major policy reviews
or somebody stepping back and saying we need a
radically different system. I am not sure to what
extent up to the 1960's there was a sign of that even
in other areas of the Department's activity, for
example, like curricula, as I said earlier, or remedial education, or lots of other issues.

Q. Yes, because that seems to be tied into -- the curriculum changes seem to be tied into the preeminence with which the teaching of Irish was given, am I right in picking that up from your observations?

A. Well, there was a change in the 1920's to making Irish and Irish history a very strong part of the curriculum but I think the issue is, and I think it was a question that was asked of us at a certain point about the wider curriculum that you would have got international trends probably earlier than in Ireland in the 1940's and 1950's that would have had a more child centred curriculum as opposed to a literary curriculum and that certainly didn't seem to impact on us. I mean, secondary education, free education would have been late 1960's, that kind of push.

But, I mean, how much policy review there was generally across the public service, my history I am afraid studies stopped at the turn of the century. But I am not sure how unusual that was. I think quite a lot of the major policy reviews and structures you would get in public administration are probably later than that period.

Q. I mean, let's face it nobody was left out of that, I mean the religious were involved in the rethink as well, the rethinking of the institutions?

A. Yes, yes.
Ms. Bridget McManus

When you use the word "child centred", I mean do you get a sense of looking at the Department, and of course this is the great benefit of hindsight, that everybody is saying we must be child centred? I mean, does that sense come through in documents, if people even use such a phrase? This was a small Department?

But it was quite -- there were 500 staff, I think, around in the 1940's.

I and R is what I mean, six or seven?

Six or seven. I think it actually -- more so than you might expect, and this is only a pure personal view or speculation, comes out in a lot of the medical stuff and in a lot of the inspections that there is quite a focus on the child and the child's physical development, and quite a concern for the children, even in things like the clothes and the individuality and a lot of those comments. You do have a sense of officials who care about the child. But I think if you are talking about being aware of the latest theories in child development, there are references as you will get in the late 1950's and to that creeping in, but I don't think there would have been that more general sense of the sort of academic knowledge that was developing at the time, it probably crept in a bit later into the Department, both in the industrial and reformatory branch and perhaps into the more general educational policy curriculum and inspection.

Yes. Because, for instance, one of the things you deal with in your report is the complaints which the
Department received from people who had been in the institutions possibly working or had been children there, and complaints about what had happened, most of them to my memory, being of physical abuse?

A. Food as well.

Q. Food as well, of course. When somebody doesn't get the sense that the complaints were treated then as they would be now?

A. No, I think it is true to say when a complaint came in there was a general tendency to send it to the institution to look for commentary. Quite a lot of the time there is a tendency to feel there must be some troublemaker behind it, whose agitating for some reason, or that the individual must be creating difficulty. It has to be said that in some of the cases that were investigated there were clearly examples of ones that were investigated and where there is independent evidence. If I recall rightly, there was one complaint about a child gone to hospital for abuse, for example, and when it was checked with the hospital it turned out that it actually was -- the hospital was happy that there was no sign of abuse, that it was a medical... (INTERJECTION).

Q. Ringworm or something like that?

A. I can't particularly recall the one. So I think there were complaints that they investigated and that there is independent evidence that those complaints were -- and I think in the nature of it some complaints may well be complaints that are not justified. But I think
it would also seem to me, and hindsight is a very good thing, that a lot of the complaints were dismissed without the normal check you would expect. In other words, the Resident Manager says such and such happened, generally it is written down somewhere that the child was a troublemaker or something on the physical abuse ones particularly.

147 Q. Yes?
A. And without maybe an interview with the child, an interview by the Department with the parent or the kind of independent stuff that there was in that hospital case.

148 Q. Yes.
A. I think also if one takes -- there was one, for example, with the member of staff who worked in the institution concerned, I mean we cited in the statement, for example, who wrote in and said "I am concerned about the way the children are being treated", the inspector goes down and there is the sense of almost takes the word of the institution for it without an independent look at it. So I think in a number of cases, and I think the Department's letter, for example, to the Kennedy Committee does suggest that a lot of the complaints that we get are trivial and insignificant.

149 Q. Well they weren't?
A. Well some of them may well have been trivial and insignificant. But I think the question is were they being recorded and investigated in a way that might
have allowed for that to be fully robust. I think we feel now they weren't.

And that's, in fact, part of the apology of the Department?

A. Yes.

Can I just bring that back to where that's at: There is a substantial degree of skepticism in the way that the Department approached such complaints; would that be a fairish analysis? Can I put it another way; that there was a tendency to disbelieve children?

Well, in a lot of these cases these complaints were coming not just from children, they were coming from the parents, where the child was complaining to the parent and the parent was raising the question. They were sometimes coming from outsiders. There is one I seem to recall of a woman who had worked in an institution and there is the one of a man working in the institution. So I don't think it is necessarily disbelieving the children. There is perhaps a tendency to take the word of the people running the institutions without perhaps sufficiently investigating the people who were raising the complaint. So it is perhaps reliance on the people who are in the status quo or indeed perhaps a feeling that the religious have a certain standing in society and taking their word perhaps against other people, I don't know how much the -- it is sort of status quo issue, how much it is the respect that the religious would have been held in at the time, how much it was a perception that some of the
families these children came from were perhaps less good at minding the children therefore you didn't believe them. There was a tendency of the Orders or the managers sometimes to respond by saying "well, this child is somebody who was committed for theft or this parent is a troublemaker." Now, in some cases they probably were, I think there are examples of ones where when the guards looked at it there was a problem with the parent, but there were examples I think where you would wonder.

Q. In fact, Marlborough House had quite a substantial number of complaints about it?

A. They did and they were not investigated any better than the ones in the religious orders. Though the parents sometimes were interviewed or the children in those cases.

Q. That's why I bring it back to a broader skepticism about what children say rather than inherent bias towards the religious?

A. I don't detect any more serious taking of what somebody who was a former night watchman was saying than necessarily of what somebody who was a child was saying. So I don't think it was necessarily just children.

Q. I want to revert to the reports, the reporting system historically starts with Dr. McCabe in 1939 and ends effectively in 1964 and we have looked at some of her observations of the very bad times in the 1940's and hopefully better times in the 1960's. There was a long
period of time when there wasn't a full time medical officer appointed to replace Dr. McCabe. Dr. Lyssot was effectively performing those functions on either an ad hoc or a part time basis in 1966?

A. Yes.

Q. And in 1966 he did two smallish reports specifically, I think, for the attention of the Minister; isn't that right?

A. Yes, one for the secretary but it is indicated in the context of the Minister and one for the Minister.

Q. In August and November of 1966 he did these reports and it seems that he -- I believe he attended at all of the institutions and he was looking obviously at the medical aspects; is that right?

A. Yes. We are not sure the context in which those two reports, both the two Lyssot Reports and the Anna McCabe Reports were on the actual interdepartmental papers relating to the interdepartmental committee, the 1962 interdepartmental committee were obviously being used by the official as reference papers. Dr. Lyssot was asked to look at each of the individual institutions and do a report on them and he was obviously asked at a certain point to give his overall impressions having done all the individual ones, I think is probably what that reflects.

Q. This is 1966?

A. Yes.

Q. Obviously similarly to Dr. McCabe he's also looking at the division of labour in relation to medical matters.
Q. I think what we are looking here also is the difference between the health of children between the 1940's and the 1960's, because you don't have the same instances of TB, diphtheria, the various diseases which were more prevalent in the 1940's and 1960's, it seems to be a more developed health care system isn't that right? I understand that what Dr. Lyssot was doing was reviewing whether there was a requirement or necessity for a full time travelling medical inspector for the schools?

A. I don't think that was his purpose, I think it is kind of put in as, "you have also asked me do I think there is enough work?" I think he was brought in to do a look at the medical systems, as I understand it, within the -- each of the individual industrial schools. He did a detailed report on all of them. We assume, we don't know, because they didn't have a medical inspector is why they asked him to do it. But that's presumption on our part. But he does have a reference in it where he does suggest that he doesn't think that there would be enough work for a full time medical inspector.

Q. That's, in fact, in the second report. Can I just also bring you to your page 39. That's the second page of his first report. I am doing it on the typewritten one.

A. Yes.

Q. He does seem to have noted a difference between the
Ms. Bridget McManus

boys and the girls' schools; isn't that right?

A. It is actually a theme that seems to come out of...(INTERJECTION).

Q. Both reports?

A. Yes, and quite a lot of the sort documents that you get written, some of the internal documents that are written about in the context of the capitation grants and funding stuff.

Q. Is this a question of atmosphere as well as basic fact?

A. It appears to come from a couple of things, there appears to have been a perception that if you had women managing the place the children would be better washed, their clothes would look better and the bedclothes and that type of stuff would be better, so they would be better at doing that type of thing. I think there is also a view in a number of the reports and around the documentation that it would be, that the idea of having boys in an environment where there were no women was bad.

Q. Was bad?

A. Yes, so there was those two reasons. But there does seem to be a view that the women were better at managing things than the men from a residential management point of view. I am not commenting on the validity or otherwise of that.

Q. And I will refrain from it as well. But what he does note is the question as the difference between the schools for girls being operated by nuns being much Superior in every way than that operated by Brothers:

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"Most girls' schools as regards accommodation, equipment, food and general compare equal, if not superior, to many of the leading secondary boarding schools, same cannot be said for the boys' schools, where there is much room for improvement."

There is particular aspect then dealing with food and other matters. I think Dr. Lyssot then returned later in the year, with a slightly fuller report and this is page 45, Ms. McManus. In which he had completed visits and inspections to all the industrial schools and the three reformatories schools and furnished detailed reports in each one, those detailed reports would part of the annual reports which we have probably seen, I think, in the various private sessions where necessary. That's the one sheet or so.

A. Well, I think it was done -- I am subject to correction, but I think it was done in a somewhat different format than the annual reports with the standard headings. I mean there would have been annual reports even after Anna McCabe's time that would have been done by the administrative inspector that would have followed the same format of the fair, good, whatever, whereas I think Dr. Lyssot's reports were a more -- were a fuller report, with different kinds of headings, they didn't follow the kind of standard headings that were being followed in the... (INTERJECTION).
A. They were more discursive, yes.

Q. In a sense he's also trying to put them in an historical perspective.

"There have been changes, there is declining numbers, why is that?"

In other words, it is a bit more of an outsiders's view, if I can use that expression, looking at the institution, would that be fair?

A. Well I think he was probably doing it in a different context, because he had been brought in to do a kind of one off report, if you like, on each of the institutions. So I think if somebody who is brought in to do a one off report as to what is this institution like, it would be a different kind of report than somebody who is going regularly to check and sort of looking at how it is improved and what it is like. I think that's probably why it is different as well.

Q. I think he notes on page 46, this is in the context of a decline in numbers, for whatever reasons, adoption or a greater prosperity perhaps, and he has a paragraph that says:

"This tendency towards smaller schools, while still far removed from it, is more in accordance with the idea of a large family unit adopted in Great Britain and is to be welcomed. However, the reduction in numbers is manifestly not an economic proposition for those responsible for operating the schools and still the same overhead expenses to meet. The inevitable result of smaller schools must be a demand for higher capitation."

Gwen Malone Stenography Services Ltd.
Day 226
In other words, the smaller schools are more expensive, if you will excuse the expression, isn't that right, more expensive for the Department?

A. Particularly where they are in big institutions that can't be readily broken down, I think is the kind of point that he makes later on.

169 Q Yes.

"The size of the girls' schools may, having regard to all aspects, be now regarded be reasonable."

I think that is against the background of rather, I won't say quite crowded, but busy schools in the 1950's and:

"They show a marked advance in the rather absurd figures still appearing on the Department circular as approved numbers."

He goes on to say:

"The above remarks apply mainly to the girls' and junior boys' schools."

He comes back to the difference between boys and girls' schools because he's not very supportive of the boys' schools, he says:

"The second most striking feature is the marked difference between the schools for girls operated by nuns and the senior boys under the care of
Brothers. The former are without exception much superior in every way and beyond explanation by way of smaller numbers.

The vast majority of girls' schools are most satisfactory in many cases and compare favourably in regard to care and comfort with not only the ordinary run of boarding schools for girls but the most exclusive ones, the provisions in these schools reflect great credit on the religious orders concerned.

He doesn't say the same for the senior boys' schools, which he characterises as rough and ready; isn't that right?

A. That's the word he uses.

Q. He talks about the absence of a woman's hand was notable in many of them. But he commends, I think, Salthill and some nuns have been recruited to Artane to deal with the infirmary, kitchen and dormitories etc. He then goes on to deal with medical matters. Could I bring you on to a small thing on page 48. It is an unusual thing to see in a medical report, it is:

"The system of sending children out of town for messages or shopping is done in many schools, has much to recommend it and being encouraged, as also that adopted in some schools of sending certain senior girls on what they describe as working holidays, i.e. to families especially these going on seaside holidays with children where they have light duties and get paid.

These experiences help to launch the girl into the world gradually before she actually leaves the school. One nun said it is hard to get them independent and fit to face the world."
That's an understanding of the difficulties of children being brought up in institutions, with an institutional framework, isn't it, and he makes recommendations for hospitals and children with disabilities. If I can then return to the eternal refrain of money, page 50, there is a discussion of capitation and there is discussion there that:

"In one girl's school a manager suggested otherwise they felt she would be satisfied if a grant was made available for structure and improvements or equipment. It was now impossible to effect any from the present income, this would appear reasonable and pose reasonable consideration."

That's the eternal refrain about capital funds for building or whatever. Then there is discussions about the provision of sex advice and the like.

the conclusion, therefore, is that there is -- at this stage in 1966 it is unnecessary that the I and R Department have a full time medical officer to do what had been done here before; isn't that right?

A. Well, he says it may well be the services may be required that there isn't justification, he feels, for the whole time services of a medical officer. That may be as well because between 1939 and 1945 I think there
Q 1965?
A 1965, sorry. Medical officers connected with the schools as well.

Q It is not clear in that we haven't been able to identify papers that indicate a discussion as to should there or shouldn't there be a full time medical officer.
A So it is not clear whether because you had Kennedy, if you like, being talked about, I mean this is written in November 1966, you were already having discussions, there is already records of discussions between the Minister and officials from I think, about September 1966, I think the new Minister came in in July, was it, in July 1966 and it is very clear very initially that they are talking about setting up a visiting committee. It is clear in the context of some of the financial money they are actually talking about the committee having an opportunity to try and deal with some of the issues, like the capital and capitation. I am assuming at that point certainly, whatever about a bit earlier, that probably if you had a major review coming you were probably waiting for that to decide on what kind of structures. But I have to say I don't know why they didn't replace Anna McCabe and why they didn't have a medical officer in that period.

Q Yes. Certainly one view might be that firstly since
the general health of the population was so much better, the schools were smaller and there seems to be a slightly better medical system in operation in 1965 than there was in 1940 or whatever?

A. Except that, I suppose, which argues against it, which is a more general inspection issue rather than just a medical inspector, Anna McCabe did general inspections and to a certain extent so did Lyssot. The Kennedy Report would have found that there weren't sufficient people doing inspections.

Q. Then there is a hiatus in the reports because there was quite a big change in the Department, Mr. Granville was recruited in 1976 and he comes from Britain, he has expertise in childcare. I mean, one of the first things that is very noticeable is that the reports which he does have much more, I am going to say, child centred, they place the child in the centre of the focus, they are talking about getting greater psychological and psychiatric reports, special needs, I mean all of the modern things that one would now expect for any child in care are sort of to be found in his reports from the 1970s, from 1976 onwards, and he did a tour of the institutions; is that a fair...(INTERJECTION)?

A. I think the very reason he was brought on board, I mean the job advertisement for him in the civil service, public civil service commission or whatever it was then would have been for an expert in childcare advice, so I think with Kennedy there would have been a recognition
that the inspections and the whole system needed to be more child development focussed. So, if you like, the kind of person that was recruited for that post, I mean, the decision was taken that what you needed was not a medical inspector you needed a childcare advisor type inspector, somebody who had an expertise in those issues, so I think had you gone out and recruited somebody like that and found the inspections hadn't changed I think it would have been more surprising.

I think the whole Kennedy Report and changes from Kennedy said it was a different type of institution we need, it is a different type, if it is a different type of institution you need, it is a different kind of inspection, it is a different kind of advisory function you need for the managers insofar as the advisor play that role as well as a kind of an inspector type role.

You see, that is the great difference if you look at a report from the 1940's, the standard form things is health, height, weight, clothing and then the last one was always fire drill or something like that, and I mean for very obvious reasons. But it is very much about the physical condition of the child that is in and then if you bring that 30 years forward you are obviously going to get a physical thing but you will also get a very in-depth look at the difficulties that a particular child has, perhaps dyslexia or some other difficulties. That's a reflection of the change in the way children in care were seen as well; isn't it?
A. Well I think it is probably a reflection of a change in the way the whole child development was seen over the period and also a change in how you would have seen the treatment of children in care specifically in that period.

177 Q. Yes. I mean obviously your Department and an Taoiseach have apologised for the abuse of children. There is certainly no sense, if you took the late 1940's, early 1950's, you have quite a large amount of people involved in this institutions, you have the religious who run them those who work in them and obviously the children. You may have the people outside, there is godparenting associations in some institutions, you have the people in the Department who visit, Dr. McCabe or whatever, and the administrative examiner, you have all the people that -- you have the people involved, the district justices, the ISPCC, the people who are involved in committal, school attendance officers, you have all those sort of people. I mean, one certainly doesn't get the historical impression that these people believe that they were working in a terrible system?

A. Well, I think, and you quoted yourself just a few minutes ago, the kind of system Anna McCabe felt was there when she came was a pretty terrible system.

178 Q. It was, yes.

A. I think it is fairly clear that while she thought it was an awful lot better she still thought there was a lot more --

179 Q. To be done?
A. -- to be done.
Q. Yes.
A. I did say, and I think it is probably worth saying again, yesterday when I apologised for the Department's failings that there were people within the Department who worked very hard to try and get improvements. So I think there were a lot of people in the Department who did go out and try and see that things would be improved. But I think the issue is that if you were to look at the system, the system was not delivering what it should have delivered. Now, I think question which is perhaps one the Commission has to ultimately decide on, was that in the context of the time. I mean, I can only look back and say that's the net effect if you look at the inspections. While it is very clear from things like Michéal Ó Síochfhrada's report that the administrative inspector actually visited, said he visits the schools every year in one of the documents we have, there aren't necessarily written reports from that.

so clearly when we look back there were problems in the institutions, clearly we had a job as a Department to ensure those problems did not occur or that the children were treated appropriately. And that wasn't ensured. If you are saying at the time did people realise they weren't doing as much -- well, not they, but that the system wasn't doing as much as it should have done, I think there are examples where they did
feel it wasn't doing as much as it should have done. In fact, in their commentary on some of the money, for example. I think if you look at how they dealt with some of the physical abuse issues, I am not sure I would be happy looking back on it on how they dealt with it, but I don't think there was a perception on their part that they weren't dealing with it well. That's not to say -- I mean, the Department was not out there doing the physical abuse, it was the Department's function to actually...(INTERJECTION).

Q. Yes?

A. But when it got complaints if it had actually gone out and tried to tackle them maybe it wouldn't have happened to others, so there is a responsibility there on the Department's part. So I think if you look back there are things that the Department has to apologise for. But if you are asking me do I think there were people in the Department who were there deliberately operating the system they knew to be wrong, no, there is not evidence of that.

Q. I wasn't trying to be personal in the Departmental sense about it, I was trying to pose it, I think, as a little broader. I mean, nobody now suggests that a childcare system should have been run in a way that it was run in the places that it was run as it was, let's say, in the 1940's. I mean, nobody is going to build a large grey building, put 200 children into it and run it like many of the institutions were at that stage. But I am trying to work out when you look from all of
the areas, from the Cussen Report up to the Kennedy Report, there is an evolving sense that the provision of the care ought to change, isn't that right, I mean, if you are talking about this evolution?

A. Oh yes.

Q. It is not overnight. But it took quite a lot of time for the changes to come, everybody had to be brought along and not the least the financial aspects?

A. Yes, I think it is an issue, if you are asking did the policy change fast enough, I think that's a very difficult issue to judge looking back. I mean, you can argue that in the UK it changed quicker, and that we were slower at catching up, but I think that's a context one, whether that was reasonable or unreasonable in the context of the time and in the context of how we dealt with other policies.

Q. One of the contexts obviously is simply a poor society. I mean, one of the things you have raised in your...(INTERJECTION)

THE CHAIRPERSON: I thought you were asking a slightly different thing.

Mr. Gageby, and I was intrigued by it.

MR. GAGEBY: I probably was, so if you want to state it.

THE CHAIRPERSON: No, I thought it is worth asking because I thought what Mr. Gageby was saying, if there was so many people involved in this, the religious, the Departments and its inspectors, the ISPCC, the courts, the this, the
that and all the rest, all of them in good standing in the community, why are you apologising and why is the Taoiseach making his apology for things having gone so horribly wrong.

MR. GAGEBY: No, I didn't ask that.

THE CHAIRPERSON: Sorry, if you didn't ask it I may as well ask it. But I understood that if you listed all these worthy people, the religious, the ISPCC, the Department, the inspectors, where did it all go wrong, so that we got to 1999 and the Taoiseach apologising on behalf of the people of Ireland. Maybe you don't want to answer that, but that's what I thought Mr. Gageby was...(INTERJECTION)

MR. GAGEBY: No, I wasn't going to invite the Secretary General to...(INTERJECTION).

THE CHAIRPERSON: That's what we have to do, I agree. But if you were asking it I presenting the Secretary General responding to it. Was there something in that? Am I misunderstanding that completely, Mr. Gageby?

MR. GAGEBY: Do you get the sense, looking back, that all these people thought they were operating something that was really wrong, and I am not actually putting the Taoiseach into that?

A. No, I don't have a sense that people thought they were working something that was wrong. But that's not to
say that looking back the Taoiseach or myself, or the rest of the Department, might feel that what they were doing was wrong. Not necessarily what they were doing, but that the effect of what they were doing or the effect of what they were not doing helped create a situation that was wrong.

Q. Okay. Can we just even try and do it in a very general way, because we all have arguments about this, but I am trying to sort of tease it out a bit more. I can certainly accept that there are arguments that the inspection system had deficiencies and that complaints weren't looked at and things like that, that's a reasonable argument to make, but if the argument for the wrongness of the system lies in the fact of institutionalisation, that is to say large numbers of children in old buildings with insufficient staffing. Now just leave aside any question of physical or any other type of abuse of children or even insufficient food or anything like that, there doesn't seem to be an enormous sense, certainly in the 1940's and 1950's, of the people who are actually doing that and that runs from the district justice, the ISPCC and all those people, that what we were doing by putting children into institutions with a cut off date of 15 or 16 was something that was so wrong; do you understand me?

A. I suppose, with all due respect, we are here, or the Commission is here, because there was abuse in the institutions and to identify the extent of that and the causes insofar as they can. So I don't think you can
Ms. Bridget McManus

ask for commentary that says put all the abuse to one side and then say was the system wrong, because I think that's where we are at is saying where did the system go wrong in that people were hurt.

