

COMMISSION TO INQUIRE INTO CHILD ABUSE

HELD AT 145-151 CHURCH STREET, DUBLIN
ON MONDAY, 21ST JUNE 2004

BEFORE

MR. JUSTICE SEÁN RYAN

CHAIRPERSON OF THE INQUIRY

ORDINARY MEMBERS:

DR. IMELDA RYAN, Consultant Child and Adolescent
Psychiatrist

MR. FRED LOWE, Principal Child Psychologist

1

I hereby certify the
following to be a true
and accurate transcript
of my shorthand notes in
the above hearing.

MEMBERS OF THE COMMISSION PRESENT

REGISTRAR TO INVESTIGATION COMMITTEE: MR. BRENDAN REIDY

COUNSEL FOR THE COMMISSION: MR. NOEL McMAHON SC
MR. FRANK CLARKE SC
MS. KAREN FERGUS BL

Instructed by: MS. FEENA ROBINSON

COPYRIGHT: Transcripts are the work of Gwen Malone Stenography Services and they must not be photocopied or reproduced in any manner or supplied or loaned by an appellant to a respondent or by any other party without written permission of Gwen Malone Stenography Services.

INDEX

WITNESS	EXAMINATION	PAGE NO' S
DR EOIN O' SULLIVAN		
	DIRECT - MR. McMAHON	17 - 132

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

THE HEARING COMMENCED, AS FOLLOWS, ON MONDAY,
21ST JUNE 2004

THE CHAIRPERSON: Good morning everybody.
MR. CLARKE: Chairman, my purpose is to give a very brief outline of the process that the Investigation Committee will be engaged in over the next number of weeks. In a very short time Mr. McMahon will outline the sequence of events that has led us to this hearing and also will introduce the first witness and give a brief outline of the evidence that is intended to be called. I think the process and the procedures have already been outlined by Mr. McMahon at previous hearings and it is not necessary to go into them again.

What I would like to do, however, is give a very brief overview of the types of evidence that we will be hearing over the next number of days and weeks without indicating the nature of that evidence. In rough terms, the emergence hearing with which we are engaged has been divided into four parts. The first part is to set the scene by hearing some historical evidence as to the nature of the relevant parts of the educational system and the legal system that impacted upon it, and that is the matter to which Mr. McMahon will be directing his attention in very early course. We would be hopeful that that phase



1 would finish by tomorrow. The next phase will
2 involve the hearing of evidence from a significant
3 number of senior personnel, both in terms of civil
4 servants and in terms of political leaders to outline
5 the position which the State has adopted in respect
6 of these matters. We would hope to have Minister
7 Martin giving evidence on Wednesday morning who,
8 while now Minister for Health, was in fact Minister
9 for Education for much of the period during which the
10 State's apology and the establishment of this
11 Commission took place. That will be followed by
12 other witnesses from the relevant Departments and it
13 is also hoped that the Taoiseach will give evidence
14 in due course, though given his other commitments, it
15 may take a little time to organise that.

16
17 The third phase will be the hearing of evidence from
18 the religious orders which had management of the
19 principal institutions which are the subject of the
20 Inquiry. Again, Mr. McMahon will tell us a little
21 more about that, but the position is that all of
22 those who have been requested to attend have
23 indicated that they will attend the nominated persons
24 to speak. Precisely how long that will take and,
25 indeed, how long the State segment will take is hard
26 to judge at this stage, but they will broadly follow
27 that sequence.

28
29 Finally, the fourth phase will be to hear evidence



1 from survivor groups as to their involvement in the
2 emergence of child abuse as a known public issue.

3
4 Hopefully as a result of those hearings, the
5 Investigation Committee will have a broad general
6 background knowledge of the circumstances which lead
7 to us being about to embark on this Inquiry, and
8 perhaps we may know a little more about what issues
9 we will have to direct our attention particularly to
10 in the course of the more detailed hearings and
11 enquiries into the individual institutions that will
12 have to come.

13
14 I think that is all I wish to say at this stage,
15 Chairman. Perhaps I will now hand over to
16 Mr. McMahon to introduce this first segment.

17 THE CHAIRPERSON: Thank you very much.

18 MR. McMAHON: Mr. Chairman, members of
19 the Investigation
20 Committee, on 11th May 1999, while announcing a wide
21 package of measures relating to childhood abuse,
22 which included the establishment of a Commission to
23 inquire into the abuse of children, the Taoiseach,
24 Mr. Bertie Ahern, T.D., made an apology on behalf of
25 the State to victims of childhood abuse in the
26 following terms. He said:

27
28 "On behalf of the State and of all
29 citizens of the State, the Government
wishes to make a sincere and long
overdue apology to the victims of



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

childhood abuse for our collective failure to intervene to detect their pain, to come to their rescue."

Less than a fortnight later, the Minister for Education, Michael Martin, T.D., announced the establishment of a non-statutory Commission to be chaired by Ms. Justice Mary Laffoy of the High Court. In May 2000, the Commission to Inquire Into Child Abuse Act was enacted, which resulted in the setting up of this Commission in its current format and now under the chairmanship of Mr. Justice Seán Ryan.

On 22nd November 2000, an announcement was made by the then Minister for Education & Science, Dr. Michael Woods, that the religious congregations had agreed in principle to participate to a compensation scheme for people who suffered abuse while in residential care as children. This was followed by the conclusion of an agreement between the State and participating religious congregations leading ultimately to the enactment of the Residential Institutions Redress Act 2002. In addition, apologies were offered by a number of those religious congregations to those people who had been detained under their care.

These developments followed a period of sustained debate on the treatment of children in residential institutions funded and regulated by the State. The



1 treatment of children in such institutions came to
2 the forefront most publicly with a showing of a
3 documentary in early 1996 on the recollections of a
4 former pupil in St. Vincent's Industrial School in
5 Dublin during the 1950's. This was followed in 1999
6 by a three part documentary shown on RTÉ entitled
7 "States of Fear" which was intended to be an analysis
8 of the reformatory and industrial school system in
9 Ireland.

10
11 On 7th May 2004, Mr. Justice Ryan, the Chairman of
12 the Investigation Committee of the Commission to
13 Inquire into Child Abuse, announced that the
14 Committee wished to look at the emergence of child
15 abuse as an issue in Irish society, and to examine
16 how the transformation in attitudes marked by the
17 Taoiseach's apology on 11th May 1999 had taken place
18 and why it had taken place. He announced an
19 intention to ask those who had apologised to victims
20 of abuse and those who had contributed to the redress
21 fund how it was that they had come to apologise, how
22 did they come to contribute to this fund and what
23 conclusions or inferences, if any, could the
24 Investigation Committee draw in the course of its
25 enquiries from such apologies and contributions.

26
27 Also, on 7th May 2004, on behalf of the legal team, I
28 set out in broad form the proposed structure of those
29 hearings to be undertaken by the Investigation



1 Committee. The Investigation Committee's legal team
2 subsequently wrote to the representatives of the
3 State institutions, the religious congregations and
4 to the surviving groups setting out the types of
5 questions which the Investigation Committee wished to
6 explore, the categories of witnesses whom the
7 Investigation Committee intended calling indicating
8 the manner in which evidence would be led and
9 requesting that each institution or group would
10 nominate an individual to give evidence.

11
12 In the case of State witnesses and the religious
13 congregations, the Investigation Committee indicated
14 its intention to explore the following questions:

15
16 (a) Insofar as the body concerned has ever issued a
17 publish apology in respect of child abuse, the
18 reasons for issuing such an apology.

19
20 (b) The reasons why the body contributed to the
21 Redress Fund.

22
23 (c) The timing and manner in which allegations of
24 child abuse emerged as an issue in respect of
25 institutions under the management or regulatory
26 control of the body.

27
28 (d) A brief account of the protocols or procedures
29 which were in place from time to time within the body



1 which were designed to prevent, investigate or deal
2 with allegations of child abuse.

3
4 (e) The extent to which the body made enquiries as
5 to how other similar institutions, whether in Ireland
6 or abroad, dealt with such matters and, if so, the
7 result of such enquiries.

8
9 (f) The extent to which any enquiries carried out
10 within the organisation concerning which there was
11 child abuse within the institutions managed or
12 regulated by it led to the forming of a view that
13 such abuse did occur together with the extent to
14 which any such view may have contributed to (a) and
15 (b), the first two paragraphs at the beginning.

16
17 In the case of each survivors group, the
18 Investigation Committee indicated its intention to
19 explore the following questions:

20
21 (a) The timing and manner in which allegations of
22 and knowledge of child abuse emerged as an issue in
23 Ireland.

24
25 (b) How the group was formed.

26
27 (c) By whom the group was formed.

28
29 (d) When the group was formed.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

(e) Who are the group's members in general terms without individuals being named.

(f) How did the group's members come to join the group.

(g) What the group has done since its formation.

(h) How the group is funded.

I am happy to be able to say that there has been an enthusiastic and positive response to the Investigation Committee's initiative and comprehensive statements have now come in from the State agencies, the religious congregations and from many survivors groups.

Statements have been received from the Department of An Taoiseach, the Department of Finance, the Department of Justice, the Department of Education & Science and the Department of Health & Children. Statements have been received from all of the 16 religious congregations who are contributors to the Redress Fund and there has been an enthusiastic response from the survivors groups to date, and the majority of these groups have furnished us with a statement already.



1 It is not my intention to summarise in advance the
2 contents of the statements which we have received
3 from the State agencies, religious congregations or
4 the survivors groups. Rather, it is intended to
5 explore the issues raised in these statements by
6 hearing evidence from the individuals nominated for
7 that purpose by each of the State institutions,
8 religious congregations and survivors groups
9 concerned.

10
11 The Investigation Committee has taken the view that
12 in order to place the emergence of child abuse as an
13 issue in Irish society in context, it might be
14 helpful to all concerned to hear from a witness who
15 will be in a position to explain the historical
16 background and context in which the emergence and
17 development of reformatory and industrial schools in
18 Ireland occurred. The Investigation Committee has,
19 therefore, invited Dr. Eoin O'Sullivan, Statutory
20 Lecturer in Social Policy in the Department of Social
21 Studies, Trinity College Dublin, to give evidence
22 before it.

23
24 Amongst the topics which Dr. O'Sullivan will deal
25 with will be the circumstances leading to the
26 establishment of such schools, the needs they were
27 required to address, their funding and the
28 involvement of the religious congregations in their
29 operation. He will also deal in his evidence with



1 the evolution from a system whereby lay societies
2 became involved in boarding out children to a system
3 of institutional care for such children, which
4 institutional care was provided and managed in the
5 main by Catholic religious congregations under the
6 aegis of the State.

7
8 Dr. O'Sullivan will also sketch a profile of the
9 children placed in these institutions in terms of
10 their numbers and gender, in terms of the reasons for
11 their detention and the destinations to which they
12 were discharged. He will provide an analysis of the
13 number of children in such schools in Ireland
14 compared to the situation in England, Scotland, Wales
15 and laterally in Northern Ireland.

16
17 Dr. O'Sullivan will highlight any relevance
18 legislation and regulations which governed these
19 schools, the systems of inspection and reporting
20 inherited by the Free State and the operation of
21 those systems by the relevant State agencies until
22 the virtual winding down of the institutional system

23
24 Dr. O'Sullivan will also identify a number of
25 enquiries and reports into the issue of child welfare
26 and care in Ireland. He will refer to
27 contemporaneous indicators suggesting the existence
28 of a degree of unease in relation to conditions
29 pertaining to children while in the care of the State



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

and in the industrial and reformatory school system generally.

Finally, Dr. O'Sullivan will chart the developments subsequent to the publication of the Kennedy Report in 1970, the demise of the industrial and reformatory school system and the consequent changes in the approach to childcare. In tandem with these developments, he will describe a number of factors, including an emerging body of autobiographical literature, a shift in attitudes towards the authority of the Catholic Church and State, and increased mainstream media exposure ultimately leading to the Taoiseach's apology and the ensuing events.

I propose without further ado to call Dr. O'Sullivan and to allow him commence his evidence.

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



1 DR. EOIN O' SULLIVAN HAVING BEEN SWORN WAS EXAMINED,
2 AS FOLLOWS, BY MR. McMAHON

3
4 THE CHAIRPERSON: Good morning,
5 Dr. O' Sullivan.

6 1 Q. MR. McMAHON: Dr. O' Sullivan, are you
7 comfortable there?

8 A. As much as I be can.

9 2 Q. Do you have access to whatever pieces of literature
10 you may wish to refer to?

11 A. Yes.

12 3 Q. I think you have an overhead projector to assist in
13 showing to those who are here various pieces of
14 literature which you may wish to refer to?

15 A. Yes.

16 4 Q. Due to the configuration of the room, the Committee
17 will have difficulty seeing what is on the scene, but
18 you have also available a number of copies of the
19 documents to which you will be referring to which can
20 be furnished to the Members of the Committee, so that
21 they do not have to crane their neck over their
22 shoulders to see what is on the screen.

23
24 I propose, Dr. O' Sullivan, by introducing you to the
25 gathered assembly here and, in particular, by
26 referring you to your curriculum vitae. Mr. Clarke
27 will pass up a copy of the document which I am
28 referring. (SAME HANDED TO WITNESS). I think,
29 Dr. O' Sullivan, you are attached to the Department of



1 Social Studies in Trinity College in Dublin and you
2 have a long and extensive academic and, indeed,
3 personal interest in the subjects which are before
4 the Commission?

5 A. Yes.

6 5 Q. You have a long work experience which you may wish to
7 identify going back to 1985, when you began working
8 as a volunteer with the Simon Community working with
9 homeless adult males?

10 A. Yes, I suppose the brief CV is that I completed a BA
11 UCG in 1988, a Masters Degree in Limerick in 1990 and
12 a Ph.D. in Trinity in 1999. The subject of my Ph.D.
13 was the history of industrial reformatory schools
14 broadly, but also orphan societies, boarding out
15 societies etc., so the evolution broadly of the child
16 welfare system in Ireland from approximately 1750 up
17 to 1990.

18 6 Q. In addition to your academic knowledge of these
19 areas, you have very considerable work experience
20 going back over many years?

21 A. I have worked in a number of areas between the Simon
22 Community in Galway in the 1980s, working with youth
23 homelessness in Dublin in the early 1990's before
24 going back to academia on a full-time basis. I think
25 it is probably through some of those work experiences
26 that my interest in the history of the child welfare
27 system emerged, particularly through my work with the
28 Simon Community and the recognition of quite a number
29 of men I worked with who had all spent time in



1 industrial schools and reformatory schools as
2 children.

3 7 Q. I think that your work experience has included
4 lecturing posts in various colleges throughout
5 Ireland?

6 A. Two in particular; the University of Limerick where I
7 taught in the early 1990's and in Trinity College
8 Dublin since 1995 to the present.

9 8 Q. I think your position in Trinity College has changed
10 during the duration of your time there?

11 A. I was initially a research fellow studying the
12 voluntary sector in Ireland and since 1999 have been
13 a statutory lecturer in Trinity in the area of social
14 policy.

15 9 Q. I think that you have very extensive other
16 professional experience?

