COMMISSION TO INQUIRE INTO CHILD ABUSE
PUBLIC HEARING

HELD AT HERBERT PARK HOTEL
BALLSBRIDGE, DUBLIN 4

ON MONDAY, 12TH JUNE 2006 – DAY 225

EVIDENCE OF MS. BRIDGET MCMANUS

BEFORE:

MR. JUSTICE SEÁN RYAN
CHAIRPERSON OF THE INQUIRY

and

MS. MARIAN SHANLEY

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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:

REGISTRAR TO INVESTIGATION COMMITTEE: MR. B. REEDY

COUNSEL FOR THE COMMISSION: MR. N. MACMAHON SC
MR. P. WARD BL

Instructed by: MS. E. McHUGH

FOR THE DEPARTMENT OF EDUCATION AND SCIENCE: MR. B. O'MOORE SC
MR. C. DIGNAM BL

Instructed by: CSSO

FOR SISTERS OF MERCY: MR. P. GAGEBY SC

Instructed by:

FOR CHRISTIAN BROTHERS: MR. P. HANRATTY SC
MS. S. MOORHEAD BL
MS. U. NI RAIFEARTAIGH BL

Instructed by: MAXWELL WELDON & DARLEY

FOR THE OBLATES OF MARY IMMACULATE: MR. C. MAGUIRE

Instructed by:

MR. M. CONNAUGHTON SC
MR. M. DOWLING BL

Instructed by: LAVELLE COLEMAN

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THE HEARING COMMENCED ASfollows on Monday, 12th June 2006:

THE CHAIRPERSON: Good morning, everybody.  
Good morning, Secretary General.

MR. MACMAHON: Good morning, Chairman.  
This morning the Committee is a hearing the evidence of Bridget McManus, the Secretary General of the Department of Education and Science. Perhaps she should be sworn in at this stage.

THE CHAIRPERSON: Yes. Thank you very much.  
Mr. Reedy.

MS. BRIDGET McMANUS, HAVING BEEN SWORN, WAS QUESTIONED, AS FOLLOWS, BY THE COMMISSION:

THE CHAIRPERSON: Thank you very much. Now, Mr. MacMahon.

Q. MR. MACMAHON: Ms. McManus, I think you are Secretary General of the Department of Education and Science, I think you have held that position since the beginning of 2005?

A. That's right. I took up office as Secretary General for the Department of Education and Science on 31st January 2005. Prior to that I joined the civil service in 1978 as a graduate entry, I worked in the Department of Finance up to 1994, in the Department of Arts,
Heritage and the Gaeltacht from 1994 to 2000, from 2000 to 2005 back in the Department of Finance.

Q. Yes. I think a statement has been prepared for the Commission setting out the Department of Education's position as regards the issues in question here and I think in addition to that you have recently furnished a further short statement as an addendum to that, but I think it is your desire to present that short statement before embarking on your evidence in general?

A. Yes, that's right, Mr. MacMahon.

Q. I think you have not previously given evidence to the Commission. I think that role on behalf of the Department of Education was done by others at previous hearings. How have you been nominated to act or to give evidence on behalf of the Department of Education and Science in this instance?

A. As Secretary General of the Department I am the administrative head of the Department so I considered it appropriate, given the scale of the evidence which is accounting for the Department of Education stewardship in this area, that it should be the Secretary General that would give evidence on this occasion.

Q. Yes. At paragraph 1.10 of your main statement you deal with the sources of your information and I think in summary form you refer there to Inspectors' reports and other documentary sources, communications and correspondence from various bodies, Resident Managers' Association, schools authorities and so on. In

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compiling the statement and in preparing to give
evidence on behalf of the Department has there been
recourse to those who worked in the part of the
Department of Education which was concerned with
industrial and reformatory schools?

A. No, the bulk of the work on the statement was done by
reviewing documentary evidence in the Department in
terms of files, reports. I did discuss the issues,
though obviously more of the recent period, with both
John Dennehy, former Secretary General, and Tom Boland,
who would have been the head of legal services in the
Department at one point. But by and large, as I think
we indicate in the statement, the people in the
statement are no longer working in the Department and
indeed, there is probably very few of them that are
still alive.

Q. I understand. I think that -- I am not aware as to
whether you have attended any of the private hearings
in your own part, but I think the position is that the
Department has been furnished with transcripts of the
evidence given at the private hearings and indeed also
the evidence given at the public hearings and I think
you have been furnished with those transcripts and you
are aware of the nature and breadth of the evidence
which has been given; is that correct?

A. That's correct. The Department would have prepared a
statement of response in the case of all of the private
hearings and been furnished with the transcripts and,
indeed, I would have been briefed on the issues. I
have also read a selection of the private hearing transcripts.

MR. MacMAHON: Yes. I think the order of business, Chairman, which we will be adopting this morning will be, as I understand it, Mr. Hanratty, who acts for the Christian Brothers, will begin question and he will be followed, I think, by Mr. Gageby, who acts for the Sisters of Mercy, and by Mr. Maguire, who acts for the Oblate Congregation. Mr. Mark Connaughton is instructed by Lavelle Coleman and will follow after Mr. Maguire. And if there are further issues which I wish to deal with at that stage I will then ask you some questions. Your own counsel may have some questions for you at the end of that.

6 Q. THE CHAIRPERSON: Very good. Well, Ms. McManus, would you like to begin with your opening statement, if you like.

A. Okay. Thank you, Chairman. I would like just to make a few brief introductory remarks before I give evidence and deal with questions.

As Secretary General of the Department of Education and Science I wish to state publicly here today that there were significant failings in relation to the Department's responsibility to the children in care in these institutions and that the Department deeply regrets this.
Children were sent to industrial and reformatory schools by the State acting through the courts. While the institutions to whose care they were committed were privately owned and operated the State had a clear responsibility to ensure that the care they received was appropriate to their needs. Responsibility for ensuring this lay with the Department of Education, whose role it was to approve, regulate, inspect and fund these institutions. It was clear that the Department was not effective in ensuring a satisfactory level of care. Indeed, the very need to establish a Commission of Inquiry testifies this.

In acknowledging the Department's failings, I should also acknowledge efforts made by individual Department staff members in the period to achieve improvements in the quality of care in the schools.

The failings arise in several areas: For a start, the Department's inspection system was inadequate in a number of respects. The Department did not ensure that all schools were inspected at least once every year as required by legislation. The number of inspections varied from year to year and from school to school. Records indicate that some schools went for some years without a visit by a Department Inspector. For an inspection system to be effective, a more frequent inspection of the schools would have been required.
The Department files indicate that at various times during the relevant period the work of the Department's Inspectors to engage with follow-up with school managers did help to bring about some improvements in the quality of residential care in schools. The focus of inspection activity prior to the appointment of a childcare advisor in 1976 was largely concerned with the material and physical aspects of residential care.

An inspection system, even a well functioning one, will have limitations. The effective handling of complaints is another protection. Based on the Department files, the arrangements for dealing with complaints by the treatment of children in industrial and reformatory schools were unsatisfactory. The Department did not record all complaints and it appears that many complaints were treated as insignificant. The practice was to refer complaints to the Resident Manager of the school for consideration and to follow up as appropriate with the Resident Manager, depending on his or her response and the nature of the complaint.

There does not appear to have been a defined system of assessing the seriousness of a parental complaint and generally the Department did not interview the parent or the child concerned. There are cases where the Department accepted the explanations given by the Resident Manager when a complaint was brought to his or her attention without making any other inquiries.
There is also evidence indicating that the Department may have been inclined to treat complaints about physical punishment with a degree of skepticism.

For much of the period the Department of Education accepted that a higher level of funding for the institutions than the amount being paid was justified. It sought Department of Finance agreement at different times for rates of grant that were considerably higher than those approved by that Department and therefore than the rate actually paid to the institutions. Indeed, in a Department to the Minister in 1967, in the context of setting up the Kennedy Committee, stated that had the Department was:

"In no position to defend its achievement as far as size of grant goes."

The Kennedy Report in 1970 accepted that residential managers were faced with the task of running the institutions on an inadequate financial provision. This level of financial provision had to be a factor in the quality of care provided.

With regard to education and training, the Department did try and ensure arrangements were made to provide children in industrial schools with a primary education, either by attending a nearby national school or by recognising and funding a national school within the industrial school. However, as regards the
provision of training in specific trades or occupations, we have been unable to establish from our files the extent to which proficiency in industrial training was examined and inspected by the Department as recommended in the Cussen Report and provided for in the rules and regulations for certified schools. The concerns raised in the Cussen Report about the quality and usefulness in industrial and agricultural training persisted into the 1960's and the Department does not appear to have given this issue sufficient attention.

While the Department acknowledges fully that there were failures it is very difficult for us to identify why those failures occurred. In preparing this statement, the Department has relied on a review of its own files and records. As the Commission is aware, there are gaps in our records and not all Department records which existed at one time still exist today. It will also be appreciated that documentation will not give a full picture of what happened at the time. It is difficult enough, even on certain issues impossible, to establish what happened factually on specific issues. It is not really possible at this remove for me or anyone in the Department to put ourselves in the shoes of our predecessors and assess the context in and the constraints under which they operated, both at Department level and at a wider public sector level or to make a judgment why certain actions were taken or not taken.
The Department is most anxious to assist the Commission in the conduct of its Inquiry. In preparing the Department's written statement to the Commission, we have attempted to draw together the key information from the review of our files. I will make every effort in my evidence to deal with the questions raised by the all of the parties represented before the Committee today.

END OF QUESTIONING OF MS. McMANUS BY THE COMMISSION

THE CHAIRPERSON: Thank you very much. Mr. O'Moore, just before we begin, let me get another thing out of the way. We received extra information in the form of documentary material in the middle of last week and certainly from our point of view we don't want to interrupt things or get bogged down into a detailed investigation, but we would like, please, to have an affidavit dealing with the circumstances in which that material came to light, who had custody of it, how it was dealt with and how it came to be sent to us.

Now, we don't want, again, to be unreasonable about this, so whenever this session finishes today, tomorrow, whenever it does, we would think that a week from then would be reasonable, if you have any difficulties about that perhaps you would come back to
us.

MR. O'MOORE: Yes, sir. I am aware of the fact that documentation was provided last week, quite a small quantity of documentation. I appreciate the Commission's attitude in not disrupting the evidence of Ms. McManus today and over the next few days. Mr. MacMahon for the Commission has been kind enough to let me know informally this morning that you were likely to take the approach that you required a further affidavit of discovery and of course that will be forthcoming in the time scale stipulated by the Commission, sir.

THE CHAIRPERSON: Yes. If there is a difficulty about that come back to us, but we would prefer it to be fuller rather than rushed.

MR. O'MOORE: It is something that Ms. McManus was prepared to address in her evidence today and the time scale you suggest will, I think, give us adequate time to provide the sort of detail that you require. If we have a problem we will get back to the solicitor for the Commission.

THE CHAIRPERSON: Very good. Thank you very much. Now, Mr. Hanratty.

MR. HANRATTY: Thank you, sir.
Q. MR. HANRATTY: Ms. McManus, my name is Patrick Hanratty senior counsel and I am instructed by the Christian Brothers, but I am acting today in the capacity of amicus curiae, as it were, or by analogy to that function for the purposes of the Commission.

I want to ask you just very briefly, first of all, arising from your introduction as to how long in total you have been in the Department of Education?

A. I joined the Department of Education as Secretary General on 31st January 2005, so about 18 months.

Q. Yes. Therefore, as you have pointed out, you are relying, for whatever assistance you can give to the Commission, on a review of documentation and conversations you have had with others within the Department?

A. That's right, a review of documentation done by staff and some documentary counsel and some discussions largely related to more recent events.

Q. Just to be clear, you obviously, because of the time that you started in the Department of Education, have no direct experience yourself of any of the matters the subject matter in this Inquiry in relation to the Department of Education?
A. That's the case. I was for two years dealing with the Department of Education from a public expenditure point of view in the Department of Finance.

Q. Would that also have been in the relatively recent past?


Q. In what capacity?

A. I was an administrative officer in the Department of Finance.

Q. Did you, in that capacity, have anything to do with the funding of industrial schools.

A. Insofar as there would have been any requests for increase in capitation grant in that period I would have had some involvement. My only recollection is a Statutory Instrument which would have been approved at the end of December, I think, 1978, where it would have been necessary for the three Ministers to sign a statutory instrument that set out the funding, the Minister for Health, the Minister for finance and Minister for Education.

Q. Yes. Are there any senior civil servants in the Department of Education at this point in time who do have experience of the management of the particular branch responsible for industrial and reform schools?

A. Only insofar as that they would currently have responsibility, what responsibilities we have in reformatory schools, but not for the period.

Q. Not for the period in question?

A. In question.
Q. I understand. I am going to ask you some questions, if I may, just to explain my structure about oversight and then funding and then a number of matters, very briefly specifically referable to the Christian Brothers. But before I do that and to put it in context, I just want to ask you about the children and the categories of children that we are speaking about. It is recorded in the Cussen Report and various other reports which are contained in the documentation, including the Department of Education documentation, that by and large we are talking about children who were disadvantaged in one way or the other. We are dealing with -- first of all, we are dealing with orphans; isn't that right?

A. That's right, yes.

Q. We are dealing with children who, for reasons of lack of supervision or lack of care from their parents, found themselves being put through the system and being cared for in industrial schools?

A. That's right, yes.

Q. We are dealing with children who were offenders or engaged in criminal activity and came through the criminal courts?

A. Yes.

Q. Isn't that right?

A. That's right.

Q. In all cases, did these children find themselves, in the first instance, going through the system, being referred through the court system to industrial
A. Well, as I understand it, the children for whom we had responsibility in the Department of Education would have been committed by the court system in terms of under either the various provisions of the Children Act or the School Attendance Act. There would also have been children placed in those institutions through the local authority system and accepted into those institutions under the system, whereby some of those industrial schools would also have been approved schools for the purpose of those placements. And there was a third category who would be put in a voluntary capacity, as I understand it.

Q. But they did not also go through the court system for referral to the industrial school or was there a separate system of referral?