187  Q  Yes.

A  Children were hurt who shouldn't have been hurt in the system. So what we are all here trying to find out is how did that happen. Now, some of the reasons why that happened and some of the hurt may have come from things that were understandable in the context of that time and some of the hurt and some of the damage came from things that were not excusable at any time in any context.

188  Q  Let's just sort of try and tease that out, if you don't mind, I am just trespassing beyond that point. I mean, the institutions were the subject of review by the State, they existed physically in all their attributes until their decline in the 1970's and the rise of group homes and less children going into care, but the fact of sending children away from their parents and into an institution, while it is certainly noted in Cussen, and I just can't remember the particular phrase. I mean, there doesn't seem to have been an enormous unease amongst the general educated community in the 1940's and 1950's that was wholly wrong to take children away, I don't want to say from their parents, it wasn't always quite so, and put them into large institutions where, for instance, they were going to be geared towards, well, for girls domestic service and things
A. Well I think there is a debate which doesn't develop, and I suppose that's maybe the thing, until, it seems to me, looking at the papers and I could be a bit wrong in terms of the timing, but in the 1950's and 1960's you begin to see a debate about is a bad home better than an institution. I mean, that sort of debate didn't exist in the 1930's and 1940's I think. There begins to be a debate which I think is linked to the more general social provision of supports for families and there is a certain amount of letter writing, I think, from some of the institutions feeling that the suggestions -- you get the Department of Health, for example, in its instructions about boarding out, saying it is always better that a child be boarded out if a boarding out solution can be found, for example, rather than an institution. You get the institutions concerned that that in a sense is a criticism of the institutions.

We have internal, I think, commentary from the Department at a certain point where the association of women, I can't quite recall the reference to them write in and there is a sort of response by the inspector in the Department, an internal note that talks about that this idea that a bad home -- a good home is clearly better than an institution but an institution is better than a bad home.

Q. Or none at all?
A. Yeah. So there is that debate does seem to develop. I agree with you that debate doesn't seem to be there at all at the time of Cussen and sometime between Cussen and Kennedy that debate develops and you go from a situation where -- which I actually think was probably quite difficult for some of the institution to cope with as managers, because you go from a debate where places like some of the bigger institutions were being admired from their industry and their discipline and everything else to being highly criticised as institutions, leaving aside some of the other aspects of them. And they react, I think it is fair to say, and some of that, the difference you see in terms of, I think, the attitude towards small group homes is a defensiveness about what they see as unreasonable criticism. But that debate only begins I think in the 1950s and 1960's.

Q. But the interesting thing that that's in the context that all of this is being done according to an extant system. For instance, no Government Department seems to be responsible for the decision to put a child into care under the Children's Act. Obviously an application can be made by a school attendance officer, an interested person, in fact, for most of the country it seems to be the ISPCC, and one isn't saying anything against that, but it does seem an odd sort of lacuna, that the decision that a child should be put into care is committed by the judge but isn't actually moved by somebody but actually has, let's say, a singular
responsibility. This may be just a complaint that we
didn't have a system in which there was a unitary
department concerned with the welfare of children?

A. Well, I think, I don't disagree with you that there was
a lack of coordination and indeed Kennedy's issue is
that there is no one person responsible for children in
care.

Q. And that's true, isn't it?

A. But I think the origins of it probably come from the
view that the local authority in some way was the main
responsible function for children. Now, in the UK that
developed, I think, to a very clear system where it
devolved completely from central Government into that
local Government structure, whereas we ended up with a
kind of mix. There is a whole tendency in the early
part of the period to complain about local authorities
not doing their part and local authorities having the
responsibility for the maintenance of the non-criminal,
the sort of destitute type children.

Q. And of course local authorities were very aware of
their, using their the Victorian phrase, duties to the
rate payers and the amount of money they would be asked
to pay out?

A. That certainly is a theme in the correspondence with
Finance, as well as the resistance by the local
authorities either to agree their matching part of the
increase or if it is agreed late to make it
retrospective.

Q. In fact, I think it was only mandatory after Cussen for
the local authorities to pay, am I correct in that, or
to match, am I wrong in that?

A. I think there were some children that they had to match
for and some children they didn't, if I remember
rightly.

Q. All right. I mean, these are the internal things in
the 40's and 50's of, as it were, the lack of money in
society, the lack of money in central Government
treasury?

A. Well, I suppose, let's just say, that even when we are
supposed to have lots of money the same sort of themes
tend to be features of the normal annual estimates
discussions between every Department in the Department
of Finance on every issue. But clearly at the time it
is very clear in some of the periods where you have a
Minister writing, for example, to the Minister for
Finance and saying "I know we have particular problems
about getting, you know, that you have indicated that
we have trouble generally about money but this is an
exceptional situation" or indeed the 1950 increase, the
1950 or 1951 increase ultimately went to a cabinet
subcommittee on estimates because it was seen as
significant enough.

Q. Very significant, yes.

A. So there would have been -- I can't say that I have any
great facts and figures about the general budgetary
position at the time but I think it is probably fairly
safe to say right through to the 1960's it was probably
a reasonably tight budgetary position.

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1 Can I turn to one education matter again, children who
2 were educated within the industrial school did
3 schooling within the industrial school and whether they
4 should go to, what I am going to call, an outside
5 school. The Cussen Report had looked at that and had
6 recommended that it be done where practical or
7 practicable or something like that, and that's with a
8 view presumably to opening the children out to other
9 experiences in the community. That doesn't seem to
10 have been something that was essentially laboured in
11 the number of schools that still had internal schools;
12 is that right? Or am I taking you on the hop on that?
13 A. I think Cussen actually commends the people. If I
14 recall rightly, that.
15
16 THE CHAIRPERSON: I am just trying to find
17 it.
18 197 Q. MR. GAGEBY: It is paragraph 100, page
19 28:
20 "The arrangements which obtains in
21 certain of the girls and junior boys'
22 schools under which the pupils receive
23 the primary education adjoining
24 national schools is altogether
25 admirable by reason of the facilities
26 it creates for contact with other
27 children and we recommend the
28 extensions arrangement wherever
29 practicable."
30
31 A. I think it is fair to say Cussen was written at a time
32 where there were no internal primary schools.
33
81
198 Q. Okay.

A. So part of Cussen's recommendations was that there should be a recognition of internal schools as well. I am not quite sure whether he was saying -- though there is an implication in contact with children.

THE CHAIRPERSON: No, he was in favour of the contact because at paragraph 76 it says:

"Contact within reasonable limits with the outside world by means of games or otherwise was desirable and should be permitted to a greater extent than it presently exists. We feel indeed this is indispensable on the training of boys and girls who on leaving these institutions will ultimately be thrown to a greater extent on their own resources for their livelihood than children educated in the ordinary schools. Arrangements should be made to obtain this end, especially in schools managed by nuns."

199 Q. MR. GAGEBY: Yes. But I am just trying to explore that while it is something that is to be encouraged, the Department doesn't seem to have -- and I can only think of one institution where the matter was floated in the 1940's, are you aware of the extent to which this matter was pushed at all?

A. I don't think it is very clear from our papers. It doesn't seem to have been strongly pushed as an issue. I mean, it seems to be raised in one or two instances where it seems to have come up as to could they not go
to the outside school or could they not be mixed, but it is more in the context of a report. I mean, in some cases it possibly wouldn't have been practical from a location point of view but the concentration seems to have been more on getting them a primary education of some sort, whether it was in the school or outside the school. I mean, I think there was one example, if not two, where they did try and where there was a degree of resistance to them moving, if I remember rightly, into the general primary school.

I think it is quite strong actually that at the second level, when we get into the slightly later period that there is a quite a strong push that it would be a good idea for them to be going out to the local secondary school or local tech. But on a primary school level it sort of depends on a case by case basis. I think effectively after a certain period the ones where you have primary school left were probably the ones where it would be more difficult for them to go out. But there are examples I think where there is sort of special remedial education being provided, if I recall, even into the 1970's within the school, that the pressure is known that they should be going to a special school outside, for example.

But, no, I don't think if you are asking me did the Department try and actively push it as a policy consistently across the schools I don't get that sense.
Ms. Bridget McManus

200 Q. The Kennedy Report was much in favour of children?
A. And post-Kennedy that happened, yes.
201 Q. But then there is also the other aspect of course that
that might have to take account of the proportion of
children who might have difficulties as well, which the
Kennedy Report speaks of overcompensation?
A. Well, except I think it was an issue that did come up
earlier, there was a case and I can't actually remember
which it was in, there was one case where the local
principals to whose schools the children were going
actually got together and looked for additional
teaching staff, the Department turned down and they
employed them anyway. It was unclear who was paying
them having employed them anyway, but I think local
schools were conscious of the issue.
202 Q. I am almost finished and I am sorry I have gone on a
bit longer. Could I just bring you to one thing.
Could I bring you to page 89 of your report, please --
sorry, of your statement. I think this was in the
context of a discussion about the provision of accounts
and the like by the religious, isn't that right, and
the interface between the religious managers
association and all that sort of stuff?
A. Yes. The top of the page you mean?
203 Q. Yes.
A. It is the 1951 review effectively, it wasn't so much
accounts as the Minister had actually got an increase
he didn't regard as sufficient, had got an agreement to
have a review and the Resident Managers had a problem
With it.

Q: And I think you were discussing there--sorry, can I bring you to page 89 perhaps.
A: Is it the piece--do you want me just to take you through the sequence of what happened, is it?

Q: No, I just want--do you see on page 89, the Artane representative?
A: I think probably that was a mistake on our part, I think it wrote from an Artane address but I think he was actually writing in his capacity as chair, apologies for that, we can check the letter, but I think he was writing as Chairman of the association.

Q: All right, so he's speaking for all of them. But what I understand what you are saying here, from perusing the documents, this is a disagreement by the association that the organisation and conduct of the industrial schools should be the subject of an inquiry, as a sort quid pro quo of consideration for larger monies?

THE CHAIRPERSON: No, it is different, Mr. Gageby. The Minister says, "I am very sympathetic to you, I know you want 11 shillings, I have got you five and I have got these people, i.e. his Cabinet colleagues, I have got them to agree to a review and to see if you need more money." He's entirely on their side. He goes back, he eventually persuades the two executive officers of the committee, of the Resident Managers' Association, he eventually sells it to them with some difficulty,
because they sense some problems, they go back and agree, the best thing he can do is to get them to agree, to put it before the Association. That is as much as happens and they reject it. They say possible interference, maybe they are right, maybe they are wrong, they say possible interference.

His intention, it wasn't a quid pro quo, he wasn't saying "in return I want to get into the institutions." He was saying "I am doing you a favour" and they are looking the gift horse, so to speak, as he sees it. That's my understanding of what the documents show.

A. Could I perhaps expand a bit. I think there was a sequence whereby the Minister had a very difficult thing that went right to Cabinet subcommittee. In fact, a Department of Finance document discovered through talks, which we quote here, about the Minister actually pressing very strongly for 11 shillings, he gets five shillings and they agree on a Cabinet subcommittee. The initial reaction, if I recall rightly of the Resident Managers' Association, it is not reflected fully reflected in this, but I think the correspondence is in actually on some of the minutes, or in the documents the Christian Brothers discovered there last week. The managers are very concerned about this, I think on two grounds, one is that I think the words efficiently and whatever implies to them that there is some suggestion they are not running it efficiently and secondly, I think -- now that's not in
any letters they sent in but I think the minutes, if I am right, has that reference.

They also have a concern that this is the State trying to get involved in actually running it, their institutions. So they write in first for clarification and the Department, I think, at official level gives them clarification first, but we can always have a look at the full correspondence. They then actually have a full meeting in February, if I recall rightly, and formally agree that they are opposed to it and write in opposing it on the basis that this is State kind of control. The Minister then meets them as the Chairman said, and says "listen lads, this is not us trying to take over your institutions."

They had actually in their earlier February letter, I think, said would they have to buy in, they had a whole serious of questions including would they have to buy into any reforms recommended by the committee and agree to always do those. He said having saw the recommendations he wouldn't be asking anyone to buy into them. He meets them and says "yes, I am on your side, I thought it was a good idea." They are particularly concerned about social welfare's involvement, which they see as something kind of pernicious influence in the whole thing. They react as if it was the Department of Finance had actually imposed this. He meets them and says "this wasn't a
condition, this was my way of trying to get you more money. Please go back and talk to your people about it and we think you are doing a great job, we are not trying to take over what you are doing, we are just trying to get you more money."

They go back, they have a full meeting, I think, on 1st May, if I recall rightly, and on 1st May, by quite a vast majority, they all say no, this is the State trying to take over control.

207 Q **MR. GAGEBY:** They also seem to be objecting to any authorised officials visiting the schools?

208 A No, they say they are not.

209 Q You see, that's the point I wanted to make.

210 A Sorry, is that a mistake in my text? Is it?

209 Q This is the letter that actually came to us late last night, if I can turn on this device.

210 A Sorry, that's a typing mistake in our statement. If I could apologise for that.

211 Q Just so we can clarify it if we can turn on this machine. Because, you see, what you had actually said was:

"The Managers stated that they objected to any authorised officials...

211 A Yes, it is they did not object. I apologise.

211 Q In fact what they said is that they were:

"...unalterably opposed to the holding
Isn't that right?

A. That's right.

Q. In other words, because there was an implicit criticism? I am putting it shortly?

A. Well, I don't think that's true.

THE CHAIRPERSON: Let's leave it without comment, just read it for the moment because it is more important to get your information.

Q. Then the penultimate paragraph:

"That the Managers, however, have no objection to any authorised officials of Government Departments visiting the schools in order to make themselves acquainted with the factual conditions existing in them"

And it is just that, unfortunately, when your report statement was made up it had the appearance of the opposite?

A. Apologies, that's a typing mistake on our part. Apologies. We can send you a formal correction, Chairman.

THE CHAIRPERSON: Not at all. Where's the correction?

A. It is there on page 89, where we say:

"The Managers stated that they objected..."
"They had no objections" that should be.

THE CHAIRPERSON: Yes, that they did not object. They stated that they didn't object. Thank you.

MR. GAGEBY: I have no more questions for this witness but, Mr. Chairman, could I just note that because of the late arrival of some of the documents we would like to file, perhaps, some written materials.

THE CHAIRPERSON: That seems perfectly reasonable. Thank you very much. Yes, Mr. McMahon.

END OF EXAMINATION OF MS. McMANUS BY MR. GAGEBY

MR. MacMAHON: Mr. Maguire, I think, is next in the schedule. I know that he wishes to move up to the front desk with his papers for the purposes of his questioning because he has a better view from the front, which is perhaps understandable.

THE CHAIRPERSON: Mr. Maguire, would you prefer to start now or would you like us to leave it until 2 o'clock?

MR. MAGUIRE: I don't mind, Chairman, as long as I have a view of the Tribunal and the witness.

THE CHAIRPERSON: Yes, I agree, we are highly lawyered here. We will
obviously make arrangements for that Mr. Maguire. Mr. Maguire, how long will you be do you think?

MR. MAGUIRE: Half an hour maybe.

THE CHAIRPERSON: Very good. Well it is probably convenient then to take a break at this stage. So we will take a break at this stage and we will start at 2 o'clock.

LUNCHEON ADJOURNMENT
Ms. Bridget McManus was then examined, as follows, by Mr. Maguire:

Mr. Maguire: As you know, I appear on behalf of the Oblates with Colm O'Hoising and Pat Whims.

The Chairperson: Can you just pull the microphone just a tiny bit towards you. Now it is on.

Mr. Maguire: Just to repeat, that I say that I appear on behalf of the Oblates with Colm O'Hoising and Pat Whims and I want to ask you some questions, the earlier questioners, as you know, are asking questions as amicus curiae and I am asking specifically on behalf of the Oblates, so they are more specifically directed to their involvement in the Commission's proceedings.

As you are aware, I think, that principally what they are they are cornered with, insofar as this Commission is
concerned, is the operation of Daingean Reformatory School, St. Conleth's Reformatory in Daingean. You know that that school was operated, I think, from 1940 until it was eventually handed back to the State in 1973?

A. Yes.

Q. It was, in fact, State property and the Oblates were invited in there and took up the job of running the reformatory in 1940 and they, in fact, rented the property from the State so the point really being that at all stages it was owned by the State. I think you were talking to Mr. Gageby earlier on about other buildings that were owned by the religious orders or in private hands but this was in fact owned by the State?

A. Well, I think the arrangements were made, because if I recall rightly, the farm was owned by the Oblates but in 1940 there was a purchase whereby the State purchased the whole lot and leased it back because the Oblates already had parts of it on a lease but yes.

Q. But the buildings, so far as the buildings were concerned, they consisted, as I understand it, as an old calvary barrack, which started out as a calvary barrack, and dated some 200 years old, in fact. The State would have been aware of the conditions of the buildings that they were asking the Oblates to operate the school from from the very start?

A. Well, the Oblates were in it already because the Oblates had operated a reformatory in it. The Oblates had then closed the reformatory and were using it as a
novitiate or juniorate or something or other like that. My understanding is that the Oblates then asked -- wanted to shut Glencree but said they would take on an reformatory if the State found an alternative premises.

That's the way it ...(INTERJECTION)?

That's the way it developed. So both the Oblates and the State would have been aware of the condition of the building in 1940 because the Oblates were in it already.

Clearly the Oblates knew the condition of it but as far as the State was concerned and as far as the Department was concerned it was fully aware of the condition of the premises when it was taken over in the first instance?

That's right, it would have been inspected by Dr. Anna McCabe before certification.

I think there are files in the Department which involved the Office of Public Works and the Department dealing with the accommodation in St. Conleth's and that was right through from 1940, as I said, down to time this rendered in 1973. I think they had it on a 50 year lease but surrendered it early; isn't that the position?

Yes.

The papers, insofar as we can see, any of the papers that deal with the condition of the premises in Daingean always are disparaging of it, would that be fair enough to say, of the building?

Yes, I mean, most of the reports done of it, I mean it
was certified as suitable in 1940 for a reformatory subject to certain works. So I mean, at that point there was an acceptance that it was suitable subject to those works. But certainly I think later papers would all suggest that there were difficulties.

Q. Even Dr. McCabe herself I think and certainly any of the civil servants that visited the premises all were critical of the actual condition of the premises?

A. In the later period they were, yes.

Q. In the later period. I suppose that criticism is incapsulated in the Kennedy Report, where it deals with the reformatory at page 42, it describes it obviously as a building which was 200 years old, former military barracks, is basically old and completely unsuitable for the purpose for which it is being used, that it was badly situated, which is one of the reasons for the change over to Oberstown, I think was because of the remoteness from the city, and there is a phrase that says:

"No alterations can bring St. Conleth's into line with modern thought on reformatories."

Isn't that so?

A. (WITNESS NODS).

Q. I think that the Oblates themselves recommended the move to Oberstown themselves and they were prepared to take that up?

A. Yes, I think, if I recall rightly, it was their site, there was talk of finding a site near Dublin and they
were prepared to operate it so they took on the Oberstown site.

Q. From the descriptions that we have had of some of the hearing and the descriptions that are available from the reports that were carried out it does appear to have been a very antiquated building and would be the source of quite considerable complaint; isn't that so?

A. Yes.

Q. In relation to there is a specific matter that I want to ask you about and it is to do with the question of the recognition of St. Conleth's as a national school, I think that you yourself in your statement, in your first statement, page 128, just comment on the fact that:

"When the rest of industrial schools were being recognised as national schools in the early 1940's St. Conleth's, Daingean was not, as the boys committed to Daingean, were generally over 14 years of age and as such were past the age of compulsory education."

A. That's right. Could you just give me the page again?

Q. Page 128, it is 491?

A. No, that is -- that's my understanding of the position.

Q. There seems to have been a reluctance to agree that there should be a national school in St. Conleth's, can you give us any help in relation to that?

A. Well, I think at the time they were recognising that probably the age group in St. Conleth's by and large would not have been in primary school education, so I
am not sure if it arose then. But the issue doesn't appear, as far as we can tell in our files in the later period, to have arisen of the school looking for recognition as such. I mean, it doesn't appear to be a case that Daingean came in, you know, asking to have a school recognised until the period where the discussion starts in 1966, I think it is. I think they had looked for teachers, money for training of teachers at an earlier point, maybe 1963 or 1964 and were refused on the basis they weren't a recognised school and the discussion seems to have started at that point about having a recognised school of some sort in it. I am not sure -- we are very clear from our papers why that sort of discussion didn't happen earlier.

Q. I think that whilst what you say is correct, that the majority of the boys would have been over 14 years of age, but there were boys who were under 14 and certainly, I think as events proved, there was a necessity for a national school there and the support that the State would give in a national school situation; would you agree with that?

A. As I say, there was a clear need for some kind of education provision for the children in it, I fully agree with that.

Q. Just to put a date on it, there is a letter, I think, of 16th December 1966 which finally says:

"I wish to inform you the Department is prepared to recognise the school and to provide education for about 40 boys which number, it is understood, will increase to 80 approximately in or about two years time."
So at that stage there was 40 boys available for education, if not 80, on the basis of that letter; is that so?

A. I think at the time they said, if I recall rightly, that letter says the reason the other 40 wouldn't be going into education was because they were needed on the farm but there was a view that they could have a choice of education or work being provided to the boys which was the idea of 40.

Q. The run up to that period, the later period as you call it, was such that the Oblates themselves had provided a teacher, two teachers in fact, dealing with primary education; isn't that so?

A. That's right. They had a teacher and some of the difficulty, I think, around the time of the recognition was the fact that he was not a qualified teacher, I think he hadn't even got Leaving Cert so I think some of the issues about recognition, I think as we describe in my statement was about the issue of recognition of the teacher.

Q. But would you agree that it seems that from the State's point of view and from the Department of Education's point of view that it does, certainly with hindsight, look as if the question of providing of education of that type in the school -- to say that it wasn't a priority is putting it very low, but that it was
Ms. Bridget McManus

something that wasn’t looked into at all?
A. Certainly there is no evidence from our side that we
were pushing for schooling.

Q. There is a document which is a memo, I think, which
ultimately goes up the line to the assistant secretary.
I have to identify these documents by reference to -- I
can give the actual file number.

THE CHAIRPERSON: Tell us what it is,
Mr. Maguire.

MR. MAGUIRE: It is a memo.

THE CHAIRPERSON: Give us the memo and the
date and as much
information as you can and then we can see about it.

MR. MAGUIRE: The name of the file
obviously is DEDAN 0295 and
it is 19.1 through to 19.6 and 7, 19.6 and 7 being the
English translation of what is otherwise written in
Irish.

A. Is this the one from(Irish)? What number is on the
top?

Q. 19222.
A. Sorry, what’s the date?

Q. The date, the ultimate date of the assistant secretary
is 12/6/1976. That’s the last date, if you understand
me, on the memo?
A. Yes.

Q. It starts off with a heading -- well the English
translation starts off with APO, which is the origin, I
suppose, of the memo in the first instance.

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THE CHAIRPERSON: Yes.

MR. MAGUIRE: It is in the documents that we...(INTERJECTION).

THE CHAIRPERSON: Oh this is in the documents that you sent, yes. Sorry.

A. 12/6, is that what you said?


237 Q. MR. MAGUIRE: That's a memo which ultimately makes its way up the line through the civil servants ranks from APO to principal officer to assistant secretary and then to the secretary; is that correct?