17 A. I have worked with a number of Government
18 Departments. I have worked with the Department of
19 Justice in drawing up the expert group of the
20 Probation Welfare Service. I have also been a member
21 of an expert group in the Department of the
22 Environment & Local Government on the rent
23 supplementation system

24 10 Q. I think you have also been involved in Yale
25 University?

26 A. Yes, I spent a two month sabbatical in the University
27 of Yale where I conducted some research on the
28 emergence of the orphanage societies in Ireland from
29 1750 to 1850.



1 11 Q. I think that was in the autumn of 1998?
2 A. Yes, autumn 1998.

3 12 Q. I think have been a research consultant to various
4 agencies in Ireland?
5 A. Yes, to the society of St. Vincent de Paul and a
6 number of other organisations such as that, a number
7 of voluntary organisations including Combat Poverty
8 and a number of other groups like that.

9 13 Q. I think you have also been involved as a research
10 consultant in RTÉ?
11 A. I was consultant to the RTÉ three part programme
12 "States of Fear" which came out in early 1999.

13 14 Q. I think you are a member of a number of professional
14 advisory bodies?
15 A. I would be a member of quite a number of social
16 policy related organisations; the European
17 Observatory in Homelessness, European Network of
18 Social Policy Analysis and a number of other such
19 professional organisations.

20 15 Q. I think that it would be an understatement to say,
21 Dr. O'Sullivan, that you have a number of
22 publications under your belt at this stage, suffice
23 to say that the information which has been furnished
24 goes to five pages of typewritten script indicating
25 very many books and articles. You might give us a
26 flavour perhaps of the main publications which you
27 have been responsible for or involved with?
28 A. I suppose it can be broken down to three areas.
29 Firstly, on the history of child welfare and the



1 contemporaneous issues of child welfare. I have
2 written two books, collaborating with a number of
3 other people, on both the current child protection
4 system and obviously the history of the system I
5 have written a number of books on the criminal
6 justice system in Ireland, again with a number of
7 colleagues, on most recently a book called "Crime
8 Control in Ireland - the Politics and Intolerance",
9 and a forthcoming book on a book called "A Nation
10 Obsessed By Crime". I suppose the third area of work
11 has been on housing policy and homelessness in
12 Ireland. They would be the three key research areas
13 that I have been involved in over the last 10 or
14 15 years.

15 16 Q. In addition to that, you have been involved as editor
16 in various books and journals, and you have been
17 involved in the preparation of sections of books
18 which are prepared under the editorship of others?

19 A. Yes, I have written a number of articles in various
20 academic journals and book chapters, again dealing
21 with those same three areas; the criminal justice
22 system, housing and homelessness policy, and child
23 welfare.

24 17 Q. You have attended a number of conferences and have
25 been involved in the development of a number of
26 conferences from the editorial point of view?

27 A. Well, I have organised quite a number over the past
28 ten or so years on those three optics again; housing
29 policy, child welfare and the criminal justice



1 system. In some cases I would have edited the
2 proceedings of those conferences.

3 18 Q. I think you have prepared various materials and
4 presentations which were subject to external
5 evaluation?

6 A. Again, that would just be part of my normal workload,
7 it would be one with an expectation that one would
8 present various academic conferences, both in Ireland
9 and internationally.

10 19 Q. For those who are interested, it is anticipated that
11 your curriculum vitae in full will be ultimately
12 available on the Commission's website. If we may go
13 to the evidence which you wish to give today to the
14 Investigation Committee. I think perhaps an
15 appropriate point of commencement would be if you
16 could explain the emergence of reformatory and
17 industrial schools as a system in Ireland?

18 A. Yes, I think it is probably the easiest to start with
19 clearly the legislation that legislate for industrial
20 schools and reformatory schools, the Reformatory
21 Schools Act 1858, and the Industrial Schools Act
22 1868. I think we probably need to go back about
23 100 years before that to understand what occurred
24 over that decade, why such a large number of
25 institutions were so certified as either
26 reformatories or industrial schools, and why the
27 institutional model of child welfare became so
28 dominant during the 19th Century and that legacy
29 continued then into the 20th Century.



- 1 20 Q. Yes.
- 2 A. It has always been a curiosity as to why, certainly
- 3 from the foundation of the Free State from 1922
- 4 onwards, why a largely agricultural country had such
- 5 large of numbers of children receiving industrial
- 6 training given that we had very little industry. I
- 7 think really what happened was that the original use
- 8 of schools simply continued into the 20th Century
- 9 without much change. I think probably going back to
- 10 around 1750 to understand the beginning of the
- 11 institutional system of childcare and child welfare
- 12 in Ireland, that relates, to the best of my
- 13 knowledge, to the establishment of the first
- 14 orphanage in Ireland.
- 15 21 Q. Where was that?
- 16 A. It was in Dublin, it was organised by the Franciscan
- 17 Fathers, St. Francis of Assisium Orphanage in
- 18 Merchant's Quay, which later moved to Glasnevin.
- 19 Eventually the system was transferred to Glasnevin to
- 20 the care of the Christian Brothers and St. Vincent de
- 21 Paul in the 19th Century. Effectively that orphanage
- 22 came about as a result of discontent with the
- 23 existing system of childcare in Ireland which is
- 24 largely the founding hospital which was established
- 25 in about 1703, and I think ironically for the purpose
- 26 of this Commission, the site of the founding hospital
- 27 is currently the building in which the Child Abuse
- 28 Commission is located.
- 29 22 Q. I think that is on Leeson Street?



1 A. It is The Sugar Club currently as far as I know.

2 23 Q. What can you tell us about the circumstances in the
3 founding hospitals and its operation?

4 A. The founding hospital was described as a gigantic
5 baby farm. Over the 18th Century the death rate was
6 quite extraordinary, approximately nine in ten
7 children who entered the founding hospital died. It
8 was subject to a number of parliamentary inquiries
9 regarding particularly the mortality rate within the
10 institution. Partly it was the conditions within the
11 founding hospital that contributed to the high rate
12 of mortality, partly it was the method by which
13 children were placed in the founding hospital;
14 effectively a cradle operated outside the gates and
15 unwanted children could be placed in that swing or
16 cradle and turned in to the institutions. Certainly
17 the contemporary reports highlighted that a large
18 number of children were particularly malnourished and
19 near death before even being placed in the founding
20 hospital. Certainly there seemed to be an
21 extraordinary death rate, mortality rate within the
22 founding hospital itself. I think it was a reaction
23 to the founding hospital, and particularly the fact
24 that under Statute children brought up in the
25 founding hospital had to be brought up in the
26 Protestant faith, that this led to the emergence of a
27 whole range of Catholic orphanages from 1750, which
28 is the first one I can trace. What we see then over
29 that next 50 years is an explosion in the number of



1 orphanage societies emerging, particularly in Dublin
2 where the records are more accurate than perhaps in
3 other areas. Certainly there was in the region of 50
4 orphan societies in Dublin by about 1800.

5
6 Generally, these orphan societies are run by lay
7 people. They tend to be a small committee who are
8 concerned with the number of orphans in their
9 locality, generally based around the parish. I think
10 what is significant about these orphan societies is
11 that the term "orphan" or "orphanage" as used in that
12 period did not necessarily refer to an institution,
13 it did not refer to a building per se, but rather the
14 method of child welfare they adopted was a system of
15 'boarding out' or what we would today call 'foster
16 care'.

17 24 Q. Would you describe that?

18 A. Broadly what it entailed was that generally a
19 headquarters would be in existence for the orphan
20 society. They would then try to find couples in the
21 countryside generally, places like Tallaght, which
22 was in the countryside back then, and elsewhere where
23 the children could be placed or fostered to these
24 families. So rather than a system whereby children
25 were contained within an institution for their
26 welfare, the system of boarding out, which is now the
27 dominant mode of child welfare in 21st Century
28 Ireland, actually was developed in the late
29 18th Century. So that system existed right up until



1 about 1800.

2

3 At the end of the 18th Century, beginning of the 19th
4 Century, we see the emergence of indigenous religious
5 congregations in Ireland, both male and female. We
6 see under Edmund Ignatius Rice the emergence of the
7 Christian Brothers, under Nano Nagle the Presentation
8 Sisters, Catherine McCawley's Sisters of Mercy, and
9 Mary Aitken heads Irish Sisters of Charity. We see
10 there is phenomenal growth in religious congregations
11 during the 19th Century. I think a statistic is that
12 in 1800 there were approximately 120 nuns in Ireland
13 and by 1900 there are approximately 8,000 nuns in
14 Ireland.

15 25 Q. That is 120 in total?

16 A. Yes.

17 26 Q. Leading to 8,000?

18 A. An extraordinary goal, generally referred to in the
19 academic literature as a "devotional revolution" in
20 Ireland. What we see with the emergence of these
21 indigenous congregations, they are later supplemented
22 by other congregations, particularly from France,
23 other female congregations, and I will go through
24 them in a moment. What we see gradually is the
25 takeover of these lay orphan societies by the
26 religious congregations, partly because they have the
27 structure and the personnel to run these
28 institutions. So bit by bit we see the gradual
29 encroachment by the religious congregations over



1 these lay orphan societies. There are a number
2 reasons, primarily simply the personnel and the
3 professionalism of the religious congregations who
4 are engaged primarily in teaching work, then broaden
5 it out to embrace many of these orphanages.

6
7 I think what is the significant for the purposes of
8 the Commission is that we gradually see a shift in
9 methodology of working with children, that the shift
10 is away from the boarding out system to a more
11 institutional system of child welfare. The
12 orphanages are now generally located behind walls,
13 they are now physical structures rather than a
14 boarding out system of care. Partly that reflected
15 the religious divide in Ireland at that time, the
16 fear of proselytisation and also economies of scale.
17 Religious congregations could have a central location
18 where they may have a school, an orphanage, a convent
19 or the monastery. So there is a certain economy of
20 scale in running an institutional system rather than
21 the boarding out system. Not all lay societies
22 agreed to that. There were a number of disputes,
23 particularly in the 1820's and 1830's, in Dublin
24 about the appropriateness of the institutional model.
25 Some congregations refused steadfastly to adopt the
26 institutional system and maintained a boarding out
27 system all the time. In the main the key large
28 congregations adopted an institutional model of child
29 welfare. Largely the emergence of these indigenous



1 congregations, and then later from the 1840's
2 onwards, supplemented by a number of French and
3 Italian congregations lead to the emergence of an
4 institutional system of child welfare. Effectively,
5 the boarding out system that was operated by the lay
6 societies demises in the first half of the
7 19th Century. By the time the legislation comes
8 around for industrial and reformatory schools,
9 effectively religious congregations are now running
10 the majority of child welfare institutions or
11 orphaned societies.

12 27 Q. What do we know, Dr. O'Sullivan, about the running of
13 those societies pre the introduction of the
14 Reformatory Schools Act and the Industrial Schools
15 Act in 1858 and 1868, what do we know about how these
16 institutions were funded and operated?

17 A. Any funding was purely charitable funding, there was
18 no state funding for any of these institutions, to
19 the best of my knowledge. We know very little about
20 them. There are very scant records as most of the
21 societies had died out by the 1830's and 1840's. The
22 only records that I came across were the records
23 relating to the very first orphanage, the St. Francis
24 of Assisium in Merchant's Quay, some of their records
25 still exist in their archives in Killiney. For many
26 of the others, I am not sure if any records exist, so
27 broadly all we know is from either the Irish Catholic
28 directory or other directories that give you a slight
29 hint of the type of work these orphan societies were



1 involved in, but there is very little detailed
2 records in terms of the numbers of children they
3 dealt with, how successful the outcomes were, I do
4 not think any coherent or comprehensive evidence
5 exists of those. They may exist, but certainly they
6 are not in the public domain if they do exist.

7 28 Q. I think you intend moving on to the Reformatory
8 Schools Act and Industrial Schools Act, the two Acts
9 which were pivotal in the second half of the
10 19th Century. You might be able to tell us those
11 Acts somewhat in context.

12 A. The Reformatory School Act emerged in Ireland in
13 1858, similar legislation being passed originally in
14 Scotland, then later England, Wales and then Ireland
15 was the latest in 1858. It broadly emerged from a
16 view in England and Scotland that there were an
17 increasing number of young offenders, and that
18 through various philanthropic organisations reformers
19 such as Mary Carpenter advocated a new system of
20 caring for these children rather than placing them in
21 adult prisons, which was the norm up until then. As
22 Mary Carpenter's fairly famous book, "Reformatory and
23 Industrial Schools", led to the establishment and to
24 a long series of campaigning during the 1840's and
25 1850's, reformatory schools were initially set up. I
26 think what Mary Carpenter envisaged was reformatory
27 schools for those children who had actually committed
28 an offence. Whereas, the industrial schools were to
29 dry up the sources of juvenile delinquency, so as to



1 anticipate future delinquency in these children, that
2 they could be then given a training, removed from the
3 unsavoury environment in which they were living in
4 and given an industrial training. Given the context
5 that this is the height of the Industrial Revolution,
6 the emergence of the Industrial Revolution in
7 England, it made sound sense to remove them generally
8 from urban areas, remove them to the countryside
9 where many of the industrial schools were located and
10 give them a training. So that was the original
11 distinction between the reformatory and industrial
12 schools. Reformatory schools were for those children
13 who had actually committed an offence. The
14 industrial schools were to dry up the sources of that
15 alleged delinquency.

16
17 Even the language used was that the young offenders
18 were described as "hot 'n tots" and "street Arabs"
19 and language like that, basically indicating that
20 they were somewhat savage, they would need to be
21 tamed. Again, it was seen that the urban environment
22 was a particularly corrupting environment for these
23 children, so to remove them from these urban
24 environments and place them in the countryside where
25 many of the institutions were located.

26
27 The Irish system created a certain amount of debate,
28 particularly about the management of the schools. In
29 England and elsewhere, you had quite a mixed system



1 of lay management of industrial schools, religious
2 management, but by and large philanthropic societies
3 seem to have run a large number of the reformatory
4 schools in England. Given the sectarian concerns in
5 Ireland, there was a considerable amount of debate
6 about the establishment of the reformatory schools,
7 so that is why it came somewhat later in Ireland than
8 elsewhere. Eventually in 1858, the Reformatory
9 Schools Act was introduced and within a very short
10 period of time, ten reformatory schools were
11 established in Ireland; five for Catholic children
12 and five for Protestant children. The reformatory
13 schools were relatively few in number compared to the
14 industrial schools, which I will go through in a
15 minute. Suffice to say, roughly by about 1900 we
16 were down to about four or five reformatory schools.
17 The non-Catholic schools closed relatively quickly,
18 there did not seem to be a demand for reformatory
19 schools for non-Catholic children. By the time the
20 Free State comes in to being, there are three
21 reformatory schools in Ireland, two for boys and one
22 for girls. The girls in Limerick and for boys in
23 Glencree and in Daingean, both run by the Oblate
24 Fathers. By the early 1930's, the Glencree
25 Reformatory School is closed, so you are left with
26 simply two reformatories; Daingean and Limerick.
27 Then the only new reformatory school certified in the
28 20th Century was St. Anne's in Kilmacud, which is
29 certified under the special act of the 1949 Children



1 Amendment Act, which legislated for the certification
2 of St. Anne's Reformatory School. A slightly unusual
3 school, it was by far the best funded school in the
4 entire system. As we go through it in terms of the
5 funding of the system, schools were funded on a
6 capitation basis, i.e. based on the number of
7 children detained at any point in time. St. Anne's
8 was always given the funding on the basis that there
9 were 80 children there, even though generally there
10 were never more than 20. The reason for this, as
11 described in the Act, was the delicate nature of the
12 work in St. Anne's which is to deal with immoral
13 girls. Difficulty had arisen in the 1930's and
14 1940's that certain girls were being sent to the
15 reformatory school in Limerick run by the Sisters of
16 Good Shepherd and were deemed inappropriate for the
17 reformatory because of their immoral knowledge. They
18 were being transferred instead to some of the
19 Magdalene homes run by the same congregation in
20 either Waterford or Cork. It was agreed then there
21 was a need for new reformatory schools, particularly
22 for these girls with immoral tendencies. So
23 St. Anne's in Kilmacud was set up specifically to
24 deal with that category. It was the only new
25 reformatory school in the Free State. Effectively
26 after 1949, you had three reformatory schools, two
27 for girls and one, Daingean, for boys.
28
29 I will go through the system, but we had a relatively



1 small number of children in the reformatory schools,
2 certainly compared to the industrial schools.