A. As I understand it, it was also possible for somebody to go to one of these institutions and place a child in their relative or friends. I am not aware that there was a significant number of those children, but as I understand it, our papers would suggest they could be placed in that fashion also.

Q. If you are correct in that, presumably there would be children who for various, presumably financial, circumstances their parents or guardians were unable to care for them?

A. I assume so.

Q. I mentioned three categories; I mentioned orphans, neglected children and children who were involved in
offending. There was another category which you
yourself just mentioned, namely children who were
involved in truancy from school, they also -- that was
a reason for the presence of a substantial number of
children in industrial schools in Ireland historically;
is that right?

A. That's right, there were committals. They would have
also been committed under the Act in terms of, I
suppose you could put it as, a guardianship type issue,
where their guardian wasn't ensuring they were going to
school.

Q. Yes. In general, under the industrial school system as
it existed, and I am taking the period from, say, the
foundation of the State 1922 up until 1999, which is
the end of the period, the period with which the
Commission is specifically concerned with under its
terms of reference is 1933 to 1999, but during the
entire period up to 1999, we'll say up to after the
Kennedy Report, I think it is true to say that the
system as such did not discriminate between these
categories of children or make any distinction between
them?

A. They were some distinctions, for example, in funding,
there was a different rate of funding paid, for
example, in the reformatory schools. So there would
have been on the basis that the offending children,
certainly of the older age group, would have been
committed to reformatory schools. There was a
distinction in terms of funding.
Q. Was that for any particular reason or was it just arbitrary historical reasons?
A. I am not aware that it was. There were different rates of funding for different categories of children at an earlier point as well, for different age groups for children whose parents fell into different categories and the reformatory one seems to have been maintained up into, I think, the 1970's when it was -- there was an equal capitation.

Q. There is, for example, as you are probably aware in the documentation, reference to the fact that for a period there was no provision for children under six years of age and then at some point in time provision was made for children under six years of age, albeit at a lesser rate than children who were over six years of age?
A. Yes.

Q. But apart from the question of funding in terms of the capitation grant, we will come back to this in more detail in a moment, would it be true to say that the system didn't really make any distinction between these various categories of children, in terms of the services that were provided or made available for their care?
A. I think on individual -- I think it is probably fair to say that on the general categorisation it doesn't seem to have. I think it is clear when one looks at some of the individual correspondence, for example in terms of recognising a special school, for example, in Daingean, there would have been a recognition that perhaps some
of the institutions had different special educational needs. But I think it is fair to say that was done on an institution basis, rather than a category of children basis.

Q. But that would have been after the Kennedy Report, I take it?

A. No, the discussions on the special school, for example, in Daingean would have been in the 1960's.

Q. If we can just talk for a moment about the industrial schools. Was there any differentiation made between these categories of children so far as the care that was provided in the industrial school system?

A. Not to my knowledge, from the Department's perspective.

Q. From the Department's perspective, they were aware, I take it, that when admitted the children were streamed in terms of accommodation by reference to their age and in terms of education in general by reference to their degree of educational achievement; is that fair?

A. Yes. Well, the courts would have effectively -- any Resident Manager, the manager of the school, decided to accept a child or not accept a child and the court then committed them to that institution.

Q. Yes. Just to put it in perspective, for example, in 1954 the Christian Brothers took an initiative where they decided that they wanted to segregate children who were offenders from children who were admitted for different reasons, essentially admitted for reasons of deprivation or social disadvantage, and they didn't want these children mixing with children who were
admitted through the courts specifically for having been involved in criminal activity. You are aware of the correspondence in relation to that?

A. Yes. Yes.

Q. That was, I suppose, the most clear distinction that needed to be made within the system of the difference between children or the undesirability or otherwise of mixing children who came for those reasons with children who were there for other reasons; isn't that right?

A. Well, I think that's assuming that it would have been accepted at the time that that was a desirable thing to do. I mean, I think, for example, you had senior people in Ferryhouse at the time would have had a view there was a benefit in having children mix. There was certainly a view, I think, in terms of the public, precisely in the context of that decision on Letterfrack that it would be better to have children able to attend a school near their family and that that benefit, if you like, was better than the benefit of separating out the children. And I suppose what would have been in the consciousness of people is that perhaps certainly in the earlier period, the difference between the children who were committed because of neglect, if you like, and the children who were committed sometimes for, I think, probably what we would now regard as reasonably offences for which you might give a Probation Act or whatever nowadays, that perhaps there might not have been, certainly in the
earlier period, a starker difference between the category of children and that may have influenced a different view.

So, while I think very much now we would have a view that the kind of children for whom it is considered desirable or that there is no option but custodial care because they are offenders and the kind of children who need to be cared for because of family circumstances should be treated very separately.

I am not sure there was that consensus at the time generally. I mean, the Christian Brothers had one view, others appear to have had a different view.

Q. Well, taking the period between 1933 and, say, the year of the Kennedy Report, 1970, you are obviously quite correct that there were varying views expressed, was there any view in the Department of Education on this topic?

A. Insofar as we can tell from the papers, no, there wasn't a view. They seemed to have seen it as being a matter for the individual managers. Insofar as they had a view, I think it is probably fair to say that it was more on the side of trying to make representations in order to keep children near their family home. In other words, to -- I think they certainly were involved, if I recall, in trying to have either Glynn or Tralee used as -- allowed to continue to take offenders in order that children wouldn't be further
from home in Letterfrack. But I would not say that any of our papers show that there was any great consideration of the issue from the point of view of was it a good idea or not a good idea to have a mixture of the children in the schools at the time.

33 Q. I think it is true to say that there did come a point in time where the Department took the view that it was undesirable?

A. It was, yes.

34 Q. Can you identify when that point in time was?

A. Certainly around about the time of the Kennedy Report it is very clear that, and even in the lead up to the Kennedy Report, that there was a view that there should be an a separation of functions into what they saw as preventative care, if you like, for some offenders and into rehabilitative type care on the industrial school side and a very clear separation after Kennedy into special schools and detention centres. I think that was probably there through the 1960's, in fact, or the origins of it was there through the 1960's.

35 Q. Yes. Looking at the very detailed statement from the Department generally and the opening statement that you have delivered here this morning, both of these statements are, if I may say so, contrite and contain significant recognition of shortfalls in the discharge by the Department of its statutory functions so far as children were concerned in this period of time. The shortcomings that have been identified, as I understand it, and please correct me if I am wrong, fall under the
general headings of, on the one hand, oversight and, on
the other hand, funding; is that right?

A. That's right, yeah.

Q. In your detailed statement, on page two you say on
behalf of the Department:

"The Department is conscious that there
were significant failures in relation
to its responsibilities to the children
involved, which the Department deeply
regrets."

It would appear from the documents that have been
appended to your statement that at various points in
time there were recognitions within the Department
contemporaneously of the shortcomings in the manner in
which their responsibilities were being discharged; is
that fair?

A. I think it is certainly fair that, for example, to take
the funding, that there was a recognition that the
funding was not adequate and that the Department had
not been successful in getting greater funding. I
think there was also a recognition at times on the
regulatory side that perhaps there were some gaps that
needed to be filled in. But I think in fairness on the
inspection function it is more a retrospective judgment
looking back that there was any contemporaneous
recognition that there was a difficulty in the
inspection function, until we get to Kennedy and the
Kennedy Report.

Q. Well, does it follow from that that, for example, in
respect of inspection, which was the main methodology
of the Department exercising its oversight functions, there was no contemporaneous recognition at any time that the discharge of that function was inadequate, or have you identified anything in the documents to suggest that there was a recognition of those inadequacies?

A. I think there were certain periods, for example, after the Cussen Report it was identified that there was a need for a medical inspector, there was then a medicated inspector recruited in 1939. There was also in the discussions, if I recall, in the Interdepartmental Committee in 1962 a recognition that perhaps there was a need for a second administrative inspector at the time, that additional inspector functions would be useful. But I am not sure that there was anything else that I am aware of.

Q. Yes. In the paper, which I think you have probably seen, written by Seamus O Cianeide after the Kennedy Report, he describes the system of childcare in Ireland as "Victorian in philosophy and in practice." Would you agree with that description of the system up until, say, the time of the Kennedy Report?

A. I haven't got that paper, I am afraid. Is it in your documents that you circulated, is it?

Q. Yes, I think it is. It is called "Deprived Children, Decrepit Policies", its title is "Ian Harte Lecture by Seamus O Cianeide, St. Patrick's College, Maynooth." He makes those remarks under the heading...(INTERJECTION)

MR. O'MOORE: I don't think, in fact,
that is in the core book of documents circulated by Maxwells, but perhaps a copy could be given to the witness, you could arrange that.

40 Q. MR. HANRATTY: Yes, I will arrange that and perhaps come back to it because there is one or two other quotations that I refer to.

(To the witness) But, in general, would you agree that the system of childcare, residential childcare, or the care of children from deprived backgrounds that we had in this State up until some time after the Kennedy Report was, in fact, Victorian?

A. Well, even though I have a degree in history in my background, I am not sure exactly what Victorian means.

41 Q. We know that...(INTERJECTION) THE CHAIRPERSON: Is that a good thing or a bad thing, Mr. Hanratty?

MR. HANRATTY: Well, I am not going to make any judgment on it one way or the other, sir. But I will put it to you this way...(INTERJECTION) THE CHAIRPERSON: He's maybe saying it is so out of date, it is old fashioned and it is terrible.

42 Q. MR. HANRATTY: Let's put it this way. First of all, the regulatory framework within which these children were cared for was the Children's Act 1908; is that right?
A. That's right.

Q. When that act was passed, in fact, the system of industrial schools was already in place in that there were institutions run by the religious orders in this country, including the Christian Brothers, to which these children were being sent; is that right?

A. Yes, established under the 19th Century legislation.

Q. Which, in part at least, substantially, I think, in fact, the Children's Act 1908 replaced?

A. That's right.

Q. This was a system of institution care of referrals of these children primarily through the court system; is that so?

A. I am not sure what the balance of numbers that came through the court system and from the local authorities but insofar as the Department of Education was concerned, yes, primarily through the court system.

Q. Essentially the system of oversight that existed prior to Independence, in other words, the civil service system that existed prior to that was continued after 1922; is that right?

A. That's right, as with most systems, yes.

THE CHAIRPERSON: There was actually a very good system of inspection beforehand.

MR. HANRATTY: Sorry?

THE CHAIRPERSON: Before Independence there was a very -- this is why I quibble, lest I appear to be promoting the Victorian
Ms. Bridget McManus

standards. In fact, before Independence there was a
good system of inspection.

47 Q. MR. HANRATTY: Yes. But in its
organisation, whatever
about its effectiveness, it was essentially unchanged;
is that right?

A. It was unchanged in its legal base, or the substance of
it was unchanged in its legal base. I think there were
changes made, for example, like the medical inspector
that followed on the Cussen review. But if you are
asking me is the system by which you say how the
Department regulated it is a system of inspection that
principle remained unchanged, indeed it probably
remains unchanged up to this day. And on the funding
side the system of a capitation grant was the system,
even if it changed in terms of some of its structures,
a system of funding by capitation means remained
unchanged. A system by which, in fact, the State saw
itself as putting the children into the care of largely
religious institutions and for which it had a
regulatory function and a funding function but regarded
the children as in the care of the institutions
remained relatively unchanged from the 19th Century as
well.

48 Q. Would you agree with me that so far as the care of
children is concerned, that the function of the State
goes somewhat beyond a mere regulatory function, in
that ultimate responsibility for the care of these
children rested with the State?
A. Yes, responsibility for the children, the State, as I think I said in my opening statement, if you like, had chosen to take these children away from their natural guardians and place them in the guardianship of somebody else and therefore they had a responsibility to ensure that the way the children were cared for in that guardianship was correct, was proper for the children. So, the State's function was to make sure the system worked in the best interests of the children.

But if you are asking me should the State have run these themselves, I mean there are many instances where the State takes responsibility and allows that responsibility to be exercised by somebody else and controls the quality by a regulatory system, that's not an unusual model, even in the current day.

Q. Well, there are two things I suppose, the first thing is the responsibility and the second thing is the manner in which the responsibility is discharged. In your opening statement this morning you said that:

"The State had a clear responsibility to ensure that that care that these children received was appropriate to their needs."

A. Yes.

"Responsibility for ensuring this lay with the Department of Education, whose role it was to approve, regulate, inspect and fund these institutions."
It is of course true to stay that the State could have discharged this responsibilities to these children in many other ways, for example, by having its own directly run institutions; isn't that so?

A. That's the case.

Q. In this instance, the manner in which the State chose to discharge its responsibilities to these children was to delegate the task of caring for them in institutions owned by essentially private entities, primarily religious institutions and some private trusts?

A. Yes. I think that is the case, but the case is, I think, one has to look at that in a context that some of these institutions were already taking such children, even if you look at prior to 19th Century legislation, so it was a situation where there were institutions and trusts caring for deprived children in a sense and that system, if you like, was expanded in the context of the court committing children to it.

Q. Would you accept that that responsibility involved a responsibility to ensure that all of the needs of these children, whatever they may have been, were cared for?

A. Yes.

Q. The care being provided by these institution, and I am talking generally in the country now, consisted primarily in looking after their physical well being in terms of providing food and clothing and accommodation; is that right?