A. And he says "I agree with recommendations 1, 2 and 3" is that the one?

238 Q. Yes. In that I just want to talk in terms about the knowledge or the impression that the Department had and it says in the first paragraph of that, admittedly I am dealing with the English translation, it says:

"As you are aware the educational aspects of this reformatory school for boys in Daingean, County Offaly has been shamefully neglected over many years. The boys were illiterate entering the school and were given little education during the two years in the institution as a result of financial restrictions. The director said to make use of them as labourers, it is proposed now put an end to this neglect."

Was that a view that was shared in the Department at the time from what you know of?
A. I think it is clear from the documentation around that
time there would have been a view that there was severe
neglect in the education side and that something needed
to be done about it and that it was a difficult
clientele of children.

Q. Would you agree with me that Fr. McGonigle who was the
manager was, in fact, seeking to have the school
recognised as a national school and was delighted when
it was?

A. He made huge efforts, yes.

Q. He made huge efforts in that regard?

A. Yes.

Q. If I might just turn to something that's probably more
general but I do just want to refer to it, I know it
has been referred to in some extent, it applies not
just to us, but the question of the assessment of
pupils prior to the admission to Daingean, the
Children's Act obviously provided for the creation --
this is 1908, provided for:

"The creation of an institution for
the detention and treatment of mental
cases who would not normally merit
commital to an industrial school or
reformatory."

That's at Section 62.

"The Cussen Commission," which
obviously predated the formation of
Daingean, "that drew attention to the
need for such a facility being made in
such circumstances."

101
I think I can refer you -- yes, I think it is at 53, paragraph 53 in the Cussen Report. I am going to the middle of the paragraph, unless you want me to read the whole lot?

A. No.

Q. It says:

"We are of the opinion that each child should, prior to the order being made by a justice, be examined by a doctor duly appointed for that purpose. The doctor's report, which would be in the form of a specialist certificate on the lines of a life assurance certificate on the child's physical and mental condition and should be in the hands of the justice before he considers ordering the detention of the child."

Then he goes on, skipping a sentence or two, and says:

"If it is found from the report of the examining doctor that the child is physically or mentally abnormal or if the doctor is unable to form a definite opinion on the justice should, if the case is one calling for detention in a school, order the child to be sent to the institution especially certified for such cases. We recommend in our report in photograph 134 it should be established where the opinion of the chief medical officers whose appointment we also recommend at paragraph 66 would be available."

You are aware of that recommendation?

A. (WITNESS NODS).
Q. Nothing, in fact, was done in respect of that or was there anything done, that I am unaware of?

A. Well, I should say, first of all, that the process of committal, if we are talking about the committal process, wouldn't have fallen under the Department's remit, but I am aware that the issue of assessment, there was an option of having an assessment by a judge that it was considered in the 1950's, as to whether that should be obligatory and the Government decided on foot of a proposal from the Minister for Justice with which the Minister for Education and Health agreed that it shouldn't be made mandatory to have an assessment, I think that was in 1956. But certainly, as I say, to the best of my knowledge certainly a system by which -- I know that there was not a system whereby every child there was an assessment done.

Q. And I suppose on a slightly related issue what that did as far as the school was concerned and as far as if you take Fr. McGonigle as an example that he could be confronted with a guard arriving at the door on the premises with somebody who had been committed to the premises, to take him in, without any knowledge at all of his background, certainly of his mental or physical ailments that might -- or any special needs he might have?

A. I think it is clear from the papers that's in practice what was happening and Fr. McGonigle was concerned about it. But legally, though I hesitate with so many lawyers present to say anything legally, as far as I
know under the Act the manager had the right to refuse. The thing that he was very reluctant to do, except he was forced to do that on a number of occasions, which you are probably aware of, he did actually refuse league, because he didn't know. In one instance where he knew that a boy was -- had clearly some sort of a psychiatric problem attacked his parents and used a knife and all the rest of it and he refused to take him and then he was presented subsequently later with the same boy but under a different charge, larceny charge, it was only, I think, fortuitous that he found that that was the position?

A. I think the normal practice was supposed to be that the courts checked with an institution. But I think in fairness, I think both in the reformatory and indeed I think the issue arises with some of the industrial schools with social workers arriving in the middle of the night with children it is clear it was very difficult for the managers perhaps in practice to exercise that power.

Q. Yes. And difficult for them to refuse obviously?

A. That's what I mean, difficult for them to refuse.

Q. I think that's recognised in the Kennedy Report on page -- or at least paragraph 425 where she states:

"As a system operates at present, a child is often admitted or committed to the care of the school manager, who knows little, if anything, about the child's background. This can lead to great difficulties, particularly in the case of delinquent children, or those with delinquent or anti-social tendencies. The child may be retarded, suicidal, homicidal or homosexual, but
Ms. Bridget McManus

1 the school authorities have no way of
knowing this and by the time they
learned it, much damage may have been
done."

4 That was her view of the situation and that reflected
the reality; isn't that so?

6  A. Yes.

8  Q. You were aware of Fr. McGonigle's concern in relation
to that side of the running of the reformatory; is that
correct?

10  A. Yes.

12  Q. I want to turn to something different now which is
funding, and I am not going to go through any long
dissertation and certainly not on a general basis, you
have already been taken over that ground by my
colleagues, but there are just one or two matters that
I do want to ask you about in relation to funding.

16  There was a debate in the early 1950's in relation to
the question of capitation between the then principal,
Fr. Reidy -- sorry, Fr. Ryan and the Department in
relation to capitation and the question of a sliding
scale?

19  A. Is this the one where they wanted payment for some of
-- you know, where they didn't have the full numbers.

22  Q. Yes. If I can encapsulate it this way, as I understand
it and maybe you can help us in respect of it, that the
position was that what the Oblates were saying, "look,
as far as the running of the reformatory is concerned
in all the circumstances, that unless there are 200
present that it doesn't -- that it is not possible economically to continue to run it under the present funding system." There was a debate then in terms of the memos that are available in that regard. And I hesitate to start to search for documents again but it is -- the first one is a memo of DEDAN 0276 and it is page 18. In our book it is 4D, but it has that -- it is a memo.

A. I sorry, I don't have tab numbers but if you -- how far down in the book? Is it 529, is it?

Q. It is the 7th tab. 276 is the file No. and document 18.

A. Yes, I have it. It has 31 down in the bottom right hand corner.

Q. That's correct. What that seems to be talking about was in terms of a debate that's taking place between Fr. Ryan, who was -- he's described, in fact, as Superior General of the Oblates but he wasn't, he was a representative of the Superior General of the Oblates, but that's another matter. But in any event, he was talking about the funding of the school and essentially he was saying that when it comes to the question of funding that if it drops below 200 it becomes uneconomical in the sense of it being not possible to sustain it. Then there is a follow up memo to that and it is in the same file. In fact, it is in the numbers you have referred to as 31, it is 34 and 35 of that file.

A. Okay.
Q. The bit that I just want to refer you to is the remark.

THE CHAIRPERSON: What number is this one?

MR. MAGUIRE: This is DEDAN...(INTERJECTION)

THE CHAIRPERSON: And it is a letter from Fr. Reidy, is it?

MR. MAGUIRE: No, I am skipping...(INTERJECTION).

A. It is from I think, from Michéal O Síochfhrada, who is the inspector. I am not sure who Mr. Hackett, it is addressed to...(INTERJECTION).

Q. THE CHAIRPERSON: Do you recognise the writing?

A. No, MOS at the bottom, the initial at the bottom

Q. THE CHAIRPERSON: Of what?

A. Of this document. 34, 35, 36, 37, 38, at the bottom of page 38.

Q. THE CHAIRPERSON: At the bottom of page 36?

A. 38. It is four paged memo. At the bottom of page 38, the initial is on a lot of it.

THE CHAIRPERSON: Thank you very much.

Q. MR. MAGUIRE: The bit I want to refer to is...(INTERJECTION).

THE CHAIRPERSON: It is a good job the writing is so good. It is surprising how much of it is decipherable, in fact, if you go to read it. I am not sure it would be the same if it was today.

MR. MAGUIRE: I don't think so. It
MR. MAGUIRE: It is the second page of the memo, headed No. 3 paragraph 3 and it says:

"The sliding scale of payments suggested by Fr. Reidy appears to be reasonable, the overhead charges are constant but the income drops when the numbers drop. There should be some compensating factor there unless there is a good surplus when the number is 200 or over and I understand there is no surplus."

That seems to me to say a number of things. In the first instance, the 200 is acknowledged to some extent by the Department, is that correct, or by the inspector, I should say, the 200 cut off?

A. As a criterion for viability, do you mean?

Q. Yes.

A. Yes.

And that's the first thing they say about it. Secondly, that the suggestion of a sliding scale, in other words, that the capitation could be continued but if you increased the amount of the capitation if the numbers dropped, that's the best way to put it, that that would be a way of meeting that; isn't that so?

A. I take it that's what he's suggesting.

Q. I think that the third part of that paragraph 3 is that
he understands that there is no surplus and that deals with the question of if you had the sliding — if there was a question of there being over 200 that there would be a surplus and he says he understands there would be no surplus. Now that's obviously what he's being informed, but that's what he's saying there; isn't that so?

Q. The Chairperson: It looks like what he's saying?

A. Yes, yes. I assume he means a surplus income.

The Chairperson: Say if you have 100 you have more payment per boy.

Mr. Maguire: That's right.

The Chairperson: And if you have over 200, he's presumably saying there should be some lesser payment because you are getting economies of scale, am I wrong about that?

Mr. Maguire: That's how I understand it as well.

The Chairperson: He's saying it doesn't arise because there is no over 200.

Q. Mr. Maguire: Well I think there would be no surplus even if there was over 200, I think is what it says. In one sense, it doesn't much matter because I have a couple of follow on questions to that. Because that seems to me to suggest that there was a funding problem which was known both to the school, who was trying to address it,
and was known to the Department in the form of the
inspectors' report. Would that be a fair
interpretation of the circumstances that you had there?
A. Yes, but I think that was probably part of a general
acceptance, if one goes back to the summary documents
that there was a funding problem generally and that
specifically there was a funding problem for the
reformatories in senior boys' schools who had high
overheads. I think there is a reasonable amount, if I
am right in terms of the same period of discussion of
that issue in a broader sense, as well as in Daingean.
It is a clear acceptance that they had a financial
problem if the numbers dropped.

Q. I think historically, you can see from the numbers
there, and I can produce it if I have to, that the
numbers drop, I think you can take it as being so, that
the last time is it over 200 is 1949 and it continues
to drop down from that? What I'm saying is that the
numbers don't get any better from a funding point of
view on a capitation; would you agree that, or do you
know that? Or am I pushing it too far?
A. I am sorry, I don't. But if you are asking me, did the
Department accept during the 1950's that there was
underfunding of schools and reformatories such as
Daingean and those that had big numbers had high
overheads were dropping numbers and therefore had
greater financial difficulties, I think the Department
freely accepted that for Daingean and a number of
others.

110

Gwen Malone Stenography Services Ltd.
Day 226
Mr. O'Hóisín reminds me that the numbers were -- that
the average numbers in 1941 to 1949 was 216.3, this is
per annum, this is taking the average across the
ranges, as it were; 1950 to 1959 it is 158.9; 1960 to
1969 it is 155; 1970 to 1973 is 47.2 and that's the end
of the school at that stage. So it is a declining
scale of numbers. If you stick to...(INTERJECTION)?
A. Depending of course on the capitation rate.

Q. 266 Sorry?
A. That was at that capitation rate. Obviously if the
capitation rate had been increased significantly as
some of the Resident Managers had looked for the
balance might be different.

Q. 267 Yes. But the method wasn't changed?
A. The method wasn't changed.

Q. 268 The reference for that is in paragraph 8.6 of
Fr. Michael Hughes' statement in Phase II, that's just
for the figures I have given you.

THE CHAIRPERSON: Yes, thank you.

Q. 269 MR. MAGUIRE: The document that we were
looking at there a moment
ago, which is dated the 29/04/1950, so we are talking
about a relatively early stage of things; isn't that
so?

A. In the reformatories operation.

Q. 270 Yes.

A. We were also, mind you, talking about a period where --
in 1950, where the Department was identifying a need
for 11 shillings and the Minister was arguing to his
colleagues in a Cabinet Committee that the rate of
grant generally was completely inadequate?

Q. I understand you to say that, but that the overall
position, as far as the Oblates were concerned was that
the monies that were provided by the State were not
sufficient to run the institution?

A. Yes.

Q. Isn't that so? If I might ask you then as to how that
was viewed within the Department because there are some
memoranda in that connection and again we are going
into a document search again, I think, it is page 125
of the same file, if I am correct, it is DEDAN 276114.

A. It is just immediately after our divider, I think, on
my version.

Q. Next divider, that's correct.

THE CHAIRPERSON: Yes.

Q. MR. MAGUIRE: I think the first paragraph
in that document is
somewhat revealing because it says -- and this is, I
suppose, a view from the Department perspective:

"Daingean reformatory, since its
establishment, has been virtually
starved of finance and educational
facilities. The current grants are
undoubtedly insufficient for even
adequate maintenance of the boys and
the school is therefore unable to
undertake any other charge whatever."

Charge is the word that's used, I presume that means
somebody being entrusted to the care of the school?

A. No, I don't think so. I think it is in the context of
saying we will pay for the -- there are two Brothers being sent on a training course and it is in the context of should we actually charge them the fees and will we remit them

Q. I see. That's, in fact ...(INTERJECTION)?

A. So they are accepting that they have no money to pay the charge. They have no money for extra expenses, I think is what we are saying, rather than extra charge in terms of extra children.

Q. In fact, now that you say that, in fact the last printed paragraph of that memo says:

"Accordingly, I submit that the course fees for the two Brothers be remitted in their entirety and that maintenance grants be paid in full in respect of both, as they will have to be replaced by paid staff."

That is what the purpose of the memo was. Really the purpose I am bringing this to your attention is to show that within the Department from 1950 right up to the date of this in 1968, that there was a knowledge within the Department of the poverty of the school and the inability that it had and the problems that it had to meet the requirements of it?

A. Certainly one official, and I am not sure we know who wrote that note, would have had that view. But I think it is probably fair to say that the Department's papers would show a concern about funding in Daingean, perhaps not in quite as strong terms of that over a lot of the period.

Q. They are rather stark terms:

113
"Virtually starved of finances and educational facilities since its establishment."

Again, in relation to that, would you accept that as far as Fr. McGonigle is concerned, that he had, in fact, sought to do the best he could and he was well regarded within the Department in relation to the way he ran the school?

A. Well, certainly there are papers which would show that people saw Fr. McGonigle making changes in the institutions that the Departments' inspectors and others considered desirable. They saw him as a reforming manager.

Q. I was just going to ask you that, because I think that in fact Mr. Lyssot's report on 11th November -- Dr. Lyssot's report, I should say, on 11th November 1966, and this is from your own documents under the heading of "reformatories", which is at page 6 of the tab of his report.

A. Is that in our statement, is it?

Q. It is the documents we were given yesterday.

A. Oh, this general one, yes.

THE CHAIRPERSON: What's the quote from it, Mr. Maguire?

MR. MAGUIRE: It is under the heading "reformatories" and it says:

"The boys reformatory at Daingean, now that it has been decided to retain it, calls for special attention by way of works and improvements as set out in my

114
That was his view. What I really want to take from that is the fact that as far -- and I think you have confirmed it for me already, that as far as the view of Fr. McGonigle is concerned was that he was regarded in the panoply of people that were dealing with this issue and as a manager of a reformatory school, he was regarded as young, understanding and enthusiastic and you said he was progressive, I think, is the word?

A. I think he was seen as reforming from the inspection reports that I have seen. Now, that's not to say, I have to say I haven't made a full study, that there may not be negative criticisms in some of the correspondence or the reports. But certainly there are positive comments about him in terms of some of the changes which are being brought in.

Q. I want to go on to another thing that involves Fr. McGonigle and really it is to do with the question of the Kennedy Report and the dissention from the Kennedy Report by one of the members, by...(INTERJECTION)?

THE CHAIRPERSON: It is easier if you call him Mr. Crowe.

MR. MAGUIRE: Mr. Crowe,
Mr. MacConchradha. I am really referring, first of all, to your own statement at page 71, there aren't numbers on the page, but I think it is under the general heading in your statement "the position regarding punishment in the school".

A. Yes.

Q. You have that, yes. This really is you distilling the documentation that you have been reading, I think, in the Department in respect of the files that deal with this issue and it is to do with the rather controversial remarks attributed to Fr. McGonigle by Mr. Crowe, but by him alone; is that right?

THE CHAIRPERSON: Sorry, what page are you?

MR. MAGUIRE: Page 71.

A. Well the note that's attached to the -- which is on our files, is a note which I understand was drawn up by him.

Q. By who?

A. By Mr. Crowe. It was an unsigned note attached to a letter and I think it was a note by him of the conversation.

Q. Yes. And I am going to come to that in a moment but I just wanted to get the story, as it were, in relation to it because you put it together quite clearly, in dealing with this issue of punishment and the Kennedy Committee were there to ask Fr. McGonigle questions and he answered some questions and then an interpretation was put on those by Mr. Crowe. In ending:

"Mr. Crowe's report stated that Fr. McGonigle defended the stripping
I think then you go on to recite the fact that somebody was sent to Fr. McGonigle to talk to him about this alleged view that he had at the end of time. You describe that in last paragraph on that page:

"The secretary's letter goes on to say that Fr. McGonigle was said to have taken grave exception to the last sentence in Mr. Crowe's account of the Kennedy Committee's visit to Daingean in February, 1968."

And that's the account you are referring to as being the unsigned account?

A. No, no, sorry, it was the -- yes, it was Mr. Crowe's account.

Q. In which he claimed that:

The manager considered it more humiliating when corporal punishment was administered on a naked body. Fr. McGonigle had no recollection of making such a remark. It would be 'neither in his philosophy nor his character'. Furthermore, Fr. McGonigle claimed that he would never have answered an important question on corporal punishment "in a matter of fact manner", as had been reported.

Do you know how long it was that Mr. Crowe actually was there to interview Fr. McGonigle or how long that
actual interview took place for?

A. At the meeting?

Q. Yes.

A. I don't. My understanding, but it is from the transcripts of your own hearings, was that there was a meeting which Fr. McGonigle met the full committee.

Q. But it was a one off meeting with a number of people present; is that so?

A. That's right.

Q. I think it was clear then from -- I can't decipher the actual signature on the note, you probably would know it, but there is a note headed Ruani Cunaí and it is dated 24/4/1970, it is DEDAN 324, page 10.

A. Of?

Q. I'm not sure who signed it, but it is a memo...(INTERJECTION)

A. Sorry, is it in our attachments or in your bundle? It is in the complaints piece, is it? 5324, is it?

Q. It is 324 and it is page 10, I think. This is the document I'm referring to. (Indicating) Yeah, it has a nine on the bottom of the page, a handwritten nine on the bottom of the page. Do you have that?

A. Yes.

Q. This is a note, obviously, of the person who was interviewing Fr. McGonigle, in the last paragraph he says, and this is where, I think, you got your information:

"Fr. McGonigle has no recollection of saying that he allowed boys to be undressed for corporal punishment because he considered it more
humiliating that way. He took grave exception to this part of Mr. Crowe's report, adding that such a theory had no place in his philosophy or his character and furthermore that he would never have answered any question put to him by a member of the committee on this important occasion in a matter of fact manner."

A. That's right. And that was then incorporated into a letter the Secretary General sent to the -- the secretary sent to the secretary of Justice at the time.

Q. THE CHAIRPERSON: Do you know who signed that letter?

A. I think it was the inspector at the time. If we look to the...(INTERJECTION).

Q. MR. MAGUIRE: It looks like Mullard, but I don't know.

A. Just go to the beginning of my statement, it will probably tell you who the inspector at the time was.

Q. Just to identify it in our book, it is the 5th tab, No. 9 at the bottom

MS. SHANLEY: Yes, we have it, that's grand.

Q. MR. MAGUIRE: Do you know who that is?

A. I don't. I mean one of my staff who might be more familiar with the signatures might let us know and we can confirm it to you. On this T. MacDábhíd would have been the assistant principal officer from 1965 to 1970, but that doesn't look to me like it could be T. MacDábhíd.
Q. I think on the following page that's referred to in a note from the secretary, S MacUaid, at paragraph three there is one further point which is about reference to be made to:

"Fr. McGonigle took grave exception to the last sentence of Mr. Crowe's account on his visit to Daingean in which it is alleged that the manager considered corporal punishment to be more humiliating when administered on the naked body. Fr. McGonigle has no recollection of making such a remark, the theory of which..."

Sorry?

Q. Sorry, I think it is actually S. McQuade.

Okay.

"Of which he asserts is neither in his philosophy nor in his character, nor would he have answered any question by a member of the committee in a matter of fact manner on such an important occasion."

You see that, that's the note of the secretary obviously; is that correct?

A. Yes.

Q. That's dated, as best as one can gather from 30th April 1970, so it is quite contemporaneous to the making of the remarks. What I am leading up to, I suppose, is this, we are all aware that the Minister for Education, as he then was, Mr. Martin, referred to certain matters in the Dáil and these matters occurred in 1970 and the speech to the Dáil was made on 13th May 1999; do you have that?

A. I think you had it in your documents.
That's right, it is the third tab in our document. Now, in that, I am just picking it up in the middle and this would be -- it looks like page 7 of 21 on the top of the document, just to identify the page number I am referring to.

"Adjournment of debate matters, industrial page 7 of 21."

Do you see that at the very top of the document?

A. I think my document is a bit out, but if you just tell me what the first word is.

Q. "Dealing with policy issues"

A. That's fine, I have it, yes.

Q. It goes down and on the last paragraph, it says:

"On 28th February, most of the members of the committee visited Daingean Reformatory School. Their impression of it was of a dismal place which should be closed as soon as possible. In the course of their discussions with the manager he was asked about corporal punishment procedures. According to the account on file "he replied openly and without embarrassment that ordinarily the boys were called out of the dormitories after they had retired and that they were punished on one of the stairwell landings". The manager was asked if the boys were stripped and he replied that at times they were. "Some other committee member asked why he allowed boys to be stripped naked for punishment and he replied in a matter of fact manner that he considered punishment to be more humiliating when it was administered in that way."

That's a direct extract from the file. There is no reference at all in that speech to the fact that the man who was being accused of this view, which he says
was contrary to his and he disagreed with it, had in fact twice or three times, on the same file, been shown to have disagreed with what was vehemently disagreed and strongly disagreed with what was being attributed to him. Can you explain why that was so?

A. No.

Q. Do you think it would have been fairer to put his account?

A. Well I don't know the context in which this speech was prepared. I have asked Tom Boland, who would have been director at the time, does he have any recollection of the preparation of the speech, which he didn't have. But as I wasn't around and I don't think there is anybody I would know of who was involved in preparing this note.

Q. Is it possible that the Minister didn't have the documentation in front of him?

A. Well he does say that he has, according to a file. But there is reference, I think, in this speech as well to him having met the surviving members of the Kennedy Committee.

Q. But going back to my question in relation to the fairness of the situation, as Fr. McConigle is concerned. I mean it doesn't require a lot of context to see that it was a very unfair, one sided description of what was being attributed to the priest on this occasion, in a highly charged...(INTERJECTION)

THE CHAIRPERSON: It is one thing, Mr. Maguire, it is
humiliation, he's not denying it happened. The debate is about ...(INTERJECTION).