3 29 Q. As a matter of interest, Dr. O'Sullivan, do we know
4 which were the earliest reformatory schools
5 established after the passing of the Act?

6 A. Do we know, sorry?

7 30 Q. Which were the first of the reformatory schools
8 established?

9 A. I think it was actually, and I would need to
10 double-check, but I think Glencree was the very first
11 reformatory school. I think it was 1859, the
12 Glencree Reformatory School, which had been a former
13 army barracks, as was Daingean used, a former Army
14 barracks to convert them into reformatory schools for
15 these children. The interesting thing historically
16 is after about 1900 there are no reformatory schools
17 for non-Catholic children certainly in the Free
18 State, so legally only Catholic children could be
19 sent to a reformatory school. You could only be sent
20 to a school run by those of the same religious
21 persuasion as yourself. If you committed an offence
22 after 1922 in the Irish Free State and were not a
23 Catholic, you could not be committed to a reformatory
24 school. Reformatory schools were for Catholic
25 children only after 1922.

26 31 Q. You might perhaps move on to the Industrial Schools
27 Act which was brought in ... (INTERJECTION)?

28 32 Q. THE CHAIRPERSON: Sorry, Dr. O'Sullivan, what
29 would have happened if you



1 were a Protestant and you committed a crime?

2 A. The only evidence I can find is there was a memo from
3 the Garda Commissioner in 1936, because the same
4 principle attached to industrial schools after 1917
5 when the last Protestant industrial school closed.
6 So for industrial schools as well, you could only be
7 sent to an industrial school if you were a Catholic.
8 There was a memo sent from the Garda Commissioner to
9 its members suggesting if they apprehended a child
10 who had either committed an offence or was in danger,
11 that they would contact the nearest clergyman of
12 their own faith and that private arrangements would
13 be made. They certainly could not be placed in an
14 industrial or reformatory school, it was Catholic
15 children only.

16 THE CHAIRPERSON: Thank you. Sorry for
17 interrupting, Mr. McMahon.

18 MR. McMAHON: It was a very helpful
19 intervention.

20 A. Industrial schools emerged or were legislated for in
21 1868, ten years after the reformatory schools
22 legislation. Again, it was based on the notion that
23 these were children who had not committed an offence
24 or in very minor cases were under the age of 12 and
25 had committed an offence, therefore, could not be
26 committed to a reformatory school. You had to be
27 over the age of 12 to be committed to a reformatory
28 school. Also if you were under the over of 14 and it
29 was your first offence and a minor offence, you would



1 also be placed in an industrial school. I will go
2 through the numbers in a short while, because the
3 numbers of those two categories are very, very small.
4 Industrial schools were for non-offending children.

5 33 Q. Yes.

6 A. The original principle, as I suggested, was to
7 provide an industrial training for children who were
8 in danger, who were lacking parental control, who
9 were wandering the streets, who were homeless, who
10 were begging etc. So it was for children who had not
11 committed an offence and they were to be placed in
12 industrial schools where they would receive, as the
13 term suggests, an industrial training. That was the
14 objective and we see some of the difficulties with
15 that in the Irish context. After 1868 we see the
16 very rapid certification of industrial schools. I am
17 not sure if that can be seen.

18 34 Q. The focus needs to be adjusted. We can just about
19 get the bottom line going off the screen. I am
20 conscious of the difficulty which the Committee may
21 have in seeing this. There is a set of these for the
22 members of the Committee.

23 THE CHAIRPERSON: Yes, we are just finding
24 them.

25 35 Q. There should be nine of those.

26 THE CHAIRPERSON: I am sure there are.

27 A. Really the point of this is to show that one year
28 after the Industrial Schools Act, in 1869 there were
29 20 schools certified as industrial schools. The



1 following year, 1870, a further eight were certified
2 and in 1875 a further seven. So very quickly we had
3 about 60 industrial schools in Ireland. The reason
4 for that goes back to the earlier point. Many of
5 those orphan societies as emerged from the 1750's
6 onwards had been then gradually taken over by the
7 religious congregations and were operating an
8 institutional system of child welfare, so the Act
9 enabled them to apply to the Chief Secretary's Office
10 to be certified as an industrial school. So there
11 was already a whole range of institutions in place,
12 that explains the very rapid certification within the
13 first few years that these institutions were
14 effectively not started from scratch, they already
15 existed in many cases. What the Industrial Schools
16 Act did was provide a steady stream of statutory
17 funding for the operation of the schools.

18
19 Many of the existing orphanages applied to be
20 certified as industrial schools, and the newly
21 appointed Inspector of Reformatory and Industrial
22 Schools in many cases refused certification on the
23 basis that there were a sufficient number of places.
24 What we find over this period for the first 30 years
25 or so after the introduction of the legislation, we
26 find the inspectors of reformatory and industrial
27 schools valiantly trying to stem the growth of
28 industrial schools. Every year there are more
29 applications coming in either to extend the



1 certification to increase the numbers of children
2 that were allowed into the institution and therefore
3 funded, or to open new industrial schools. Partly
4 out of financial concerns but also concern that the
5 industrial schools, in particular, were not being
6 used in the way in which the legislature intended,
7 the Inspector of Reformatory and Industrial Schools
8 continuously tried to curb the growth of the system.
9 So we don't see the State attempting to develop a
10 large scale system of industrial schools, if anything
11 the State is trying to stem the growth of industrial
12 schools in 19th Century Ireland. Despite that, by
13 the end of the Century, there is something in the
14 region of 70 industrial schools with a capacity for
15 over 8,000 children. It grows very quickly, very
16 rapidly and very high numbers of children, partly
17 explained by the fact that a range of institutions
18 were already in existence prior to the commencement
19 of the 1868 Act. The majority of the Catholic
20 institutions are run by religious congregations. One
21 congregation in particular dominates the provision of
22 industrial schools. Just to take 1885 as a sample
23 year.

24 36 Q. If I may stop you for a moment. Just to assist the
25 transcript, Dr. O'Sullivan, the graph which you have
26 had on the screen and just removed from the screen
27 now, you might identify it and give it a name. I
28 think it is entitled "Year of Certification of
29 Industrial Schools".



1 A. Yes.

2 THE CHAIRPERSON: Document 1.

3 37 Q. MR. McMAHON: You are now producing a
4 second document which you
5 are putting on the screen, Dr. O'Sullivan.

6 A. Yes. This is Document 2, it simply outlines the
7 distribution within the 26 counties, obviously
8 excluded the six counties for purpose of comparison
9 later on. You can see the Sisters of Mercy dominate
10 the system. The total number is 30 are run by the
11 Sisters of Mercy, they have 30 industrial schools.
12 The Sisters of Good Shepherd have four. The Sisters
13 of Charity have five. The Christian Brothers have
14 four. The Sisters of St. Louis have two. The
15 Presentation Sisters have two. Oblate Fathers have
16 two reformatory schools. Sisters of St. Clare have
17 one. The Presentation Brothers have one. The
18 daughters of Charity have one. The Order of Charity
19 are the Rosminians who have one.

20 38 Q. I think that is a total of 51 industrial schools at
21 that point in time?

22 A. Yes, so more than half are run by the Irish Sisters
23 of Mercy. I think part of the reason for this is
24 when you look at certainly the rules of some of the
25 congregations explain the dominance of industrial
26 schools. Certainly at this time Bishops throughout
27 the country were looking to have industrial schools
28 in their diocese. They had difficulties with some of
29 the congregations, particularly the Christian



1 Brothers and the Irish Sisters of Charity on the
2 basis that the Bishop did not have a rule over these
3 congregations, effectively they took their rule from
4 their provincial leader which probably was based in
5 Dublin. So the Christian Brothers, while they had a
6 working relationship with the Bishop, they ultimately
7 took their rule from their provincial. Whereas, the
8 Sisters of Mercy, to the best of my knowledge, took
9 their rule from the local Bishop. Bishops far
10 preferred Sisters of Mercy than other congregations,
11 they were easier to control.

12
13 We see in this period the very rapid growth of
14 industrial schools hitting a peak by about 1900 of
15 70 schools. Again, initially about 12 to 15 schools
16 for non-Catholic children, these very quickly die
17 away again and the last non-Catholic in Merrion in
18 Dublin closes in 1917. It probably should be noted
19 that the Cussen Report in 1934/36, which looked at
20 this issue, argued that there was no evidence before
21 that Committee that there was a need for industrial
22 schools for non-Catholic children. This is a very
23 verbose history of the emergence of industrial
24 schools, but we see very, very quickly an
25 extraordinary growth in the number of institutions,
26 and we will go through the figures later on on that.

27 39 Q. Coming back to your chart, I think you did say that
28 it referred to 26 counties only?

29 A. Yes, it does.



1 40 Q. There were, of course, additional ... (INTERJECTION)?
2 A. Additional schools up in the North of Ireland.
3 41 Q. In both categories, industrial and reformatory
4 schools?
5 A. Yes.
6 42 Q. I think I indicated that the last document should be
7 called Document 1, the year of certification
8 document. I think perhaps your CV should be
9 Document 1, the Year of Certification should be
10 Document 2 and the current one we are looking at
11 should be Document 3. I am sorry to interrupt you.
12 A. I suppose the other significant thing, as I
13 mentioned, is that the various inspectors of
14 reformatory and industrial schools were valiantly
15 attempting to curb the growth of the system over this
16 period. We find that the inspectors over this period
17 are very vigilant. It is to be seen very simply in
18 their annual reports. I think the purposes of
19 contrast, this, for example, is the 22nd report of
20 the Inspector of Reformatory and Industrial Schools
21 for 1884. A very, very detailed document, it has a
22 page in each on every industrial school and it is a
23 total length of 140 pages with the most extraordinary
24 level of detail. It has very critical comments from
25 the Inspector about the generality of the system and
26 then it has a very detailed piece on each and every
27 industrial school. So we find we have a huge amount
28 of information on the industrial and reformatory
29 school system through these annual reports up to



1 brief sojourn in the Department of Public Health &
2 Local Government from 1920 to 1924, then are taken
3 over by the Department of Education in 1924. So I
4 think in the first annual report of the Department of
5 Education, we get some level of detail about the
6 operational systems and critical comments on the
7 operation of the industrial and reformatory school
8 system. After that I think there is one academic who
9 has looked at this and suggested the entire report is
10 written to a formula, you have a couple of standard
11 tables every year and a very brief commentary. My
12 recollection is about in 1960 the commentary
13 disappears, you simply get four or five tables
14 relating to the reformatory schools, which generally
15 simply indicate the numbers of schools, the number of
16 children and why they were placed in the schools.
17 Whereas in the 19th Century, there are very detailed
18 financial accounts for each and every school, you
19 have the profit made by each school from their
20 industries, so an extraordinary level of detail up
21 until the pre First World War period, which we simply
22 don't have, certainly in the published reports of the
23 Department of Education from 1922 or 1924 onwards.

24
25 Again, my sense is that the Inspector of Reformatory
26 and Industrial Schools had a relatively powerful
27 role, whereas reformatory and industrial schools, and
28 the fact it was a separate branch as well, had some
29 degree of autonomy. The industrial and reformatory



1 schools are now simply amalgamated into a much larger
2 Department with a range of other activities and the
3 sense you get is that it got lost within the larger
4 Department, that it simply is a very minor part of
5 the overall work of the Department of Education.

6 47 Q. DR. RYAN: Could I ask did schools
7 lose their certification,
8 is there any record of that in the early years?

9 A. No, but certainly they were admonished at times but
10 no, to the best of my knowledge no school lost its
11 certification. I think in the 20th Century, certain
12 schools that were certified by the Department of
13 Education were refused approved status by the
14 Department of Health. The 1939 Public Assistance Act
15 or the 1953 Health Act allowed such institutions to
16 be approved for the purposes of funding by the
17 Department of Health, and on a number of occasions
18 existing schools that were certified by the
19 Department of Education were refused certification by
20 the Department of Health inspectors, that they were
21 not satisfied with the structural conditions within
22 the schools.

23 48 Q. MR. McMAHON: Staying with that point,
24 without dwelling too far
25 into areas which may be controversial in relation to
26 specific institutions, and indeed in relation to
27 matters which may be in controversy in looking at the
28 role of the Departments in question, could you
29 perhaps indicate to us some idea of the systems in



1 place for inspectors in the Department of Education
2 and in the Department of Health? Was it a one or the
3 other situation, or were there inspectors from both
4 Departments?

5 A. My only evidence from the various files, and only a
6 very small selection of files that I saw from the
7 Department of Education, but from the files I saw,
8 there seems to be no record pre-1939 about
9 inspections, I am sure they exist but they were not
10 in the files that I saw. It seems inspections seem
11 to take place from 1939 onwards with the appointment
12 of Dr. Alan McCabe, as the Medical Inspector of the
13 schools.

14 49 Q. We are speaking of which Department?

15 A. The Department of Education in this case. So there
16 is a series of very detailed inspections from 1939 up
17 to around 1950. There then seem to be a standard one
18 page sheet in the file relating to the individual
19 schools where, I think, there were five or six
20 headings and they were generally literally a very
21 short comment under each of those headings.
22 Certainly from the paper trail left behind, apart
23 from that period when Dr. Alan McCabe was the Medical
24 Inspector with the Department of Education, the paper
25 trail would suggest a very cursory inspection of the
26 schools. Certainly in 1962, which I think we will
27 come to, the inter-departmental Committee on the
28 treatment of offenders, the Inspector of Reformatory
29 and Industrial Schools was brought before that



1 Committee and he admitted that there were quite a
2 number of industrial schools that he had never
3 inspected.

4 50 Q. Was there an input by the Department of Health during
5 the years under question as well as the matters you
6 have just referred to?