A. That's right, certainly up to a certain period, yes.
Q. And quite separately from that, education for which there was a separate stream of responsibility, as it were?
A. Yes.
Q. The State, through its inspectorate, through the Department of Education, was aware of the level of care that was being provided in all these institutions in the State during this entire period; isn't that so?
A. Yes.
Q. The inspectorate was, in the first instance, the industrial schools inspectorate and, secondly, there was an education inspectorate as part of the normal national school education inspectorate as well?
A. That's right.
Q. The industrial schools inspectorate was the interface between the Department of Education and these institutions and the channel through which it obtained information and provided instruction or guidance; isn't that right?
A. That's the case, yes.
Q. These inspections would be done -- under the 1908 Act there was a minimum requirement that they would take place at least once per annum; is that so?
A. That was the legal requirement, yes.
Q. Through those inspections the Department would inform itself about all aspects of the care of these children, is that right, or at least so the theory would go?
A. (WITNESS NODS).
Q. Including their food, their clothing, their
supervision, all aspects of their life, their
recreation and their accommodation?
A. That's right.
Q. And also, within that particular inspectorate would be
responsibility for the Department informing itself with
regard to the industrial training that these boys and
girls were supposed to be having; isn't that so?
A. Certainly for some consciousness of it. Though it is
also clear, I think, from our files that there was some
involvement of our technical instruction branch, which
would have been a branch that dealt with some of the
vocational training. Now, that would have been more to
do with trade training within the second level system,
but it is certainly clear in some instances, and
obviously we can only go by some of the paperwork
that's there, that there were inspectors from that
technical instruction branch involved. But there is
actually very little on our files about what the
Department did about the industrial training.
Q. Well, would you accept that, in fact, it did very
little?
A. I would, insofar as we can tell from the papers, yes.
Q. The idea in industrial schools was that children who
were referred through the court systems primarily would
be cared for, would be educated and would be trained or
receive some form of what they characterise as
industrial training, so that when the time came for
them to leave they would be eligible to take up
employment in some capacity?
A. Yes. I think it is also clear in the early days from the file, and that's probably truer of the 19th Century origins of it, that there was a concept of self-sufficiency as well so that part of the, if you like, trade training was to do with producing clothing for the children, as well, for example, in the choice of some of the trades.

Q. Yes, but leaving that 19th Century industrial school concept aside, there was undoubtedly as part of the normal care of these children and the normal upbringing of these children, which in effect what these institutions were doing, a clear need for some form of preparation for life after they left these schools?

A. Yes.

Q. So that they could function effectively in the outside world and in the employment market?

A. Yes.

Q. The evidence appears to suggest in the documentation that, in fact, the Department of Education didn't provide any separate funding for that form of training; is that right?

A. Yes, I think the capitation grant was always intended to cover the totality, if you like. At a certain point the primary education element was separated out, in the 1940's. But the balance of the funds, the capitation grant was intended to cover the industrial training element as well, and, indeed, I think there is reference in some of the circulars that would have issued at different stages on capitation rate increase,
about improving equipment, for example, on the
industrial training side.

Q. Yes. In fact, on the industrial training side the
costs arise, I suppose, under two headings; the first
heading would be the payment of the teachers who were
providing this training and the second heading would be
the purchase of equipment for the purpose of the
training. Just taking each of them in turn, I think it
is true to say that there was no provision other than
through the medium of the capitation grant for the
payment of teachers involved in employment training or
industrial training; isn't that so?

A. Yes, unless there was some provision for VEC teachers
in certain areas to provide some teaching that would
fall, I suppose, somewhere between the education system
and the industrial training system and they were
usually paid for by the VEC, but for the bulk of the
crafts men, if you like, that would have been training
the VEC children no, there was no separate provision
for salaries.

Q. Yes. The Cussen Report, I think, in the 1930's,
recommended the payment for teachers involved in
education; isn't that right?

A. That's right.

Q. And it did take a number of years for that particular
recommendation to be implemented; isn't that so?

A. Yes, it was implemented initially partially during the
1940's, in that the full amount of the salary was not
paid and then the full amount was paid.
Q. But even then there was no separate provision for the payment of teachers involved in industrial training or in employment training; isn't that so?

A. No, there was no -- if you are talking about the kind of supervising of workshops or the head cook, or whatever, baker in that, there was no provision for those types of things.

Q. It is also clear, is it not, that there was no provision for the provision of equipment for the purpose of this type of training, whether it be carpentry tools or any other form of trades?

A. Other than for the brief period in the 1940's, where there was a capital -- a separate capital grant scheme, which was a very short period, where some of that could have come under it, as I understand, there was no provision.

Q. In its inspectorate system the Department would have been familiar with the fact that, for example, in the case of the Christian Brother, and I think this applies to a greater or lesser extent to most of the Orders who were involved in this work, that essential these Orders were trained as teachers and didn't really have any other form of training?

A. Yes, certainly even before the separation out of the primary teaching and the school and the recognised school issue there was certainly a rep, the staff in the institutions were referred to as teachers as such, even though some of them would not have been qualified teachers.
73 Q. Yes. But it would have been within the knowledge of
the inspectorate that these people were being trained
as teachers from fairly young ages, as it turns out,
but they were being trained as teachers and not being
trained in any other capacity; isn't that so?
A. Insofar, I mean, insofar as the staff in the
institutions were trained it was generally teacher
training they had.

74 Q. They were required to provide the services of not just
the teachers, but they were required to discharge the
function as well of caring for these children outside
school hours, obviously?
A. Yes.

75 Q. And I take it, and it seems fairly clear from the
documentation, the Department would have been aware
implicitly that these people had no separate training
in childcare at any time prior to the Kennedy Report,
for example?
A. I think probably there was evidence of some interaction
at the inspection level about childcare training in the
1960's, in terms of some of the inspectors requiring of
the institutions what training had some of their staff.
But yes, if you take Kennedy as covering a sort of lead
in period to Kennedy.

76 Q. The Department itself didn't make any funding or other
provision available or even training itself available
to teachers in any of these schools to equip them for
specifically childcare?
A. No, the Department was not involved in childcare
training up to the 1971 course.

Q. And didn't provide any funding for the provision of childcare training by the religious orders themselves?

A. To the best of my knowledge, no. There was an attempt in the 1940's to run a course which was probably more nutrition and management than it was childcare as such. The Department looked for funding for that from the Department of Finance and it was turned down. I think that's probably the only example. I think there might have been one other occasion on which there was some small amount of money for some course but it wouldn't have been a childcare one and I can't quite remember it.

Q. I suppose really the most important point is that certainly again up until some time after the Kennedy Report the Department did not make any requirement on any of these institutions that the people involved in childcare should have some form of childcare training?

A. No.

Q. The Department of course were also aware that the manner in which most of these, most if not all of these, institutions were run was on the basis of a strict institutional regime, where relatively small numbers of staff were caring for varying but relatively large numbers of inmates; is that right?

A. I assume so.

Q. In which a corporal punishment, to a greater or lesser extent, was an important part in keeping control and keeping discipline?
A. I think in fairness the Department's guidelines on
       corporal punishment would have very much seen it as a
       last resort. But clearly from the inspection reports
       and the fact that Punishment Books had to be kept they
       were aware that there was corporal punishment.

Q. Yes. Can I just ask you to tell us briefly about the
       infrastructure within the Department or the Department
       within the Department that was responsible for these
       schools, I think it was called the INR branch?

A. Yes.

Q. Or the Industrial and Reformatory school branch. Would
       you just give a brief description of the staffing of
       that branch, say from the 1930's onwards?

A. Is it okay if I find it?

By all means, yes.

A. If we take the industrial and reformatory branch, at
       various times there was an administrative official who
       was designated as the superintendent or inspector, he
       was generally assistant principal who would have
       reported to a principal and assistant secretary but
       obviously the principal and assistant secretary would
       have had other functions besides the industrial and
       reformatory issues.

If we take from 1933, and Tom's directory is what we
       are relying on here, there are three names listed in
       the branch, there was the administrative head, there
       was Margaret O'Neill who was an assistant inspector and
       Martin Whelan who was a junior executive officer. We
also know from other documentation later on that there would have also been some clerical support.

In 1943 there was a supervisor, a medical inspector and a couple of staff officers, clerical support stenographers. I think it is probably fair to say there was no great change up to 1960.

1966 we have an assistant principal, a higher executive officer, a medical inspector.

I think, by and large, in the period you can take it there was somebody broadly at assistant principal level, somebody else on the administrative side, some clerical support and a medical inspector.

Q. Yes. I think on page 14 there is a reference to a 1966 survey which noted that there was no change in staff between 1943 and 1960; is that right?
A. Yes.

Q. Just in terms of pure numbers, how many staff were in the INR section?
A. Eight staff.

Q. Yes. That included the inspectors, did it?
A. That include the inspectors. Sorry, that included the industrial and reformatory branch inspectors, obviously the school inspectorate and the primary branch would have dealt with the primary schools in the institutions. But if we take everything except the primary schools in the institutions that was the staff.
Q. You note in your detailed statement that these inspections that were carried out by these inspectors were largely, I think the word you used was, impressionistic?

A. Well, yes, in the sense that I think the question was asked indeed by the Commission -- in terms of one of the questions they asked was there a pass or a fail as such. So, when we say impressionistic is that the characteristics, there wasn't a marking system as such, it was said that something was excellent, good, fair. So, if you like the classification wasn't done on a sort of formal marking system grid. I think it is probably fair to say on the medical side it was in terms of things like assessing the weight gain of children, and things like that, it was far from impressionistic, it was fairly well done by measuring weights and recording and medical examinations. But when I say impressionistic, it is that there wasn't a formal marking, scoring system.

Q. Yes. You freely acknowledge in your documents that the inspection system was inadequately implemented?

A. Yes.

Q. To the extent that it didn't even meet the minimum requirements of the 1908 Act; is that right?

A. Under the 1908 Act every school should have been inspected every year and it is clear that did not happen.

Q. In fact, I think the actual requirement was that they be inspected at least once a year?
A. At least once a year.
Q. Envisaging perhaps a more frequent inspection might have been appropriate?
A. That's right. We are going on the written inspection reports. I mean, it's clear that's what we are, if you like, regarding as formal inspections where we have a record of an inspection report. It is clear from some of the other documentation that inspectors did call to schools, if you like, other than for inspections, there may have been other contacts. And there may, indeed, have been some inspection reports of which we are not aware of or not have a record. But based on the written inspection reports that we have, which is what we are dealing with as the formal inspections, it is clear that all schools were not done every year.
Q. Yes. You have done a considerable amount of detail on this very point and I will just ask you to briefly outline the extent of the shortfall in the inspections that were, in fact, done.
A. Is it okay if I...(INTERJECTION).
Q. Yes, by all means.
A. In the written statement we have given a detailed table which shows for each, but just in terms of getting the sense of the average; in the 1940's if you took the total number of schools, total number of inspections, it worked out, I think, at .97 and that varied by province. It was as low as .8 in some. In the 1950's there was an average of 1.36 and in the 1960's that had dropped to 2.78. But I think what has to be said, for
example, is that there was some years that were
actually no -- there was one year where there was no
inspection at all.

94 Q. Of any school?
A. Of any school. Sorry, let me just...

95 Q. I think that was 1975?
A. Yes. Within that inspection, for example, if we even
take the year in the 1940's where the frequency was
.97, I think we cited an example that, for example,
Baltimore would have had a number of inspections and
Artane has no inspection. Clearly that was to do with
some of the problems in Baltimore at the time but you
could have some years within those averages where some
schools had more than one inspection, even where the
inspections are up at over one per year per school are
the averages.

96 Q. If there was a problem in a particular school
presumably it might get an additional inspection?
A. We are assuming that's why that would happen.

97 Q. But when you are speaking of averages like .97 per
annum or .87 something per annum, what that means in
realistically is that in some years some schools were
not inspected at all, apart from the 1975 year, where
no school was inspected?
A. That's right, yes. It is clear on pulling out some of
the schools -- in fact, I think there is a table at
appendix D of the statement that would show that.

98 Q. Yes. In fact, I am instructed, you may or may not be
able to confirm it, in the case of Artane, for example,
there was one five year period during the 1950's when there was no inspection. Would that be consistent with what you have seen in the documents that you have looked at?

A. If you would just give me a moment just to check the table here.

THE CHAIRPERSON: A five year period in the 1950's.

MR. HANRATTY: Yes, so I am instructed.

A. Yes, there is a period here -- well, on my records here it is 1950, 1951 and 1952 where there was no inspection.

THE CHAIRPERSON: A three year period but not a five year period.

Q. MR. HANRATTY: Yes. When these inspections did occur, was there a report produced?

A. Well, our statistics here are based on the actual reports that we have. So, if you like, we have derived our statistics.

Q. MR. HANRATTY: Yes. When these inspections did occur, was there a report produced?

A. Well, our statistics here are based on the actual reports that we have. So, if you like, we have derived our statistics.

Q. THE CHAIRPERSON: If you don't have a report you assume that there wasn't an inspection?

A. We assume that there wasn't an inspection.

Q. THE CHAIRPERSON: If you do have a report it means there was an inspection?

A. Yes. So we have derived the figure from the written inspection reports that we have. That is not to say...
that there might not have been visits or inspections for which we have no written report, but from the evidence we would have the system would seem to be that the inspector would go out, would do either a general or medical inspection or actually increasingly, I think, most of them were done as combined general and medical inspections, quite a lot of them were done in that way, and they produce a report in a standard format that the issues that were then raised would be followed up administratively by a letter to the institutions. We are assuming that for the purpose of the Act that it was only the written reports here represent inspections.

Q. MR. HANRATTY: Yes. And it is true to say that one sees in these reports where the inspectors identified shortcomings and made recommendations to the school managers as to improvements that could be made, but ultimately were constrained by the fact that they themselves were not in a position to provide any additional funding for any of the necessary improvements that they were recommending; is that right?

A. Well I think there were some of the recommendations they made where the managers response were they could not make those improvements because of the constraint of funding. There were quite a number of the recommendations that were made where you know from follow up that the inspector is quite happy the school carried through the recommendations that would have
been made. So, I think there are a mix of -- you mentioned, I think Artane, yourself earlier, for example, there certainly is one report where there were recommendations made about physical changes to the building and where the manager responded that he had done a certain amount but couldn't do any more because of constraints in funding.

It is certainly clear in some of the correspondence with the Department of Finance on the funding side of things that the Department felt there were some of the improvements they were recommending -- their inspectors were recommending that it was very difficult for them to recommend because of the underfunding. But it is quite clear, for example, that a lot of the recommendations on food, diet, for example, or clothing that were being made by the inspectors that the inspectors felt could be perfectly well be done within the existing allocations or other suggestions they were making that they felt were suggestions that could be done without funding constraint and indeed that the managers didn't seem to have a problem doing. They were not coming back and saying they couldn't do it because of funding.

Q. Yes. But many of the recommendations they were making related to buildings, kitchen facilities, dormitories and toilets and things like that, which required capital expenditure?