MR. MAGUIRE: The humiliation.

THE CHAIRPERSON: -- whether he said that it was humiliation. I mean, I am not sure whether there would be much debate as to whether it was humiliating or not. The debate is whether Fr. McGonigle said "in a matter of fact manner". "Oh yes, it is for the purpose of humiliation." That's the limited area of debate, isn't that right?

A. I think it is also the case that the point that I think Minister Martin goes on to make is actually nothing to do with that comment, it is to do with the tone of the letter from the Secretary of Justice, where he actually talks about it would be a public scandal if something like that was in a report. I think the context in which he's placing it is that the kind of time where we feel saying anything about punishment publicly was a bad idea should be gone and that we should be facing up to what really happened. I don't think even in the speech -- I can appreciate that Fr. McGonigle would have a concern about it but I think in the way it is presented I think the point Minister Martin is making is more about the letter to the secondary of the Department of Justice and what that said about the official mindset at the time.

In other words, his next comment reveals much about the
approach to abuse, even of concerned people and the need for everything to come out into the open. If you look at the bottom of the next page.

Q. **MR. MAGUIRE:** I understand.

A. So I think the reference, if you like, to the note is very much a reference, I think, which is a sort of context in which to express concern, that even somebody like a secretary of the Department of Justice writing to a secretary of Department of Education could feel that it would be a bad idea and would cause scandal to tell the truth.

Q. I won't go too long on this, because obviously I am not getting very far in relation to it. But it is nonetheless the position that he, being Fr. McGonigle, is quoted in the files as having taken:

> "Grave exception to this part of Mr. Crowe's report, adding that such a theory had no place in his philosophy or his character."

A. I fully confirm that our records would show that when he was asked about the comment he denied he had made it. That would be what our records would show.

Q. This is the same reforming manager that we were talking about a moment ago, who was young and being recommended for continuation and who had made all the representations in respect of the boys in his charge from the time that he was appointed? In any event, I just move on from that to the next item and this is the last, I know I have gone over the time that I
... (INTERJECTION)

THE CHAIRPERSON: It is all right. Take your time.

Q. MR. MAGUIRE: Over the time I thought I was going to take. It is an issue -- well I don't know whether it is an issue or not, but it is a matter that has come up once or twice and it is the question of the absence of the Punishment Book from St. Conleth's, which seems to have taken on a significance obviously in the context of an Inquiry like this, it is an important document. But as far as the records are concerned and would you confirm for the Commission that the position is as follows: That, first of all, Daingean as a reformatory operated from 1940 until 1973, isn't that correct, until October 1973?

A. Yes.

Q. And we have all agreed that at that stage the Oblates withdrew from the running of Daingean and left the premises essentially into the hands of the State. And that as far as that is concerned they also gave all their documents, except their own documents, in other words, the Order's documents about the priests, etc., that they gave all the documents to the custody of the State; is that so?

A. Well they gave everything they had, to my understanding, to us, yes.

Q. And they then were involved in the running of Oberstown up until 1980 -- Scoil Ard Mhuire, until 1983, I think,
Ms. Bridget McManus

1 or 1984?
2 A. Yeah, I can't quite remember the year, but yes.
3 Q. One or two of those years. Again, the documents were
4 given to the custody of the Department?
5 A. That's right.
6 Q. They would say and have said and the evidence has been
7 given by Fr. Hughes, that as far as the documents were
8 concerned they didn't see these documents or didn't see
9 any of these documents until much later, when this all
10 became an issue in terms of this Commission being
11 established and I think that was because you had an
12 enormous job of work to put all the documents into
13 place to try and get them back to the people who were
14 requiring them is that correct?
15 A. That's right. We had, I think, all the documents from
16 Daingean which we then, I think, made available in
17 electronic copy, I think, at some point to the Order.
18 But yes, they were in our custody from the time it shut
19 until the time -- they still are.
20 Q. I mean, even the Department, insofar as the
21 documentation in its custody was concerned, was of the
22 view that by December 2001 all of the documents had now
23 been returned to us, but that of course transpired not
24 to be so, we keep getting more and more documents right
25 up to the last minute before this hearing took place
26 this week, for instance. I am not attributing mala
27 fides but I am making a point that there is a
28 continuing finding of documents, not alone a search but
29 a finding of documents?
A. I think documents in the three volumes are all documents that were discovered.

Q. But there was file we were given very recently as well?

A. Yes, which didn't relate to Daingean specifically.

Q. Specifically, but it did generally, it had a relevance. The point I am making is... (INTERJECTION)

Q. THE CHAIRPERSON: There might be a Daingean Punishment Book in there somewhere in Marlborough Street, or a series of them?

A. Everything is possible, but we have searched and haven't found it. I mean, it is not clear whether there was a Daingean Punishment Book at the time the papers were given to us.

Q. MR. MAGUIRE: Well, all the Order can say at this stage is it doesn't have any documents?

A. Yes, but they don't know that there was a Punishment Book in the papers they gave us.

Q. Save that it was referred to in various documents which were signed by both sides of the table, as it were, both Fr. McGonigle referred to it, I think, other people referred to it, it existed quite close up to the end of the... (INTERJECTION)?

A. Sorry, there is a record of there having been a Punishment Book in Daingean.

Q. But you don't know that you got it?

A. We don't know that we got it.

Q. You didn't tabulate what you got and there was no tabulation of the documents given to you?
A. I think we may have tabulated what we got but we did -- it certainly wasn't among them I can confirm that.

THE CHAIRPERSON: I would like to be correct if I am wrong in this, Mr. Maguire and please do, I don't claim to remember everything, but my understanding was that there is a tantalising reference, the reference is in an inspection report which says -- now there may be other references, which says on the course of an inspection in Daingean that the physical punishment, corporal punishment was practically completely -- was non-existent and therefore there was nothing in the Punishment Book. In other words, here is a reference which said there is no need to look at the Punishment Book. Am I wrong about this, Mr. MacMahon?

A. It is one of the few references we have to Punishment Books, the only reference in that. It is a letter from O Síochfhrada, I think, a note from O Síochfhrada, to 1947, I think.

MR. MAGUIRE: There was a time...(INTERJECTION)

THE CHAIRPERSON: Am I right about that, Mr. Maguire, or am I wrong?

MR. MAGUIRE: I don't want to be absolutely categorical about this, but there was a time when in the 1940's, corporal punishment was actually stopped in Daingean and at that stage there was some reference to there being a book called a Punishment Book.
THE CHAIRPERSON: That's what I am thinking of, the reference to a book, which would imply or explain that there was nothing in the book which could have meant there is no need to look at it, it would have been a perfectly rational thing, look, there is nothing in it. But it was actually a reference to a Punishment Book and it implied that one was kept.

MR. MAGUIRE: I think there were other references to it as well.

THE CHAIRPERSON: I am sorry, maybe so.

MS. SHANLEY: I thought it was more a reference that the inspector was asking to see a Punishment Book and was told "there is no need to have one because we don't have punishment", that's my recollection of it.

A. I think he queried that there were no entries in the Punishment Book.

MS. SHANLEY: There were no entries or no book. We can check it.

THE CHAIRPERSON: I'm sorry, we don't need to get bogged down there, Mr. Maguire, but I did want to be corrected. If my understanding is correct there is a reference which we are discussing and it may have the exact words, let's not get hung up. But it was one reference.

MR. MAGUIRE: Yes, there is a reference in the -- these are the footnote books, as I understand it, and it is at F240...
and it is a translation I am reading from an Irish document. It says on the 7th -- it refers to a visit of 25/26th June 1945 and it says at the 7th paragraph:

"I looked at the corporal Punishment Book, there was no entry from the beginning of this year because for the past half year the stick has been dispensed with as a means of punishment and in its place a system of allocating marks for good behaviour and marks for bad behaviour and bestowing or withdrawing of little privileges as a result. The Resident Manager is very happy with the method. It is much more efficient to get across to the boys that they should practice good will".

THE CHAIRPERSON: Thank you very much. Is there any other reference, Mr. Maguire?

MR. MAGUIRE: I am reluctant.

THE CHAIRPERSON: That was the one that you wanted to refer to.

MR. MAGUIRE: I thought that was the one you were referring to.

THE CHAIRPERSON: It is the one I am referring to. But I was afraid there might be some other -- if there is, write into us and let us know, let's assume that that's the reference we were all referring to and leave it at that or make whatever points you want to make arising out of that.

322 Q. MR. MAGUIRE: Do you know where the physical location of the documents that were taken by the Department in relation
to these institutions were kept?

A. No, but I can find out for you.

Q. The reason I ask the question is this: That I understand, and it is only an understanding and I can't be categoric about it, I understand that some might have been kept, Daingean might have been kept in the Oberstown house building, but that they were not in any way guarded or weren't in any way -- that they were in a poor state, is basically what I am saying, poor state, no effort to preserve them or so on; you don't know that?

A. I don't know. But, Chairman, perhaps if I can ask some of my officials to check and come back to it at the end, if that's okay.

Q. We can deal with it in correspondence.

A. At the end of the day.

THE CHAIRPERSON: At the end of your evidence if it is available, by the end of your evidence, and if it is not available we can deal with it in correspondence.

MR. MAGUIRE: I have no more questions.

END OF EXAMINATION OF MS. McMANUS BY MR. MAGUIRE

THE CHAIRPERSON: Thank you very much.

MR. O'MOORE: Sorry, just before Mr. Connaughton starts, we have checked the name on the document of 24th April 1970 and it is in fact MacUaid, spelt
... (INTERJECTION).

I wasn't putting a "Q" in,
I first put a "Q" in and then decided against it.

MR. O'MOORE: No "Q".

THE CHAIRPERSON: Now, the next person is
Mr. Connaughton. Now, just
before we -- Mr. Connaughton, you said you expected to
be a couple of hours.

MR. CONNAUGHTON: Certainly more than an
hour.

THE CHAIRPERSON: That's all right. The only
limitation we would be
keen, if possible, Ms. McManus, to finish today, if
that's reasonably possible. But we want to be
conscious of being fair to you and to Mr. Connaughton
and to the questions and issues he wants to raise. So
if we work -- we will take a break for a minute or two
to enable everyone to get assembled more comfortably
and we will then assume that we are going on to
complete but if you need a break let us know you need a
break or if you just find the whole thing too much or
whatever it is, if something arises. Thank you very
much. We will take a little break for a few minutes.

SHORT ADJOURNMENT.
The hearing resumed, as follows, after a short adjournment:

The Chairperson: Yes. Now, Mr. Connaughton.

Mr. Connaughton: Thank you very much.

Mr. O’Moore: Chairman, just before Mr. Connaughton begins, on one of the points raised on Ms. McManus’ examination by Mr. Maguire is the transfer of documents by the Oblates to the Department, we have some information on that, we don’t have a full story. Unless you want to go into it now, what we propose to do, Chairman, is to write a letter to you indicating what we think happened to the documents so the Commission is aware that way rather than to resume evidence on this point.

The Chairperson: If you send a copy of view that letter to Mr. Maguire’s solicitors, Mr. O’Moore, that seems to be the sensible thing to do. He can respond, we can identify any areas of disagreement and see how we resolve them.

Mr. O’Moore: That’s satisfactory.

The Chairperson: That’s very satisfactory. That’s satisfactory to us.

Very good. Now, Mr. Connaughton.

Ms. Bridget McManus was then examined, as follows, by

Mr. Connaughton.
MR. CONNAUGHTON: Thank you, sir. Good afternoon, Ms. McManus.

A. Good afternoon.

Q. Mark Connaughton is my name and I appear with Marcus Dowling on my left instructed by Laura Downey on my right from Lavelle Coleman. I don't represent anybody in particular here today, I am in an amicus curiae role. I wanted to ask you a number of questions but in a relatively discreet number of areas, if I may. I will try not to burden you too much with documentation or repeat that which has already been said.

I wonder if I could start with a general discussion with you about the structure and funding of industrial schools and not to re-visit the area of funding the way it has been visited already because we all seem to be clear on that aspect of things, but it strikes me from a review of the papers in relation to the operation of industrial schools that in terms of the history of the development of these schools, you make a number of general observations. The first one is that the religious bodies that we are discussing bought into a system in the late 1860's, as it were, they entered into agreements at that stage to run industrial schools under the regime that then was put in place?

A. That's right, yes. I mean, as I understand it, there may have been some of them pre-existing as other kinds of orphanages or things like that.
That's right. Some of them were in business already and when this new regime was introduced, 1868 or whatever it was, they subscribed for registration or certification as industrial schools and, as it were in my language, they bought into that system they bought into the system that was run on a particular basis at that time, it had particular rules and a particular structure and a particular mode or method of funding. Then moving on from there the funding system was and remained, until relatively recently in the overall history, on a capitation basis. So they were receiving on a per capita basis a sum of money for each individual pupil?

A. (Witness nods).

I want to suggest to you that another element of the equation, so to speak, was that even though these bodies subscribed to the rules, as it were, that were part and parcel of this structure, that they maintained very significant autonomy and that was self-evident from the outset, they were autonomous, for example, to the extent that there was no lay involvement in the management of these schools, they were controlled exclusively by the religious?

A. Yes. Well, I mean, they were autonomous in the sense that the manager was recognised and the Department didn't take any interest in how the manager, if you like, governed the school in terms of any management body and the boards of management that were there at the very beginning under the 1868, or whatever, Act
Q. That's right and almost immediately, from the very, very early days they were exclusively run by the religious?

A. The ones that survived into the period we are now talking about were, I think, in pre-Independence period, there were a number of Protestant run.

Q. You can take it now I am talking at this stage about the period under review from the 1940's forward.

Coming back to this general point, that certification -- and I wanted to ask you a couple of specific questions about certification in a moment, but certification in theory involved a pre-inspection and then in turn the appointment of a Resident Manager involved an agreement by that person to be subject to the rules. In other words, that in taking up office if that person was sanctioned or approved they agreed to subscribe to the rules for operation of an industrial school?

A. Well, the inspection re-certification, we are assuming, was done in all cases but we can only speak for the ones we have records of, which are the newer ones opened, like St. Ann's, for example, or the re-opening of Daingean reformatory. So we assume the procedure would have been the same. On this subscribing, I am not 100% sure, but I think it was effectively the manager of the school which was effectively the Order which was probably subscribing by the process of certification and who then appointed a Resident Manager.
whose obligation it was to carry out the rules, I am not sure whether it was the Resident Manager or the manager of the school that subscribed to the rules.

I think it was probably the Resident Manager but not much turns on that. I think there is an example of one of the forms, the booklet that I have given you, you have been given two booklets, book one of the booklet at page 42, it is in relation to Greenmount, it just simply says:

"With reference to your signature as manager on the school return for November... Reading to the words... I am directed to inform you that you will be..."

THE CHAIRPERSON: The number is at the top.

MR. CONNAUGHTON: Sorry, the top right-hand side corner of the pagination.

A. What number again, please?

Q. Page 42 top right-hand corner.

THE CHAIRPERSON: "With reference to your signature, Br. Landers"?

A. That's actually a national school one, I suspect.

There is different rules.

THE CHAIRPERSON: You are right. But the principle, in any event... (INTERJECTION).

A. I don't think it is in dispute.

Q. I don't think it is in dispute.

137

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dispute, but the principle
in any event -- if I use very simply terms, and I don't
mean to treat you in that fashion, but in using very
straightforward terms, the basic contract between the
State and the institutions was one in which they agreed
to subscribe to a system that was in place and put in
situ by the State?

A. Well, they were all governed by the law, the Act and
regulations made under the Act. So whether it was a
contract or a legal obligation or not.

Q. I am not putting it in truly technical terms to you, I
am more... (INTERJECTION)

THE CHAIRPERSON: It looks a bit like this,
that the form of it -- if I
can say it, Mr. Connaughton?

MR. CONNAUGHTON: Yes, certainly.

THE CHAIRPERSON: That the form the system
the way it worked was that
the State, so to speak, sent out a set of the rules and
regulations for industrial schools, the Resident
Manager or the Congregation, or whatever, signed it and
sent it back. Copies were held all around and that
contained the number for which it was certified and who
was going to run it. So, for instance, it would be the
Christian Brothers or the Sisters of Mercy or whatever
it was, so in that sense I think that's what you are
talking about.

MR. CONNAUGHTON: Exactly, sir.

THE CHAIRPERSON: It looks a bit like a
contract, leave aside
whether legally it might be considered but a document
is sent out, signed up, sent back, is that what you are
going at?

336 Q  MR. CONNAUGHTON:  Absolutely, sir, and put
much better than I did.

(To the witness) I suppose any reason I am re-visiting
or visiting something so basic is that Mr. Hanratty
this morning was, as it were, questioning you in a
number of areas but he was discussing with you the
ultimate responsibility of the State and I just wanted
to re-visit that in the context that these bodies
voluntarily submitted applications to be registered or
certified as schools and did so on the basis of a
fairly minimalist range of rules they had to adhere to
and that's the system they bought into?

A. Yes, they willingly applied. There were some cases,
like St. Ann's, where we would have identified a need
and approached an Order as Department, for example.

337 Q  That's a very particular point though, isn't it,
because that was out of the ordinary, as it were,
because it had a very special need, as you have
identified. You have not identified the need but there
was a particular need identified that it seemed to
fulfil or hoped to fulfil?

A. Yes, I think you would find a similar type of issue
arising with Daingean where the Order had one in
Glencree, the Oblates, and indicated that they would be
willing to continue and there was effectively a
discussion about the terms on which they would re-open
another one. So it may not be quite as straightforward
as there was an add in the newspaper, anybody could
subscribe who wanted to. There does appear to be some
context in which the State may have made it known, or a
bishop made it known or through a bishop it was made
known, but for the ones that were more recent anyway.

Q. I suppose an integral element then, or feature, of
these particular schools was that they tended to be
quite large, because the whole thing was done on a per
capita basis, they were quite frequently operating from
large buildings and we see throughout the history of
these schools a constant exchange, whether it is
internally among certain religious, the Resident
Manager's group or in communications with your good
selves, issues about maintaining numbers?

A. I don't know the precise range of the scale of the
different institutions, we may have it somewhere in the
documentation. But certainly towards the end of the
second half of the period that we are talking about, in
the 1950's and 1960's, there is a constant concern from
at least a section, a significant section of the
institutions, the larger ones, that were in large
institutions about fixed overheads and the fact that
there are falling numbers and a concern that the courts
are not committing sufficient numbers that allowed the
institutions to be viable.

Q. That's right. And it is put in as blunt a term as
that, that they are not committing sufficient numbers in order to make them economically viable. A question that I put to a member of the religious, the manager of these schools, I put it to your good self from the point of view of your offering an opinion on it, that there seemed to be little or no consideration given as to the care that could be given effectively to the boys that were committed to these institutions, or the numbers that would be consistent with the type of physical resources they had, not just buildings but also the people resources they had available to run them. Looking at all of the documentation that does not seem to be a consideration?

A. Well, I think in -- at the time that there is the debate in the, say, financial context about the capitation amounts and the falling overheads and the number of people being committed, there are some occasions, perhaps not all, where the concern is expressed that because of these falling numbers they actually are not in a position to do things like, you know, provide recreation facilities, provide variable clothing, holidays I think is mentioned on another occasion. So, on some of the occasions on which that concern is being expressed the concern about the shortfall of funding that arises in the later period is expressed in terms of what the money could be used for and what they cannot do because of the lack of resources from the falling numbers. At some of the occasions it is expressed in that type of economic
term One of the things that struck me, looking at the documents, and I can't say I have looked at all the documents, is that actually the staffing issue is rarely mentioned in most of the earlier period in the correspondence about the money. It is more about physical facilities or maybe doing things. But where staff are mentioned it is often in terms of the cost of lay staff or the payment of lay staff, for example, that they have on the premises.

But the issue of ratios and needing different ratios doesn't seem to arise much in the kind of pre -- until you get into the breaking down, into the smaller homes in the lead up to Kennedy.

340 Q Yes, I suppose that more or less addresses the point I was making because my criticism through the question I was putting to you was more pointed, that it with the absence of a consideration of the child first in the thinking, that was the point of criticism that I would make on an examination of those documents, that there seems to be nothing evident in those documents of a consideration by those who were running the institutions about providing the optimum care for the people entrusted in their care. It was more driven by the numbers game. They were certified for a particular number and they were driving to ensure that they would get as close as possible to the number for which they were certified?

A I don't think it would be reasonable to interpret what
I said as meaning that some of the issues I raised were not child centred. Because I think in some of the correspondence the issues that are raised, some of them are just pure the numbers, but some of them are actually about "without the numbers, we don't have enough income to do X, Y and Z" and those things are things that are child centred, I mean they are to do with recreation facilities for children.

I think neither on the Department side nor in a lot of the correspondence does the issue of the fact that -- for a lot of the earlier period that you had very large numbers of children relative to staff numbers, whether they were religious or lay, seemed to have arisen as much of an issue. The issue I think you raised about the child centred issues and that don't seem to come into the equation in terms of the development needs of the child as opposed to the physical needs of the child until a later period. But certainly some of the concern about lack of finances because of dropping numbers is expressed in terms of not having enough money to do things that I think you could see as being for the benefit of the child.

Nevertheless in the manner in which it is expressed it seems to be very much a numbers driven request?

A. In some of the correspondence.

In you look at the correspondence?

A. In some of the correspondence.

Particularly the earlier correspondence. Going back
for a moment, if I may, to the question of the
management of these institutions and in particular the
role of the Resident Manager, and leaving aside
altogether for the moment the recommendation in the
Cussen Report, it seems to be the case that almost
invariably the Resident Manager of these institutions
or the Resident Managers of these institutions were
appointed by reference to the rank within the religious
order rather than someone who had any particular
vocational qualification or interest in this area, is
that something that you can comment on in relation to
what you have seen in the documentation?
A. I can't profess to be very expert on this, but I would
have thought it struck me that in some cases it might
well be the Superior of the particular convent.
Q. That's right.
A. But that in other cases there is talk of picking out a
suitable nun or a suitable Brother, you know, young and
energetic or you get that type of engagement with the
inspector where you don't necessarily get a sense that
it is because they are the Mother Superior, for
example. In other correspondence, it seems to be the
person who is in charge of the local convent. But I
couldn't tell you in terms of a total pattern.
Q. Sure. Nor indeed am I in a position to put a total
pattern to you, because we have limitations in that
regard. But it certainly appears to be the case that
in communications between your Department and
individual institutions where a problem had arisen with
the Resident Manager that very frequently those
problems related to the age of the incumbent in the
post, in other words, that they were quite elderly
people in the particular post, and that what was needed
rather than what was there was somebody younger and
energetic and more up to the task, so to speak?
A. Certainly where problems arise that would seem to be
the issue.
Q. Yes. I suppose I would go one step further on the
basis of the documentation to suggest to you that it
would appear that there was no -- certainly no driven
policy on the part of the religious that the Resident
Manager should be particularly qualified or have
particular experience for appointment to the post.
There isn't any great evidence in the papers until
very, very late of any proactive step being taken in
this regard?
A. Well, there is no particular evidence of there being
any concern in any of the staff, I think it is fair to
say --
Q. Yes.
A. -- of -- we discussed, I think, in other sessions,
about the whole training issue, about that concept of
having a particular training in childcare.
Q. I didn't want to re-visit that particular area, we will
take that as a given, I was merely focussing really
specifically on the Resident Manager, because as I
understand it in terms of the point of contact between
the Department and the institution, the Resident

145

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Manager is the key person?