7 A. Yes, under the 1939 Public Assistance Act and the
8 1953 Health Act, schools, and not just industrial
9 schools, but other schools could apply for approved
10 status from the Department of Health that would allow
11 them to receive certain fundings for children placed
12 there. Certainly there were about four or five what
13 were known as the "Lady Inspectors of Boarded Out
14 Children", that there was title and they were
15 primarily concerned with the foster care system, but
16 also had a role in certifying these schools for
17 approval by the Department of Health. Again, a small
18 number of files exist that I have seen and many more
19 may exist, and they would indicate that they visited
20 quite a number of schools, schools that had applied
21 to them to be approved under either the 1939 Act or
22 the 1953 Act. Certainly they seemed to be more
23 critical of the schools and in some cases would not
24 give the schools approved status until certain
25 structural changes were made to the schools. I think
26 more generally those four or five Inspectors of
27 Boarded Out Children; I think Ms. Dickie in 1904,
28 Ms. Lister, Ms. Fitzgerald and Ms. Murray, they
29 consistently from the very first appointment in 1904



1 consistently opposed the system of
2 institutionalisation of children. They consistently
3 advocated foster care and adoption rather than
4 institutional care of children. So there is a
5 consistency in their reports from the appointment of
6 Ms. Dickie in 1904 right up to the late 1960' s.

7 51 Q. I think you had a few words to say in relation to the
8 decline of the non-Catholic institutions?

9 A. Yes, I think I can summarise it that what is clear
10 from 1922 is that we don't have any reformatory or
11 industrial schools for non-Catholic children.
12 Effectively there is a system for Catholic children
13 and Catholic children from the foundation of the
14 State, it actually happened slightly earlier than
15 that, but certainly if we take the period from the
16 foundation of the Irish Free State, there was never
17 any institution of a reformatory or industrial school
18 certified for non-Catholic children.

19 52 Q. You have already answered the Chairman's questions in
20 relation to what happened to children who were
21 non-Catholic?

22 A. I said to my best knowledge there is simply a memo
23 from the Garda Commissioner suggesting that they be
24 brought to their nearest -- certainly the whole range
25 of Presbyterian, Protestant and Jewish faith had a
26 number of orphanages that operated throughout the
27 country, but they were never certified as reformatory
28 or industrial schools, just as much as many of the
29 Catholic congregation still operated a number of



1 orphanages outside of the industrial schools system.
2 For example, you could say a place like Greenmount in
3 Cork, in Cork City, had an orphanage and an
4 industrial school on the same site. So there are
5 still quite of number of orphanages operated by the
6 Catholic congregation but simply were not certified
7 as industrial schools or reformatory schools.

8 53 Q. I think you were going to say something in relation
9 to the financing of the schools, Dr. O'Sullivan?

10 A. Yes, when the schools were established in 1858 and
11 1868 respectively, there was some debate about how to
12 fund the schools. The system that was decided on
13 throughout the United Kingdom was a capitation
14 system. Apparently this would avoid any hint of the
15 Government supporting one religious denomination over
16 another, so effectively the funding would follow the
17 children. The system initially set up had a slightly
18 awkward system, you had the certification limit, so
19 effectively the school was certified as an industrial
20 school. It then was given an accommodation limit.

21 54 Q. Yes.

22 A. For example, a school would have an accommodation
23 limit of 120 children.

24 55 Q. Yes.

25 A. It might only get a capitation for 100, so the
26 accommodation limit could often be higher than the
27 number of children that would be paid for by the
28 State. That seemed to be quite common in a number of
29 schools, that they had more accommodation. In other



1 words, they were certified to accommodate up to 120
2 or whatever number it may be, but were only being
3 paid for a proportion of those, so it might be only
4 100.

5 56 Q. Do we know or does the information suggest whether in
6 fact they accommodated the maximum number they were
7 capable of accommodating?

8 A. Certainly from the 19th Century reports that can be
9 worked out very easily and it shows yes, many of the
10 industrial schools had more children in them than
11 they were certified, in that they were within their
12 accommodation limit but there was a group of children
13 who were within the system who were not being paid
14 for and they were effectively taken in on a voluntary
15 basis. So that was the initial sequence. The
16 inspector came out, certified your school or
17 institution, would then give you an accommodation
18 limit and then would give you a certification limit.

19 57 Q. Yes.

20 A. Initially, those under the circumstances of age of
21 six were not paid for at all. I think on the
22 reasonable grounds that there was very little point
23 in giving children under six an industrial training,
24 so those under six could be taken into an industrial
25 school but would not be paid for by the State. That
26 was eventually reversed under the Cussen Report, that
27 they recommended that children under the age of six
28 receive a capitation fee but initially at a lower
29 rate than those children over the age of six. I



1 think that was remedied then around 1944, that all
2 children irrespective of their age, got paid the same
3 amount.

4 58 Q. Sorry, we have not mentioned the Cussen Report
5 before, what date was that?

6 A. Sorry, 1934 to 1936, the Cussen Report.

7 59 Q. Subsequently to their publishing a report, the
8 capitation system was improved for under six year
9 olds and then on a subsequent date, there was an
10 equal capitation basis under six year olds and over
11 six olds?

12 A. Yes. I think part of the reason for the cap on the
13 number of places that were funded relate back to the
14 earlier point that the Inspector of Reformatory and
15 Industrial Schools was concerned to limit the extent
16 of the system. It was generally always a 'he', for
17 most of the time anyway, so he was concerned that
18 reformatory schools, and particularly industrial
19 schools, were being used for purposes other than they
20 were legislated for. In other words, he took the
21 view that they were being used as catchall
22 institutions for all children, whereas many of these
23 children in his view should be properly accommodated
24 within poor law institutions rather than within the
25 industrial school system. Whereas, I think many of
26 the charitable organisations and religious
27 congregations wanted to remove the children from the
28 poor law institutions, by and large the workhouses
29 and take them into the industrial schools.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

This is a key reason, firstly, for not funding children under six or if they did -- sorry, for two reasons. Firstly, those children should be accommodated elsewhere if they require to be taken in. Secondly, as I said, there seemed to be very little point in giving industrial training to a four and five year old. So the Inspector then -- sorry, I have lost my train of thought completely at this stage. Where was I?

THE CHAIRPERSON: You jumped forward to the Cussen Report earlier than you intended to go to it.

60 Q. MR. McMAHON: I think you were giving an explanation as to how children under six might have come to be accommodated in an industrial school context.

A. Yes, I think the religious and those running the institutions want to see them as catchall institutions, that they would embrace more than just the legislation specified. Whereas the Inspector of Reformatory and Industrial Schools felt that they should be more appropriately accommodated in the poor law institutions. So we find the Inspector putting a limit on the funding that he will give to the schools. What you find throughout the 1870's, even as schools are just being set up, they are then back in applying to the Inspector of Reformatory and Industrial Schools to increase their certification



1 capacity. They may have been given a certification
2 for 100 children initially, they are now back in
3 looking to increase that to 150 or 175, so not only
4 do you see more schools being certified, but the
5 existing schools are then seeking to extend their
6 certification capacity. Effectively, we had this
7 dual system that funded the system to a capitation
8 basis. To the best of my knowledge that continued up
9 until 1984.

10 61 Q. Do we have comparisons with the position of funding
11 as it applied in England and Wales?

12 A. We do, in 1913 in England what is known as a
13 "Childrens' Branch of the Home Office" was
14 established to look specifically at reformatory
15 school and industrial schools within the UK, or
16 within the England and Welsh system at any rate.
17 They identified a key problem with the funding, that
18 the capitation system of funding encouraged managers
19 to retain high numbers of children. They basically
20 got paid per child, so with economy of scale, you
21 need a certain number of children to manage to fund
22 the institution adequately. They identified this as
23 a key stumbling block to the reform of these
24 institutions. In the early 1920's they abolished the
25 capitation system and replaced it with a block grant
26 system which I think we did in 1984, to the best of
27 my knowledge. They identified this quite early on as
28 a stumbling block to reducing the number of children
29 in the institutions, that the capitation system



1 operated as an incentive, in crude economic terms, to
2 maximise the number of inmates, because the more
3 children you had, the more funding you had. Whereas
4 with a block grant system, as they adopted in the UK,
5 you could reduce the numbers of children. There was
6 no incentive on the part of the individual
7 institution to maximise its number of inmates,
8 because the number of inmates did not matter, you
9 negotiated a block grant every year. I suppose the
10 capitation system became a form of great dispute
11 between the managers in the Department of Education
12 and the managers of the individual schools generally
13 complaining that the capitation fee was inadequate at
14 all times, and we find this every decade where there
15 is a series of memos from individual schools and then
16 from the 1930's onwards from the Reformatory School
17 and Industrial Schools Managers Association
18 highlighting the inadequacy of the capitation grant.
19 This certainly becomes particularly problematic
20 during the Second World War years where inflation was
21 very high but the capitation fee didn't. Certainly
22 this seems to be the greatest source of discontent
23 between the managers of the schools, the Department
24 of Education and the Department of Finance, who
25 ultimately were to give these increases. We do find
26 generally most decades there is an increase in the
27 capitation fee.
28
29 Things probably come to a head in the early 1950's



1 where, despite a number of increases in the
2 capitation fee, the managers seek more. Again, the
3 Department of Finance at this stage seem to be very
4 uneasy about giving more funding and suggest the
5 establishment of an inter-departmental Committee in
6 1951 to examine the question of funding of the
7 schools, but effectively this Committee never takes
8 off. The managers of the schools felt that it was
9 intruding on areas that was not properly the concern
10 of the Department of Finance, Education and other
11 Departments. Certainly the issue of funding is
12 contentious right through the history of the schools
13 with neither side particularly happy with the system,
14 or certainly the managers of the schools not happy
15 with the level of the capitation fee. From the
16 Department of Finance's point of view, generally
17 unhappy, particularly from the 1940's and 1950's,
18 that no proper audited accounts were forwarded to
19 them. From the Department of Education and from both
20 Departments a concern about how the money was being
21 spent.

22 62 Q. Basically what you are in a position to say is that
23 capitation system having been abolished in England
24 and Wales by the early 1920's, nonetheless that was a
25 system which continued to pertain in Ireland until a
26 much later date, 1984 I think?

27 A. To the best of my knowledge 1984 before the
28 capitation fee system was abolished.

29 63 Q. All right. I think, Dr. O'Sullivan, you are in a



1 position to give an indication as to the profile of
2 the children and the numbers of children that
3 occupied the various institutions?
4 A. Yes. This sheet simply tells us the total number of
5 children in reformatory schools from 1859 to 1969,
6 just the period pre to the publication of the Kennedy
7 Report. This is Document 4.
8 64 Q. This document entitled "Total Number of Children in
9 Reformatory Schools 1859 - 1969", to where does this
10 document refer? Is this Ireland?
11 A. The initial period of 32 counties, but after 1922 the
12 26 counties of Ireland.
13 65 Q. All right.
14 A. What it shows is a very rapid growth in the numbers
15 of children so placed in reformatory schools which,
16 again, related to the rapid increase or the rapid
17 certification of reformatory schools; ten in the
18 first decade after the legislation came in. So it
19 hits its high point around the early 1880's.
20 THE CHAIRPERSON: Dr. Sullivan, I realise
21 that this is not so much an
22 ordeal but it is quite a task we are asking you to
23 perform so if at any time you would like a break,
24 just indicate and there is no problem with that. So,
25 Mr. McMahon, if it is your view, the intention would
26 be to carry on to about 12:30 and then we will break
27 for lunch and come back at
28 two o'clock, again if that is convenient. Thank you
29 very much.



- 1 any point in time, roughly from the 1940's onwards,
2 about 200 children in the reformatory schools. The
3 majority, as you can see, are male. There is a
4 relatively small number of females within the
5 reformatory school system, despite the fact that from
6 1949 onwards you had actually two reformatory schools
7 for girls and only one for boys. But boys certainly
8 by far out-numbered the number of females within the
9 reformatory school system
- 10 69 Q. I think that fact is illustrated in the lines on your
11 graph?
- 12 A. Yes. The very bottom line is the number of females
13 and the other green line then is the number of males
14 and then the black line is the total number of
15 children.
- 16 70 Q. I think for the assistance of those who are not
17 looking in colour, and perhaps the transcript may not
18 contain the colour version of it, I think the lower
19 line is self-evident, it is towards the bottom of the
20 chart. The green line to which you refer is the next
21 line. It effectively takes the middle course
22 throughout the chart. That lower line relates to
23 females. The middle line, the green line, relates to
24 males and I think then the upper line throughout
25 relates to the total numbers at any given point in
26 time, is that correct?
- 27 A. That is correct. Probably a word of caution about
28 the number of females within the reformatory school
29 system. The Kennedy Report, when it reported in



1 1970, suggested that there were about 70 girls who
2 should have been appropriately contained within the
3 reformatory school system who were in fact held in
4 different convents throughout the country, but that
5 should have been in reformatory schools were not
6 there. So that that figure may be artificially low.

7 71 Q. If that was so, in other words it doesn't reflect in
8 the statistics which you have available to you?

9 A. Yes.

10 72 Q. I think that you indicate at the bottom of the chart
11 the source of the statistics which you used to
12 compile this chart and indeed a number of other
13 charts which you have got?

14 A. Yes. So I suppose maybe just a word of caution about
15 the very low number of females, if the Kennedy Report
16 figures were correct, that there certainly should be
17 much higher numbers of females but I think that the
18 line was that they were simply being held in various
19 convents throughout the country that should have been
20 held in reformatory schools. So it is not possible
21 -- they give a figure of 70 and it is not possible to
22 ascertain further back what the total number should
23 be.

24 73 Q. I think your source is the Annual Report of the
25 Inspector of Reformatory and Industrial Schools from
26 1860 to 1924 and then the Annual Report of the
27 Department of Education from 1925 to 1970?

28 A. Yes. So these are the officially published figures,
29 but as I say, there is some doubt about the very low



1 number of females, as the Kennedy Report pointed out.

2 74 Q. Yes.

3 A. If we turn then to the industrial schools.

4 75 Q. I think we will call this number 5.

5 A. We see firstly the difference in scale.

6 76 Q. Yes.

7 A. Where at the high point of the reformatory school

8 system, there were less than 1,200. At the high

9 point of the industrial school system, there were

10 nearly 9,000 children.

11 77 Q. Yes.

12 A. There is a huge contrast between our use of

13 reformatory schools and the use of industrial

14 schools.

15 78 Q. From a sheer practicality point of view, I think that

16 has to be borne in mind when comparing the last chart

17 which was shown to this chart, they are on different

18 scales. If the left-hand margin is observed, it will

19 be seen that the left-hand margin in the reformatory

20 school chart goes up to 1,400. In fact, the chart

21 peaks at only 1,200 whereas the chart which we are

22 now looking at goes up to 9,000 and it peaks almost

23 at that figure?

24 A. So we hit the peak of the system just towards the end

25 of the 19th Century when there are just under 9,000

26 children in total in the industrial school system.

27 What is also notable about the industrial schools is,

28 as we saw with the reformatory school system, there

29 were always more males than females but in the



1 reformatory school system, the reverse is the case
2 with the industrial school system. There were always
3 more girls than boys in the industrial school system.
4 So the middle line is actually the number of females;
5 the lower line is the number of males.

6 79 Q. Yes.

7 A. So we will go through this when we look at the
8 comparisons but certainly it makes Ireland somewhat
9 unique in that we had always more females in the
10 industrial school system from the foundation of the
11 system to the kind of demise of the system, we always
12 had more females than males within the industrial
13 school system.

14 80 Q. That trend continued, I think, right until 1969?