A. Some, many implies it is quite a lot of the percentage.
While we have not done an analysis of the reports, I wouldn't have the impression and I have to say that's completely impressionistic on my part, that one would say the bulk of the recommendations were to do with the capital. There were some recommendation that were to do with the physical environment that would have required investment.

Q. The Commission, and you may not be familiar with it, has heard evidence over a long period of time, much of which suggested that in various schools the physical environment was inadequate or out of date, old fashioned, needed improvement, needed toilets, needed kitchens and improvements in physical accommodation facilities generally and that was not uncommon, I think it is fair to say. This is something of which the inspectors would have been aware?

A. That's right, yes.

Q. And they would have been aware that in order to put right these deficiencies to the extent that they were regarded as deficiencies would have required in some cases significant capital expenditure, which of course was not forthcoming from the Department; isn't that right?

A. The inspectors, I think it is very clear certainly for the earlier period, would have regarded those capital improvements as capital improvements they would have expected the Orders to make. It is quite clear there were discussions in some of the files about the local bishop being approached, for example, or issues about
debts that the Orders had incurred or comments perhaps
that an Order wasn't able to get funding from its
parent Order. I think it is quite clear in some of the
later cases that the Department was aware that it would
be difficult to make those changes without funding from
the Department. So, I think it varied.

Q. Well...(INTERJECTION)?
A. But in all cases I agree with you that they were aware
that there was capital money required. Whether they
felt it should come from the Department or should come
from the Order varied.

Q. To the extent that it felt that it should come from the
Order and in view of a recognition, even
contemporaneously, that the per capita funding or the
capitation funding was less than what was required, on
what basis would the Department have taken the view,
perhaps the Department of Finance I am not sure, that
this capital funding should have come from the Orders
as opposed from the Department?
A. It is one of those issues that's always difficult to
comment on if you are looking back. I mean, it would
strike me, and I am being speculative to some extent,
that, first of all, it came from a view which, if you
like, was ingrained in how the whole history of these
schools, which is that the whole legislation
presupposed indeed our legislation was different to the
UK legislation, or the English legislation, in that it
didn't provide initially for local authorities to
provide the capital funding. So I think there was a
presupposition that there were Orders or trust or people prepared for charity to, if you like, provide these facilities and that the State would help out with some of the costs.

I think when you got into a period when there was an attempt in the 1940's to separate out into a sort of some of the funding to be for capital works, I think it is fair to say the Association of Resident Managers wasn't that happy with how that capital system had worked and that capital shilling was reincorporated into the general capitation grant. Indeed, there was correspondence at the time, I think, about that that was done and requiring that the managers would sign off that that meant they were fully responsible for evermore for all the capital works and look after all the capital works which I think the managers were not happy to do, they thought it was going too far, if you like.

I suspect there was a view, I think, that for a certain part of the period that this was something the Orders were doing and there was probably a view for a certain period that the capitation grant incorporated money towards the capital.

Q. I can't speak for the other Orders but I am aware, of course, from the correspondence, some of which is in your documents, that the Christian Brothers were seeking capital grants from the Department for various
improvements in various schools and in most cases were refused; is that right?
A. That's right.

And that would indicate a view, whether it be in the Department of Education or Finance, that this was a matter for themselves?
A. I think that was the collective State view, yes.

Q. Yes. Going back to the question of inspections, obviously there was one interpretation of it, a golden era where there was a Dr. Anna McCabe, who was an inspector, who because of the fact that she was a doctor obviously took a particular interest in the medical care that was being provided to children in these institutions; isn't that right?
A. There was a particular focus in her inspections on the medical care and diet.

Q. In general there was a system of general inspections in the industrial and reformatory school section and general inspections and medical inspections; isn't that right?
A. That's right. But the medical inspector Anna McCabe would have done general inspections as well as medical inspections.

Q. Indeed. And it seems to be consistently the case when she went down to do her medical inspection she would have done the general inspection as well?
A. That's right.

Q. It is quite obvious from her reports that she involved herself with every aspect of the welfare of the
children in greater or lesser extent in various schools, she discovered instances where she felt the children were not being properly fed, she addressed issues of diet, she took issues at various times with various school managers over a whole range of issues; is that right?

A. That's right.

Q. In particular in relation to the medical care of the children, she was -- appears to have been particular assiduous in assuring that they were medically examined on a regular basis and that their weights were monitored and their food was monitored and their general medical wellbeing was documented properly?

A. Physical wellbeing I think in a kind of wider sense because I think that the nutrition would have gone wider than just the narrow medical, where they sick or well, it would have been are they growing at the right rate or are they putting on weight at the right rate so she had a particular concern about their general physical development.

Q. Yes. She was also appears to have been concern about ensuring that proper medical records were being kept in respect of these children?

A. Yes.

Q. And records in respect of these periodic inspections and weighings that she wanted carried out; is that right?

A. That's right.

Q. After Dr. McCabe left she wasn't replaced for
approximately ten years; is that right?

A. Well, you could argue there was no medical inspector, if you like, ever replaced because there was a childcare advisor, if you like, brought in, whose qualifications would have been childcare rather than medical. The inspections continued to be carried out, were carried out by the administrative inspectors who would have always done a certain number of administrative inspections.

Q. Was there any reason why a medical inspector wasn't appointed to replace the function which was obviously being discharged by Dr. McCabe during the entire period that she was there, which was from the late 1930's?

A. In 1939 to 1965. It is not clear from our records, I assume there must have been some consideration given at the time but we have no particular records to show why she wasn't replaced. There were medical inspections done on a one off basis, by Mr. Lyssot, who was retired from the Department of Health at the time, in 1966 and indeed, there is a report from him which was done for the secretary and Minister of the day, where he has clearly been asked is there a need for a full time medical inspector and he voices the opinion that there isn't, there wouldn't be sufficient work for a full time medical inspector. In the period I suppose it is also true that there were more medical inspections, if you like, more medical services being done in terms of some of the local health service interaction with the institutions but we have not found any papers that
explicitly discussed or that discussed in anyway when Anna McCabe left should there be another medical inspector or any correspondence that shows that we tried to fill the post or couldn't or that. So, we are just not sure why she wasn't replaced.

119 Q. Always allowing for the possibility that we are missing something and that we are relying heavily on documentation, it does appear that after the departure of Dr. McCabe the same level of attention was not paid to the medical welfare of these children in these institutions as had been when she was working in the Department?

A. Well, I don't know that that's the case, because the Department did receive quarterly medical reports, in fact, which I think are all on our files, from the institutions, from medical practitioners I think attached to the institutions.

120 Q. These were the doctors providing treatment individually in each institution?

A. These are quite detailed in the sense that they would have covered individual pupils so there was quite a degree of medical information coming into the Department on the individual students.

121 Q. Did they not receive those while Dr. McCabe was there?

A. They would have for some of the end period. I think the system would have started at some point during her time.

122 Q. Does it appear, and not to be in any sense pejorative about it, we are, after all, looking at historical
patterns, does it appear that anybody in the Department addressed the issue and said, "it is not really necessary to replace Dr. McCabe", or that there some particular reason why she wasn't replaced?

A. No, we have no idea why she wasn't replaced.

Q. One of the points that you make in your statement is that responsibility for various aspects of the care of children was with different Departments, for example, the Department of Justice dealt with the courts obviously, the Department of Social Welfare dealt with the question of fostering?

A. Health, I think for most.

Q. Health. One of the points that you make is that there was no systematic or regular system of meetings among these various Departments with responsibility for children or no coordination of the roles of the various Departments responsible for the care of children; is that fair?

A. Yes, I think in response to a question we were asked about what was the general contact between the Departments, as far as we can tell from the papers it was a periodic contact on particular issues or when they were particular committees, like the Kennedy committee or the interdepartmental committee but there was no systematic contact. There was a contact on the funding because of the Department of Health, there would have been a contact because of the local authority in paying the capitation grant and the Department of Health would have had responsibility for
a certain period for that local authority function. There was always a contact as far as we can see with them when we were going to the Department of Finance for increase in funds because of the implications for the local authorities. But that's the only sort of systematic contact there was. But on the care of the children, no.

Q. The highest level of contact one sees, in fact, is contacts by the Department of Education to the Department of Finance looking for more money and being refused. But the point I am really making is that there doesn't appear to have been any coordination or system of coordination of the views or the experiences or of the oversight or management of all the Departments with responsibility for any aspect of the care of children during, say, the period 1930's until 1970's?

A. No, I mean, I think it is fair to say that was one of the failures identified by or one of the issues identified by the Kennedy Report that needed to be address dressed, was a more coherent approach to the whole childcare issue.

Q. Yes. I think both the Kennedy Report and indeed the Cussen Report were both critical of the inspection system, for example, in varying degrees? Both in terms of the number of inspections and the quality of inspections?

A. The Kennedy Report was. I think the Cussen Report just felt there should be medical inspections which I think
is why the medical inspector was taken on in 1939. But
the Kennedy Report felt there was a need for more
inspectors.

Q. Was the appointment of Dr. McCabe as a result of the
recommendation in the Cussen Report?

A. Insofar as we can tell, yes.

Q. I understand. Is there any evidence in your review of
the documentation of any review on any kind of periodic
or regular basis of the Department's policy with regard
to the manner in which children in care were being
provided for and cared for?

A. Other than the reports of which you are aware of, there
was the Cussen Report, which obviously looked at the
institutions. There was the Youth Employment
Commission, which had a different focus but which would
have touched on it or had some recommendations in that
area arising from a different context. There was the
1960 interdepartmental Committee on the crime -- sorry,
I have forgotten the title of it, but I mean the
justice one. Then there was the Kennedy Report. But
there is no particular -- while there is indications in
different correspondence about an awareness of certain
issues that were around, there was no internal
systematic policy review that we are aware of. That is
probably in its wider sense true of some of the other
areas that the Department dealt with. If you look at
the sort of curriculum issues, the wider curriculum
issues, it is not until the 1960's, if you like, that
the more child centred focus is being developed.

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Similarly the remedial education side, the mentally handicapped issues, it is all the sort of early 1960's before you begin to see policy consideration of those issues.

Q. Yes. At page 24 of your detailed statement you say that you found no evidence in the records of the Department that:

"The Department of Education tried to keep up with the latest international thinking and experience on childcare for most of the period."

I think you were referring to between the 1930's and the Kennedy Report?

A. That's right. We have since come across the odd bit of reference. I think Dr. Anna McCabe, for example, was approved to go on a visit to the Scandinavian countries in the late 1950's, to look at industrial schools there. There was obviously some contact in terms of paperwork on what was happening in the UK in terms of some papers on looking at training and what training was available, which also, I think, would be 1950's or early 1960's, about home office training. There was obviously in some of the correspondence with the Department of Finance an awareness that a move towards smaller homes would be a good thing. But by and large there was no great evidence of somebody before Kennedy, of somebody going out and saying this is how ten countries would deal with an issue from like this, can we learn a lesson, in the way we probably would do
policy review nowadays.

Q. But apart from those matters that you have instanced, including Dr. McCabe's visit to Scandinavia, is there any evidence of any consciousness in the Department of the need to see how we measured up in the manner in which we cared for children in these circumstances, compared, for example, to other European countries or even to the United Kingdom?

A. No. There would have been some consciousness of the UK in terms of when Dr. McCabe was appointed, for example, that people suggested that she go look at how medical inspections were done there as part of her kind of briefing in period. But no, there wouldn't have been any sort of benchmarking, if you like, or check against by and large, other than in some of the published -- some of the published reports that we have mentioned.

Q. In the 1960's?

A. Yes. I think in fairness, I am not sure in terms of context, how outward looking the public administration was in a lot of other areas about how we measured up to other countries. I think generally perhaps there was a look at how the UK did things.

Q. But it certainly came later, the consciousness to make these comparisons to see how improvements could be made and so on. But in the context, for example, specifically that on an ongoing basis demands were being made for increase in the capitation, for capital sums, these were being transmitted by the Department of Education to the Department of Finance, to a large
extent being refused or not getting as much as was sought, was there any evidence of an accumulation of knowledge to the point where they are saying "we have got a problem here, this system is underfunded", where somebody at the Department arrives at a consciousness that we have got a serious underfunding problem in the running of these industrial and reformatory schools?

A. I think in fairness there was in 1951, for example, there was a decision as part of when a funding increase that the Department was seeking wasn't sufficient, there was a suggestion of having a review of the institutions. At that point, as you are probably aware from the documentation, the Resident Manager's Association was not happy to have such a review undertaken. It is clear in terms of the papers leading up to the Kennedy review, that part of the, if you like, thinking of the Department and indeed, I thin, very much the thinking of the Resident Managers in terms of the Kennedy review, was that it gave an opportunity to, if you like, deal with the funding issue. So, I think, yes, at that point leading up to the Kennedy review it was.

Q. Just on that point, just in relation to Kennedy and funding, we know that in 1969 there was a doubling of the capitation grant overnight virtually but what we can't find out, and maybe you can assist us on this, was that as a result of the setting up of the Kennedy Inquiry or was it in anticipation of the setting up of the Kennedy Inquiry or what was the catalyst that
precipitated that particular increase?

THE CHAIRPERSON: Kennedy was 1967 to 1970.

MR. HANRATTY: The report was in 1970?

THE CHAIRPERSON: It had been set up in 1967, is that right?

MR. HANRATTY: Yes.

THE CHAIRPERSON: It was working between 1967 and 1970.

A. With your permission, I have just some papers myself, just summary papers on funding just to assist me.

Q. MR. HANRATTY: Are these the ones that were circulated this morning?

A. Yes, there is quite a lot of figures and dates and funds.

MR. O'MOORE: Chairman, can I just explain, we have prepared two very small booklets. One of contemporary papers and the other just of notes and figures and dates. I have given a copy of each of those to Mr. Hanratty before he began his cross-examination. There are copies available to the other counsel. It is not proposed a the moment to give them to Commission because they are not in evidence, so to speak, but they are available obviously to Mr. MacMahon.

A. I think what happen in the 1969 increase, and I think we described it in the written statement, is that there had been a series of correspondence.
MR. MAGUIRE: Would it be possible for us to have copies?