A. That's right.

Q. In that regard, maybe I will go now from the general to the particular and just discuss with you the whole area of inspection, and again I will try not to trample on territory that has already been covered and particularly not to review the discussion that you had already this morning about, perhaps even yesterday, about the limitations of the inspection system. Would you agree with me as a general proposition that although the inspection, and I mean by that the general inspections rather than any specific inspection, the general inspections at their very best are going to give an isolated picture at any given point in time, that's as much you are ever going to get out of them?

A. That's true of any inspection.

Q. True of any inspection. Except perhaps where the organisation of the activity is highly systemised and there is a lot of documentation available. In that case, at least you can apply a certain rigour to the documentation on an ongoing basis and at a distance, for example, the completion of a Punishment Book or the completion of medical records or such like so that you can monitor the activities. It may not be the truth but you can monitor activities at least on a surface level in that regard. But otherwise you are dependent upon the frequency of the inspections and the quality of the information that is fed back from those?

A. Yes.
I have a few specific matters that I wanted to put to you in this regard and I might as well cut straight to the chase. In relation to the institutions under review in the Commission's investigation and particularly this Committee's investigations, we have had a lot of private hearings and I am not going to get into the detail of what went on in private hearings, but there were a lot of private hearings at which not only former residents of these schools gave their evidence, but also Brothers and Sisters and other staff who had served in these institutions gave their evidence. Without attempting in any way to paraphrase what was quite a lot of evidence, it certainly appears to be the case that there was abuse on a more frequent basis than the official records would appear to disclose on any measure that corporal punishment, in particular, was used a good deal more frequently and that there was certainly a failure to notify the authorities, and I include in that your good selves, of specific instances of abuse, be they sexual or just pure physical abuse. And obviously it is a matter for the Committee and the Commission to evaluate all of that evidence.

But have you any view -- because I presume you have had the benefit of reviewing some of this documentation, have you any view about the quality of the information that was being given to you and made available to you by the institutions in the context of inspections?
I think it is certainly clear that in the context of incidents that happened that caused difficulty, whether they were sexual abuse cases or excessive physical abuse cases, that there were times where those were not notified to -- very frequently in some of the sex abuse cases and certainly in some of the physical abuse cases, there are instances where the issue is dealt with by the Resident Manager, without any information being given to the Department, so far as we can tell at this stage.

I think if you are looking at more general information, I don't have any sense that the inspectors felt when they went out, from the sort of reports one sees, that they were actually, you know, not being told, given information they wanted to know. I think there are probably examples where the Department was aware from its inspections of issues that perhaps it should have followed up on, particular investigations where, for example, an inspector would have gone out following a specific complaint and where one could argue perhaps should have been aware that the physical corporal punishment was perhaps excessive by the standards of the Department's rules. But I think there are certainly instances where things happened and staff got moved by the managers of institutions without the Department ever being told it was a problem.

I didn't mean in any way to impute, if I am going to criticise the Department I ensure you I will preface it
by -- if not a statement to that effect then certainly something that will lead you to understand where I am going. I was really just focussed for the moment on any view that you wished to express and you have said it, any view you wish to express on the quality of information that was being made available to those conducting inspections. I am conscious of the fact that where relatively minor instances, and I don't mean in anyway to downgrade them, but where relatively minor instances occurred that came into the public forum the Department took a very proactive approach in relation to them, certainly up to a point.

I just wonder, for example, in relation to fairly serious instances of sexual abuse, if I take as an illustration and purely as an illustration, Artane, where over a period of time there were up to 13 members of a Congregation that was no more than about 113 or there or thereabouts, I might be slightly out on the numbers but not very much, who were either found to have committed sexual abuse or admitted sexual abuse, whether in Artane or prior to coming to Artane or after leaving Artane, but nevertheless had come through Artane and none of that seems to have filtered its way through to the Department in any way. As an instance, I wonder whether that's something that you have any observation to make about?

A. Well, I certainly think if you look at our files and look at the issues on the sexual abuse cases it is
clear that the issues that were raised with the
Department or arose with the Department, if they were
raised by the managers of the home they don't seem to
have involved the religious staff of the home. In
other words, the kind of instances that came to the
Department, the instances that would have involved
reasonably serious issues by and large were not raised
by the managers with the Department, which one would
have expected they should have been if the system was
functioning properly.

Q. And would you agree with me that that level of
activity...(INTERJECTION)?

A. Without commenting on the numbers or various things.

Q. No, I accept I have put something to you that you may
not have been necessarily familiar with from your own
researches. But it is a fairly startling omission that
an institution, and I am glad that you are taking the
figures that were - or the instances and adding them
up that were disclosed in the opening statement made on
behalf of Artane in this regard, I am not, as it were,
pulling it out of the sky. That it is a fairly
startling omission that they would consider that this
could be internalised to that level, that in any school
which has, in effect, a dual relationship with your
Department in the context of operating a primary school
and the industrial school element, that it would
consider that it is something that perhaps you don't
need to know about. It is very startling.

A. Sorry?
Q. I am putting it to you that it is a very startling thing that they would omit, it certainly goes beyond a mere omission?

A. Whether it was startling, I suppose, is a sense of what was the context of the time. But it is certainly not something -- it was something that clearly they had an obligation if not explicitly in the rules, but given our relationship with them and our responsibility for the children and the way there was a clear expectation that they would report serious instances to us and they didn't.

Q. Have you thought at all or considered -- and I don't mean just to pick on Artane, I am simply giving that as an illustration, there are other examples, have you thought or considered at all why they would have done so?

A. Well if one perhaps takes some of the physical abuse ones.

Q. Yes.

A. Where perhaps there are specific instances, I suspect, but I am only speculating, that the issue was that they saw this an as internal order issue to be dealt with where it was a member of the order, rather than a school or institution management issue. I am not saying that was the right approach, I am just saying that's perhaps why it was handled in that way. In other words, they moved somebody and from the Department's perspective you can ask the question that we didn't ask where they moved them to, which we
probably should have asked, or why. I mean, there was an issue, I think, of one instance and I know we are not getting into individual instances, where I think there was a staff member where it came to the Department's attention.

Q. Yes.

A. And where the Department did make some efforts to find out who it was and interviewed the person and so far as we can see as our files there wasn't an attempt to say was this person now in a school or another industrial or reformatory school or an ordinary primary school. So I think it is fair to say that some of those instance only came to our attention partly by accident. I mean, they weren't necessarily...(INTERJECTION).

Q. That particular instance, I think, that you are referring to came to the attention of your people by accident, it was in another context?

A. Yes.

Q. It was abuse among children?

A. Yes.

Q. But if I may go back, and I appreciate you are not endorsing in any way this as an explanation, but you are merely positing or suggesting an answer to my suggestion that it may have been a reason why. It just draws me back to something that's contained in your own statement, the Department's statement, at paragraph 8.1 of the statement and it really is just to put it into context. I can tell you it is paragraph 8.1 but I am afraid I cannot tell you what page No. 1 that is.
MR. O’MOORE: Thank you. It is the very opening of the chapter dealing with sexual abuse. About midway down through that opening paragraph you make the comment in relation to the sexual abuse and attitudes:

"This is not surprising given the absence of public debate or general awareness of the phenomenon."

Now I just wanted to review that with you, if I may, for a moment. Leaving aside the question of public debate, because obviously it could only be a matter of public debate if it becomes something that comes into the public domain, that seems to be self-evident. But it is the latter part of that I wanted to query with you: "The general awareness of the phenomenon". On my review of the papers, and I appreciate this extends slightly further back than the period strictly under review because it goes marginally goes into the 1930’s rather than just commencing in the 1940’s.

It certainly seems to be the case that there was an awareness on the part of the relevant authorities that certainly in some industrial schools children were engaging in sexual misconduct. There were a couple of instances that highlight this in the late 1930’s and 1940’s. The attitude at the time was fairly trenchant, they were brought before the courts in relation to these matters and in terms of where they went and how
they went to different homes was also given extensive consideration. That awareness of, if I may put it this way and I can't really put it any better at the moment, of sexual deviancy was a general awareness that was there at the time, so that it couldn't be said that -- perhaps I am taking too much out of it of what was said in terms of the general awareness of the phenomenon?  

A. I think the context perhaps and maybe partially analysing a paragraph that maybe we didn't analyse before we drafted in the same way. I think the issue was about, in a sense, we were answering it why didn't we have guidelines in the way we had guidelines, say, on corporal punishment as to what you did. Or that we had guidelines in a sense in the primary school system on what happened in complaints, general complaints.

I suppose the context of that was the sort of -- I think, which has been addressed by the Department of Health, in fact, in its general statements is that the kind of notion of having guidelines for health workers or for anybody about what you do in the case of sexual abuse only became an issue at a later period. I think in fairness we were probably thinking in terms of adult towards child rather than the sexual abuse within the student -- within the children...(INTERJECTION).  

THE CHAIRPERSON: Peer abuse.  

A. Peer abuse, in that context. So I think it was not intended to suggest that the Department wasn't aware there was an issue, it was more that the idea that you
should have guidelines and that this was a phenomenon that you had guidelines about really only became an issue on the child abuse side, even on the physical side, I think, in the 1980's and then in the 1990's with sexual abuse. I think that's what we intended to say in that paragraph, not that it was more -- it was more that it wasn't surprising that we didn't have specific guidelines because nobody seemed to be saying you should have guidelines and rules about things like that. That's all that was intended to be conveyed there.

Q. **MR. CONNAUGHTON:** Yes. I suppose what I'm attempting to come around to is this: Surely a very plausible, in my opinion the only explanation, why this information didn't come to the attention of the authorities is that the institutions concerned were determined to suppress that information because it would be so scandalous if it were to come into the public domain, the idea that religious were engaging in sexual abuse with people entrusted into their care.

A. I fully accept there is no sense from the files that, whatever about the Department's concern about proper supervision at night of the children and everything else, I don't think there was any consciousness within the Department from the papers we have reviewed that you could have the sort of problems with abuse of children by the religious in the institutions and that that was because the instances that were happening were
not being told to the Department.

Q. Yes. An illustration of the form that this suppression took was the very example that you have referred to already, where the abuse by a lay member of staff was discovered in the context of an investigation into other abuse, and I think the local parish priest became involved in the matter and, effectively, on grounds of preventing scandal succeeded in suppressing any reference to the Gardaí or any other step being taken in relation to the matter?

A. Yes. I mean, there does appear to have been a wider than just within the religious order, that would seem to indicate that it was wider than just within the order that you dealt with it within the order, that in the sexual abuse cases at least, whatever about the physical abuse phase --

Q. Exactly.

A. -- there was a desire perhaps not to have a public scandal. Whether that was just confined to the church, in this instance it was the parish priest's involvement, it may have been a wider issue in society generally in terms of some sexual abuse cases.

Q. Except the society generally wasn't in charge of these schools?

A. I accept that, yes.

Q. And that's all we can work with within the parameters of this Inquiry, we are dealing with religious groups running institutions where abuse isn't being disclosed to your Department. In that particular regard, I think
you would probably agree with me that the quality of
information that you had or didn't have in effect meant
that you probably weren't in the position in the time
that was in it to have more enlightened policies in
relation to these matters. In other words, if you were
aware of instances occurring with any level of
frequency it would have put your antenna out and the
Department would have become a good deal more proactive
in relation to this. Isn't that almost tautological, is that not almost... (INTERJECTION)?

A. I would have hoped so and I would think that one would
have hoped so. I have to say the very example you
mention in fact would not be a very good example in
terms of how the Department actually handled it. I
mean it was very good in a sense that the Department
pursued it at a stage at which there was a tendency of
the manager to say "this isn't important", so the
Department pursued it to the extent of making sure the
person was removed, if I can call it that, in spite of
the attempts by the manager to say "this isn't really a
serious issue." But I would have to say there was
probably a lack of care shown for the children
involved, that when you read it in retrospect is quite
shocking. Now, how much that was a feature of the
times or not.

Q. But, in that case, where the parish priest intervened,
we are talking about an instance where, at the very
least, I would say it wasn't acceptable, but at the
very least the effect that it might have on the
children was at least discussed, even if maybe it wasn't the main reason for suppressing the information. But if you had been given information that there were five separate instances in one particular institution of either admitted or proved sexual abuse by members of the religious against pupils surely that would have had a dramatic effect on the Department's attitude at the time?

A. I would have hoped so.

Q. And by way of illustration it became very taxed at the publicity that surrounded the shaving incident in Bundoran, for example, I know that's moving forward in time but it became very concerned about that, it was likewise very concerned in relation to allegations of physical abuse in institutions, excessive use of corporal punishment?

A. I would say it is a mixed pattern. Yes, it did try and deal with those kind of issues. I think, I would have an issue at times about how effectively it dealt with it. But certainly there was a lack of information to it on some of the instance.

Q. I think that in relation to the Bundoran incident it is remarkable that it generated such concern on the part of the Resident Managers' Association, for example. They were very taxed about the adverse publicity they were getting in relation to this. In fact, there was some question mark whether this in turn had caused them to report a certain matter that hadn't otherwise come to the attention of the Department. It, as it were,
may have acted as an accelerator. But they were quite adverse to any form of negative publicity that would be visited upon them. We all are, I suppose, but they were particularly adverse to negative publicity being visited upon them?

A. I suspect Departments are as well at times, yes.

Q. And it certainly seems to be a feature of later communications from the Association of Resident Managers of industrial schools that they weren't going to broach, they weren't going to accept criticism and basically they would just throw their hat at it and give up the running of industrial schools if it was going to come to that?

A. Yes, I think it is fair to say that in the later period, where there was a lot of criticism of institutions as institutions, I think, rather than specific instances of abuse or conditions in being institutions they were quite quick to write letters to the paper and to raise questions about that.

Q. Yes, but wasn't it a bit more pointed than just general criticism of institutions, wasn't it the case that -- and again I appreciate I don't have statistics, but wasn't it the case that certainly during the 1950's there was concern expressed publicly about the role of industrial schools and what sort of places they were and whether they were desirable places?

A. Yes.

Q. Would you agree with me that at that time, not with retrospect, but at that time that would have been a
legitimate area of public interest, a legitimate area for public inquiry and that an informed debate on that area would need the necessary information, including information about the range of abuse that was taking place in such an institution?

A. Well, I suppose if you were going to have a debate on something, the more information you have the better.

Q. But that information was suppressed?

A. Yes.

Q. And arguably through the suppress of that information, that factual information, abuse continued in institutions that might otherwise have been stopped through proactive steps by your Department?

A. If we had known about difficulties and introduced rules to deal with those difficulties or indeed where we had complaints at times had we handled them somewhat differently and followed up to tighten up procedures or arrangements, then I assume it would have had some effect, yes.

Q. In relation to this general area rather than the specific question of abuse, that is the autonomous system that the religious operated, I want to revisit something very briefly that Mr. Gageby dealt with earlier, when he correctly drew your attention to a small error in your submission dealing with the incident that occurred in 1951 regarding funding and the Resident Managers' Association's attitude in that regard. I want to suggest to you that in truth there was evident, not just from that instance but from other
instances, there was a marked reluctance on the part of
the religious running these institutions to permit or
countenance any increased involvement by the State in
the supervision, control or operation of these
institutions?

A. Oh yes, I think it is fairly clear that they would have
seen them as private institutions that the State was
aiding and that there was a concern, say, in the 1941
amendment in relation to the approval of the Resident
Manager.

Q. That's right.

A. There was even some discussion at the time, I think,
about approval of other staff, which Br. Linehan, I
think is it, had some concern about. And that there
would have been a suspicion, say, in the 1951 review
particularly I think of the Department of Social
Welfare as kind of poking its nose into how they ran it
and a State control issue. I think, I suspect if you
consider mother and child scheme and many other issues,
that debate about State control versus private, versus
religious is a wider... (INTERJECTION).

Q. Even ignore State control V. private and just go State
control V. religious, this was clearly a very well
ventilated, expressed opinion repeatedly put forward on
behalf of the institutions concerned. An illustration
that Mr. Dowling has drawn to my attention is at page
99 of the first booklet from my solicitors, which is a
letter from the Association of Resident Managers of
industrial schools, which is dated 20th May 1965. At
the bottom of that page in the final paragraph, it reads:

"At the present time there is an era, much criticism of industrial schools apparently there is a body of opinion which would favour taking the schools from the control of the various religious orders who built and maintain them and placing them under lay management. At a recent meeting, the managers expressed grave concern about this matter."

They then go on to, in effect, say:

"Some managers of schools felt they would be faced in present circumstances with an impossible financial position and would be compelled to close."

Now, to an extent, I suppose, those kind of letters are probably taken with a small grain of salt at the time because it is all in the context of seeking additional funding. But just that statement in isolation, that's the first part of the paragraph that I read out, shows a remarkable resistance to any change without any consideration as to whether change would be to the benefit of the pupils or the children who were entrusted into their care. It seems to be very self-centred, that's the way I read it in any event?

A. Could I just say that I would expect the second paragraph, the top one on page 100, is probably more related to the beginning, which is the financial situation they find themselves in, I suspect one would need to look at that paragraph in a self-contained way, because I think constantly when they wrote about money
around that period and the Department, I think, began
to take it seriously around that time that they might
actually shut, I think that general paragraph would
seem to me to be more a sensitivity about people saying
you have done a bad job and we want to give it to
somebody else. I would have thought the better
examples, to call it that, of where they resisted the
sort of State control are more in things like the
minutes of the Resident Managers' meetings where, in
the 1951 instance, where they are talking about a
concern about more control and more intrusion whereas I
personally -- we don't know, would read that more as
you are out there and people are saying "you are doing
a rotten job, give it somebody else." There will
always be the degrees of sensitivity if you are the
body representing the people running it.

For the sake of balance, I refer to the next one, which
is page 121, which is a letter 23rd May 1966, again
headed "Association of Resident Managers of Industrial
Schools." The third paragraph of that letter,
commencing on the second sentence is:

"Before coming to a final decision the
Resident Managers are anxious to know
what the Government policy is regarding
industrial schools".

Now that's a policy driven question, it is not
simply -- again to contextualise this, it is saying
what's your policy with regard to industrial schools:

"As late there has been uncalled for
and mischievous statements made about
the schools in Dáil Éireann and perhaps
these statements are calculated to
injure the reputation of the schools and of the children training therein.

The criticism is not only unjust to the managers who have carried out their arduous duties with an unquestionably high percentage of success for their pupils, but it is a reflection on the reputation of honourable citizens who have been trained in these schools.

If the present system is not acceptable to the public or the Government the managers are prepared to close the schools next year because they feel the strain of working under present day conditions is too acute to be continued".

Now, I have to suggest to you that in its true context, properly contextualised, both statements are policy driven and they are effectively saying "the policy we advocate and wish to uphold is one in which we are in total control. They are the rules, as it were, for continued engagement on our part".

A. Well I actually think the debate here is a debate about industrial schools versus the fostering and versus the tendency of local authorities, district justice to use the Probation Act, health authorities to put them into foster care. I would agree that in that debate it is focussed on the industrial school rather than the welfare of the child be better somewhere else. I am not necessarily -- I don't disagree with you that they wanted to keep control. Maybe that's better rather than fighting about it.

Q. In fact, another point of agreement between us, and you have just hit on it, in the context of that specific example of the local authorities promoting foster care
or promoting other methods of care rather than sending
them to the industrial schools, when the Resident
Managers made complaints about that it is in the
context of the effect it is having on the numbers, the
effect it is having on capitation, ne'er a sentence
anywhere about the impact it could have or whether it
is for the betterment of the children?

A. I wouldn't like to say I could survey all the
correspondence and say that, but that's certainly there
in some correspondence.

Q. I don't for a moment suggest that I have a complete
knowledge of every last document either, but that
certainly is my impression from reading the
documentation, including the minutes of the various
meetings of the Resident Managers and the
communications that took place between and your good
selves.

In relation to the inspections, I had been asking you
some general questions about inspections but it was
really about the quality of the information that was
available. You have already dealt with colleagues in
relation to the numbers of inspection and that they, in
most instances, didn't meet the minimum requirement.

In relation to the inspector whose reports or
activities seemed to be most frequently found in the
papers, again I get the impression -- and, therefore I
put it to you in this way, I get the impression that
whereas in the early stages, after her appointment her
criticisms could be quite damning and very insightful,
as time went on we see patterns whereby her record of
visitations or her written record of dealings with
institutions is in a narrative, it is quite anecdotal
in what it says in the expression of opinion and it
doesn't seem to have the same degree of investigation
or factual analysis attached to it and I was going to
give you a few illustrations...(INTERJECT) ?

Q. THE CHAIRPERSON: Do you agree with that?
The nature of the reports
changes?
A. I don't think so, but I can't say I have read them all.
I think because there was the diet issue because of the
war was more important, there was perhaps some more
quantification of measurement and weights in some of
the earlier reports. But if you were to look at her
general view the reason you get that perhaps slight
change of emphasis I think is more due to things that
that problem had been dealt with, than I would think
impressionistic, but you perhaps have seen more of her
reports than I have.

Q. THE CHAIRPERSON: There is one document in
particular that I would
like to just put to you in the context of it. It is in
one of the two folders that were presented yesterday.
A. The two?

THE CHAIRPERSON: The two smaller folders.
A. Was it one of ours?
MR. CONNAUGHTON: You introduced two folders yesterday?

A. Yes, one was notes we prepared ourselves and one was documents from the discovery.

There is a document at page 23 of Tab 2 of the booklet and it is entitled "General Report on Industrial and Reformatory Schools"?

A. It was done in 1965 -- '64.

'64, February 1964. If you take the opening paragraph, about a third of the way down through that paragraph you will see a sentence commencing:

"Should any improvements be contemplated these could only be achieved through the resources of the communities running these institutions."

I don't know if you have found that?

A. Yes.

You have. It is the next couple of sentences I want to refer to.

"Not being aware of the position at this juncture, I decided to see what improvements I could possibly achieve with the cooperation of all concerned. This I found it extremely difficult, particularly in the case of boy's schools which were really in a deplorable state. It was only by constant pressure and exhortation that most of the schools have now reached the standard that obtains today, which I consider all around as being good."

Now, that's a report written -- and there are other aspects of this report I will just refer to -- that's a
report written by the author in early 1964. To put it
mildly, she hasn't been actively involved in the job,
through illness and other reasons, for a lot of the
recent period; isn't that right?
A. No, I think the inspections are fairly high, they are
reasonably high in '63. Let me just check. In 1963
there were 142 medical inspections.
Q. Medical inspections?
A. Yes, she would have done all the medical inspections
and she would have done a fair number of the general.
So we are sure the 142 are hers, I don't know how many
of the 62 are hers. But if you were to take the
medical inspections as being a reasonable because there
was normally a general one done with it. So if you
were to look at the pattern I think if you are looking
at the period when there was a low number because of
illness it was in the '49/'50 period.
Q. Very good, I stand corrected in relation to that. If I
may just go on then to paragraph No. 4, which is at the
bottom of page 24, the same document.
"Corporal punishment, this was very
prevalent when I first visited the
schools, beating of children being
quite common place. In addition, there
was a form of sadism displayed by all
the close cutting of girl's hair and
the shaving of boy's heads. All of
this has been virtually eliminated,
except with the unfortunate recent
display of the nuns in Bundoran."