15 A. Yes. It was always consistently higher. This is the
16 stock figure, the number of children in industrial
17 schools at the end of each year, the number of
18 females always outnumbered the number of males.

19 81 Q. Has it been possible to discern an explanation as to
20 why that may have been?

21 A. Largely from the available data, it would seem that
22 females went into the industrial schools at a younger
23 age than males and tended to stay there for a longer
24 period than males. So when you look at the stock
25 figure, you will always have more females. It is
26 also clear from the flow figure, that is the number
27 of children committed on an annual basis, that there
28 is always generally more females committed or placed
29 in the industrial schools per annum than males. So



1 the industrial school system is unique, particularly
2 when we look at it in a comparative context that we
3 always had more females than males within the system,
4 I think certainly the general perception was that
5 there were always more males than females in
6 industrial schools, whereas the reverse is actually
7 the case.

8 82 Q. I think you may be able to deal to some extent with
9 the reasons for that in a few moments.

10 A. Yes. So we see after independence then, we see the
11 number of children in institutions in industrial
12 school drops down to about 5,000 but then increases
13 again over the next decade or so. So we are up to
14 nearly 6,700 again by the early 1930's. It dips
15 again, but again right up to the 1940's, 1950's, we
16 are talking close enough to 5,500. I suppose the
17 other thing I should say about this figure, it refers
18 only to those children who are placed in industrial
19 schools by the Courts. It does not refer to those
20 placed by the health authorities or placed on a
21 voluntary basis. It is simply because that data is
22 not published on a consistent basis by the Department
23 of Education. So the real figure of children in
24 there is actually slightly higher but it is very
25 difficult to quantify that figure, particularly from
26 the -- the Department of Health didn't publish annual
27 reports on the number of children that they so placed
28 in the industrial schools, nor do we necessarily know
29 the total number of voluntary cases. I have some



1 estimates for some years but I cannot give a total
2 figure. So there is a considerable number of other
3 children, some in the region of a couple of hundred
4 additional children who were there either through the
5 Health Acts or there on a voluntary basis. So these
6 are simply those that are placed by the Courts.

7 83 Q. So insofar as these charts relate to the number of
8 children in care in those institutions, you are
9 referring, can I take it, to the published figures
10 which are available?

11 A. Yes, that is the case. So as I said, again there is
12 some caution that the figure may be slightly higher
13 than presented here but this is simply based on a
14 time series dated from the Inspector of Reformatory
15 and Industrial Schools and then the subsequent annual
16 reports of the Department of Education.

17 84 Q. You did refer to a dip in around the time of
18 independence. Could you speak a little bit more
19 about that to us, perhaps by reference to the overall
20 shape of the graph?

21 A. That simply reflects the loss of about 14 industrial
22 schools with the partition of Ireland. So we lost
23 quite a number. But at the same time we managed to
24 catch up again fairly quickly within a decade, we
25 brought our numbers up again to nearly 7,000 children
26 again. What we see then is from about
27 the... (INTERJECTION).

28 85 Q. THE CHAIRPERSON: Dr. O'Sullivan, sorry, just
29 on the figures, pre



1 1921/1922, it is 32 counties, is that right?

2 A. Yes, that is right.

3 86 Q. THE CHAIRPERSON: So in fact if we look here,
4 we find that the figures
5 are coming back up to what they were for the whole
6 island, if you like. Is that right?

7 A. Yes, that is right.

8 THE CHAIRPERSON: Okay. Thank you very much.

9 A. What we actually see in 1924, I think, there are more
10 children in industrial schools in the 26 counties of
11 Ireland than there are in all of the industrial
12 schools in Northern Ireland, England, Scotland and
13 Wales combined, we have more in our system in the 26
14 counties of Ireland than all of the other
15 jurisdictions combined.

16 87 Q. MR. McMAHON: Can you clarify that figure
17 for us again? It sounds
18 like a fairly startling figure.

19 A. There were more children in industrial schools in the
20 26 counties of Ireland in the early 1920's than there
21 were in all of the industrial schools in Northern
22 Ireland, England, Scotland and Wales combined.

23 88 Q. THE CHAIRPERSON: So before 1921, the
24 preponderance of people in
25 industrial schools must have been in the south?

26 A. Yes, to a large degree.

27 THE CHAIRPERSON: Said he working it out. Is
28 that right, Mr. Clarke?

29 MR. CLARKE: I so certify.



1 89 Q. MR. McMAHON: I suppose it is possible to
2 comment on the fact --
3 well, first of all in relation to the comparative
4 numbers between Southern Ireland, if we may describe
5 it as such, and the rest of what was previously the
6 islands of England. But secondly, in relation to --
7 perhaps it is an interesting figure that the 26
8 counties of Ireland might have such a preponderance
9 of what were industrial schools after all in the
10 context of where perhaps there was less industry in
11 that of Ireland than there was in the rest of the
12 British Isles.

13 A. Well, theoretically, it doesn't make any sense,
14 because you see Ireland after 1922 is a largely
15 agriculture country, we have lost our main industrial
16 base in Belfast so, if anything, if you were looking
17 at the system, you have predicted a decrease in the
18 number of children simply because if you were giving
19 them an industrial training there really wasn't any
20 industry to send them to. So if anything, you would
21 have expected a decrease in the number of children.
22 What we saw instead was an increase in the number of
23 children within the industrial schools. It is
24 particularly the case for females and I think we will
25 be touching on that in a while when we look at some
26 of the comparative figures. There were vastly more
27 girls in the Irish industrial school system than
28 there were in all of the other jurisdictions
29 combined. So this was pointed out by the Department



1 of Education in their first annual report. They note
2 this fact and they attribute it largely to the fact
3 that firstly there had been an ongoing decline in the
4 numbers of children in England, Scotland, Wales and
5 Northern Ireland from the pre First World War period
6 and that had continued on with the setting up, as I
7 mentioned, of the children's branch of the Home
8 Office, that it attacked the system of industrial
9 schools. So it had been whittling down the numbers
10 anyway so the numbers were in pretty steep decline in
11 England, Scotland and Wales over this period from
12 certainly pre First World War and that continued then
13 after the War, the numbers kept declining; whereas
14 ours, we took a reverse pattern, we went back up
15 again.

16
17 So the Department does note this. It also notes that
18 perhaps in Ireland, as we mentioned earlier on, we
19 didn't make use of the poor law institutions in the
20 way in which they did it in England. I think their
21 view was that the institutions were being used
22 according to the legislation more so in England,
23 Scotland and Wales than in Ireland, whereas we were
24 using them more as catchall institutions in an
25 attempt to keep children out of poor law
26 institutions.

27 90 Q. DR. RYAN: Dr. O'Sullivan, could I
28 just check what was the
29 equivalent birth rates at the time, do you know? Had



1 Ireland a much higher birth rate?

2 A. I couldn't tell you, but what I do have is the
3 comparative figures per capita at a later stage. So
4 it allows us to compare those countries per 100,000
5 children under the age of 14 so it gives an
6 equivalence across there.

7 DR. RYAN: Thank you.

8 91 Q. THE CHAIRPERSON: Could you just give us the
9 source of that? You said
10 that the Department reflected on this and was
11 debating ... (INTERJECTION)

12 A. It was the very first annual report of the Department
13 of Education covering the period 1924 to 1926. So it
14 was the very first annual report of the Department of
15 Education.

16 THE CHAIRPERSON: Thank you very much.

17 A. So then from about the 1950's, we see the eternal
18 decline of the system, certainly as quantified in
19 terms of the number of children being placed in the
20 schools. So it kind of holds itself relatively
21 steady during the 30's and 40's and then from the
22 50's onwards a very steep decline. So it drops from
23 over 6,000 to in 1969 where you just have over 2,000
24 children. So you have a very rapid decrease in the
25 number of schools, the number of children being
26 committed to the schools, quite a number of the
27 schools handing in their certificates in the 1960's,
28 closing down. Even the schools that survived, sa
29 like Artane which in the 1950's was holding over 800



1 children was now down to about 300 children so they
2 are well below their certification capacity. This
3 then is an issue for the funding because clearly on a
4 capitation system, many of the schools became
5 uneconomical, particularly the larger boys' schools,
6 that simply had very large institutions, large
7 facilities, but a declining number of children being
8 placed there. The religious congregations contacted
9 the Department of Education about this and are
10 particularly critical of the way in which the
11 district courts, the judges are using the Probation
12 Act and make a suggestion that the Department of
13 Education would have a word with the Department of
14 Justice to stop DJs from using the Probation Act but
15 the Department of Education refused to do so.

16
17 So we see this very steep decline then from about the
18 early 1950's to the period coming up to the Kennedy
19 Report. So the number of schools drops very rapidly.
20 Quite a number of schools are handing in their
21 certificates over this period.

22 92 Q. If I can just bring you back a little bit,
23 Dr. O'Sullivan, you did mention the poor law system a
24 few moments ago. You might just give us a few words
25 in relation to that system.

26 A. Effectively, the poor law system was brought into
27 Ireland in the 1830's. Largely, the system was based
28 around the workhouse system and the Union. In 1927
29 in Ireland then, there was the Commission on the



1 Relief of the Poor, Including the Insane Poor, which
2 was published in 1927. So that brought about a
3 number of changes. It abolished the term
4 "workhouse". It brought in the new term "county
5 home" and it made other recommendation. It also made
6 a recommendation that the children in those
7 institutions be boarded out. But the numbers of
8 children in the workhouse had been declining fairly
9 rapidly from the end of the 19th century, but there
10 was still quite a number of children within the poor
11 law institutions who were then subsequently boarded
12 out. Under the Department of Health regulations, no
13 child could be committed to an institution unless the
14 health authority was satisfied that they could not
15 board out a child or foster the child first.

16 93 Q. So you seem to be describing a situation which, of
17 course, was the opposite to the situation which
18 pertained in the reformatory schools and the
19 industrial schools. Under the poor law system, the
20 preference appears to have been a boarding-out scheme
21 or a provision by way of boarding out compared to a
22 provision by way of institutionalisation within the
23 other two acts.

24 A. I think it reflected the fundamental difference
25 between those who took an interest in it and the
26 Department of Health, who always advocated a boarding
27 out system. This, I think, caused confusion at times
28 amongst some service providers who were faced with
29 contradictory views from the two Government



1 Departments, one advocating a boarding out system and
2 another advocating a more institutional based system
3 of child welfare.

4 94 Q. I think you are in a position to speak from the
5 sources which are available in relation to the
6 reasons for committal to industrial schools for a
7 given period. Before you do so, to what extent is it
8 possible to give an account of the route which
9 children took leading them into these schools, or is
10 the information somewhat scant in that regard?

11 A. The information from the official sources is very
12 scant on this.

13 95 Q. Yes.

14 A. It is clear that the majority of children went
15 through the Court process, but the mechanisms by
16 which they ended up in court seemed to be very varied
17 and a whole range of actors seemed to be involved in
18 that; between parents, voluntary organisations such
19 as the ISPCC, members of religious congregations,
20 diocesan priests, etc.. So there seemed to be a
21 whole range of individuals who were involved in the
22 process of bringing children to the Court where they
23 would then be placed and a care order, in today's
24 terms, being taken out and the child being placed in
25 an industrial school.

26 96 Q. Yes.

27 A. The data that we do have isn't particularly helpful.
28 Firstly, it covers only a relatively short period of
29 time, it only covers from 1911 up to 1960. For some



1 reason, the data wasn't published in the Annual
2 Reports prior to 1911, and after 1960 only a very
3 summary table was published. But we do have a
4 reasonably detailed set of data from 1911 to 1960 but
5 again it is not particularly helpful in the sense
6 that one category dominates, this is the very broad
7 category. It is probably not legible to most of the
8 audience.

9 97 Q. You are referring now to a chart entitled: "Reasons
10 For Committal to Industrial Schools in Ireland, 1911
11 to 1960." Perhaps for the record, that might be
12 labelled number 6.

13 A. Yes. So firstly it only covers a relatively short
14 period of time. Secondly, again it is only those
15 children who are placed in the industrial schools
16 through the court. So it doesn't take into account
17 the health board case or the health authority cases
18 or any voluntary cases.

19 98 Q. Yes.

20 A. So again, this is simply from the report of the
21 Inspectors of Industrial and Reformatory School
22 Reports and the Department of Education Annual
23 Reports.

24 99 Q. Yes.

25 A. But the vast majority children, over half the
26 children, were placed under a very catchall category:
27 "Wandering and not having any home or settled place
28 of abode". So this is the catchall term that is used
29 in the reports and nearly half the children are so



1 placed between 1911 and 1960, they are placed under
2 that category.

3 100 Q. Yes.

4 A. Which is not a particularly helpful one in terms of
5 understanding how the children ended up before the
6 Court system. A very broad catchall category, so
7 that accounts for the vast majority. The Children
8 Act of 1929 and 1941, again they were amendments to
9 the Children Act of 1908, which again simply allowed
10 children to be placed there without having to prove
11 the charge of destitution. It was simply an
12 amendment. It made it easier, in fact, to place
13 children into the industrial schools. Begging then
14 accounted for about 9% of those committed over that
15 period. Being a destitute orphan or a destitute
16 having both parents in prison, about 6%, 7%.
17 Nonattendance at school is 7%. Again they vary
18 considerably when you look at the gender breakdown.
19 An area that has given rise to probably some
20 controversy is the number of children placed there
21 for an offence, as you can see which is very very
22 small and it is largely a small number of males who
23 are either under the age of 12 or over the age of 12
24 who were placed there, generally if under 12 because
25 you could not be placed in a reformatory school if
26 you were under the age of 12, or under 14 if it was a
27 very minor and your first offence, you could be
28 placed in an industrial school. But I think all the
29 literature would point at the line between



1 deprivation and delinquency, it is a very fine line
2 and in most of these children it was simply an
3 administrative category to get them into the school
4 rather than certainly reflecting any underlying
5 criminality. But as you can see, the numbers in
6 totality are relatively small anyway compared to the
7 total number of children placed over this rather
8 short period.

9
10 Parent or guardian of criminal or drunken habits,
11 again about 2.7%. Uncontrollable by parents is less
12 than 1%. We have a separate one then, there was an
13 amendment that allowed those charged with an offence
14 over 14 to be committed. Again it is a very small
15 number, 258 children over that period. Parents who
16 have been convicted of an offence under Part 2 of the
17 1908 Act which led to kind of drunkenness as well.
18 Frequenting the company of a prostitute, residing in
19 a brothel, father convicted for a sexual offence
20 against daughter came to 5 and then Section 4 of the
21 Criminal Law Amendment Act, a further four. But you
22 can see that the vast majority, just over half, are
23 convicted under this very broad catchall category,
24 which doesn't really tell us very much. But this is
25 the only data that I am aware of from the annual
26 reports of the official reasons why, or the recorded
27 administrative reasons why children were so placed in
28 industrial schools. It is not particularly helpful,
29 but to the best of my knowledge, it is the only



1 detailed data that does exist.

2 101 Q. THE CHAIRPERSON: Dr. O'Sullivan, the
3 second one, Children Act
4 1929, 41, I am sure you said that and I missed it.

5 A. My recollection of the 1929 Act is that it allowed
6 for children to be placed there without the charge of
7 destitution being proved against them

8 102 Q. THE CHAIRPERSON: Something short of
9 destitution, something in
10 the want of care?