MR. O'MOORE: We are giving them to you now.

MR. MAGUIRE: Oh yes.

A. It is just a summary of some of the correspondence to just facilitate remembering the thing. There was...(INTERJECTION).

THE CHAIRPERSON: Mr. MacMahon, would you give one to Mr. Maguire. Sorry, there are two bits to that. I am sorry.

Mr. Maguire, would you give that back, I was jumping ahead. You need to get your A and B. Maybe we could have it, Mr. O'Moore. Let's not get too technical about what's in evidence or not. I appreciate your punctiliousness but at the same time it might be useful to ...(INTERJECTION).

MR. O'MOORE: We have copies just in case I was being too punctilious.

THE CHAIRPERSON: Thanks very much.

Q. MR. HANRATTY: Perhaps you would identify the document?

A. There are two tables here of financing that we put together.

Q. One of the books you have is one to four, is that what you are looking at or is that a different book?

A. One to five.
Q. Yes. You are looking at which tab?
A. Tab two. Tab one is just a summary table of what the Association of Resident Managers sought, what the Department of Education basically did, what it sought from Finance and what the Department of Finance sought. The second document, which is at tab two, is just a chronology of funding requests and correspondence. It is basically just an aid memoir drawn from the correspondence of when various requests were made, when the Association of Resident Managers sought something, what the department did. What happened in 1969 is that there was correspondence from 1968 where the -- indeed, if we go back to 1967, the Association of Resident Managers were concerned at the time that the Kennedy Report -- that the Kennedy Committee was going to take a couple of years to come up with its review and it was anxious to have an interim increase in funding, particularly because the Kennedy Committee had indicated at that stage that it would take them two years to report. The Department wrote to the Department of Finance looking for an increase of 21 shillings at the time. The Department of Finance had a view at the time that the proposed increase was disproportionate while the system was being examined and they agreed to a 15 shilling increase in the grant.

What then seems to have happened, so far as we can gather from Department of Finance files, is that there was a meeting between the Minister for Finance and a
representative representing industrial schools, that would have been Minister Charles Haughey at the time. He then appears to have instructed his Department to double it. So a letter then issued from the Department of Finance to ourselves to say that doubling of the increase.

Q. I just notice on the first page of that document there is a reference to the Association of Resident Managers seeking an emergency bonus grant of 5 shillings per week and they also sought the increase of 5 shillings per week to pay for the maintenance of children recalled after discharge. In response to that on 15th June 1944 an internal Department of Education memo notice that:

"That the amount requested falls short of the increase the schools would need for full compensation."

Do you have any understanding of what that actually means?

A. There was an internal note that was done, I can't quite recall the member of staff, that would have been done for one member of staff for either the principal officer or the deputy secretary, which talks about what would happen to the cost of food and that during the war and that it would be a good idea to look for five shillings a week from the Department of Finance and also was dealing with the discharge issue. There is then a note from a more senior official, I can get the
reference of who it is for you later, which actually
doesn't accept that the five shillings per week would
be justified and that felt that we needed more detailed
accounts.

There is a theme running through quite a lot of the
correspondence of requiring accounts and material from
the Resident Managers that would allow a case to be
made to the Department of Finance so that the -- so at
the time they didn't appear to justify it.

Q. Even though previous entry suggested that even they got
what they were seeking it wouldn't be enough?
A. Well, that was the opinion of one official which was
disagreed with by another official. On various -- I am
afraid -- we can dig out the exact documents, but I
think that may be a set of documents where there was a
lot of disagreement about what had happened to food
prices and inflation, if you like, in the war years.
Then later on there is a perception, or a view
expressed anyway that with the end of the war prices
will drop again, the food prices and that, and that
means the problem should sort of go away and then I
think there was further correspondence from the
Association of Resident Managers saying that they
haven't noticed any sign of food prices going down and
when is this decrease going to happen and give us more
money.

Q. Just to finish up on this issue of oversight, I did ask
you about the question of whether there were regular
policy reviews. I just want to ask you now briefly, apart from specific instances where a complaint about a particular incident was made, is there any evidence in the documents that you have reviewed indicating any ministerial involvement over this period of time, again I will 1930's to 1970's, any ministerial involvement of any kind with regard to the oversight and management of the industrial school system?

A. Yes, it is quite clear that there is instances that the -- by and large, there were quite a lot of meetings of the Association of Resident Managers with Ministers, for example, about the funding. It is clear that individual complaints or issues would sometimes come through a Minister, there was issues raised in the parliament, in the Dáil, that would have involved Ministers. There is an interesting reference which I think gives a bit of a summation of some of the ministerial, if you don't mind.

Q. Yes.

A. There are other documents, there is a report, in the second set of documents there which were just some documents which weren't attached to our original statements. If you look at Dr. Anna McCabe's report, which is at tab two, it is quite clear that when she -- it is a note she seems to have done on industrial and reformatory schools for the Minister of the day and, I mean, it is interesting, you can actually see she refers to when Minister De Valera was acting Minister for Education on my report in connection with Glencree,
then he talks about visiting it with Mr. O'Kelly. So, there is a reference to her discussing the situation with the Minister for Education, Mr. Derrick, who would have been there in the 1940's, so it certainly has the impression from the files that there was a degree of contact over issues.

Now, how often that was, how that compared with contact that would be over primary schooling or issues within the Department it is not clear to see. There certainly are some issues to the Minister, notes done to the Minister on particular issues, so there was a degree of involvement. The correspondence, as I say, with the Association of Resident Managers and the Minister tended to be addressed, if you like, to the Minister for Education and meetings sought with the Minister for Education.

Q. Turning to the specific question of funding, just to put it in its context. In these industrial and reformatory schools the staff, who were primarily teaching staff, particularly in the industrial schools, were also required after school hours to care for the children, including when they went to bed and until they got up in the morning, for that work there was no remuneration paid; isn't that right?

A. The remuneration paid was for teaching staff, for the hours they taught in the schools, whether they were religious or lay teachers. The requirement to supervise, I think, basically afterwards was generally
the members of the religious orders who might be
teaching in the schools as well. I think there was
some correspondence at an earlier point with the
Department at the time the schools were being
recognised, that some of the supervision time that
would be done in a normal primary school, I think there
is reference to some of the supervision time where in a
normal primary school you would be supervising in the
yard or bringing children to church or doing things on
Sundays with the children and the chore and things,
that some of that kind of time of lay teachers and
primary schools should be colonised for some of the
supervision in the industrial schools but I assume that
would have been very marginal.

Q. What I am really trying to do is just to put in context
-- or to set the context for the funding that was
provided. We know that a specific number of teachers
were approved for teacher's pay after the Cussen Report
implementation for their teaching work and they were
paid from that point on, the same as teachers in other
national schools?

A. In a normal primary school, yes.

Q. The capitation grant was provided for the care of the
physical wellbeing of the children in terms of feeding
and clothing, in terms of everything else essentially,
but I suggest to you, and I just want to know did you
agree with me, did not include any element for the
provision of remuneration for the people who were
providing the after school care for the children, that
was being provided essentially on a voluntary basis by these religious orders?

THE CHAIRPERSON: I don't think that's right, Mr. Hanratty.

MR. HANRATTY: That's what I just want to explore with the witness.

A. The capitation grant was intended to cover the total cost of the children, of looking after the children other than the primary teaching of them, if we park that to one side. I think it is clear from some of the internal papers, for example, when accounts were being submitted. For example, there is reference I think to including the cost and I can't quite remember which period, the cost of the staff members at £150 a year, so that in providing accounts, if you like, to the Department there was an assumption that there was a cost of the services. But in fairness, there is also a clear understanding by the Department that there was an expectation of a lot of voluntary input by the Order, or that the Order itself was putting in an effort. And indeed, I think there is a reference in some of the later papers where there is discussion of the different position of some of the girls -- sorry, the female religious run houses as compared with the senior boys school. There was a reference to what's clearly cross subsidisation from some of their income from the -- their salary income on the schooling side being used to cross subsidise, if you like, the care side of things.

THE CHAIRPERSON: Mr. Hanratty, where you
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1. had lay
2. staff...(INTERJECTION).
3. MR. HANRATTY: well, obviously
4. ...(INTERJECTION).
5. THE CHAIRPERSON: If you had lay staff it
6. doesn't.
7. MR. HANRATTY: No, I understand.
8. THE CHAIRPERSON: In fact, was there not lay
9. staff in almost all the
10. institutions.
11. MR. HANRATTY: well, there were farming
12. staff, for example, in
13. Letterfrack and Artane, that's true, and obviously they
14. were engaged in the business of the institution and.
15. THE CHAIRPERSON: And had to be paid.
16. MR. HANRATTY: Yes.
17. THE CHAIRPERSON: I mean, it might not be
18. enough, people might
19. complain that it was not enough.
20. 145 Q. MR. HANRATTY: what I was really coming at
21. was the input from the
22. members of the religious congregations themselves.
23. What I was really trying to suggest, you may or may not
24. agree, you may not be in a position to agree or
25. disagree with it, that really looking at the amounts
26. that were paid, you couldn't realistically say that
27. there was a remunerative element for the voluntary
28. effort of the religious -- the members of the religious
29. congregations, not the lay staff obviously, in terms of

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the work that they did outside school hours. I mean, it may be a question of interpretation of accounts, I don't want to get into too much of it.

A. I think there was certainly no questioning by the Department in the context there was a lot of questioning of the accounts and the figures in the material.

THE CHAIRPERSON: Mr. Hanratty, wouldn't you need detailed accounts for this? That's the very thing that helpfully has been provided for us and we have asked an accountant to look at them. The Department never got that. They wanted it. They asked for it in 1951. The Minister said "look, here is five shillings, I will try to get you the rest, help me." And the Resident Managers said, "no way."

MR. HANRATTY: I don't think it is quite clear to say...(INTERJECTION).

THE CHAIRPERSON: I mean, they never actually said here is the full -- we now have accounts and very, as I say, very -- I am far from being critical, in fact, it is appreciative that the Christian Brothers were very good and produced everything, the full accounts to enable us to look at the question of financing. But there is all this talk about we didn't have enough money, but nobody ever actually produces all their documents, isn't that the reality?
MR. HANRATTY: I don't think it is quite the reality.

THE CHAIRPERSON: Very good.

MR. HANRATTY: I don't want to disagree with something I am not too familiar with.

THE CHAIRPERSON: No, no, sorry. Disagree away.

MR. HANRATTY: Perhaps if I might explore it with the witness, with your permission.

THE CHAIRPERSON: Certainly.

Q. MR. HANRATTY: Just on the question of accounting by religious institutions in general, then I will ask you about the Christian Brothers in a moment. Was there a requirement that any form of accounts be submitted on an annual or periodic basis by these institutions to the Department?

A. As I understand it, there was a requirement in one of the earlier rules that then got dropped at a certain point, I think in the 33 rules. There was, however, quite a degree in the context of not so much in terms of a legal requirement on them to produce accounts but in the context of the toing and froing on the capitation grant of requests that they would supply accounts. I think in fairness they did supply some accounts material but the difficulty seems to have been the format in which they supplied the accounts.
Q. Were these accounts materials that were provided --
   essentially provided in support of applications for
   increases or were they provided in some other context?
A. It was in support of application for increases. What
   has happened in some years was that there were periods
   where the Minister -- where they were accounts sought,
   accounts were provided, there was an internal analysis
   by the accountant in the Department of Education of the
   accounts. The accounts, however, were not done in a
   format that allowed the Department to make a full
   assessment because -- well, in some cases they hadn't
   included in the commercial operations, say the farming
   operations. Some schools had included in the cost of
   the teacher in the primary school but not the receipts
   from the primary school. There is a whole series of
   stuff where they do it.

   There were then accounts where, I think, at another
   period where -- sorry, there was then a letter out
   looking -- a circular from the Department that required
   accounts to be produced in a certain format. The
   institutions were then concerned that the material
   couldn't without huge cost, in terms of auditors,
   couldn't be provided in that format. They seemed to
   have had a meeting with the then Minister before he
   left office because there was a certain confusion on
   the Department's file that they were claiming that the
   Minister had agreed that they needn't produce it in
   that format, they could provide it in a different
format and the Department thought the circular still stood.

Then at a later stage in the accounts, in the debate on capitation they provided sample accounts, the Department looked for sample accounts to be provided by a different size of institution and some material was supplied on that. And there is material which would have shown quite variable -- some material was provided by them which was calculated for them which was calculated on the basis of an average cost per student which the Department of Finance then used, I think when it got it, to argue at a certain point that it showed that some of them could perfectly well -- why was such an institution managing to only spend X amount on food and another on Y.

There was resistance sometimes to providing material in a way that the Department would find it useful. But there was material supplied at other times.

Q. Was the basis of the resistance the cost of getting auditors or was there some other basis for it?

A. I think it is fair to say, for example, that in the sort of 1951 time where there was a whole review issue there was a resistance, I think, to the idea of the State trying to control how the managers ran the institutions. I think there is references in the manager's minutes. At that period, when the Minister -- they had written in in February to say they
couldn't accept the interdepartmental review. The Minister then met them and said, "look, there is nothing threatening about this, I am here trying to get you more money. I have made personal pleas and written directly to the Minister for Finance and there is nothing threatening in this. We are not trying to take over the thing." The two representatives he met undertook to go back. The group met in May and still felt -- and there is references, I think, in the minutes of the Association of Resident Managers at that point to a concern about State control, about what do they mean about whether we run it efficiently. Nobody should be looking into how we run these institutions.

I think at that point there was a resistance to doing it. I think at other points, to me it looks from the papers, and one can only judge from the papers, that it was just we have a whole lot of other things to be doing, why are they trying to make us write our accounts into this kind of format, or that kind of format. It is an awful lot of work and it would cost us a lot of money, and doesn't everybody know the way the consumer price index went -- or the cost of money went, that we are so underfunded, we should be getting more money anyway. So I think there is a ...(INTERJECTION)

149 Q. So I think it is fair to say that even at the time, I am talking about the 1951 period, there was a recognition or appears to have been a recognition by
the Department itself that the amount of the grant, as it is referred to, was inadequate?