Now, that's a very general observation and it is very
difficult to know how somebody carrying out the level
of inspection which she was carrying out could make that kind of a statement, in circumstances where, for example, it was clear that on a widespread, almost universal basis Punishment Books weren't even being kept. I know you have said in your statement that there is a certain degree or it is uncertain as to what the precise position was regarding Punishment Books but you have not had the benefit of hearing the evidence from those in authority, or who represent those in authority saying that in effect they were conceding that they didn't exist in a lot of instances, weren't being maintained at all.

A. Yes. I mean there is in evidence on our -- if you take the Punishment Book issue, it is very difficult to know from our files, there is only the one reference we discussed earlier in Daingean. On the one hand it seems surprising that people who were meticulous in the 40's and were ticking off all the boxes about records weren't checking on Punishment Books. On the other hand, I think it is clear that even when they were investigating certain specific instances of complaints about corporal punishment there is no reference to checking the Punishment Book, which would seem to indicate that there wasn't a Punishment Book. I don't know whether there was or there wasn't, but you could argue the evidence certainly either way I think, and certainly in it.

Q. But even in this particular time frame that we are talking about, we have had the evidence of
representatives of the Orders at this phase of the Committee's investigation, where they have conceded that the question of corporal punishment was left to the discretion of the religious concerned, and particular Brothers carried straps on a daily basis?

A. And certainly, if you take the particular inspector concerned, she would have investigated. We have an incident for example in Daingean in '53, if I recall, which is referred to in our statement, where there clearly was punishment going on. So it seems a surprising statement.

Q. It seems a surprising statement. And all the more remarkable for the omission from it of the incident that she was involved in investigating, which was pretty horrific, in Glynn. Which, if my recollection serves me correct, was in 1963. I think you have dealt with it in your own statement, I think you have a passage of your own statement that refers to that. That strikes me as a very remarkable omission from her report in this regard. Does it not strike you as a remarkable omission in this regard? Maybe, perhaps, you would like to look at the...(INTERJECTION)

THE CHAIRPERSON: Could I ask you just to stop for a second

Mr. Connaughton.

MR. CONNAUGHTON: Yes, of course.

THE CHAIRPERSON: Ms. McManus, there is another issue that certainly we would like you to deal with because I
think it has some impact on Mr. Connaughton's questions. We are talking about Dr. McCabe, Dr. McCabe was very ill, she had a severe illness in 1951 and she was very ill in 1964/5.

A. Late '64, early '65.

Q. THE CHAIRPERSON: Which is why you disagreed with Mr. Connaughton in the January thing?

A. Yes.

Q. THE CHAIRPERSON: And ultimately she left the Department.

A. Yes.

Q. THE CHAIRPERSON: In '65.

A. Yes.

Q. THE CHAIRPERSON: Related to events that we are satisfied...(INTERJECTION)

A. That is right, she was retired on health grounds.

Q. THE CHAIRPERSON: Retired on health grounds because of this.

A. Health grounds, yes.

Q. THE CHAIRPERSON: So we have an illness in 1951, a severe illness, with a lot of absence.

A. Yeah, I think in '49, '50.

Q. THE CHAIRPERSON: In the '49, '50, '51 period there are a lot of absences. Did that have any impact on her performance between '51 and '65? Or is it possible to know? I may as well be perfectly blunt, it is a question that
arises. I don't expect you to have a definitive
answer, but it is a question that occurs.
A. Can give you my opinion, which is probably as good as I
can do.
THE CHAIRPERSON: Please do.
A. I think if you look at the processes on the file, and
they were fairly explicit, about asking the Chief
Medical Officer and her own doctor was she suitable for
duty. I mean that would be a fairly standard
procedure, it still applied in the civil services
today. If you have somebody out for a reasonably
lengthy period you say to the doctor "are they fit to
come back to work? Do you think they are fit on a
longer term basis to do their job?" Now as far as we
can tell from her file that process was gone through
and they were happy she was. If you take the very late
period where there was difficulty -- and I will fully
accept, given the medical references on the file there
is an issue from September/October '64 to March '65, so
if we take it up to that period -- I think the evidence
would seem to me that she was certainly regarded within
the Department as fit to do the job. If you look at
the sheer numbers of inspections, if you take just a
physical, because there were physical and various
illnesses involved, the physical number of inspections
that are being done are, other than the illness period
at the turn of the 50's, are of the same level.

It is very clear if you look at the kind of references
to which the Minister is asking her to investigate things, the references that Assistant Secretaries make to her opinion in writing letters to the Department of Finance that she's a valued member of the team that people respect. There is no sense -- there are a number of instances where she's nominated as the Department's representative to important Committees, where they are happy for her to go abroad to represent the Department. So I don't get any sense that at the time people saw her as not being fit to do it.

Q. THE CHAIRPERSON: The Department was not aware of any facts which would cast doubts on her competence.

A. Yes. I think the issue you are then left with as a Commission...(INTERJECTION).

Q. THE CHAIRPERSON: I am say that the circumstances of her departure might seem to cast some doubts.

A. Except the -- it has been argued by somebody in writing.

Q. THE CHAIRPERSON: Beyond the period directly involved, when the crisis became apparent.

A. Except that, for example, in those papers the Secretary himself of the Department in writing to the Department of Finance says "apart from these last months her career is without blemish".

Q. THE CHAIRPERSON: That's correct.

A. I don't think there is any sense in the activity that
happened in a period...(INTERJECTION).

Q. THE CHAIRPERSON: This isn't a moral issue.
A. I fully accept that.

THE CHAIRPERSON: Let me hasten to add. It is a condition of somebody who has an illness which ultimately causes problems.
A. Except her own doctor says it was fully under control, that he saw her periodically, in the letter at the time that she's retiring, that he saw her at regular intervals -- I can't remember what the wording is -- from 1951, and that the issue had only arisen in the previous September or October. I can't remember which month he cites.

Q. THE CHAIRPERSON: She had a lot of absences in '49 and '50.
A. Yes, she was in a situation where she had sufficient absences (inaudible) rate.

Q. THE CHAIRPERSON: They are variously described as to what is the condition.
A. What's causing it, yes.

Q. THE CHAIRPERSON: And ultimately -- I mean it is only fair to describe it, it is a condition of depression, severe depression; isn't that right?
A. Well there also are, obviously, some other issues in the earlier period, there were some physical illnesses I think. One of the first periods in '49, '50 is a...(INTERJECTION)
Ms. Bridget McManus

Q. The Chairperson: That's what it is called. Sorry. I mean one doesn't know.

A. And she clearly has some cardiac issues later on, at the stage she retires. There is a piece of a cert at some point of blood pressure, for example. So there were clearly a number of issues there. I have no sense from the papers I would have to say, and I mean people have been dealing in all the hearings with lots of reports she has written at different period, I mean I don't, and I have probably read fewer of them than you, have any sense from the paperwork she was producing of a particular problem I have no sense in terms of the way she's regarded. I mean she's hugely depended on in the internal system which I think the civil service then was like the civil service now, what you will find is maybe somebody perhaps working but not effectively in the centre of a lot of the discussions and issues.

Q. The Chairperson: If there were question marks about her competence in the period that we are talking about between '51 and late '64 you would have expected some clues to be located in the files?

A. That's right.

Q. The Chairperson: And you don't see any clues? Quite the contrary.

A. Quite the contrary in fact.

Q. The Chairperson: You see her being trusted to do this, that and the
other, which reenforces -- or which brings you to the conclusion that all was well?

A. Yes. I mean even in her sick leave period I see on the Greenmount papers, which I think are in the counsel's documents for example, they are happily saying would she ever ring the Minister from her sick bed to explain the situation. Well, I don't think is senior civil servant who had a concern about the official would be unleashing them on their Minister, unless civil servants have changed an awful lot. That's my personal -- I am not a medical person.

Q.  THE CHAIRPERSON: No, but you can help us as to the indicia in the files from somebody who is very familiar with that and who has spent a lifetime working on it. I am sorry about all that, Mr. Connaughton, but it is an interesting and important matter to elucidate and it seemed to me to go somewhat before the questions that you wanted to ask.

MR. CONNAUGHTON: No problem, sir.

A. I think perhaps going back to your issue, there is, perhaps, always an tendency if you are 15 years in a job, or more than 15, 25 years in a job and your whole job has been improving the institutions, there is perhaps an issue that you might raise, that at the end of 25 years that you have spent trying to improve the institutions, irrespective of your medical condition, that you might want to feel you had actually done a good job. And maybe that colours the kind of writing
that's in this report.

Q. MR. CONNAUGHTON: Okay. Well, that's a very fair comment and I won't take any issue with that. I couldn't take any issue with that. But I want to probe it a little bit further and I was going to pick you up on a particular example. By the way, sir, I am conscious, because I have been reminded, of the time.

THE CHAIRPERSON: Don't be conscious of the time. If it becomes too much, obviously it is in the Secretary General's interest and it is in everybody's interest, if we can, to finish this evening. But that's the only thing as far as we are concerned. We will stick it out Mr. Connaughton, don't worry.

Q. MR. CONNAUGHTON: Thank you. What I wanted to refer to, to probe a little bit further in relation to this, and I'm at page 158 of your submission, 6.4.3 is the heading. Accepting for a moment that she would like to place on record her achievements, a perfectly human thing to want to do.

A. Or at least feel those achievements internally. It is not something you would be making up.

Q. No, no. It is nevertheless, in my submission and in what I am putting to you, astounding that her record of what has happened factually should exclude a major instance of an institution in effect failing to report a serious physical assault, which only came to the
knowledge of the Department through an inquiry from an infirmary record, as far as I can recollect. And that this wouldn't find its way into her report certainly raises a question mark over the substance of the report, that is the content of the report, and the credibility of the report. Because this had two elements to it: One, that it was a serious assault and because the child had his jaw fractured and two, the fact that it hadn't been disclosed?

A. I think, and maybe I can deal with the issue in a couple of ways. First of all, that report -- and I suppose the reason I had it in my documents is it was a handy overall view of a perspective at a certain time, rather than that -- as an illustration, if you like, of developments for handiness for myself in covering a wide range of things was the reason -- and we have not put it in our attached documents -- rather than that I was putting it in that every line is, you know verifiable.

We don't know the context in which it was done. As I say, it was on the background of the Interdepartmental Committee Report so it was probably intended to be a snapshot in time. It may be that what she is describing is that something that was generally going on in institutions, for example shaving heads, to her knowledge is not generally now going on in institutions and that she saw Glynn erroneously, or whatever, as just an exception and that generally there wasn't
punishment going on in the institutions.

However, I do think in some of the instances looking back on it, and corporal punishment and physical punishment and everything is a difficult one I think for somebody looking back on it now in terms of -- because the notion of there being any acceptable -- I mean I think there was clearly corporal punishment and physical abuse that was unacceptable at any time, but there was also a tolerance in the rules for some type of corporal punishment which we wouldn't even find acceptable. So there are clearly instances where it is surprising, given other issues she raises, that she doesn't raise more vigorously the issue of corporal punishment. I mean, the '53 one in Daingean struck me reading the files, for example, that she seemed to find that was acceptable, to have that kind of punishment for example. And there are a number of other examples where she's investigating things that you would feel were physical punishment.

So, I don't know whether the issue is as to how good she was at inspecting on the physical punishment as opposed to some of the other issues or had particular views on physical punishment. That section of the report would seem strange in the context of what we know now.

Q. It goes a little bit further than that, because there were certain elements attached, and I have highlighted
two of them but there were certain elements attached
to this particular matter that were, I say and I will
be submitting to the Commission, symptomatic of the way
in which institutions dealt with issues they didn't
want disclosed. Let me highlight those for you, and
you wouldn't know these because they plainly don't
appear on your papers.

In the particular instance the papers reveal that the
relevant senior official did not want to disclose even
to his own authorities who had been involved in this
incident. The child who had been subjected to this
assault was fearful of saying what had occurred.

A. The Department official or the official in Glynn?

Q. No, no, within the institution?

A. Sorry.

Q. And the individual who committed the assault had been
transferred from another institution, where he had
committed assaults, and he went to another institution
where he committed assaults. In the relevant
Congregation's, the Christian Brothers, in the relevant
Congregation's own records, their own Visitation
Reports he is a source of continuing concern to his
colleagues over a number of years through his
involvement in St. Joseph's in Tralee when he moved
there from Glynn. These were all matters, factors or
facts that might have become apparent to Dr. McCabe had
she investigated matters properly at the time?

THE CHAIRPERSON: The question
Mr. Connaughton?

MR. CONNAUGHTON: Obviously not what had happened subsequently in St. Joseph's but what had happened up to that point in time and the circumstances under which it occurred.

A. Perhaps, if it would be helpful, to address it into two bits, because I think there is the issue of...(INTERJECTION).

THE CHAIRPERSON: I think what Mr. Connaughton is saying Dr. McCabe should have known how it had gone on in Glynn, and if so she couldn't have written that. Is that it in a word?

A. Except there were other people knew what had happened in Glynn in the Department and we didn't follow up. I just wonder, there are two issues here...(INTERJECTION)

THE CHAIRPERSON: Have I got that right Mr. Connaughton?

A. There is the issue of what -- there are three issues, if I understand Mr. Connaughton right. There is the issue that the Orders clearly in situations where there was physical abuse of an extreme kind, that even the Orders recognised was an extreme kind, in the institutions try to hide it from the Department.

That's the first point I think you have, which there is evidence for, I would agree that. The second point I think you are raising is when incidents came to light that showed this was a problem the Department dealt with the incident but to a certain extent we didn't
deal with it as a systems failure. If that's perhaps what you are raising? And I fully accept that. I mean it does raise questions as to why when something like this came up, or I think there was some other similar one on a -- this isn't the eye one, sure it isn't?

Q. MR. CONNAUGHTON: That came later in time.

A. That there are sort of other ones that we don't seem to have said hang on here are people not telling us things they should have. We do a bit on the individual incident but we don't seem to as a Department say, look, here we have a clear instance where a Resident Manager or somebody is trying to hide something from us and we don't particular follow up outside the narrow incident to say what does this tell us about the system as a whole and do we need to do something about the system as a whole. The third point, if I understand you correctly, is whether that was linked to some incapacity on a particular individual's part as inspector? Or whether that was just a lack in the system as whole? I think, for example, the Glynn incident would have been as known to others as to her so I am not sure it is fair to say that it was one person's fault, as opposed to you could argue it was almost more or as much the Administrative Inspector in charge of the branches job to see where incidences like that tell you something and whether you need to change your systems.

Q. Well it is in relation, and when you have broken it up into three very helpfully it is in relation to the
third aspect that I want to press you on a little bit further. I wouldn't quite put it in the way that you have paraphrased, in the sense that I am not suggesting that it was an incapacity necessarily on her part, I am saying it bluntly, it was a startling omission from this report, which is entitled "General Report on Industrial and Reformatory Schools". And I must suggest that an incident so fresh in her mind, of such significance couldn't possibly have escaped her attention in writing this report. The only reasonable conclusion I say that can be taken from this is that she didn't want to be saying anything that was going to cast any particular institution in an unfavourable light in current terms, that is as of the date of her authorship of the report.

A. I concede it is a surprising omission.

Q. Yes. Then if you move on to the passage dealing with aftercare at page 26, about two-thirds of the way down the paragraph there is a general statement again. Page 26, tab 2.

THE CHAIRPERSON: About half way down the first paragraph; is that right?

MR. CONNAUGHTON: Two-thirds of the way down the first paragraph. It is speaking about the issue of aftercare and it says:

"I know from my experience they are most assiduous in this respect and go to great lengths to find suitable employment for them and recall them from unsuitable positions."
Now, if that is an empirically based statement it may well have considerable import from the point of view of a snapshot in time and how the religious were dealing with these matters. But I can only take it in isolation as something which is stated in a very general way and certainly by reference to evidence that was tendered at Phase II before the Committee very often people were placed in manifestly unsuitable, underpaid employment, where they left and went off elsewhere. Again, it seems to be just a generalisation plucked out of the sky, no supporting documentation. And it couldn't possibly be something that she gleans from the inspections.

A. I think the issue is we don't know what context this note was written. That's an issue. So we don't know did somebody say to her, sit down. What we do know, and I agree with you there are surprising omissions in it, what it must be in some way is some impressionistic view she had at that point in time of how the system worked. That's what it is. But we don't know if this note was something she was asked for, for somebody going to a meeting and she wrote off a sort of report, if you like, which was a my thoughts of the then and now at a particular point in time.

THE CHAIRPERSON: Yes.

A. I certainly get no sense from the tener of it that it is something she was doing as a formal review that involved doing a whole load of statistics if you like.
So I suspect it is her view at a certain point in time.
I would, however, fully accept that that view may well
be a wrong view, given what we know now about things
that were happening at that time. I can well accept
that it was a view that was surprising in some respects
because she should have known differently. I suppose
that comes back to the issue of how effective were we
in the inspection function.

Q. MR. CONNAUGHTON: Well, it comes back
certainly to how effective
she was in the inspection function. I am not seeking
to go beyond that at this juncture. The other two
points that I would just make in relation to the
document in conclusion is over on the last page of it
she makes a general ...(INTERJECTION).

THE CHAIRPERSON: Before you go to that.
MR. CONNAUGHTON: Yes, sir.
THE CHAIRPERSON: Dr. McCabe agrees with
Fr. Moore. In fact it is
not Noone, it is Moore. She agrees with his report.
If you go to the last paragraph on the page you are
looking at she refutes completely, as she says, a
number of specific things said by Fr. Moore, but she
says:

"I referred to his report, most of
which I am in substantial agreement
with."

Which is inconsistent with the statement because he's
very critical.
Well I think a lot of -- if I recall rightly, I suspect it may be some of the things he raises about question marks about the financing and the need for smaller -- doesn't he raise the issue about psychologists, all those kind of things. There are lots of things she raises that are consistent.

But she's refuting, as she says, specific things but nonetheless she says she's in substantial agreement with him. Anyway, Mr. Connaughton, you are going on to the next page.

Yes. Just that she makes this unqualified statement that:

"In my association with Artane there have been on the staffed trained nursing personnel and without fear of contradiction I can categorically state that I feel perfectly happy with the situation and have complete confidence in the infirmary."

That goes specifically to the criticism that Fr. Moore makes.

That he made, yes.

In one way it is good for Artane and in another way it is not so good, because she's specifically taking out -- the fact that she is criticising one bit would appear to be endorsing the rest.

It is consistent with things she says in her annual
Ms. Bridget McManus

reports on Artane, where she talks in a number of cases about the kindliness of the medical staff and things.

THE CHAIRPERSON: Yes.

Q. MR. CONNAUGHTON: And, I think, the kindliness as well of the Superior, Br. Slattery, she mentions him as well.

A. Not just in this report, I think in other reports as well.

Q. Yes. In that particular context an institution, the Resident Manager of which said in 1954 there is no such thing as a Brother here with a black mark to his name. It is just here we have somebody who is by training a scientist, by training a medical doctor, the kind of person that you would expect in her inspection and analysis of the situation to consider the facts and to assert only that which is proven or capable of being proved and we have her voicing very general opinions. I accept that we don't know the particular context in which she prepared this, but it is entitled as, I suggest to you, a general report on industrial and reformatory schools.

This is something that we also see in earlier reports, where she appears to take criticism of an institution somewhat personally. In one particular incidence she expresses the opinion that she was upset by the fact that such a criticism might be made. Yes, I have been given the reference, it is at page 174 of the booklet, 173 to 174. It goes back to 1949, where she's
referring to a complaint with respect to Greenmount. It is the first booklet.

A. Of your books, is it?

Q. Yes. At page 173, 174. In that, just by way of introduction, she’s reporting back on her visitation to Greenmount in the context of a particular complaint.

A. Is this the complaint by the woman who worked in the kitchen, is it, or in the whatever?

Q. Correct. She says at the bottom of page 1973:

"Apparently this woman has a decided grudge against the school as she was summarily dismissed after a short time in the school. Most of her evidence was conjecture as she has never been in the boy’s refectory and I do not think anybody would believe her story about the public beatings in the courtyard."

She then says in the third last paragraph of the letter, the next page:

"I have never found cause for complaint in this school and I really was a trifle upset when I heard Mrs. Ms account of it."

Again, that’s not the kind of statement one would expect from a Department inspector who has gone down to examine the facts as to whether an allegation is borne out or whether there is a basis for concern?

A. Well I think, and I think it is something I said earlier this morning or yesterday, I think it is fair to say that there does seem to be a tendency in a lot of complaints that you go down and somebody bad mouths
the complainant. And that appears to be the tener. I mean if you take the case, the godparents -- am I allowed mention institutions?

**THE CHAIRPERSON:** Sorry you just caught me whispering. I am sorry.

A. Am I allowed mention particular institutions?

**THE CHAIRPERSON:** Please start again.

A. If I say an institution is that okay?

**THE CHAIRPERSON:** Yes, certainly.

A. If you take for example the Lenaboy case, which wasn't the one involving this specific doctor, there is an immediate tendency to go with who is stirring up the trouble and what's their reason for stirring up the trouble. And I think that is one of the problems that we had with the complaint system as a whole, with all of the people who were dealing with it, is that that seemed to be the reaction if something that came up. I don't think it was specific to Greenmount, that you would find that kind of approach. I think that's one of the reasons that I would have apologised for the Department's failings, because I do think the way we handled complaints did seem to me to take that sort of view, that somebody was behind it who was creating trouble for these good Resident Managers.

428 Q **MR. CONNAUGHTON:** I was just corrected on something, just for the record if I may. I don't think you are going to make any comment upon it, but I incorrectly attributed a particular statement. The document I am referring to
is page 57 of Book No. 1. I said that it is made by
the Resident Manager of Artane. It was made in the
context of a particular issue having arisen in Artane,
when a boy's arm was broken and there was a discussion
with District Justice McCarthy and a Brother in
relation to the question of reserving Letterfrack for
boys convicted on indictable offences. I refer to the
final paragraph of the first page, it says:

"Before the arrival of District Justice
McCarthy and after his departure the
recent incident in the Artane school in
which a boy sustained a fracture of an
arm was discussed. An Ruáin (?)
pointed out the importance of having
only the most suitable persons placed
on the staff of these schools and
Br. O'Hanlon stated that no Brother who
had a black mark against him is put on
the staff of these schools. He stated
the Brother involved in the recent
incident in Artane had been transferred
from there at his own request."

That was just to correct the context which I had given
in relation to that.

A. I think this is another example. I mean that was
actually, I think, the Deputy Secretary and
Mr. O'Síochfhrada and yet I think we never asked the
question of what does this tell us, that something like
this could happen and we wouldn't know about it?

THE CHAIRPERSON: Yes.

Q. MR. CONNAUGHTON: In relation to the question
of vocational training,
again this is something that I put to members of the
religious in the context of what there was for people

190
after they were released from these institutions and, again, for the purpose of completeness I will put it to your good self that it would appear that the vast majority of the people coming out of these institutions were destined for fairly low level, menial work, that seemed to be the product, perhaps, of their original backgrounds, but it certainly was a product of the type of things and the type of activities that were carried on in the institutions. Would you agree with that as a general proposition firstly?