11 A. Yes.

12 THE CHAIRPERSON: Obviously we can check it
13 up ourselves.

14 A. Yes. It simply allowed the children, it was an
15 easier route into the industrial schools,
16 effectively. So it was the first piece of
17 legislation that the Free State brought into being
18 has actually facilitated. A number of Catholic
19 action groups opposed it because they felt that it
20 would break up the family, but it was brought through
21 at any rate.

22 THE CHAIRPERSON: All right, thank you very
23 much.

24 A. So as I said, it is not particularly helpful but to
25 the best of my knowledge, it is the only source on
26 these reasons. But as I said, it doesn't tell us
27 very much and it doesn't tell us about the lived
28 experiences of those who were placed through the
29 system, it is just simply the administrative data



1 that has survived from the annual reports.

2 103 Q. MR. McMAHON: Yes. I think you also
3 then at the bottom line of
4 the chart, you have got the total numbers of children
5 during the period.

6 A. Based on that short period from 1911 to 1960 and
7 given that it was only children placed through the
8 courts, it comes to a total of 43, 581.

9 104 Q. And the breakdown of that number, I think, is
10 females; 20, 862 and males; 22, 719?

11 A. Just in case you are confused, it is a very short
12 time period so it doesn't cover the total span of
13 time.

14 105 Q. Yes. I think you are in a position to speak about to
15 where children who are discharged are released from
16 their committal to the industrial schools, to what
17 destination did they go or were they released to.
18 I think you have a further chart dealing with this
19 aspect which is entitled: "Destination of Children
20 Discharged From Industrial Schools in Ireland, 1869
21 to 1960." Perhaps we could call it document
22 number 7?

23 A. This again covers a slightly different time period
24 since the data exists from 1869 up to 1960 for those
25 children again who are only there under Court Orders
26 and discharged. Simply a form is filled in and
27 return made to the Department of Education. So again
28 it is not particularly helpful on the basis that
29 according to these figures, 60% of them, their



1 destination was to employment or service, according
2 to the official returns in the annual reports for
3 each of those years. So this is simply totting
4 together every annual report from 1969 to 1860.

5 106 Q. In relation to this chart, is it any great indication
6 of where the children actually ended up?

7 A. No, absolutely not. It essentially tells you as they
8 were leaving, as I understand it, as they were
9 leaving the institution, this is what was being
10 recorded, that they were going to service or to
11 friends or that they were emigrating or whatever the
12 case may be. So it doesn't tell you anything about
13 where the children were in six months or 12 months.
14 This is an administrative record of where the manager
15 has recorded the child as going when leaving the
16 industrial school. But according that, 60% went to
17 employment or friends. Sorry, 60% went to employment
18 or service. 23.7% returned to their friends.
19 4.3% died. Others emigrated. Some were discharged
20 where the order was defective. Some were retained in
21 school. Some were going to school. Some were
22 discharged on medical grounds. 252 males were sent
23 to sea. Some were sent to hospital. Some were
24 committed to reformatory schools. A relatively small
25 number absconded. Some enlisted. Some were
26 transferred, rather than committed, to a reformatory
27 school. There is a miscellaneous category. Some
28 were transferred to schools in Northern Ireland.
29 32 females entered a religious community; nine males



1 did. Some were sent to homes, I am not sure what
2 that means. Some were allowed out on appeal. Some
3 were boarded out. A relatively small number, 43,
4 were forcibly removed by their parents. Some were
5 forcibly removed by their relatives. Some were
6 discharged for adoption, discharged to an orphanage,
7 sent home for protection or remanded to a place of
8 detention. But as I said, the two single biggest
9 categories that dominated are to employment or
10 service or returned to friends, which again isn't
11 particularly helpful but that is what is recorded in
12 the annual reports for each year from 1869 up to
13 1960.

14 107 Q. Yes. I think it must be borne in mind that apart
15 from the industrial schools which that chart deals
16 with, and indeed the reformatory schools, there were
17 other institutions which also contained where
18 children resided during these periods?

19 A. Well, effectively, I think, not only did you have the
20 industrial reformatory schools, you also had a range
21 of existing orphanages which had been in many cases
22 certified or established in the late 18th and early
23 19th Century. You had a number of approved homes as
24 well. But I think more generally, when we look at
25 say the high points of the industrial school system
26 in the 1950's, that we had a rather large tendency to
27 institutionalise not just children but plenty of
28 other people as well. This simply gives you the --
29 just take 1956 because it is a census year.



1 108 Q. Yes. You are putting up again a chart which is
2 entitled: "Selected Sites of Incarceration 1956".
3 I think the next number is number 8. Do the Members
4 of the Committee have this particular chart?

5 THE CHAIRPERSON: I think we have.

6 A. What is striking is firstly the very small or low
7 number of people in the formal criminal justice
8 system in the prisons, the reformatory schools and
9 borstal. There was one borstal in Ireland set up in
10 1906. It had a rather nomadic existence. It was in
11 Clonmel originally, then moved to Cork, then back to
12 Clonmel and eventually to Dublin in 1956.

13 109 Q. MR. McMAHON: Yes.

14 A. There was never a borstal for girls, although a
15 number of attempts had been made to establish a
16 borstal for girls. Rather instead eventually it was
17 agreed under the Criminal Justice (Amendment) Act of
18 1960, I think, that girls could be placed in convents
19 under that Act rather than setting up a borstal
20 specifically for them. So we have a relatively small
21 number -- this is adults and children -- a relatively
22 small number, effectively 574 individuals contained
23 within the formal criminal justice system of
24 reformatory schools, borstal and prisons.

25 110 Q. THE CHAIRPERSON: Where was the borstal,
26 Dr. O'Sullivan?

27 A. Clonmel, then Cork, then back to Clonmel and
28 St. Patrick's Institution in 1956.

29 THE CHAIRPERSON: I see, thank you very much.



1 111 Q. MR. McMAHON: You gave the total of
2 those in prisons,
3 reformatory schools and borstals. I think it comes
4 to -- we are just missing it in the chart.
5 A. It comes to a total of 574.
6 112 Q. Yes.
7 A. Then the next line is the industrial schools so again
8 these are just through the Courts again so there are
9 5,385 children in the industrial schools.
10 113 Q. This is the year 1956?
11 A. 1956. Then we have a range of other sites of
12 incarceration, a whole range or groups of unmarried
13 mothers, unmarried mothers in county homes of which I
14 think I estimated that there were about 103 in that
15 year. There were unmarried mothers in homes for
16 first offenders only. In the mid 1920's onwards,
17 there was concern that there was a need for a new
18 type of institution for mothers who were giving birth
19 for the first time outside of marriage, so they were
20 known as the first offenders; the recidivists who
21 went to the county homes. So the Sisters of the
22 Sacred Heart of Jesus and Mary set up Bessborough in
23 Cork in the 1920's and then they ran a range of other
24 similar institutions throughout the country but they
25 were for first offenders only.
26
27 So I would estimate in that year that there were
28 103 women in the county homes unmarried mothers,
29 517 in the homes for first offenders. You then had a



1 range of other mother and baby homes; 350, and 945 in
2 Magdalene homes. Again, the reason they are there is
3 certainly the interdepartmental committee that looked
4 at the county homes in 1953 noted that most of the
5 unmarried mothers had to do a period of penance,
6 generally up to two years, in the institution before
7 being released.

8 114 Q. When you use the phrase "first offenders", what was
9 the meaning of that phrase? Where does that phrase
10 come from and what was its meaning?

11 A. Well, the phrase originates certainly in the annual
12 reports of the Department of Local Government and
13 Public Health. It was for women who were giving
14 birth outside of marriage for the first time. There
15 was designated institutions for such women. So if
16 you were giving birth outside marriage for the first
17 time, there was a set of institutions. If you were
18 giving birth outside of marriage for a second or
19 subsequent time, then you go into another
20 institution.

21 115 Q. So the offence described was the giving birth outside
22 of marriage?

23 A. Yes. That is the language used in the reports. It
24 doesn't mean anything by me but it is reflecting what
25 was said in the reports at the time.

26 THE CHAIRPERSON: It is not your expression.

27 A. It most certainly is not.

28 116 Q. MR. McMAHON: I think if we use the
29 category or if we tot up



1 the categories of the numbers of unmarried mothers in
2 the county homes, in the home for first offenders, in
3 the other mother and baby homes and indeed the
4 Magdalen homes, the total comes to 1,915 for the year
5 1956?

6 A. Then if you turn to the psychiatric hospitals, we
7 find the grand total of 19,000 people involuntarily
8 detained in psychiatric hospitals in 1956. The real
9 figure is about 21,000 something or other, but that
10 would include some voluntary patients. These are
11 purely involuntary patients in psychiatric hospitals.
12 So you have 19,000 there. You have a further 347
13 involuntary patients in private mental hospitals and
14 a further 89 in the Central Mental Hospital. Then
15 you have a further just over a thousand people who
16 are described as having a mental disorder in public
17 assistance institutions and a further 2,025 were
18 described as being in institutions for mental
19 defectives, which gives you a grand total for 1956 of
20 just over 30,000 people involuntarily incarcerated.
21 That is the population for 1956. So it works out
22 that effectively one in 100 people in Ireland in 1956
23 were in an institution. It was also a year in which
24 41,000 people emigrated. It is effectively 1 in 100
25 on average. Your risk is slightly higher if you were
26 female than if you were male of being incarcerated.
27 But it is one in 100 persons.

28 117 Q. You are taking the overall population of the country
29 at that time to be in or about three million?



1 A. Yes.

2 118 Q. Was that the population approximately at the time, of
3 the 26 counties?

4 A. Yes, that is the census figure for 1956.

5 119 Q. 2, 898, 264 people?

6 A. Yes. It works out that ten in every thousand or one
7 in every hundred was in one of these institutions.

8 120 Q. Yes. Then you through in for good measure the
9 emigration figure which was an additional 41,000
10 people?

11 A. The net migration was 41,000 in 1956. So I think
12 probably maybe the industrial schools and
13 reformatories need to be seen in this broader context
14 of the use of institutions more generally in Irish
15 society, the rather high numbers in total throughout
16 the system

17 121 Q. Thank you. I think you propose moving on to do
18 comparatives of the relative number of children in
19 industrial schools per thousand children under 14 for
20 selected years and this was beginning in an area in
21 which Dr. Ryan expressed a degree of interest a
22 little while ago.

23 A. Yes. I think maybe if you take reformatory schools
24 first, I don't have any charts for them simply
25 because the use of reformatory schools in Ireland
26 seems to be very similar to the use in Northern
27 Ireland, Scotland, England and Wales that there were
28 always far more boys in the system than girls and our
29 rate, our use of reformatory schools was not



1 particularly out of kilter with those other
2 jurisdictions that we can compare with, simply
3 because we are all operating on more or less the same
4 legislative basis at the time. Indeed, I think it
5 was Scotland that used reformatory schools far more
6 than any of the other jurisdictions. But it does
7 change when we look at the industrial schools.
8 I don't know if it is clear again. This is the
9 number of children in industrial schools and I have
10 just taken the census year so that I know how many
11 children under the age of 14 are in each of the
12 jurisdictions so this is the rate then. So it is the
13 number of children in industrial schools, the rate
14 per thousand children. So the first line in each case
15 is England and Wales. The second line is Scotland
16 and the black line here is Ireland. So in 1871, the
17 system was just up and running in Ireland, the
18 legislation came through in 1868. The first school
19 was certified in 1869. So we have this over 1 in a
20 thousand. So for every thousand children under the
21 age of 14, approximately just over one was in an
22 industrial school in Ireland. The rate in Scotland
23 is much higher, it is about three. So for every
24 thousand children under the age of 14 in Scotland,
25 about three are in an industrial school and in
26 England, it is less than one. Ten years later, in
27 1881, we have now caught up with Scotland. We are
28 now at just over 3, 3.5. So for every thousand
29 children under the age of 14 in Ireland, they are now



1 approximately 3.5 in an industrial school. Looking
2 forward, the decade later in 1891, the system in
3 England and Wales and Scotland remains virtually the
4 same; just over one in England and Wales, just over
5 three in Scotland. We have continued to grow, we are
6 now up to about 5.5. So for every thousand children
7 under the age of 14 in Ireland, about 5.5 were in an
8 industrial school. In 1901, we were the same. The
9 other countries are now starting to decline slowly,
10 our rate continues to grow. So in 1901 we go over
11 the six mark. So for every thousand children under
12 the age of 14, six are now in an industrial school.

13 122 Q. And, comparatively speak, in England and Scotland the
14 figures are at that stage?

15 A. About three in Scotland and just over one in England
16 and Wales.

17 123 Q. Yes.

18 A. But what is significant is that they are now
19 stabilising in England and Wales and slowly starting
20 to decrease the number of children. So by 1911, we
21 continue to rise. Again we are about 6.5 children in
22 1911, whereas in Scotland the numbers are starting to
23 slowly decline, as is the case in England and Wales.

24 124 Q. May I ask you in relation to the decline which is now
25 evident in England and Wales, is this perhaps a
26 reflection of the policies in England and Wales which
27 you spoke about earlier?

28 A. Yes, certainly the Home Office, the Children's Branch
29 of the Home Office in England expressed considerable



1 distaste, this was from 1923, this is the first
2 annual report of the Children's Department of the
3 Home Office where they said that:

4
5 "Comparing the schools today with what
6 they were ten years ago, the greatest
7 change perhaps lies in the degrees of
8 institutionalism, to use an ugly word
9 for an ugly thing. The result has been
10 mainly secured by two methods; by
11 giving greater attention to the child
12 as an individual and by bringing him
13 into closer contact with the outside
14 world. It is a tendency of all
15 institutions to treat the individual
16 comprising it as a masse and to rob
17 them of responsibility."

18 So we see very clearly from the annual reports of the
19 Children's Branch of the Home Office its antipathy
20 towards institutionalism, as they call it. "An ugly
21 word for an ugly thing", they describe it as. So
22 consistent effort from 1913 onwards to decrease, to
23 close down the institutions, to take over management
24 of the institution from lay management, to reform the
25 funding system and to explore alternatives to
26 institutionalism

27 125 Q. The quote which you have just read comes from page 17
28 of the 1923 Home Office first report of the
29 Children's Department published in London by her
Majesty's Stationery Office?

A. So we were seeing this gradual decline in England,
Wales and Scotland. If I just bring you forward
then, there is two odd years. In 1926 then,
comparing Ireland and Northern Ireland, again this is



1 the rate per capita, it is the number of children in
2 industrial schools per thousand children under 14.
3 So in 1926 in Northern Ireland there was just over
4 one. So for every thousand children under 14 in
5 Northern Ireland, just over one was in an industrial
6 school. In the 26 counties for the same year, nearly
7 seven were in an industrial school. So nearly seven
8 times more children per capita in industrial schools
9 in the Free State, the 26 counties, than there were
10 in Northern Ireland. There is a census in the United
11 Kingdom in 1931, the figures for 1931, they have
12 continued to decline. By 1931, there is less than
13 one child per thousand in Scotland and less than 0.5
14 in England and Wales. Two years later in 1933 in
15 England, they abolished the system of reformatory in
16 industrial schools and the year later, 1934, they
17 abolished the system in Scotland. So the system is
18 gone in the United Kingdom by 1933 in England and
19 Wales and 1934 in Scotland. Whereas at that stage
20 our numbers have continuously increased so that even,
21 as we saw in the earlier figures, even on a per
22 captain basis, we are now up to nearly seven children
23 in 1926.