A. That's right. The Department and indeed the Minister. I think there is some records that show that the Minister personally made a kind of plea for more money and there is even correspondence in a context where the Minister is showing his appreciation that there is a general financial problem in the general financial sense in the country but that these were so far behind they needed special consideration. So I think clearly the Department and the Minister felt that. I think the point is that when he came up -- as the Chairman, I think, said earlier, when he came up with a strategy for trying to -- having delivered some and trying to show the rest of the, if you like, Government or part of the Government, arms of the Government, that there was a real issue here, there was a resistance on the part of the Resident Managers.

But, as I say, I think some of the other occasions on which they didn't want to supply material was not a lack of willingness to supply it but just a difficulty to produce that format.

Q. Leaving aside that sort of incident in 1951, I am talking about the generality of the period again from the 1930's to the 1970's, I mean one doesn't have instances in each year but there seems to be a kind of recognition and there is certainly now recognition by the Department, as I see from your statement, that the
funding in general during this period was inadequate. For example, on page 103 of your report you make reference to:

"A recognition in the Department that funding increases secured from the Department of Finance did not go far enough."

A. Well, I think given the tenure and tone of the letters that the Department of Education was writing to the Department of Finance for some of that period and saying how much the money was needed, it is quite clear that the Department itself accepted at various periods that more money was needed.

I would have to say that one would probably find that there were quite a lot of services either then or indeed now that Departments -- in fairness to my colleagues in the Department of Finance, are probably writing letters saying they are underfunded and we need more money. So it is not an unusual feature. Certainly at certain times in the correspondence the tenure would seem to be stronger than even that normal correspondence.

Q. Yes. For instance, on the same page -- sorry, on page 104, a memorandum, a Department memorandum to the Minister in 1967, you probably remember it?

A. Yes.

Q. It says:

"The Department was in no position to defend its achievement as far as the
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size of the grant goes."

A. That's right, it was in the context of in 1966 and 1967 it was clear in this sort of interaction with the Minister about establishing the Kennedy Report that one of the factors that the Department, if you like, saw a kind of review given was an opportunity to get better funding for the institutions.

Q. You refer on that page to one of the findings of the Kennedy Report where it says that:

"The religious orders or the people running these institutions were faced with the task of running the institutions on an inadequate provision and were forced to supplement their incomes by whatever means possible."

I think that is, in effect, a recognition that they subsidised their income in various ways in various different institutions?

A. Yes. And there is certainly later references that would show that some of the female religious -- that there was consciousness in the 1960's, that some of the religious orders, the female religious orders who ran primary and secondary schools alongside their industrial schools were cross subsidising the industrial schools from their other education (inaudible).

Q. The Commission has had evidence, for example, and it
does appear to have been a feature of life in a number
of these institution, certainly as far as Christian
Brothers institutions are concerned, that the farm was
used to -- the farms were used to produce food to feed
the people in the school, the footwear shop was used to
actually repair shoes for the pupils in the school, the
clothing shop was used to patch clothes or make clothes
for pupils in the school. In fact, the Brothers
themselves maintain, I am talking about the Christian
Brothers themselves, took the position that really this
is not the provision of training, this is actually the
provision of necessities within the school for resource
functions; is that fair?

A. Certainly as I mentioned earlier, I think probably
there is a fair degree of evidence that when the
schools started, if you like, back in the 19th Century
both in England and Ireland that self-sufficiency idea
was there and I think it is quite clear certainly on
the farming one and indeed the footwear one that you
mentioned that in -- the Department was fully aware
that what was being done in some of these activities
was providing goods in kind for the school. And I
think in terms of some of the work that was done in
analysing the accounts that was one of the difficulties
they had in identifying some of the transfers. Indeed,
when the Department of Finance questioned different
rates of spending on food, it was one of the defences,
if you like, that the Department of Education put up
that they weren't taking full account of the fact that
in some cases some schools were in a position to have food off their farms and other schools were actually having to pay for it, so that accounted for the variability. So, yes, I think the Department was conscious that that was being provided within the institution.

Q. Yes. Was that a widespread phenomenon, and apart altogether from the Christian Brothers, was that a widespread phenomenon in all of these institutions in this period, again between the 1930's and the 1970's, where there was a degree of subsidisation by the schools from their own resources, including the labour of the people who were in the schools?

A. Well, I am not sure, for the farms or some of the activities that were fully within the industrial schools that the Department saw that as a subsidisation or saw just that there was a total activity which included the farm, if you like. I think where the Department talked about cross subsidisation was where there was clearly money coming in from outside, if you like, this kind of circle that was the industrial school. In other words, from a completely different activity. So, that's where you explicitly get references to cross subsidisation.

But I think the Department was -- I have to say in terms of looking at it, I had more thought in general terms rather than necessarily particular Orders, if you like. But there is certainly references in the
documentation that the Christian Brothers actually have less opportunity or that some of the Order have less opportunity for cross subsidising from educational activities because the Orders aren't involved in the same house of religious, if you like, aren't involved in religious activities in the context, say, of the senior boys schools, where there was a particular concern about their financial position in the late 1950's and 1960's, because of dropping numbers. There are references to them not having the same opportunities for cross subsidisation as some of the other Orders.

Q. There is one of the documents that is footnoted in your book, is a letter from the Dublin Junior Chamber of Commerce, do you recall this letter, it was December 1966 it was written?

A. Yes.

Q. They make reference to...(INTERJECTION)?

A. Could you remind me which footnote?

Q. 352. For convenience I might just give you a copy.

A. If you wouldn't mind, mine doesn't seem to be numbered (same handed).

Q. As you can see, it is a letter of 20th December 1966, it is from Mr. DL Lennon, President of the Dublin Junior Chamber of Commerce to Dr. O'Raifeartaigh, the Secretary of the Department of Education, in which he makes various observations about the position in Artane. I just want to refer you particularly to paragraph five of the third page, I think it is,
"Under the general heading of finance there is a vast problem, from their own resources Artane subsidises the State contribution to the extent of £115,000 annually. From the attached schedule that would be seen how the State contributes as compared to the Government of Northern Ireland."

In fact, that particular scheduled referred to isn't with that document. But that's simply an illustration of what essentially the Department itself, as I understand your evidence, already recognised that there was a significant underfunding problem in these institutions around this time, and that problem appears to have continued to exist, as it were, in the mid-1960's?

A. Yes. Well, I mean there would have been a full acceptance that we felt a higher level of funding was justified. In terms of trying to analyse that level of funding or the gap or the subsidisation, I am not sure the Department found, in spite of its efforts, that it was able to get a handle on that and I am certainly not aware that there was any analysis done in the context of that letter as to whether the 115,000 was a valid quantum of the amount. But certainly the Department fully accepted, indeed, the very fact it was saying higher amounts were justified to the Department of Finance I don't see how, I couldn't accept that we justified...(INTERJECTION).
Q. He was talking about a substantial figure, that's the figure he took. Just while you are on that book, perhaps it might be for convenience of reference, could I ask you to turn to tab 4, this is a document that came into existence in the context of discussions between the Department and the Christian Brothers of the decision that the Brothers had reached to close Artane. It is called "Artane Notice of Closure".

A. Yes.

Q. If I could just refer you...(INTERJECTION)

MR. O'MOORE: I wonder if Mr. Hanratty could give a reference to us so that we could follow it.

MR. HANRATTY: Yes.

THE CHAIRPERSON: These are the documents circulated by Maxwells; is that right?

MR. HANRATTY: It is 352, it is the tab references annotated at the bottom of the witness' long statement. This one is still on 352.

THE CHAIRPERSON: Still footnote 352.

MR. HANRATTY: Yes. One of the entries is:

"A lot of the discussion is to do with an assessment by the Department of the decision that they see this...READING TO THE WORDS...to close Artane."

But there is reference in this particular paragraph to which I just want to refer. It is Roman numeral III
towards the bottom of the first page. It says: "As an
illustration of the --", this is a 1968 document
obviously.

"As an illustration of the financial
losses, the Brothers spent £183,000 on
the place between 1957 and 1967 and
received only 21,000 of that from the
State. At present, there are debts
amounting to"...(INTERJECTION)

THE CHAIRPERSON: Just slow down a bit,
Mr. Hanratty. Ms. McCarthy
has to take a note of all this. There is a temptation
when one is reading something to somebody who has it in
front of them, there is a temptation to speed up.

Q. MR. HANRATTY: I fully understand that and
I apologise. I will start
again.

"As an illustration of the financial
losses, the Brothers spent £183,000 on
the place", this is a reference to
Artane, "between 1957 and 1967 and
received only £21,000 of that from the
State. At present, there are debts
amounting to £83,000 on the place,
excluding the interest on borrowings
which is being paid out of the
Brothers' central funds, so £8,000 was
lost on the place last year."

That's the Department's own memo obviously, isn't it?

A. Well, it is the Department's memo of what he said
because it says "he made the following points", the
"he" is either Br. O'Reilly or Br. Creed, I am not sure
which. Br. Creed. Then it says "he made the following
points", so it is listing the points made by Br. Creed.

Q. In general, is it your understanding from the documents that you have read that at the time that Artane and other institutions run by the Christian Brothers were running at a loss at the time that they closed?

A. I'm not aware that the Department did any analysis one way or another as to whether they were running at a loss or not.

Q. I don't infer from any of the documents I have read, including this document, that the Department did not accept the proposition generally that the Christian Brothers in the case of Artane, if we could just stick with Artane, were pouring in very substantial sums of money in capital spending to upgrade this institution?

A. Well, there is certainly a reference in our files on funding to the fact that one official expresses a view, I think somewhere on the file, which would be around that period of feeling a guilty conscience, I think is the phrase used towards Artane, which would certainly suggest that there was a feeling that Artane had particular problems in terms of funding. But I am not aware, but I would have say from the volume of documents that we have discovered or that we are surveying perhaps there is there somewhere. But I am not aware that there is anything where we say the Department has analysed, the Department knows they are running at a loss, the loss is X, but certainly the sort of suggestions that seem to be there in the very earlier years in some of the correspondence from
Finance and suggestions from Finance that in some ways there was lots of profits being made for farms and that there was really money out there that could be used in some way.

I think certainly whatever about the quantum of the loss, I think it is certainly clear by the period you are talking about there was an acceptance that there wasn't enough funds going into the institutions to meet the overhead costs with the falling numbers and something needed to be done. And therefore, if they were still surviving, presumably there was an acceptance. I speculate that some money must have been coming into it from activities or somewhere. But I don't think there is anything on our files that shows that there was significant cross subsidisation.

In fact, on our files the suggestion seems to be that the reason the senior boys schools, and that's the kind of context that they talk about it in, that they had more difficulties than some of the others because they had the bigger premises, the falling numbers, the static overheads and less opportunity to cross subsidise or to raise funds from other sources.

Q. I think it is true to say, is it not, that the falling numbers became an issue in the closing years of these institutions because of the capitation payment system, in that with each year that went by and each reduction in the amount of pupils the capitation rate went down

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but the costs of maintaining the institutions, apart
from the actual feeding and clothing of the pupils in
them, remained the same or indeed increased and this
was one of the features that is recorded in that
memorandum among others that were of concern to the
religious institution in the closing years of these
institutions?

A. That's right, some of the religious institutions would
have looked for capitation to be paid on the basis of
the authorised numbers rather than the actual numbers
and there was also some suggestions at various stages,
I think, in some of the files that there would be sort
of some notional additional capitation or some kind of
notional numbers paid to some of the organisations that
were in bigger institutions that couldn't downsize
easily. I think it is fair to say there was an
acceptance within the Department that by the falling
numbers in themselves might be a good idea because they
reflected fewer children in the institutions. There is
references to that reflecting better economic
situations, for example, but I think there was an
acceptance in the Department that that gave rise to
particular problems for the bigger institutions, where
they would have had fixed overhead costs.

Q. In fact, the Kennedy Report I think said that the
167 capitation system was not a good idea for funding of
this work and they recommended a budgeting system;

isn't that right?

A. They recommended a budgeting system, yes.
Q. A budgeting system was, in fact, implemented, albeit I think about 14 or so years later?
A. Yes, there is a considerable amount of internal debate as to whether a budget system is actually a good or a bad idea following the Kennedy Report, there were various studies done which show -- I mean, various alternative models were looked at where you pay salaries plus capitation, which actually is the systems we still have to this day for our normal schools or for our first and second level schools. Whether you should have some kind of deficit financing, there was various models looked at and various discussions for the budget system was eventually introduced in the 1980's when it transferred to the Department of Health in 1984.

There would have been a budget system there for the new institutions opened at Finglas, Oberstown, the reformatory type schools would have had a budget system early, the class one schools.

Q. Yes. I think in the end the realisation gained widespread acceptance that in fact the industrial school system and the detention system and the residential system of childcare was not appropriate and that it should be replaced with an altogether different system, this started to take legs in the 1960's and certainly into the 1970's; isn't that right? The view appears to have a consensus that appears to have developed was that smaller accommodation units with separation of children with special needs and training
of teachers for children with special needs was the way to go?

A. Yes, I think there were various different developments but there would have been a view of smaller groups within institutions I think developing first and then that they should be smaller units and then that those units should actually be out among the community rather than just smaller units, you know, little houses within a big grounds, that that was the appropriate way of caring for children who had to be in institutions. I think at the same time there was very much a view which would have developed I think earlier, but that would have been there, that you should be trying to get family supports so that children didn't come into care, so that only your more difficult children came into care, and that at the same time the only children who should be committed for offences was at, if you like, the extreme end and that there was a more secure form of accommodation needed for those higher secure units, if you like, for those.

So I think you had a number of separations and then at the same time the idea that children with specific mentally handicapped or special needs should be in different type of institutions as well.

Q. Yes. In fact, in the, particularly going into the 1960's, when these numbers were starting to get a noticeable decline in the number of admissions to these institutions, there was also a realisation that the
kind of children coming in, the reduced numbers were
different in character and had different problems than
was previously the case. If I could just refer you
again to a document in that booklet, since you have it
open in front of you, to tab 5, it is footnote 351.
This is an internal Christian Brothers document and it
is an analysis of the author's views as to the reasons
why the numbers in Artane are declining. After listing
a number of reasons, he says:

"The majority of pupils coming to
Artane now intellectually retarded or
emotionally disturbed, these children
could best with cared for in special
schools for subnormal children where
the teachers can handle some of the
behavioural problems occurring in
retarded children and where
psychological and psychiatric services
are available or accessible."