A. Well, I think it is probably a fact, if you like, that that's what happened to the majority of these people, that they came out into lower level work.

Q. You have put it more correctly, that it is a fact that that's what tended to happen. Then when you look to the nature of the vocational training it would certainly appear to be the case that from a relatively early stage there was certainly evidence available that some of the so called trades that people were being prepared for were on the wane, and that with respect to agriculture, which seemed to be promoted as a great opportunity, people were being exploited, exploited through overwork and certainly through under payment?

A. In the schools or afterwards?

Q. Afterwards. I am talking about pursuits after they were released from the school.

A. Yes.

Q. I am just wondering whether you have anything to offer to the Committee in relation to the Department's

191
response to this at the time, in terms of its involvement in this area?

A. I mean it is one of the areas that there seems to be surprisingly little about in our papers. I mean one would have expected, given the focus on education, that there would have been more focus given Cussen on improving the quality of the training and the employment opportunities. And, indeed, when the issue was raised we do appear to have been a bit defensive about it. I think there was a particular Minister -- I think we cite that in our statement, if I can remember the reference. There is a Minister at a certain point raised the issue of industrial training with the Department, as to -- well it was gardening in Artane I think he questioned -- as to whether it was suitable. And he took a view that, yes, most of the people were getting jobs in what they were actually trained for. But there is no, even when issues were being raised in reports, for example, of the issue that people were trying but couldn't get jobs because of say trade union recognition, there doesn't appear to have been an attempt, as far as we can tell, either by the -- I mean Cussen recommended that the Resident Managers -- or somebody did, I think Cussen -- that the Resident Managers should try and do something about it. I don't think the Resident Managers did, but we don't seem to have done anything about it either. The only area we seem to have done something about was in the vocational training, the industrial training that came into the
sort of vocational training, second level training
system where we tried to get some training in wood
work and everything else.

So, as far as we can tell, but there is relatively
little papers about it, the Department does not seem to
have done very much about trying to improve the quality
of the training or its appropriateness for more current
day employment.

Q. Nevertheless, as I understand the position, the
Resident Manager was, under the regulations, entrusted
with the specific responsibility of, as it were,
supervising the aftercare, so to speak, for a defined
period of time?

A. Sorry, the aftercare as opposed to the training, is it?

Q. Yes, the aftercare.

THE CHAIRPERSON: The jobs they went into in

A. Yes, sorry, I thought it was the training part of it.

Q. MR. CONNAUGHTON: No, the aftercare, when

they went out. From your

own knowledge or from the Department's knowledge more
correctly, have you any view to express as to whether
that was a system that actually worked in practice?

A. Certainly, if I recall rightly, where there are
references to it there are references to quite a number
of the institutions not doing it in fact. I mean there
are certainly references, I can't recall of what
specific period, but certainly I do know there are
internal notes where people are saying there should be
more aftercare, the only people who have dedicated
people following up on aftercare are X or Y
institution, and a general impression that more needs
to be done in aftercare. There is, I think, a document
where the issue of aftercare was raised and the
inspector wrote a note about it. Is that in your
papers?

436 Q: Yes it is, and I am just at a loss as to where it is
particularly. But maybe if we can come back to that in
a moment, I am almost finished. The other thing I just
wanted to discuss with you very briefly is again
something that comes from your statement, and it
relates to the area of sexual abuse and notification.
Now allowing that the Department was working against a
backdrop where it had very limited information, it does
seem to be your position, that is the Department's
position, that with respect to the involvement of the
Gardaí it really wasn't a matter for the Department as
such. Maybe rather than me paraphrasing I might direct
you, for completeness, to page 203. I may be unfairly
representing your position so we will just turn to the
paragraph. I am on the last paragraph before the
commencement of 8.6.3 and it reads:

"In detailing the allegations of abuse
in Clonmel and the response of the
Department it is worth noting the
Department's position with regard to
dealing with allegations of this nature
was that the Department does not
investigate allegations of abuse. This
is a matter for the employers of the
staff..."
And then it goes on to recite the individual case.

"...the Gardaí and the health authorities. The responsibility of the Department would be to ensure the welfare and safety of the children was protected and that the matter had been reported to the appropriate authorities and that appropriate steps were being taken to investigate the matter and protect the children."

I will tell you what I read into latter part of that and you can tell me whether I am mistaken. I read into the last sentence of that, that the responsibility of the Department extended no further than to ensure the welfare and safety of the children and that the matter had been reported, open brackets, by the employing authority, close brackets.

A. Yes, I mean that would be our -- if I park, perhaps, the particular incidents. Our current position, for example if something came to our intention in terms of a school, not an industrial school, just take an ordinary, for example, with a teacher, would be to ensure that the Board of Management had taken action. In other words, we would not see our role as to take the action. We will sometimes, for example, even fund if a Board of Management because it is conducting an investigation has extra costs. But there is an employment relationship that we would have. But clearly for a large part of the period, and that's our current position, but I mean for a large part of the period we weren't doing that even.
Ms. Bridget McManus

Q. Yes. But even taking your current position into account, does that mean then that you would instruct, advise or direct the Board of Management, for example, to report the matter to the Gardaí? Or do you say that's a matter for your discretion?

A. Oh no, we would instruct. I am not sure legally we can instruct, but we would tell them.

Q. No. You would advise them, instruct, it doesn't matter which word we use?

A. That's right. For example, it can arise that the guards will tell us something is being investigated and it would come to our intention that the person, the teacher had not been put on administrative leave. So we would tell the Board of Management that if the Board of Management won't put then onto administrative leave we will take the matter up with the patron. That has happened in certain instances.

Q. The reason I am even pursuing this with you is that one of the questions that obviously the Committee will have to address is what happened in individual cases. Who was involved? To whom were the incidents report, if to anyone? Who did the reporting? I just want to contrast because we know from the Committee's investigations at an earlier stage and, indeed, from admissions that have been made that by and large the institutions, invariably the institutions didn't report these matters to the Gardaí and I am just trying to illicit from your good self whether at that time the Department's policy, the period under review, the
Department's policy was if such an incident came to its attention to advise the religious body concerned to report the matter to the Gardaí, or did that have any input at all in your consideration at the time?

A. I don't know. I think this goes back to the comment when the question was asked about what procedures we had, which is that we don't seem to have had procedures. So I can only speak about what the procedures now are, if you like, or would be in terms of the employment. But certainly there is a case which we refer to earlier, I think, in...(INTERJECTION)

Q. The 1980 incident? The '79 incident?

A. I was thinking of the earlier one, for example, with the lay member of the staff.

Q. Sorry, yes, 1953 or '54.

A. If you take the period it certainly does not seem to have come into the Department's consideration at all to report it to the guards. If you look at the analysis, it is reported to the bishop or reported to other people I think. I can't recall if there is civil authorities, for example. I think, certainly at a later period in the 80's, I think there would have been a presumption that you would have ensured that it would be reported

Q. The impression I formed about that particular incident, and maybe we will just very briefly look at the documentation that relates to it, but the impression I formed from that incident is that Fr. O'Kaye prevailed upon the Department not to allow the matter to go
forward to the Gardaí. But otherwise it might have
gone to the Gardaí. And I will be happy just to review
that with you very briefly from the documentation in
question. I think it is at page 73 of the booklet, the
first booklet. Sorry, Book 2, the second book. The
members of the Committee will probably be aware in
general of the incident I am referring to.

THE CHAIRPERSON: Yes. I think we know it
in some detail.

MR. CONNAUGHTON: The particular meeting that
I am referring to is a
meeting that was arranged subsequent to the initial
investigation of the matter. I am at the bottom of
page 72 and the top of page 73 of the second booklet.

A. Yes, I stand corrected, there was a suggestion that it
would be brought into court there. I suppose the
Bishop one is the bit that lingered with me further
down.

Q. Sure, you are quite right. Earlier on, as it were, the
Reverend Father was the rabbit pulled out of the bag so
to speak, or out of the hat. He arrived on the scene
in relation to this matter, I don't think it had been
canvassed that he was going to be in attendance at the
meeting at all. He first took the attitude that:

"...the happenings concerned were such
as frequently occurred in girl's
schools."

And, obviously, that was in relation to the instances
of the girls being involved in sexual deviancy. It
then records the Department's view:

"We do not accept this view..."

Then Dr. McCabe is pointing out that:

"...a particularly viscous aspect of depravity was that he..."

That is, presumably, the staff member.

"...had entered upon his misdeeds with malice and with forethought.

The priest then admitted the heinousness of the offences but continued to make light of the misconduct of the girls among themselves and it has become evident that his stand was to prevail upon the Department not to take steps which would bring the individual into court. He stated plainly that he would appeal to the Department not to take any measures with regard to this."

Then he records that:

"...while the person deserved penal servitude, the court case would put the convent into great disrepute and four of the children concerned would have to give the necessary evidence, which would leave an indelible impression on their minds and on the minds of other children could do immense harm"

And that the individual had been dismissed. This view seemed to have been endorsed by the Reverend Mother of the institution, that the man had taken his punishment, so to speak, because he had lost his job over this. Then it says:
"On the question being raised as to whether the matter should be brought..."

THE CHAIRPERSON: Don't rush ahead,

Ms. McCarthy has to take a note.

MR. CONNAUGHTON: I beg your pardon, I keep making that mistake.

"On the question being raised as to whether the matter should be brought by us to the notice of the Bishop he very strongly -- Fr. O'Kaye opposed very strongly this idea. His Lordship, he said, was old and deaf so it would be difficult to give him a satisfactory idea of what had occurred. More over the affair would upset him very much."

I'm sure it would.

"Fr. O'Kaye then said that he would be prepared to vouch for it, that if his Lordship were to grasp the matter fully his Lordship also would take the view that there should be no prosecution."

This is in effect attempting to bring the full pressure of the church at different levels to bear on this decision making process. I wouldn't have envied the position of the Department official who was dealing with these people, who would have been very powerful people in the context of society and life in general.

Then it goes on to say in the last paragraph:

"Fr. O'Kaye is obviously very sensible, shrewd, pastoral and in consideration we feel that a visit on our part to the Bishop would not be called for. We agree also to recommend that no steps..."
be taken towards a prosecution of X."

I suppose leaving aside all of that, that certainly suggests that the mind set of the Department at that point in time -- that is 1954 -- would have been to recommend prosecution -- sorry, to recommended that the Gardaí be involved and bring the matter to the attention of the authorities. But that the officials concerned were prevailed upon with some degree of persuasion not either to take it to the Gardaí or indeed to the Bishop, which had been her desire.

Although, again, it is only an anecdote I don't know whether you would like to comment on -- maybe you are not in a position to comment upon the allegation that even the Archbishop of Dublin would have been aware of instances, particular instances of abuse in Artane and had worked with individuals in the institution and in the church to suppress that and avoid it being publicised. I don't know whether you are in any position to know of an instance which had resulted in the removal of a Brother from Artane.

A. I am afraid I have enough difficulty commenting on the 500,000 documents or so that we have ourselves rather than things that aren't in it.

Q. Are you aware at all of whether this is a matter that could be dealt with?

THE CHAIRPERSON: Just to reassure

Ms. Moorhead, who I can see
is looking worried, I have to say understandably.

Mr. Connaughton, I can't even draw to mind the specific instance that you are referring to. And if that's the case I really would be baffled if the Secretary General could comment usefully on it.

A. I think it is an incident not in our files; is that right?

MR. CONNAUGHTON: Yes. It is an incident not in your files but it is quite a specific instance. I will be guided by yourself.

THE CHAIRPERSON: I think we are best, if it is not in the files at all...(INTERJECTION)

A. That was the reason for my comment.

THE CHAIRPERSON: But certainly I don't recall it from the files.

MS. SHANLEY: No.

MS. MOORHEAD: I certainly don't, Mr. Chairman.

THE CHAIRPERSON: To be totally honest with you I don't recall it at all.

MS. MOORHEAD: I was going to go further and say not much comes as a surprise at this stage from Mr. Connaughton but that does.

THE CHAIRPERSON: No, Ms. Morhead, I know it is late. Mr. Connaughton,
insofar as you want to make any reference to this particular incident on a future occasion in writing please give full and detailed particulars is what I would say so as to remind us of it.

MR. CONNAUGHTON: I will do that. It was from a public source that I was going to.

THE CHAIRPERSON: No, it is not a criticism I appreciate Ms. Moorhead's concern, but I have to say I am not at all surprised to find that she's concerned, I think it is a completely legitimate concern. Look, I have said what I have said.

MR. O'MOORE: Just in case there is some lingering doubt about it, as I understand it this is an incident that has nothing whatsoever to do with the Department of Education in any shape or form.

THE CHAIRPERSON: So I understood, Mr. O'Moore, from the fact that there is nothing whatsoever in the files about it.

MS. MOORHEAD: Mr. Chairman, at the risk of being tedious at this hour of the evening, it just comes as a surprise that Mr. Connaughton is making reference to a public source in relation to an incident in Artane which, I am take from what he's saying, has not been explored either with any of the Religious Orders in Phase I or Phase III, or with any of the Brothers in the Phase II general hearings, that this is something from an
entirely independent source that he is seeking to raise.

THE CHAIRPERSON: Ms. Moorhead, I am confused. I don't know whether I ought to be embarrassed at not knowing it or whether I am entitled not to know it. But let's leave it at that. Isn't the sensible thing to say, if Mr. Connaughton wants to do it, I propose to pay no more attention to it unless I am referred to it or we are referred to it by Mr. Connaughton in writing, in which case if it is appropriate the appropriate people will have an opportunity of commenting. I think we are best leaving it Mr. Connaughton.

MR. CONNAUGHTON: Very good. In answer to the last question, the incidents concerned were discussed by the Committee, were dealt with by the Committee.

THE CHAIRPERSON: Very good.

MR. CONNAUGHTON: In relation to the attitude or disposition of the Department generally to the approach to be taken where any form of misconduct was identified in the institutions was, as I understand it, by and large to carry out its own investigations.

A: Yes.

Q: Other than I think there was one or two isolated instances of a health body, a public health body investigating a particular matter, being called upon laterally to investigate a matter, by and large --
Ms. Bridget McManus

perhaps not at the instigation of the Department, but
by and large...(INTERJECTION)

A. It was an accommodation issue; wasn't it?

Q. Yes.

A. They came in, I think, and I can't recall why, I think
there was an outbreak of some notifiable disease in the
institution I think.

Q. Yes, that is specifically the incident that occurred.

But by and large you were dependent on your own
investigations, your own inquiries into the matter.

Aside from the 1951 occasion, and I was going to
suggest although I think you have already dealt with
the matter, I was going to suggest to you that what
Mr. Gageby had put to you earlier on was that they were
perfectly willing to have the ordinary inspections but
they weren't willing to subject to an overall review.

You recall the particular matter? Lest it be thought
that I was letting matters rest with the way Mr. Gageby
was putting it, I just wanted to suggest to you that
the Resident Managers' Association was perfectly happy
with what they could only have regarded as a very
cursory form of inspection, but that they were set
against any form of root and branch examination of
their institutions?

A. I took it, and I suppose in interpreting these things I
think their concern was that the normal inspection were
within a narrower context, because they were looking at
the physical, whatever, within the institution. Their
particular objection on that occasion was, I think,
whether you call it root and branch, but because the Terms of Reference were to look at, if you like, the system as a whole, how it was operated, whether the homes were -- how they were managed and how they were organised and I think they probably didn't see the normal inspections or indeed visits by other officials of other Departments to, if you like, inspect and see is everything okay here as in the nature of a review of how you do things. It seems to me what they had a specific concern about is they didn't want somebody coming in saying this should be run in a different way.

Q. Yes. Would it be fair to say that the response they got to that expression of concern was a very conciliatory response, where great effort was made to try and assuage any fears, allay any fears they may have had about that?

A. Yes.

Q. And that they were encouraged to participate in a full review, for the overall betterment of the schools and those who were in them?

A. Yes.

Q. I suppose in conclusion in that regard it would be fair to say that their demeanour or disposition in objecting to it couldn't necessarily be said to be in the best interests of those who were incarcerated in these institutions?

A. No.

MR. CONNAUGHTON: Thank you very much.
Ms. Bridget McManus

END OF EXAMINATION OF MS. MCMANUS BY MR. CONNAUGHTON

THE CHAIRPERSON: Thank you very much.

Mr. MacMahon?

MS. MCMANUS WAS QUESTIONED, AS FOLLOWS, BY THE

COMMISION

Q 452 MR. MACMAHON: I have a few points that I

wish to bring up mainly arising out of Mr. Connaughton's examination. In

relation to the 1954 incident which was being discussed by yourself in response to questions by

Mr. Connaughton, you refer in your statement to that

inquiry leading to the discovery of sexual abuse of

young girls in that institution as if coming about by

accident. I think that is the case, I think it resulted from the Reverend Mother applying for the

transfer of a number of girls whom she suggested were

involved in sexual practices amongst each other.

Arising out of that the Medical Inspector interviewed

the girls and it emerged that these allegations were

being made and were shown to be substantiated.

A. Yes. I mean it was in the context of a Resident

Manager wanting to transfer two children and when the

inspector came down to investigate she did, I think,

probably, in fairness -- I have to say I probably have

said at times we didn't fully investigate, that was one

of the examples where she did actually go and talk to

207
the children and try and find out what was going on in contrast to some of the other investigations of complaints, and where it became clear that there was sexual abuse by an adult involved.

And it was sexual abuse which, on the statements from the children if they are to be accepted on face value, was of the most serious kind?

It was pretty horrific, yes.

And that is reflected in the documents.

It was pretty horrific, yes.

Mr. MacMahon, this was discussed in public, is that right, at a Phase I hearing? Am I right?

It came up at Phase I hearings, yes.

I mean this is St. Joseph’s, Kilkenny; isn’t that right?

Yes.

The Sisters of Charity discussed this, isn’t that right?

That’s absolutely right, yes. Insofar as the Department is concerned it appears to have been investigated. And I think there was a second visit to Kilkenny, the Medical Inspector returned, together with her senior colleague from the Department.

With the Assistant Secretary from the Department.
Ms. Bridget McManus

Q. And she prepared a report?
A. Yes.

Q. And that report made certain recommendations regarding the movement of the girls concerned?
A. That's right.

Q. A different arrangement to that which had been proposed by the Resident Manager I think?
A. Yes.

Q. I think that report was transferred upwards through the Department to the very senior level, through the Secretary, ultimately for signature by the Minister?
A. Well certainly all transfers I think were approved by the Minister at the time I think, such transfers, as far as I recall.

Q. That should have been the case and I think documents show that was in fact the case in this instance. There is a document which on Mr. Connaughton's book is page 75.
A. Of which volume please?

Q. Book two. It is a document in Irish but it is translated on the following page, page 76.
A. Yes.

Q. It says:

    "Minister, the report attached for your attention."

Now, the report that is being referred to is the report which Mr. Connaughton was asking you about and it appears in a typed format and I think just before that, a few pages previously, it appears in the original
handwritten format, I think if you look at the handwritten format, it includes in the margin items one, two and three, they are pages 69 and 70 in Mr. Connaughton’s book.

A. Yes.

Q. Those one, two and three relates to the transfer of the girls?

A. Relates to the transfer to the three different places, yes.

Q. But the report goes comprehensively through everything that had happened, everything that had been discussed, refers to the seriousness of the particular offence. It goes through the discussions involving the parish priest and the Resident Manager and asks the Minister for:

"Recommendations of one, two and three in this and report and I propose they be acted upon accordingly."

I think underneath that there is a signature, LOM which I presume would be the secretary. Below that, a few days later, there is a second signature, you can see that in the origin, which is the previous, which is page 75?

A. And I think there is a signature of the Minister as well.

Q. Exactly. So the question that I am really posing is that the issue of reporting an offence of this kind was something that in 1964 was considered and went through
Ms. Bridget McManus

all levels of the Department of Education and
ultimately in the circumstances of that case the
decision was reached not to report that offence to the
guards?
A. That's right.

Q. You refer at page 18 of your statement to there being
very few references in the Departmental documents to
incidents of sexual abuse of children and I think you
come back to that theme at section 8, chapter eight of
your document?
A. Yes.

Q. You give details of seven events which are recorded in
the documents of the Department?
A. Yes.

Q. Was that a matter of surprise to yourselves in the
Department when you sought to establish the extent of
complaints which were recorded, or appeared from the
departmental files? Was it a surprise that all you
could find was seven entries or files reflecting
knowledge of sexual abuse?
A. Well it is surprising given what we know in terms of
court convictions, that the Department didn't know or
didn't record more. Yes, it is surprising.

Q. Has anybody thought about trying to work out how that
could be so or why that was so? What is the
Departmental view in that regard? Why are there so few
records of sexual abuse in the institutions under the
Department?
A. Well, I think one factor is that there were instances
of sexual abuse which were not being reported to the
Department, that is certainly one factor.

470 Q Are there others?
A. There is a possibility that there were reports being
made that aren't recorded, but we don't know if that's
the case or not the case.

471 Q Well, we do know that that's the case, don't we?
A. Well we do know it is the case that there were
certainly physical complaints and there are some
instances of suggestions that there were other reports
made that weren't recorded. But the scale of that it
is not possible to know. I think there is probably a
degree of evidence that on the complaints that involved
members of the religious orders they weren't being
reported.

472 Q One of the documents that you also refer to in chapter
eight is a file which identifies the TNO 30 file, this,
I think, is a file which opened in 1996?
A. (WITNESS NODS).

473 Q And I think that it concerns a discovery in 1979?
A. A report that was made that wasn't recorded.

474 Q A report that was made that wasn't recorded. There was
one memo addressed -- dated 20th December 1996 and --
sorry, it is on page 57 of the book which I had, in
fact, prepared for the Commission. I think you deal
with this incident?
A. Yes.

475 Q You deal with it on page 197 of your statement?
A. Yes. There was a report made that wasn't recorded or
at least we have no record of being recorded.

Q. And you make that point. But what I was going to ask you about is this: That -- have you got page 57 of the book which we have just passed you? (Same Handed)

THE CHAIRPERSON: I have an extra one here in case it is needed. Page 57 of this, Mr. MacMahon?

MR. MacMAHON: Yes, Chairman. What is being discussed is the sequence of events as they occurred.

THE CHAIRPERSON: Of course, yes. Bottom right is the numbering of that.

477 Q MR. MacMAHON: Yes. This is a memo dated 20th December 1996, paragraph five is the one I wish to focus on. It says that the Superior in Ferryhouse, in fact, recalled that:

"At the time of the allegations in 1979 he reported the matter to the principal officer of the special education of the Department and also reported the matter to Justice Eileen Kennedy of the Children's Court. The principal officer has confirmed." 

This is the writer in 1996:

"The principal officer has confirmed that the matter was brought to his attention. He recalls that he immediately reported the matter verbally to the then secretary.

The principal officer doubted whether there would be any record on file. To date a search of the Department's records has failed to find any evidence
of this case."

Why would the principal, when interviewed on that occasion, say that he doubted whether there would be any record on file of this serious allegation that had gone as far as secretarial level?

A. I don't know. I assume because he reported it verbally, he hadn't made a record for the file.

Q. Why would that have been?

A. I don't know. It shouldn't have happened like that.

Q. What I am wondering really is here we are, we have seven items on Departmental files where such abuse is recorded. We have one from 1954, where a matter was investigated and the Department makes a decision that it wouldn't be reported, for whatever reason. We have another item, a matter that comes up in 1979, a report is made no record apparently and the official concerned doubts whether that would be a file. That matter wasn't reported to the guards on that occasion?