24 126 Q. What was the position in Northern Ireland? Did it
25 continue there?

26 A. I will just show you. This is simply the raw numbers
27 now rather than the per capita. The bottom line is
28 Northern Ireland; the top line is the Republic. The
29 system is abolished in Northern Ireland in 1950.



- 1 127 Q. I think you are referring to a chart which is at the
2 back of the booklet here. It is at the back of the
3 booklet which the Committee has. It is called:
4 "Number Of Children Contained Within Industrial
5 Schools in Northern Ireland and the Irish Free State
6 1922 to 1949".
- 7 A. Again, theoretically you might have expected a higher
8 number of children in Northern Ireland given that
9 there is an industrial base and these are industrial
10 schools but rather than in the largely agricultural
11 26 counties, you see a very high number compared to
12 Northern Ireland. So effectively there is a couple
13 of hundred children in the industrial school system
14 in Northern Ireland. About half are there for
15 non-attendance at school. So the single biggest
16 category for committal in Northern Ireland is
17 non-attendance at school. Whereas in Ireland that
18 is a very small category. It is the wandering
19 abroad, begging, etc.. Destitution, effectively, in
20 the Irish context. But certainly we are looking at
21 the island of Ireland, a very considerable gap
22 between the two jurisdictions and their use of
23 industrial schools.
- 24 128 Q. Yes. Now these are actual figures?
- 25 A. These are all numbers.
- 26 129 Q. I suppose it has to be borne in mind that the
27 population in the 26 counties was somewhat greater
28 than the population of Northern Ireland?
- 29 A. Yes. I don't have the per capita figures with me,



1 but even with the per capita figures, they are very
2 stark. As we saw in 1926, there was one per thousand
3 children in industrial schools in Northern Ireland;
4 there were seven in the Republic. So that remains
5 virtually unchanged over that period. So our numbers
6 actually go up slightly, as we can see as it grows
7 here during the late 1920' s.

8 130 Q. Again, when dealing with the comparative situation,
9 it is necessary, I think, to be borne in mind that
10 this chart doesn't in fact contain the total numbers
11 of children?

12 A. No.

13 131 Q. It contains a line indicating the number of males, a
14 line indicating the number of females in respect of
15 Northern Ireland on the one hand and in respect of
16 the Irish Free State from 1922 to 1949 on the other
17 hand. We perhaps might call that document, document
18 number 10 to assist the transcript.

19 THE CHAIRPERSON: Yes.

20 132 Q. MR. McMAHON: Do we have an indication as
21 to when the system ended
22 then in Northern Ireland?

23 A. In 1950 the system was abolished in Northern Ireland.

24 133 Q. So that brings us to the end of the system within
25 Northern Ireland?

26 A. Yes.

27 134 Q. And the position in the 26 counties effectively
28 continues?

29 A. Continues on to the Childcare Act 1991 and the



1 Children Act 2001, we still to my knowledge, I think,
2 have reformatory and industrial schools today.
3 I don't think that section of the Children Act 2001
4 has been brought in yet.

5 135 Q. Yes.

6 THE CHAIRPERSON: Is that a convenient place
7 to break, Mr. McMahon? If
8 there is something else you want to clear up with the
9 statistics, I think Dr. O'Sullivan wants to add
10 something or go back to something.

11 A. Sorry, there is just one further chart that explains
12 the difference in the females. Again, this is the
13 number of females, so again you can see we are even
14 further out of kilter with the other jurisdictions
15 that if you take 1911, for every thousand girls or
16 for every thousand females under 14, nearly seven
17 were in an industrial school in the Republic; two
18 were in an industrial school in Scotland and less
19 than one in England and Wales. If you bring that up
20 to 1926, you have now nearly 7.5 and 1. So if you
21 are a female in either the North of Ireland after
22 independence, your risk of being incarcerated in an
23 industrial school was relatively low, one in a
24 thousand female children, whereas in the Republics it
25 was 7.5.

26 136 Q. MR. McMAHON: Yes. Are there conclusions
27 that can be drawn from that
28 statistic?

29 A. Well, perhaps we could deal with that in the sections



1 after.
2 MR. McMAHON: Yes, all right.
3 THE CHAIRPERSON: Perhaps we will break now
4 until two o'clock. Is that
5 convenient?
6 MR. McMAHON: Yes, thank you.
7 THE CHAIRPERSON: Very good.
8
9
10 LUNCHEON ADJOURNMENT
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

THE HEARING RESUMED, AS FOLLOWS, AFTER THE
LUNCHEON ADJOURNMENT

CONTINUATION OF EXAMINATION OF DR. O' SULLIVAN BY
MR. McMAHON

137 Q. THE CHAIRPERSON: Mr. McMahon, before you start, I wonder could we ask Dr. O' Sullivan something. Dr. O' Sullivan, you had your sheets of statistics earlier and we were dealing with the percentage of the population that was incarcerated. Could I just ask you about the ... (INTERJECTION).

MR. McMAHON: Is the Chairman referring to the document headed "Selected Sites of Incarceration"?

138 Q. THE CHAIRPERSON: Yes, it may be no. 10 or something like that. I am sure you have all this in your head, Dr. O' Sullivan, but if you want to get the document. We are wondering how did people get in to unmarried mothers' homes, we are just wondering about incarceration in relation to that question.

A. I think the issue is not so much how you got in, but once you are in there, you are kept there for two years afterwards. The mechanism of entry, I am not quite sure whether it was coercion or voluntary or



1 whatever, but generally the rules seemed to be that
2 you spent two years in the institution after you gave
3 birth.

4 139 Q. THE CHAIRPERSON: That was based on rules, is
5 it, relating to the period
6 you stayed in?

7 A. No legislative rule, just the practice in
8 institutions.

9 THE CHAIRPERSON: I understand. Thank you.

10 140 Q. DR. RYAN: Dr. O'Sullivan, your
11 heading "Destination of
12 Children Discharged From Industrial Schools", and you
13 have a number of children retained in the school, 944
14 in respect of females and 303 in respect of males.
15 What was the legal basis of their being detained in
16 the school?

17 A. I am afraid I don't know. I just know that is the
18 figure, that is the cumulative total from 1869 to
19 1960 that the category utilised, but what that
20 involved -- I gather some of the older girls were
21 kept on to look after some of the younger children.
22 The capacity, I am not sure what the legal basis for
23 it was, but that is simply the heading in the annual
24 reports.

25 DR. RYAN: Thank you.

26 THE CHAIRPERSON: Thank you very much,
27 Dr. O'Sullivan.

28 141 Q. MR. McMAHON: Dr. O'Sullivan, we were
29 dealing with the



1 comparative profile of children and before we
2 finished before lunch, we dealt with the Northern
3 Ireland chart. I think that you have mentioned as
4 part of one of the charts also the question of
5 emigration. I think that there are a number of other
6 points which you wish to make before moving on to the
7 next topic?

8 A. Yes, I think probably a key difference again between
9 the other jurisdictions at that time and Ireland, and
10 even the post-independence period was that unlike
11 England and Wales, there was no child migration
12 scheme from the Republic of Ireland. Certainly in
13 England and Wales there was a widespread child
14 migration scheme starting in 19th Century, sending
15 children to the colonies, mainly Canada and
16 Australia. I think there have been a number of
17 documentaries and inquiries into that, particularly
18 in relation to Australia. Certainly there was some
19 slight evidence of very small numbers of children
20 being sent from various institutions in Ireland in
21 the 19th Century, but certainly post-1922 I am not
22 aware of any scheme. Certainly there is a document
23 on record in the National Archives which details a
24 meeting between the Christian Brothers in Australia
25 and the Taoiseach of the time, Eammon de Valera,
26 where a suggestion was made to establish a child
27 migration scheme to Australia from Ireland to the
28 Christian Brothers institutions. In Australia they
29 were already accepting children from the United



1 Kingdom The memo is very short and De Valera seems
2 to have rejected the idea. To the best of my
3 knowledge, there is no further evidence of any
4 communication about a child migration scheme. Again,
5 that may partly help to explain the lower numbers in
6 some of the institutions in Northern Ireland and
7 elsewhere that a child migration scheme did operate,
8 whereas it did not, to the best of my knowledge,
9 operate in the 26 counties.

10 142 Q. Dr. O'Sullivan, I think that you are in a position to
11 deal with significant milestones in terms of
12 inquiries and legislation and perhaps other matters
13 from the beginning of the 20th Century onwards which
14 may have significance in matters which the Inquiry
15 will examine in due course.

16 A. Yes, I think it is probably worth mentioning that for
17 virtually every decade after independence, there was
18 child care legislation passed in the Houses of the
19 Oireachtas, so we have inherited the Children Act of
20 1908 on independence which is generally known as the
21 "Childrens' Chariter" (?). It had consolidated the
22 raft of legislation that had been passed regarding
23 the protection and welfare of children in the latter
24 half of the 19th Century. So the Childrens'
25 Chariter, as it was sometimes known as, consolidated
26 that mass of legislation. We did have various
27 amending acts to that 1908 Act in 1929, 1934, 1941,
28 1949 and onwards, so it wasn't as if nothing was
29 happening, but generally the changes were pretty



1 marginal to the system, they did not fundamentally
2 alter the structure of our system of child welfare or
3 of juvenile justice. The system in itself remained
4 intact. There was minor amending legislation that
5 dealt with the age by which children could go in, the
6 method of entry, improving the salaries of teachers
7 in the schools etc. Effectively you could argue that
8 they were tinkering with the system rather than
9 fundamentally altering the system. That really was
10 not until post the Kennedy Report, which we will turn
11 to, in 1970 had recommended that new legislation be
12 introduced that would replace the 1908 Act in its
13 entirety, a recommendation made by other groups prior
14 to that as well. A Task Force from Childcare
15 Services was then established in 1974 and one of its
16 objectives was to produce this new consolidated
17 legislation that would replace the Children Act of
18 1908 in its entirety. An interim report is published
19 by that Task Force in 1975, but the final report did
20 not emerge until 1980 and there were fundamental
21 disagreements between the Committee members. One
22 could divide it between the civil service members of
23 the Task Force and the non-civil service members of
24 the Task Force, so it is agreed particularly around
25 the area of adoption and juvenile justice.

26
27 Effectively, it was not until 1991 that we then had
28 the Childcare Act 1991 signed into law, so this
29 replaced by and large the welfare elements of the



1 Children Act of 1908. It was a further ten years
2 then to 2001 when we had the Children Act 2001, and
3 that act aims to replace the juvenile justice
4 elements of the Children Act 1908. It really wasn't
5 until a momentum was building up, certainly from the
6 1960's, about replacing the Children Act of 1908 with
7 new modernising legislation, but certainly there was
8 a Children Act in 1987 as well. The two substantive
9 pieces of legislation of the Childcare Act came in in
10 1991 and was not fully implemented until 1996. The
11 Children Act 2001 has been signed into law but,
12 again, large sections of it have not yet been
13 implemented. Therefore, as far as I understand,
14 reformatory and industrial schools still exist today.
15 There were minor amending pieces of legislation, but
16 by and large nothing altered the fundamental
17 structure of the system

18
19 The first report or Inquiry into the reformatory and
20 industrial school system in the post-independence
21 period was established in 1934, chaired by G. P.
22 Cussen, a District Judge.

23 143 Q. What do we know about that?

24 A. Regrettably very little. To the best of my
25 knowledge, certainly all the papers relating to the
26 two Committees of Inquiry; the Cussen Report of 1934
27 to 1936, and the Kennedy Report in 1967 to 1970.
28 None of the records of those two Committees survive.
29 We have a copy of the report, there is some slight



1 material in the National Archives from the Department
2 of the Taoiseach which simply note the establishment
3 of these Committees, but certainly the Kennedy Report
4 covered over 70 meetings and visited most of the
5 industrial schools. To the best of my knowledge,
6 there is no record of that Committee's work, nor, to
7 the best of my knowledge, do the Department of
8 Education have any records relating to the Cussen
9 Inquiry, they simply have a copy of the file report,
10 rather than presumably the minutes of all the
11 meetings held, their submissions etc. So it is a
12 very considerable gap in our knowledge that we don't
13 have any detailed information about the two
14 independent Commissions of Inquiry into the operation
15 of the industrial and reformatory schools.

16
17 All we know in relation to Cussen is simply a file in
18 the National Archives and I will just read a section
19 from that to give you an idea of what was proposed at
20 the time. Certainly the memo from the Department of
21 Education simply stated:

22 "The Department of Education has had
23 under consideration ... (INTERJECTION). "

24
25 144 Q. Do we know the date of this document?

26 A. I can give you the reference of the file. It is
27 National Archives, Department of Taoiseach and the
28 reference number is S2623A, entitled "Reformatory and
29 Industrial Schools Commission of Inquiry 1934".



1 145 Q. Thank you very much.

2 A. That is a public document in the National Archives.

3 It simply says:

4

5 "The Department of Education had under
6 consideration for a considerable time
7 the need for an inquiry into the
8 present reformatory and industrial
9 school system with a view to
10 introducing reforms and improvements.

11 Many circumstances combined make such
12 an inquiry a matter of urgency and
13 importance. The statutory provisions
14 relating to these institutions and the
15 treatment of juvenile offenders and
16 delinquent children are based
17 principally on the Children Act 1908.
18 These provisions have been amended more
19 than once in Great Britain and at
20 present the Free State are behind most
21 European countries in its arrangements
22 for dealing with this important social
23 question.

24 The training given in the industrial
25 schools, especially in the boys
26 schools, calls for a careful inquiry to
27 see if it is the most suitable
28 preparation for employment in existing
29 conditions. The present method of
30 financing the schools is unsatisfactory
31 and the managers complain that their
32 grants are insufficient. The teachers
33 employed in these schools are very
34 badly paid and have no provision for
35 pensions. The managers, however, say
36 that they are unable in the present
37 financial circumstances to improve the
38 position of their teachers.

39 Before introducing reforms, the
40 Minister for Education wishes to have
41 the whole position enquired into and
42 reported on. He proposes to set up a
43 Commission for that purpose."

44



1 Effectively that is the memo from education. It was
2 accepted by the Department of An Taoiseach and the
3 Commission was set up in 1934 and it reported in
4 1936.

5 146 Q. I think it was under the chairmanship of G. P.
6 Cussen, who I think was a District Judge, I think he
7 is described as a senior judge at the time.