A. Could I ask you, Mr. Hanratty, what date that is?
Q. I don't have a date, I infer it is around -- it is
1967, yes. It says:

"Small schools are needed for the
proper treatment and care of problem
children nowadays and Artane is too
large to provide the necessary
treatment for such children. Having
been constructed on institutional lines
almost 100 years ago, it would be
impossible to reconstruct the school
into small units of family groups and
these family units seem to be
successful in other countries in
treating deprived or underprivileged
children.

The vast majority of normally deprived
children and orphans are either legally
adopted or boarded out so that the
pupils admitted to Artane now are not
capable of following the programme
prescribed for national schools and
should not be here at all. They should be in special schools according to the Children Act 1908, Section 62.2."

In fact, I think as time progressed after that that is, in fact, the way the system developed, to provide these special schools for these special needs pupils?

A. Yes.

Q. Just going back briefly to the question of funding, can I refer you to tab 2, there is a document there, I see can I get a reference. I think it is referenced in your own document. Just bear with me for a moment. I don't have a reference at the moment, I will just refer you to the document in the tab and you might yourself be able to identify it. Again, it is a reference to the children with these particular kind of problems.

But further down the page in the middle of the last paragraph, it says:

"Also, that grants payable for pupils recalled to be the same pay whilst in detention in the school. Six shillings per week is paid in the present time, managers also request that the medical officers and all medicines for the pupils be borne by the Department of Health".

I think it is true to say, just to pick up that reference, is it not, that the capitation grant for pupils in industrial and reformatory schools was supposed to cover, among other things, the medical treatment that was provided to the children in the schools; isn't that right?
A. Yes, though I think there were some arrangements about
the kind of -- at an earlier period where some of the
school medical services that would be available to any
child at school weren't available to the children in
the industrial school. I think that was resolved at a
certain point but there would have been other medical
expenses obviously that weren't. I think in this one
was a note that was sent to the Minister, if I
remember, in the context of funding and that the letter
went back said that it was an issue that he would look
at separately. But the papers, if I recall, at the
time felt that the Department of Health would not be
willing to -- I may have it in my funding table.

Q. Yes, I have a reference for you, if it is of any
assistance, it is footnote 350, the document is 18th
November 1964 and it is referred to at page 233 of your
statement.

A. Is it a question as to whether what happened on that
after they looked for that, is that your question?

Q. No, I was trying to tie it in with my previous question
in relation to these special needs students.

THE CHAIRPERSON: What date is that?

MR. HANRATTY: This is November 1964, 18th
November 1964, it is
referenced footnote 350 on page 233 of the statement.

THE CHAIRPERSON: Thank you.

Q. But this funding pitch, as
it were, is now being made
in the context of these additional services that were
thought to have been required. If I could continue on the last paragraph of the page, if you are still with me. We are still at tab two, the sentence begins:

"We, in the industrial schools, are being criticised because we have not psychologists and psychiatrists on the staff of our schools but we would be very glad to appoint such people and physical instructors also if the Government will pay them.

The schools are all understaffed and members are on duty from an early hour each day to a later hour every day of the year. Nobody is willing to take up this work on account of the criticism which is uncalled for and unjust and young people are not prepared to work under the strain of present day conditions because it is too acute to be continued."

It continues on the next page:

"At the present time, the industrial schools receive a maintenance grant of three pounds seven shillings and six pence per week per pupils on the number children in residence. The reformatory schools receive three pounds eleven shillings and six pence per week per pupil.

The financial position is such as to cause grave anxiety and serious worry to those responsible for their maintenance and management. If the managers are to carry out the obligations imposed upon them, namely to teach, train, lodge, clothe and feed the pupils in their schools during their period of detention, there should be ample funds for this work. For assurity a sufficient income is of first importance if a school is to be managed on well defined and up to date lines."
Then it goes on to make a case that the maintenance grant is wholly inadequate and he gives various reasons for it. But then he sets out in the schedule at the bottom, which you probably have seen before, where he makes a comparison between the funding available for industrial schools in the Republic of Ireland, vis-a-vis the funding available for industrial schools in northern Ireland. As you can see there, first of all, there are a number of staff payments, annual salaries for a manager, a deputy manager, a principal and a band master, work instructor, and domestic staff and farm workers for which there is no equivalent salary at all provided in the Republic of Ireland; isn't that right?

In relation to teaching staff, it simply shows on the schedule that that is deemed to be covered by the capitation grant. But then in relation to the actual maintenance of the school, this is described as maintenance, repairs etc., it says:

"Heat, lighting repairs, cleaning, etc. are paid in full by the ministry in England."

Whereas in Ireland none of that is paid, there is no separate provision for that in Ireland; is that right?

A. No, no.

Q. Then the author deals with the maintenance grant per pupil. It says that:
"In addition to those specific salaries for those various categories of staff that are provided in Northern Ireland and England there is a capitation grant of 11 pounds 18 shillings and 14 pence per week per pupil, plus £20 paid for clothing for each new pupil on admission."

I think there is no provision for clothing of a pupil on admission in the Republic of Ireland and the capitation grant in the Republic of Ireland is there recorded as three pounds seven shillings and six pence per week, which is obviously less than a third of the capitation grant that was available in England; is that right?

A. Yes.

Q. I think in fairness, certainly the figures so far as the Republic of Ireland, which is the only one I will ask you to answer for, appear to be correct?

A. Certainly I think if it helps, I can't comment on whether we ever looked on were they the exact figures in Northern Ireland, but I don't think the Department internally disputed that if they were running the schools directly as State, certainly at that period there is reference in our letters to the Department of Finance where we point out to the Department and I think in correspondence following this particular memorandum, that if they were to be -- if we had to take over the running of the schools directly that it would cost us more than it was costing us by way of capitation grant.
So I am not sure whether those Northern Ireland figures are accurate, but there would certainly have been a contemporaneous acceptance of the fact that we were spending less per head than they were in the North of Ireland or England.

Q. I think in one of your documents, I think the phrase used to describe the situation if the State had to take it over was that it would be a national disaster if the State had to take over the running of the industrial schools; isn't that right?

A. I don't recall that particular reference because that implies that it was a bad thing, but there was certainly a reference in one of the letters to it costing us two or three times as much if we were to have to take it over in one of the letters to the Department of Finance.

Q. Would you agree that that's a fairly substantial underestimate of what the difference in funding would cost, particular if they still had to provide the capital resources to acquire institutions in which to do this work?

A. Well, I don't think we did any -- I think that was a remark made just to indicate that you would be better off giving an increase in the capitation grant. I don't think it would have been based on any financial analysis at the time of the direct comparisons.

Q. Just to finish with this document, turning over the page, he says:
"It is true to state that all the industrial schools are heavily in debt and I doubt without immediate and substantial aid they will not be able to continue to do their work for they were established."

Obviously the author is making a pitch for an increase in the capitation grant, but he does appear to be trying to convey a degree of urgency and he is making statements that all the industrial schools are in debt. In general from your review of all the documentation that you have seen, could you comment on whether you would regard that as a fair statement of the situation as it then was?

A. I certainly think at that period, if I am right at 1964, is it, that note was?

Q. November 1964, yes.

A. Certainly at that point I think it is clear from the internal papers that the Department would have certainly regarded -- they would have perhaps had a different view within the institutions but that the larger more industrial type schools were in financial difficulty. And indeed, I think it is kind of quite clear that there is actually after -- at the end of that, I think in my chronology there is a mistype, but on 11th December 1964 the Minister for Education personally petitioned the Minister for Finance for additional minimal funding. There is a letter from the Minister of the day saying that "I know the financial
position is very bad, but these schools are really in trouble." So I think it is clear to me from the internal papers that the Department would have regard the sort of pitch and the situation at that stage as more than just the normal "we need a bit more", that they did accept that there was a serious financial problem in some of these schools.

Q. Yes. I mean, sorry, just in case you think I am making it up, the reference to it being a national disaster is on page 22 of your own statement.

A. I apologise, I find it hard to remember everything sometimes.

Q. Of course. Obviously, as you have already pointed out, then and without doubt up to the present time, there were all kinds of demands on the Department of Finance for money for all kinds of projects, but in terms of the care of children in these institutions, and really all children in the care of the State were in these institutions, when you have a situation that develops to the point where they are in financial difficulty, the institutions that is are in financial difficulty and financial deficit, would you agree that in retrospect there was an element of neglect by the State in general and I am not saying any particular Department and I suppose to an extent in the wider society, there was an element of neglect to deal and care for these children in an appropriate way?

A. Could I just go back on one point. I think what we actually said was the closing of the schools would be a
Q. Yes.
A. I think if you are to talk about neglect and I mean maybe it is useful to say something in the current context. I mean if we take our annual estimates, the voluntary school sector, for example, will write us in a submission, they will calculate how if you took the inflation since the time we introduced free education in the 1960's, really they should have tripled or quadrupled the capitation grant that was there at the moment. So I would think if you were to take -- I mean, I think by its nature the State is always dealing with competing priorities and always has situations in which that if you -- it is not unusual to get an objective report that will look at things and say this is underfunded. I mean, third level education at the moment you will find plenty of reports saying we are underfunding universities, we are underfunding second level education. That's quite common, I would imagine the Department of Health, for example, or any area.

I think, however, it is clear and I would accept that the particular situation, and if you look at the tenure of the correspondence at the time that the Minister had and the tenure of the analysis, that the Department had at the time that it accepted that it was more than that normal "we could do more if we had more money."
In fairness, I think a lot of the correspondence with the Department of Finance is done in terms that you need to do more developmental stuff, that if you want to have pocket money for the children or smaller units or brighter clothes or more trade work. So, yes, I would accept that if you were to look at the children that were taken into care they were things that weren't being done that should have been done with them because there wasn't money available and to that extent there was a neglect for which the State side, if you like, in its totality in terms of how it did its priorities within its funding and insofar as that reflected society, it is society's priorities, that was a problem.

I suppose there is always a situation if you are an administrator that if things have kept going there is an incrementalism about how you deal with the funding matters, that's usually the way the State kind of deals with these kind of things.

Q. Yes. You allude on page 59 and 60 of your detailed statement to the interface between what the inspectors wanted done and the relationship between the accommodation provided in these institutions and the quality of care for the children. If I could just refer you to that, please, starting maybe at page 59. The paragraph at the bottom of the page, you say:

"Department Inspectors also made clear the association between the quality of accommodation and the quality of care"
In May 1955, the Department Inspector Micheal O Siochfhrada wrote to the Resident Manager of Artane pointing out a number of areas where he believed there was a need to approve the general welfare of the boys. In addition to the improvement of the boys weekday clothes, Mr. O Siochfhrada stressed modernising the kitchen and the installation of up-to-date equipment, the erection of an adequately heated recreation hall with facility for indoor games and improvements in the dining hall, for example, the provision of chairs instead of the existing forms."

"Most of these were areas the Resident Manager had already expressed an interest in improving and O Siochfhrada's recommendations were fully accepted. The Resident Manager accepted that improvements were urgently required and underlined their implications for the quality of resident care provided to children.

He pointed out the school building had been condemned 40 years before so the case for improvement to the antiquated kitchen and dining hall, like that for the erection of a large and fully equipped recreation hall was indisputable.

Indeed, given the dangerous condition of the old school building, the Resident Manager considered it imperative to erect 20 new classrooms as well. Such measures were deemed necessary for the welfare and happiness of the boys and for the efficient working of the school."

If you can bear with me, I will read to the bottom of the page because I think it is a particular informative page in relation to this relationship. It says:
"However, finance was indicated as a difficulty. According to Br. Hourican the Resident Manager, the "only obstacle that stands in the way and hinders progress being made in the scheme outlined by the Department is the lack of funds".

Artane was in a weak position financially and for obvious reasons we are unable to meet fully our ordinary commitments at present. As a matter of fact, I cannot see how the work being done in this school can be continued for long under the present conditions. If the improvements recommended are to be accomplished it would be necessary to get very substantial aid from public funds, as in our present circumstances we cannot be expected to undertake responsibility for the huge expense involved.

A cost of 30,000 is put on the cost of just modernising the boy's kitchen and overhauling the roofs of all the buildings. For the school authorities to meet even part of these costs, some assurances were sought that the school was required by the State. The Provincial of the Christian Brothers, JA Mulholland, who support in the matter Br. Hourican had requested sought assurances from the Department that any investment on their part would be worthwhile.

Before making a decision as to incurring of even a portion of the liability in having the above work done, Mulholland said that he needed some insight into the Department thinking about the future of the industrial school system. Is there a possibility that they, the schools, may become redundant in the near future, he asked. The future in Artane was inextricably linked to that of industrial schools in general and Mulholland noted that numbers in Artane had steadily decreased over the previous two years, falling from 850 to 500. It would thus appear that Artane would not be required as an industrial school after another few years. If that is likely we could use this school immediately for our own purposes. On
the 24th November 1957 the school wrote
to the Department again detailing the
required work to the school."

And again there is reference that goes on for another
page about the concern that whether any such
expenditure which is absolutely necessary should be
incurred until such time that there is clarity as to
what the future holds and there was a lacuna period, I
think, it does appear from some of the documents where
this was a real difficulty, that on the one hand there
was a fairly urgent need for improvement of facilities
and monies to do it, also a question mark as to whether
even if the money was spent the school would be still
in existence in a few years time.

Ms. Moorhead draws my attention to the fact that there
is a memorandum where the Inspector comments on this,
it is your footnote of 122. I will just read it to you
perhaps, if I may. This is dated 25th, it looks like,
July -- November 1957. If you would like to -- would
you like me to start reading it while you are trying to
locate it?

A. Yes.

I think this is Mr. O Síochfhrada writing to the
secretary on this question?

A. Yes, that is his initials on it.

Yes. It says:
"To see attached letter from the Provincial of the Irish Christian Brothers in regard to the Artane school.