A. No.

Q. In fact, it was a further 15 years before that matter was again brought to the attention of the Department and that it had already been and was in the process of being investigated by the Gardaí at that stage. What can be the explanation for that or is there one?

A. I don't know what the explanation is, but I don't think we would say now that that was -- indeed, I even think we said some years ago, that that's not an acceptable way for something like that to be handled, so it

Gwen Malone Stenography Services Ltd.

Day 226
Gwen Malone Stenography Services Ltd.

Day 226

Ms. Bridget McManus

1 shouldn't have been handled like that. But why it was
2 handled like that, I don't know.
3 Q Would it be fair to say that the principal officer
4 confirmed that the matter was brought to his attention
5 in 1979 only because he was specifically asked in 1976
6 in response to a query which had then come in -- sorry
7 1996, in response to a query which had then come in, he
8 was confirming something that had happened he recalled
9 in 1979?
10 A Oh yes, I assume because it was said that it had been
11 reported to him so naturally the person went to say
12 "well, it was reported to you, what did you do about
13 it?"
14 Q Was that official by then, by 1996, was he a retired
15 official of the Department or was he still in the
16 Department?
17 A I don't know. I would have to check that.
18 Q The secretary who was informed by that official in
19 1979, was he by 1996 a retired official?
20 A Yes. Well, I don't know whether he was alive or not.
21 Q I think we also have evidence that the matter was
22 brought up or was discussed by another official or
23 perhaps other officials in the Department, in around
24 the time 1979 when it was a live issue?
25 A There is an issue of it having been raised with the
26 childcare advisor.
27 Q Yes?
28 A Who I understand, felt when he checked that he was told
29 that the principal officer was aware of it so he didn't
Ms. Bridget McManus

pursue it.

Q. Yes. Given the absence of documents reflecting the instance of sexual abuse in the institutions, what efforts have been made to try and establish from old employees, retired employees or perhaps existing employees of the Department who perhaps worked in the section back in -- for a long period of time, to establish what other incidents of abuse may have been passed on to the Department, but which aren't reflected in the files?

A. Certainly -- and perhaps I could come back and confirm the precise details of it now, but certainly to the best of my knowledge everybody was written to who actually was a retired member of staff and that was followed up on right through both administrative people and also the inspectorate. There was a trawl done of all the files, there was a trawl done of the existing staff. Now, I can't remember the precise details of the dates when it was done but I can perhaps let you have that subsequently.

Q. So retired members of staff were written to and asked whether there was anything that they were aware of that might be hanging around out there which might not be reflected in the documentation?

A. Or have indeed in the case of the inspectorate, where they might have papers, I think, in their home offices would have arisen in the inspectorate case.

Q. Presumably these people were also telephoned or called in and asked --
A. Yes, it was followed up.

Q. -- and interviewed?

A. I'm not sure whether if people wrote back and said there was nothing, whether they were interviewed or not, I would have to check that.

Q. But there is a file somewhere containing either the written responses of those who were contacted in writing or perhaps in addition memos of what it was they had to say in relation to these issues?

A. Yes. Perhaps if we could write to you and let you know.

MR. MacMAHON: Thank you very much.

END OF QUESTIONING OF MS. McMANUS BY THE COMMISSION

THE CHAIRPERSON: Very good.

MR. O’MOORE: I just have one question your Ms. McManus.

MS. McMANUS WAS THEN EXAMINED, AS FOLLOWS, BY

MR. O’MOORE:

Q. MR. O’MOORE: Yesterday an issue arose about the increase in capitation grants early 1977 are you familiar with that?

A. Yes.

Q. It is at page 97 of your statement?

A. Yes.

Q. Do you have your statement at page 97?
Gwen Malone Stenography Services Ltd.

Ms. Bridget McManus

A. Yes.

Q. You will see there is a reference to two increases from £18 to £22 as of 1st January 1977 and as of 1st February 1977 increase from £22 to £30, you had some doubt yesterday under examination by Mr. Hanratty as to whether those dates were right, given they were so close together, have you been able to check that?

A. Yes. In fact, they were -- the 1st January one was notified to the Resident Managers on 11th March 1977 but was retrospective to the 1st January and the second one was notified on 21st June and was retrospective to the 1st February 1977.

MR. O'MOORE: Thank you very much.

END OF EXAMINATION OF MS. McMANUS BY MR. O'MOORE

THE CHAIRPERSON: Thank you very much. Now, Ms. Shanley.

Ms. McManus was further questioned, as follows, by the Commission:

Q. MS. SHANLEY: If you wouldn't mind just two very brief questions. First of all, when you apologised on behalf of the Department, you have apologised because there was not an adequate inspection, I think that's acknowledged that the inspection system wasn't all it might have been. You seem to think -- am I right in thinking that
so far as policy is concerned that doesn't come under your apology because that was matter for the individual schools or Orders? Did I get that impression from you at the beginning of your statement yesterday, that you regarded policy as being a matter for the Orders?

A. No, I don't think I said...(INTERJECTION).

Q. MS. SHANLEY: I may have been wrong.

A. I don't think I said anything about policy. Do you mean general policy?

Q. MS. SHANLEY: Yes.

A. I don't think I actually said anything about it. But if you are asking the question, I suppose that's a very difficult one to judge, because clearly I think we didn't keep as up to date with policy as international trends might suggest we should in terms of childcare development and such policies we lagged behind the UK and other countries. But on the other hand we lagged behind them in quite a lot of other areas of policy as well. So whether that's something, I mean, clearly the system would have been better had we actually brought in new policy developments quicker and things that we now know about child development and been more proactive on something like childcare training, for example. Which I think were all things you could have encompass under policy.

What is harder to judge is perhaps -- that was an evolving thing that took longer than it should have taken, I think it is probably fair to say in public...
administration that kind of policy development there is lots of examples of where it took longer to develop and it is perhaps in a different category than something like an inspection where you are supposed to do it every year and you don't do it.

So yes, I think there were failures there. Insofar as there is a kind of totality of action by the Department there are other things I didn't explicitly mention, like that, we should have done something sooner about training that I would certainly feel was part of our responsibility.

Q. MS. SHANLEY: Because you did very specifically mention inspections and you mentioned funding, I mean there were two areas where you do say...(INTERJECTION).

A. And the way we handled complaints.

Q. MS. SHANLEY: And the way you handled complaints. I am just wondering on the question of funding, how did you come to the position of making a complaint, did you have an independent analysis of the funding over the period in question, have you had that analysed, did you make any...(INTERJECTION)?

A. I think in what I said in the apology was that -- or in my statement, was that I think there is very clear evidence from our files that at the time we knew they should have had more funding. I think it is very clear that for some of the issues like the capital
environment or things like that, if there was more funding things would have been better for the children, so it was a factor in the care. I don't think that goes so far as saying that that meant that the underfunding was a cause of other things that happened. But that clearly as a Department we were saying very strongly internally and externally that look, this level -- I think there is letters where we say this level of funding is clearly inadequate for the institution.

Q. **MS. SHANLEY:** Those letters tend to date from late 1950's and 1960's where numbers are definitely dropping?

A. Yes.

Q. **MS. SHANLEY:** Do you have anything to support an apology in relation to the 1940's to the late 1950's? What's your position on that period?

A. I think on the funding the 1940's is much more mixed all right, because I think you have to take into account the general climate in terms of the war years, the general availability of money, even if you go back to something like Daingean, for example, the delay in doing some of the buildings works, for example, was because of the short of war time materials. The evidence is certainly -- the evidence on which I would be basing that view would be more to do with the period in the 1950's and 1960's, even some of the early 1950's, I think around 1949, 1950, 1951 there is
certainly a fair degree of evidence that we felt the money wasn't adequate in the correspondence there was with the Department of Finance and indeed that the Minister had with his Cabinet colleagues in that 1950/51 period. Is that as true for the requests that were there for the early 1940's? Maybe not.

So it wasn't a scientific analysis, it was just saying look, we clearly in trenchant terms felt more money was needed and I think more than what I would regard as the normal letters to the Department of Finance give us a few more pounds kind of letters, so it was that basis.

Q. Ms. SHANLEY: Just now in final and just to finish, do you get a sense in any way that the Department protected religious orders?

A. I think there was a very significant deference to religious orders, in that it is striking on some of the issues, for example, that -- I can't remember which of the particular instances there is a reference to -- I think it is, in fact, maybe the 1954 incident, there is a nun who writes up and says "I will be in such a place if you care to call on me between 7:00 and 9:00", which I think would have been a different perspective. I think even the incident there of the priest, there is very much a view if you have difficulties with the religious orders you go to the bishop. I think that's probably a wider issue in education.
Ms. Bridget McManus

I mean, in the biography of Archbishop McQuade, for example, there is examples admittedly from a slightly earlier period, but not that earlier, of him being very upset that it was officials called upon him to discuss a particular school building, for example, rather than the Minister.

Clearly, I think, in the whole education system, as a Department there was a deference towards religious sensibilities and a reluctance. I mean, the comprehensive school debate, for example, when it came out, I mean there was huge correspondence and upsetment. I think even if you go back to the 1930's VEC Act there would have been huge religious issues about it.

So I think Department was very much a Department that was operating in a situation where a lot of the services it was providing -- where a lot of the services it was funding, that the provision of those services and indeed the policy of those services was very heavily determined by the church and by the religious orders and that had to effect the wider relationship.

MS. SHANLEY: Thank you.

THE CHAIRPERSON: Thank you very much.

END OF FURTHER QUESTIONING OF MS. McMANUS BY THE COMMISSION.

223

Gwen Malone Stenography Services Ltd.
Day 226
Ms. Bridget McManus

THE CHAIRPERSON: Thank you to everybody for their assistance today. I particularly say that the documentary material that we have been submitted to by everyone, including -- beginning with the Department but not confined to the Department and not for the first time, do I say this, but some firms but it is quite exceptional, the material, it makes our job a great deal easier when we have it as well prepared and as neatly indexed like this, so thank you very much.

THE HEARING THEN CONCLUDED AT 6:00 P.M.
Gwen Malone Stenography Services Ltd.
Daily [9] - 50.8, 50.9, 170.5
deals [9] - 95.11
Death [9] - 57.7, 51.8

debate [9] - 77.2, 77.7, 77.9, 78.1, 78.2, 78.4, 78.7, 78.16, 105.18, 106.3, 106.16, 121.6, 123.1, 123.6, 123.7, 123.10, 141.15, 153.7, 153.12, 153.13, 160.2, 160.6, 161.20, 164.17, 164.21, 223.11
December [9] - 97.26, 126.22, 212.23, 213.15
decided [9] - 41.12, 44.12, 103.9, 114.28, 132.4, 167.21, 188.10
decipher [9] - 118.10
decipherable [9] - 107.26
decision [9] - 69.4, 78.21, 78.27, 163.22, 200.22, 211.3, 214.14
decline [9] - 63.20, 76.18
declairing... [9]
decorative... [9]
decoraison... [9]
decision... [9]

defensive... [9]
defensive... [9]
defensive... [9]
defence [9] - 222.17, 223.9
deficiencies [9] - 75.11
definite [9] - 102.19
definitely [9] - 221.13
definitive [9] - 172.1
defected [9] - 6.9
degree [9] - 5.28, 19.29, 57.7, 83.8, 166.7, 169.6, 201.9, 212.13, 222.1
degrees [9] - 163.15
delay [9] - 221.23
deliberately [9] - 72.18
delighted [9] - 101.8

Gwen Malone Stenography Services Ltd.
ground [i] - 105:15

Hackett [s] - 107:10
hair [s] - 42:28, 168:24
half [s] - 21:5, 23:21, 130:5, 140:21, 183:21
Half [i] - 91:3
hall [s] - 30:10, 30:13
hand [s] - 17:18, 65:15, 106:14, 137:15, 137:19, 169:16, 169:20, 219:17

Hanged [i] - 213:4
handed [i] - 93:4
handicap [i] - 27:13
handiness [i] - 178:15
hands [s] - 93:14, 102:12, 125:20
handwritten [s] - 118:21, 210:1, 210:2
handy [s] - 178:13
hang [i] - 182:8
hanging [i] - 216:23


happenings [i] - 198:25
happily [i] - 176:5
hard [s] - 65:29, 71:6
harrier [i] - 219:27
harm [i] - 199:23
hasten [i] - 174:4
hat [s] - 159:11, 198:21
headed [s] - 12:17, 108:6, 118:12, 163:19
heads [s] - 168:24, 178:26
Health [s] - 77:13, 103:11, 154:19, 171:21
hear [i] - 43:15
heard [i] - 188:19
hearing [s] - 96:4, 126:25, 169:8, 208:13
Hearing [s] - 1:3, 4:1, 92:1, 133:1, 224:13
heavily [i] - 223:22
height [i] - 69:20
heinousness [i] - 199:11
Held [i] - 1:6
helped [i] - 75:5
helpfully [i] - 182:29
Herbert [i] - 1:6
here...[interjection] [i] - 181:16
hereby [i] - 1:28
herself [i] - 95:6
hesitate [i] - 103:28, 106:5
hiatus [i] - 68:11
hide [i] - 182:24, 182:12
higher [s] - 23:4, 23:8, 24:20, 28:11, 41:25, 41:26, 44:8, 50:22, 63:28
highest [i] - 45:13
highlight [s] - 153:26, 180:5
highlighted [i] - 179:29
highly [s] - 78:10, 90:28, 122:27, 146:18
himself [i] - 173:25
hindsight [s] - 54:3, 56:1, 98:26
hiring [i] - 32:36
historical [s] - 63:3, 70:20
historically [s] - 25:10, 58:26, 110:14
History [s] - 5:29
hit [i] - 164:28
hoch [s] - 47:21, 47:23, 59:4
holding [i] - 88:29
holidays [s] - 65:25, 65:26, 141:22
home [i] - 46:12
homicidal [i] - 104:29
homogeneity [i] - 37:13
homosexual [i] - 104:29
honest [i] - 202:21
honourable [i] - 164:5
hop [s] - 81:12

hope [s] - 19:20
hoped [s] - 139:26, 157:11, 157:12, 158:9
hopefully [s] - 32:4, 39:21, 52:14, 58:29
horribly [i] - 74:4
horrific [i] - 170:15, 208:8
horse [i] - 86:11
hospitals [s] - 66:7
hot [s] - 38:25
hour [s] - 91:3, 132:11, 203:23
house [s] - 32:7, 131:7
housing [s] - 32:6
hugely [i] - 175:14
Hughes [s] - 126:7
Hughes' [s] - 111:17
human [i] - 177:21
humiliating [i] - 117:2, 117:19, 119:1, 120:8, 121:25, 123:7
humilation [i] - 123:1, 123:3, 123:5, 123:10
hung [i] - 129:26
hurt [s] - 76:4, 76:6, 76:9, 76:11

ideal [s] - 33:28, 33:29
ideas [s] - 40:28
identified [s] - 24:26, 42:19, 52:17, 139:19, 139:24, 139:25, 204:22
identifies [i] - 212:17

Gwen Malone Stenography Services Ltd.
218:27, 218:28, 220:4
inspections [26] 54:13, 62:11, 68:8,
68:10, 69:1, 69:8,
71:15, 146:12,
146:13, 146:27,
147:29, 148:18,
149:7, 165:19,
165:20, 168:5, 168:7,
168:8, 168:9, 168:13,
172:23, 172:25,
184:14, 205:15,
206:6, 220:15
inspector [29] - 30:9,
30:11, 36:29, 37:4,
52:15, 56:19, 60:11,
60:19, 60:23, 62:22,
68:7, 69:5, 69:6,
69:17, 71:17, 77:25,
107:10, 108:18,
119:13, 119:18,
129:14, 144:20,
148:20, 165:26,
170:6, 182:19,
188:23, 194:7, 207:26
Inspector [3] 182:24, 207:21,
208:27
inspector's [1] 37:25
inspectorate [3] 216:16, 216:25,
216:27
inspectorates [1] 20:21
inspectors [6] 14:16, 14:18, 73:29,
74:10, 114:11, 148:13
Inspectors [1] 25:23
inspectors' [1] 110:2
inspects [1] - 8:3
instance [40] - 6:15,
16:17, 17:2, 18:1,
18:23, 22:2, 30:5,
30:6, 34:11, 34:14,
43:1, 44:17, 46:18,
47:17, 54:28, 76:28,
78:20, 94:14, 99:29,
104:5, 108:16,
126:26, 138:24,
149:25, 152:2,
152:13, 152:15,
156:20, 157:27,
158:21, 160:29,
163:10, 177:28,
180:9, 182:11,
201:21, 202:3,
202:10, 209:16, 216:3

instances [34] - 60:5,
82:28, 147:20, 148:7,
148:25, 149:8,
149:10, 149:15,
150:5, 150:6, 150:18,
151:10, 151:20,
152:3, 153:26,
155:29, 157:6, 158:4,
159:17, 161:1,
165:24, 169:11,
169:21, 173:6, 179:3,
179:12, 196:17,
198:28, 201:17,
204:27, 211:29,
212:10, 222:20
instigation [2] 47:19, 205:1
institution [55] 19:27, 20:1, 24:9,
32:9, 32:24, 36:13,
40:14, 44:15, 45:27,
48:9, 48:10, 48:11,
50:4, 51:3, 55:11,
56:16, 56:20, 57:17,
57:18, 63:8, 63:14,
69:12, 69:14, 76:21,
77:7, 77:17, 77:27,
77:28, 78:6, 82:23,
100:23, 101:20,
102:21, 104:14,
112:6, 145:29,
150:17, 151:24,
158:4, 160:5, 177:28,
180:15, 180:18,
180:19, 183:13,
187:9, 187:24, 189:8,
194:4, 199:27,
201:18, 205:7,
205:28, 207:16,
221:10
34:5, 36:26, 42:18,
66:5
institutionalisation
institutions [105] 9:10, 10:14, 13:1,
32:17, 32:21, 34:4,
35:4, 35:12, 37:29,
38:1, 38:19, 39:10,
39:19, 39:23, 40:15,
41:11, 41:29, 44:19,
45:2, 45:17, 45:20,
45:23, 47:4, 48:21,
51:23, 52:5, 53:28,
55:2, 57:20, 59:13,
59:22, 63:12, 64:6,
66:5, 68:23, 70:10,
70:13, 71:23, 72:28,

75:24, 75:28, 76:16,
76:27, 77:12, 77:17,
77:19, 78:8, 78:11,
82:13, 86:9, 87:6,
87:15, 114:11, 131:1,
138:5, 140:19,
140:24, 140:25,
140:28, 141:8,
142:23, 144:2, 144:6,
144:7, 144:29, 147:3,
147:11, 147:29,
148:26, 155:17,
155:28, 156:28,
158:15, 159:16,
159:18, 159:21,
160:12, 161:2, 161:5,
161:7, 161:25, 166:5,
167:14, 176:24,
176:27, 178:26,
178:27, 179:1, 180:4,
181:24, 189:3, 189:6,
191:1, 191:4, 191:9,
193:27, 196:26,
204:23, 205:24,
206:26, 211:27, 216:3
instruct [4] - 196:2,
196:6, 196:7, 196:8
Instructed [6] - 2:6,
2:11, 2:14, 2:19, 2:23,
2:27
instruction [1] 22:21
instructions [1] 77:14
insufficient [4] 40:3, 75:16, 75:18,
112:23
integral [1] - 140:9
intended [4] 154:28, 155:5,
155:10, 178:23
intending [1] - 8:17
intention [3] - 86:8,
195:18, 196:12
Inter [1] - 19:9
Interdepartmental
[1] - 178:22
interdepartmental
[5] - 49:3, 51:26,
59:17, 59:18, 59:19
interest [5] - 135:26,
144:10, 160:1, 177:12
interested [2] - 5:26,
78:24
interesting [4] 42:10, 43:11, 78:18,

176:17
interests [1] - 206:25
interface [1] - 84:22
Interjection [6] 4:10, 94:5, 113:5,
123:2, 125:1, 132:1
internal [12] - 20:5,
20:6, 61:6, 77:21,
77:25, 80:6, 81:11,
81:29, 82:3, 151:22,
175:15, 194:1
internalised [1] 150:23
interpret [1] - 142:29
interpreting [1] 205:25
interrupting [1] 27:4
intervals [1] - 174:10
intervened [1] 157:26
interview [4] - 56:9,
56:10, 117:29, 118:1
interviewed [6] 58:15, 152:8, 207:21,
214:3, 217:2, 217:4
interviewing [1] 118:25
intrigued [1] - 73:22
intriguing [1] - 35:5
intrusion [1] 163:11
inverse [1] - 44:16
204:29, 207:26,
207:28
56:29, 58:13, 170:7,
180:28, 196:11,
208:26, 214:14,
214:24
investigating [5] -

17
Gwen Malone Stenography Services Ltd.

57:21, 169:21,
170:14, 179:19,
204:28
Investigation [1] 2:3
investigation [6] 147:4, 156:5, 166:7,
170:2, 195:25, 198:13
196:24, 204:24,
205:10, 208:2
Investment [1] 24:24
investment [1] 27:18
invite [1] - 74:16
invited [1] - 93:8
involve [2] - 28:5,
32:25
involved [36] - 8:15,
9:4, 20:14, 29:23,
38:12, 40:28, 47:3,
53:27, 70:10, 70:16,
70:18, 73:28, 87:5,
94:18, 122:14,
125:28, 136:13,
136:15, 150:4, 150:6,
156:7, 157:23, 168:2,
170:14, 172:25,
173:22, 180:11,
184:29, 190:15,
196:21, 198:29,
201:7, 207:20, 208:4,
212:13
involvement [8] 87:26, 92:26, 135:21,
156:21, 161:3,
180:25, 192:2, 194:18
involves [1] - 115:22
Ireland [6] - 6:12,
18:5, 27:12, 47:16,
53:12, 74:12
Irish [12] - 11:21,
20:25, 20:26, 40:3,
46:19, 53:5, 53:7,
53:8, 99:18, 99:19,
130:1, 209:20
irrespective [1] 176:27
is...(interjection [4] 34:9, 107:23, 108:2,
127:6
isolated [2] - 146:14,
204:26
Ispcc [5] - 70:17,


wording [l] - 174:10
Words...[l] - 137:11
workers [g] - 104:17, 154:20
workforce [g] - 12:20, 13:5
Works [g] - 51:15, 94:18
works [g] - 31:1, 95:2, 95:4, 114:29, 221:24
worried [l] - 202:1
worry [l] - 177:15
worst [l] - 51:3
worth [g] - 71:3, 73:25, 194:26
worthy [l] - 74:8
writer [l] - 213:24
writes [l] - 222:22
wrongly [l] - 28:5
wrongness [l] - 75:14
Yesterday [g] - 32:20, 217:22
young [g] - 47:14, 115:1, 115:13, 124:24, 144:18, 207:16
younger [l] - 145:5
your...(interjection) [l] - 73:19
yourselves [l] - 211:15
Youth [l] - 39:6

£
£18 [l] - 218:3
£22 [l] - 218:3
£30 [l] - 218:4

É
Éireann [l] - 163:29

Y
year [g6] - 17:14,