There is no doubt of the need for the improvements mentioned in the Provincial's letter. Both Dr. McCabe and I are aware of this fact for some years back and we know that the Resident Manager and his authorities have been considering plans for these improvements but are hesitating to go ahead with them mainly for the reason of the inadequate rate of maintenance grants paid for detainees there.

Artane is the only senior boys industrial school in or in the vicinity of Dublin. The nearest senior boys school is Clonmel, something over 100 miles, a school which is not affected by falling numbers to any great extent such as Artane is.

Artane has accommodation for 830 boys. The number in residence there at the end of September last was 526, in all 481 committed and 43 public assistance and two voluntary. If Artane school were to close down the question of the provision of alternative accommodation for the area now served by it would have to be considered as an urgent problem.

It is doubtful if any religious order would be very willing to undertake the provision of new senior boys industrial schools in the Dublin area without a substantial grant in aid from the State towards the cost of the new buildings and an assurance that the State and local authorities would give a substantial increase in existing rate of capitation maintenance grants.

An application for an increase of two pounds ten shillings per week in the rates of capitation grants was submitted to the Department of Finance some time ago and we are awaiting their decision on the matter. It is suggested that before applying to the Provincial's letter we ask the Department of Finance for a reply to our application sending him a copy of the attached letter from the...
Provincial. The draft acknowledgment of the Provincial's letter herewith for signature if approved."

I think you record at page 61 of your statement that there was no record that the specific funding that was being sought was provided in that case?

A. Yes, I think in that instance I suspect that the reminder is actually a reminder about the application for the capitation grant. In fact, I think the reference -- I will read the reference in Mr. O'Siochfhrada's note as being:

"Before applying we asked them for a reply to our application."

But certainly in the context of that Artane request appears to have been sent as well to the Department of Finance and we have no record that anything came of it.

THE CHAIRPERSON: Mr. Hanratty, will we continue on or will we take a break here?

MR. HANRATTY: I'm sorry, I wasn't aware of the time.

THE CHAIRPERSON: If there is a couple more questions, carry on, but don't be under any pressure, it is not a question of saying you must do it. My sense is that you are probably have a few more issues that you want to debate, in which case we will take a break.

MR. HANRATTY: I anticipate about 15,
twenty minutes max.

THE CHAIRPERSON: We will take a break now.
Thanks very much.

MR. GAGEBY: Mr. Chairman, before you do so.

THE CHAIRPERSON: Yes, Mr. Gageby.

MR. GAGEBY: Mr. Chairman, could I just suggest as a courtesy to my colleagues, it is my application that our cross-examination should be deferred to tomorrow. I have to say the operative reason for that is the circulation about 40 minutes ago of a number of documents that I don't know if you, Mr. Chairman, or your colleague have had an opportunity of seeing but the lateness of their arrival and the relevance of them will become apparent if you take a lunch break. I would be anxious to incorporate what is to be found in those into the late arrival, I think, on Thursday or so of a large volume of material. I mean, there are only so many hours in the day and I am simply asking for a deferment. I don't know if Mr. Connaughton or somebody else could feel more happily that they would be going on. I would point out that while it is true we have represented the Sisters of Mercy, we also in fact are wearing a different hat here today.

THE CHAIRPERSON: I appreciate that.

Mr. Gageby, if it comes to that, we -- are you next in the line?

MR. GAGEBY: I am, yes.
THE CHAIRPERSON: All right. We will see what happens. We will have a look at those documents. We don't want to take anybody short and we will try to review where we are going and bear everybody's interests in mind, including Ms. McManus' because obviously we have consider that. So let's have a look at it, have a think about it. So what you want us to do is to have a look at the new documents particularly. The two folders that were handed around. Those are the documents you are talking about.

MR. GAGEBY: I also wish to incorporate those into the material which arrived before the weekend.

THE CHAIRPERSON: We are aware of the documents that we circulated and that's because we got them last week and that's what I was talking to Mr. O'Moore about, but we will bear that in mind. So you are saying look -- very good.

MR. GAGEBY: Thank you.

LUNCHEON ADJOURNMENT
THE HEARING RESUMED, AS FOLLOWS, AFTER THE LUNCHEON ADJOURNMENT:

THE CHAIRPERSON: Thank you very much.

Yes Mr. Hanratty.

Q. MR. HANRATTY: Thank you, sir. Just one final question, if I may, in relation to funding and it is in reference to page 97 of your statement. It is really in terms of trying to find a comparator, as it were, of what these figures really mean. We know that in 1968 from the schedule of figures I mentioned to you this morning that the capitation grant was three pounds seven shillings and six pence but on this page, on the bottom paragraph you make reference to the Kidney Report where you say:

"The Kidney Report was a report prepared at the request of the Association of Workers for Children in Care and analysed the cost of maintaining a child in a home on the basis of raising the staff ratios to desirable levels and providing increased levels of remuneration for employees. The Kidney Report was concerned with determining the level of capitation grants which would be necessary to adequately finance the industrial schools. The report estimated that a capitation rate of £40.90 a week for 1977 would be necessary. The document stated that this figure was of course based on certain staffing levels and salary rates which would be regarded by the Department as unduly high.

The document then sets out reasons as to why the capitation system should remain in place. The actual capitation rate was increased from £18 to £22 on 1st January, 1977 and increased again..."
It says 1st February, 1977 but I presume that was, presumably, 1978 to £30, or some subsequent year.

A. It may be a mistake.

Q. It looks as if it was because it couldn't be the same.

A. There were two very close together in one year because of national wage agreements.

Q. Then it might be possible. Although if the first one came on 1st January is it likely that the second one came on 1st February?

A. It says "increased to €30 sanction, February 1977".

Q. Oh I see. So it is right?

A. It may have been that the other one was decided the previous year and only paid with effect from 1st January.

Q. I understand?

A. We can come back and clarify that point for you later. But it may have been just that the sanction was 1st February and it didn't get paid until later. I'm not sure.

Q. And, obviously, there would have been cost of living inflation in the meantime. We don't know what that is, but at least there is a comparative there that you could apply the statistics to. I just want to ask you very briefly about one other matter, that's in relation to the complaint of Fr. Moore, which you have dealt with in your statement. As a result of the complaints of this witness the Department I think it was a Mr. O'Rafferty instructed that a detailed inspection of Artane be conducted. I think it is referred to
probably at page 46 of your statement. Fr. Moore made certain complaints that came to the attention of the Department; isn't that so?

A. That's right.

Q. As a result of this a special inspection was carried out which appears to have been, certainly in terms of the report that was produced as a result of it, exceptionally comprehensive?

A. Well certainly it was unusual in that three people, if I recall -- I think we deal with it in more detail on --

Q. Page 64 maybe?

A. My recollection is, and I don't see that we say it in the statement, but they were actually the medical inspector and two of the administrative staff, they went out and did an inspection, a three person inspection at the time. So it was quite a detailed report.

MR. O'MOORE: It is actually page 66 of the statement.

THE CHAIRPERSON: It starts at 64, there is a fairly detailed analysis at paragraph 2.5.1 about Fr. Moore's report.

MR. HANRATTY: Yes.

A. That's right. Then we have our response, it is pages 66 and 67. There is a reference I think at the earlier page as well.

Q. MR. HANRATTY: Just to put it in context, the Commission has heard
evidence in private, which we don't need to go into, in relation to the basis for any complaints that may have been made and that's a matter that the Commission will in due course deal with. But the Department became aware of complaints by this particular individual as a result of which this inspection was ordered to be carried out.

A. Yes, there was a Department representative on the Interdepartmental Committee, the evidence was given to the Interdepartmental Committee and following that this inspection was carried out by three people.

Q. You record on page 66 that:

"The inspection was carried out in December 1962 by a three-person team: T. MacDáibhid, Assistant Principal Officer and Inspector in Charge of Industrial Schools, Dr. Anna McCabe, Medical Inspector, and Dr. S. Mac Uaid, Higher Executive Officer in the Department of Education."

You record also that:

"Their brief was to state the facts reasonably and with discretion, good and bad to be included."

A. That's right.

Q. It appears from the report itself -- I will just get the reference for the report, it is footnote 73. First of all, it is quite clear from a perusal of the report that it is a fairly comprehensive one. It appears that the inspectors in question looked at virtually ever aspect of life in Artane in the course of their
inspection. That included the food that the children were eating and the clothes that they were wearing, did it not?

A. It did, yes.

Q. It also included the relationship between the boys and the teachers, which were observed by the inspectors and commented upon in the report in favourable terms it appears. But not to labour the point, it appears that essentially the inspectors disagreed with the complaints made by Fr. Moore?

A. Yes.

Q. And their findings were not consistent with the complaints that he made?

A. That's right.

Q. Under virtually every heading that he made them?

A. There was some criticism I think subsequently in the Interdepartmental Committee minutes and discussions that perhaps they hadn't dealt with all headings but the Department's report was very satisfied that there was no substance to the allegations of Fr. Moore.

Q. Yes. I think finally, just to finish on this point, Dr. McCabe subsequently commented on this in a separate report in 1964, I will just give you the reference for it. It is Tab 2 of one of the booklets we got this morning. This is the one with the four tabs in it, if I can just briefly refer you to that. The report is dated 29th February, 1964, it is described itself at the top as "General Report on Industrial and Reformatory Schools", written, obviously, by
Dr. McCabe. Can I refer you to the second last page and the last paragraph on that. There is reference to Fr. Noone?

A. I think it is a mistype, it is typed up from the manuscript I think, the manuscript is behind it, it is a mistype.

Q. She says:

"In conclusion I refer to Fr. Moore's report, most of which I am in substantial agreement with, but I refute completely the allegations that the boys are undernourished, lack ample wearing apparel and bed clothing, and that the footwear was inadequate and in many cases ill fitting."

So that is really a reflection of what is contained in the earlier report produced by her and the other inspectors in relation to Artane?

A. That's right.

Q. In respect of those particular matters?

A. Yeah. I think the bits in substantial agreement may have been the bits about funding and some of those other issues.

Q. Yes, that's correct. Sorry, there is just one error before I finish completely, and I assure you I will finish this time. At page 53, footnote 92, there is this reference to Patsy Flanagan. This is this boy who received an injury while he was doing a circus trick on the banisters. Do you recall this?

A. Yes.

Q. I think it is recorded that he died as a result of
this, but in fact the information we have is that he
died as a result of an anaesthetic he received in the
course of treatment for this injury. I don't know if
you are aware of that or whether you can confirm that
or not.
A. I am afraid I can't without checking the papers. But
perhaps if I could come back and just confirm it in the
morning, what our records show.

MR. HANRATTY: I very much appreciate
that. Thank you very much
indeed.

END OF EXAMINATION OF MS. McMANUS BY MR. HANRATTY

THE CHAIRPERSON: Now, in the normal way we
would now go on to
Mr. Gageby for the Sisters of Mercy. Does anybody have
any objection, Mr. Gageby wanted to postpone his
examination until tomorrow, does anybody have any
objection to that?

MR. CONNAUGHTON: Sir, I would prefer to go
after Mr. Gageby.

THE CHAIRPERSON: I understand that. That's
the scheme as planned.
Well, I wouldn't propose to change it unless there
seemed like a good reason to change it, Mr.
Connaughton. The first thing is does anybody object to
postponing Mr. Gageby's examination? That's the first
question. Everybody else I rather imagine is depending
on this issue. Mr. O'Moore, you have no objection to that, have you?

MR. O'MOORE: Absolutely not. I was trying to signal to you, Chairman, that we've no difficulty with that.

THE CHAIRPERSON: We are conscious of the fact that there has been a good deal of extra material circulated and people have had to assimilate a good deal of extra information on top of a great deal of documentary material which has been produced, and the material that the Department has produced is certainly extremely thorough and we know that there is a lot of material to be assimilated in it. So our view is to be sympathetic to a request. We didn't know exactly how long Mr. Hanratty was going to take but, again, we didn't want to be pushing or asking him to finish early. Mr. Gageby, can I ask you this: How long do you anticipate being?

MR. GAGEBY: Shorter than Mr. Hanratty.

THE CHAIRPERSON: Very good. And following Mr. Hanratty then there is Mr. Maguire, isn't that right?

MR. MAGUIRE: That's right.

THE CHAIRPERSON: Mr. Maguire, give me some idea? I mean Mr. Gageby is going to finish -- take less than the morning.

MR. GAGEBY: Under two hours

MR. MAGUIRE: The more he covers the
shorter I will be. I don't in any event anticipate being very long in any event.

THE CHAIRPERSON: Very good. All right. Mr. Connaughton, you will be some time.

MR. CONNAUGHTON: I would have thought, Sir, about two hours.

THE CHAIRPERSON: Very good. That's a useful indication. Well we don't propose to put people in difficulties if they would prefer to cross-examine. It is perfectly clear that we wouldn't have finished today in any case so that there is nothing particularly lost. So in the circumstances we propose to -- if that's all we can do today that's all we can do today. It is not our normal day, but we have to sometimes get used to achieving less than we expect. So thank you very much Ms. McManus.

MR. MacMAHON: 10:30 tomorrow morning?

THE CHAIRPERSON: Yes, certainly. Very good, thank you very much.

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transcript is a word that refers to a written record of a speech or conversation. It is typically used in academic and legal contexts to provide a verbatim account of what was said. Transcripts are often used in research, legal proceedings, and educational settings to ensure that the spoken content is accurately documented.

The word "transcript" is derived from the Latin word "transcriptus," which means "transferred" or "copied." It first appeared in the English language in the 16th century, in the sense of a copy or a copy of a copy. Over time, the meaning of the word has expanded to include the written record of a speech or conversation.

In legal contexts, transcripts are particularly important because they provide a verbatim record of what was said in court. This is important because it ensures that the record of the proceeding is accurate and can be used as evidence in subsequent proceedings. In academic contexts, transcripts are used to record the content of research seminars, conferences, and lectures.

Overall, transcripts are an important tool for ensuring that the spoken content is accurately documented and can be used for a variety of purposes. They are particularly important in legal and academic contexts, where accuracy and precision are critical.