8 A. That report is published in 1936. It commented very
9 adversely on the qualifications and conditions of
10 service of the teachers in the schools and it
11 complained about the standards of literacy within the
12 schools. It suggested that the term "reformatory"
13 and "industrial" school be abolished. By and large I
14 think you could argue that the Cussen Report is
15 broadly satisfied with what it found. They argue
16 that the voluntary management of the schools
17 continue. At that stage all but two of the schools
18 were managed by religious congregations. Two were
19 managed by a parish priest, one in Baltimore and one
20 in Killybegs, the two fishery schools were not
21 managed by religious congregations. They noted in
22 relation to an early point that they saw no necessity
23 for the establishment of non-Catholic schools. They
24 simply said:

25 "It may be conveniently stated at this
26 stage that we did not receive any
27 evidence which would point to a
28 necessity for the establishment of such
29 a school. Where Protestant children
have committed offences, it is usually
possible to make arrangements privately
for their detention in various
institutions. The expense is being



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

borne by the relatives of the children
or by their parish. "

The key thing that really came out of it was legislated for in the 1941 Children Act was certainly an improvement in the salaries and conditions of service for the teachers in the school, that they are brought up to the same level as national school teachers. The memo sent to Cabinet seemed to suggest the Minister was envisaging a more radical reformation of the system, particularly it seemed to be aware of the context of what was happening in the rest of the country or certainly in the United Kingdom, but effectively minor recommendations, many of which were incorporated into the 1941 Act, but again no fundamental change in the system and even the more minor recommendation that the term "industrial" and "reformatory" school be abolished still has not happened. Sorry, it has in practice, but in legislation it has not happened. We are in a difficult position with ascertaining what was going on within the Cussen Report. Sorry, the other thing it mentioned in relation to finance is that it did recommend that children under the age of six receive a capitation payment but at a lower rate than those over six. Again, it was tinkering with the system rather than suggesting fundamental reform or a move away from the institutionalisation of children as was being recommended elsewhere. Certainly the administration and the management of the schools



1 remained unchanged after the Cussen Report. The
2 absence of any detailed archival files in the Cussen
3 Report or of the Kennedy Report makes it very
4 difficult and problematic to say much more about it,
5 unless at this stage those files have come to light,
6 but certainly when I was looking at the archives,
7 those files had not been discovered.

8 147 Q. I know you are going to move on towards the other
9 perhaps more significant report which came a number
10 of decades later in that the Kennedy Report perhaps
11 is more easy to trace?

12 A. Yes.

13 148 Q. In the years intervening from 1936 up to 1970, what
14 was the position insofar as the availability of
15 knowledge is concerned in relation to the running of
16 the schools?

17 A. I think it is probably fair to say that certainly
18 from the 1940 onwards, every decade there was
19 significant criticism of the operation of the schools
20 and the outcome of the schools.

21 149 Q. Yes.

22 A. Certainly one of the first ones that I am aware of
23 was a memorandum by an organisation called the "Joint
24 Committee of Women Societies and Social Workers".

25 150 Q. I see that the overhead projector has vanished.
26 Perhaps these are documents which in due course we
27 can incorporate into the transcript, but if you could
28 identify the document for us?

29 A. This is a document entitled "Memorandum on Children



1 in Institutions Boarded Out and Nursed Children"
2 dated 1943 and published by the Joint Committee of
3 Women Societies and Social Workers, who are based in
4 Ely Place in Dublin. My understanding is it was an
5 organisation of various social work charitable
6 organisations that came together and lobbied for
7 reform in a whole range of areas.

8 151 Q. We might call that document, whatever the next number
9 is, I think it might be Document 11. I think some of
10 the organisations who came together and contributed
11 towards this document are still in existence?

12 A. Quite a number are still in existence.

13 152 Q. For example?

14 A. Various social work organisations. I don't have a
15 full list in front of me. There are effectively
16 about 30 or 40 social work organisations and various
17 other charitable and philanthropic organisations came
18 together who examined the whole range of social
19 issues in Ireland from the 1940's onwards, arguing
20 for the introduction of female guards, female members
21 of juries etc. Certainly they produced quite a
22 number of memorandums on the situation of children
23 and child welfare in Ireland. This is certainly one
24 of the earliest ones I found, and its general tone of
25 all their reports was the necessity of a shift away
26 from the institutionalisation of children towards a
27 system of foster care and adoption. So its
28 criticisms are ... (INTERJECTION).

29 THE CHAIRPERSON: Mr. McMahon, Mr. Lowe



1 authority has to act in loco parentis
2 to these children and it should make
3 certain that their essential
requirements are satisfied.

4 3. All children from industrial
5 schools should attend the local
national schools.

6 4. More up to date clothing for
7 children in industrial schools is
8 desirable, especially for girls."

9 So a relatively mild criticism compared to what came
10 later, but at the same time I think pointing out some
11 of the difficulties within the industrial schools at
12 that time. As I say, the broad thrust of the report
13 is the shift away from the institutionalisation of
14 the children and from that form of child welfare to a
15 system based on alternative families in the form of
16 adoption and foster care etc.

17 156 Q. Yes.

18 A. They say that in their annual reports each year and
19 in a number of other memos, they constantly point out
20 this issue. It is probably a point worth noting
21 that, as we mentioned this morning, of the people
22 pushing for changes, in the Department of Education
23 it was Dr. Alan McCabe, in the Department of Health
24 it was four or five women and here, again, we have
25 the women societies and social workers, so certainly
26 males were conspicuous in their absence of looking
27 for change in this area. It seemed to be a number of
28 pioneering women who pushed for these changes.

29 157 Q. Were there a number of other sources in the public



1 arena which provided commentary on these schools
2 during the time in question?

3 A. Probably after that the most contentious one was when
4 Fr. Flanagan of Boystown visited Ireland in 1946.
5 Fr. Flanagan was a native of Co. Roscommon who had
6 gone to America and trained as a priest and set up
7 the well known Boystown, which I think still exists
8 today.

9 158 Q. Boystown was what?

10 A. A self-contained village for children, where children
11 ran the institution, the children who were placed
12 there. Effectively Fr. Flanagan had become concerned
13 about the institutionalisation of children in the
14 various reformatory style institutions in North
15 America, so he set up in Nebraska what he called
16 "Boystown", a self-governing institution that he
17 managed, but the day to day management was run by the
18 boys placed in Boystown, so it wasn't an institution
19 in the conventional sense. To the best of my
20 recollection Fr. Flanagan was from Co. Roscommon and
21 went to school in Sligo, then to Rome and then to
22 North America. It is very clear from reading his
23 autobiography that he had this antipathy towards the
24 institutionalisation of children. His well know line
25 is that there was "no such thing as a bad boy". That
26 was the principle by which he worked. He visited
27 Ireland in 1946, and was particularly critical of the
28 child welfare institutions in Ireland.

29



1 Now, one of the difficulties with interpreting
2 Fr. Flanagan is that he does not very clearly
3 distinguish between reformatory schools, industrial
4 schools and borstals, but I don't think he is
5 particularly unique in that, I think there is a
6 general perception that of these range of
7 incarcerating institutions, the legal difference
8 between them was not always fully appreciated. So he
9 was led to make the comment that these were Ireland's
10 concentration camps in 1946. He had a particular
11 interest in penal reform, a book had just been
12 published that year in 1946 called "I Did Penal
13 Servitude" by Walter Mahon Smith, who served time in
14 a number of prisons. He read that book before coming
15 over to Ireland. Walter Mahon Smith had mentioned in
16 his book about the number of adults in the Irish
17 penal system who had been former residents of the
18 reformatory and industrial schools. He is
19 particularly critical of the Irish system of
20 institutionalisation. He did not receive a
21 particularly good press for making these comments.
22 The Minister for Justice at the time Gerry Boland was
23 particularly critical of him in the Dáil debates.
24 Fr. Flanagan went back to America, planned to come
25 back and do a full survey of penal conditions in
26 Ireland, but, unfortunately, he died in Korea. I
27 think he was asked by General McArthur to go to Korea
28 to do some work over there and died before he could
29 come back and conduct his investigation in Ireland.



1 Certainly there was widespread coverage of his visit.
2 Boystown in North America maintain an archive of his
3 visit to Ireland and all the press cuttings which are
4 on the public record, Boystown will submit them to
5 anybody who is looking for them. So it is a
6 transcript of his talks there and all the press
7 cuttings relating to his visit to Ireland. He said
8 he was particularly critical the institutionalisation
9 of children, that his own work in North America
10 convinced him of the need to move away from an
11 institutional model of care towards a more open
12 system of foster care and self-governing amongst the
13 children.

14 159 Q. Back closer to home, do we have any gleanings of what
15 may have been a perceived view?

16 A. Probably one of the more interesting commentators on
17 the industrial school system and somebody who is
18 particularly critical of the system was Frank Duff.

19 160 Q. Frank Duff was who?

20 A. Frank was the founder of the Legion of Mary, and was
21 particularly critical of the industrial and
22 reformatory schools, particularly the industrial
23 schools on the basis that they broke up families and
24 this went against his fundamental Catholic beliefs
25 and the sanctity of the family, the family should not
26 be broken up. He wrote a series of memos to the
27 Department of Health about the breaking up of
28 families and the placing of children in industrial
29 schools. To the best of my knowledge, the Legion of



1 Mary pioneered in setting up the first supported
2 accommodation for unmarried mothers and their
3 children so that they did not have to be split up.
4 To give you a flavour, this is a memo from Frank Duff
5 in 1950 to the Department of Health, if I just find
6 it here. This is about his experience from three of
7 his hostels; 76 Harcourt Street, The Regina and The
8 Morning Star, where he says in a memo of 1950:

9 "The number of children
10 ... (INTERJECTION) ."

11
12 161 Q. Sorry, this memo is addressed to the Department of
13 Health?

14 A. Yes, from Frank Duff:

15
16 "The number of children who emerged
17 from industrial schools at the age of
18 16 and then come to grief is so
19 considerable that a number of years ago
20 the Government set up a Commission of
21 Inquiry to investigate the question.
22 One figure at least can be given with
23 authority in this connection. It is at
24 one out of every three of the street
25 girls dealt with in our hostel in
26 no. 76 Harcourt Street are
27 ex-industrial school girls. It shall
28 be realised that the element of
29 weakness which has provided that
30 particular class of girl has similarly
31 been exhibited itself in other sections
32 of the community. A formidable
33 proportion of the men resident in the
34 Morning Star are of that same class,
35 the ex-industrial school child.
36 Therefore, the action of any society
37 which deliberately breaks up the union
38 of child and mother is one to be
39 seriously viewed and, if at all
40 possible, checked."

41 He then went on to make the point that until the



1 establishment of the Regina Hostel, unmarried mothers
2 had little option but to give up their children to
3 the industrial schools. He made the point that:

4 "The Regina would have achieved greater
5 success if it were not for the ISPC
6 which aids mothers to get rid of their
7 babies to the industrial schools. A
8 mother in a bad mood has only to apply
9 to the society which then applies to
the District Court for the committal of
the child on the grounds of
destitution."

10 Again, there was a Committee in 1948 which again
11 members of the Probation Service and the Legion of
12 Mary participated in, which was known as the "Ad Hoc
13 Committee on the Suppression of Prostitution" where
14 Miss E. M. Carroll, a probation officer to that
15 Committee, made the point:

16
17 "It would seem essential that the
18 educational system of industrial
19 schools be revised in such a way that
20 girls would be better equipped to meet
21 the dangers of the modern world. A
22 very large proportion of street girls
23 in Dublin are ex-industrial school
24 girls. Proper instruction in what are
25 commonly called the 'facts of life'
26 particularly should apply to girls who
27 are orphans or illegitimate and are,
28 therefore, deprived of the help and
29 advice of parents in these vital
matters. Many girls coming to Dublin
straight to these schools fall easy
victims to immorality through
ignorance. Children in industrial
schools should be treated as
individuals and not as machines."

30 Again, I think there is consistent evidence from the
31 Legion of Mary about the deleterious effects of



1 institutionalisation of children. Again, I suppose
2 the key point is that the sanctity of the family,
3 anything that breaks up the family unit should be
4 severely checked, so that this is inconsistent in the
5 Legion of Mary's view with Christian social
6 principles, and Catholic social principles more
7 particularly.

8 162 Q. Are there other matters in the public arena, I am
9 sure there are, which you would like to refer to that
10 perhaps indicates some ... (INTERJECTION)?

11 A. Perhaps another one is, again, the Commission on
12 Youth Unemployment in 1951, which was chaired by the
13 Archbishop of Dublin, John Charles McQuaid. They
14 dealt with the issue, briefly albeit, with industrial
15 and reformatory schools. Again, I quote from
16 Recommendation 166:

17

18 "For those for whom it is necessary to
19 provide institutional treatment in
20 reformatory or industrial schools, we
21 recommend that with a view to making up
22 for the lack of family atmosphere,
23 these institutions be reorganised on a
24 small unit basis and that women be
25 included on the staff of institutions
26 catering for boys."

23

24 Again, one would not expect too critical a comment in
25 relation to the report, but again it is pointing
26 towards the dissatisfaction with the existing large
27 scale system of institutionalisation.

28 163 Q. That report was under the chairmanship of?

29 A. John Charles McQuaid.



1 164 Q. Who was then Archbishop of Dublin?

2 A. Yes, and this is published in statutory Government
3 report in 1951. Then probably more interesting for
4 the legal profession was the play, I think it emerged
5 in 1961 by District Justice Johnson, Richard Johnson,
6 a play called "The Evidence I Shall Give". In 1961 I
7 was not there to see it, and I am not sure if a
8 transcript or a copy of the play exists. Certainly
9 it seemed to be particularly critical of the
10 industrial and reformatory school system, and I can
11 only surmise that from a memo from the Department of
12 Education in 1964 where they specifically make
13 mention of the play.

14 165 Q. Just before you go into that memo, and we will come
15 back to it because we are very interested to hear
16 what the memo says, I think that this was a play
17 which ran in the Abbey Theatre. I think it began in
18 January 1961 and ran for a total of 42 days as far as
19 we can glean. Of course, the District Justice was
20 the sitting District Justice in the southwest of
21 Ireland in a particular area down there?

22 A. Yes. There is an interesting memo from the
23 Department of Education around 1964, where they are
24 dealing with the complaints from the managers of the
25 schools about the declining number of children being
26 committed to them from the courts. I will quote from
27 the documentation:

28 "Managers continually bemoan the fact
29 that there are insufficient committals
to make their schools economical. This



1 they attribute to the abuse by District
2 Justices of the Probation Act. Many
3 managers feel that the Department
4 should use its position to do something
5 about this. The Minister could hardly
6 be expected to do anything that could
7 be construed as interfering with the
8 judiciary, as there is no way to compel
9 Justices to resort to committal in
preference to the Probation Act. There
is a strong prejudice against certified
schools and this prejudice has been
strengthened to some extent by District
Justice Johnson's drama entitled 'The
Evidence I Shall Give', and by the
occurrence in the school in Bundoran."

10 I will come back to that in a moment. So clearly in
11 the Department of Education they see it that the play
12 certainly would have appeared to have had an impact
13 when they talk about the system has been prejudiced
14 by District Justice Johnson's play in 1961. The
15 incident in Bundoran related effectively to an
16 incident where a number of girls sneaked away one
17 Sunday evening and had their heads shaved, and this
18 made the front page of the News of the World in
19 England.

20 166 Q. When you say they sneaked away and had their heads
21 shaved?

22 A. Their punishment for not being back in the school at
23 the appropriate time was that their heads were shaved
24 and this made the front page of the News of the World
25 in England, so this give rise to considerable
26 embarrassment as a consequence.

27 167 Q. I think that was a matter which, in fact, came up in
28 the course of the play in question.

29 A. Effectively, I think what you could argue is that



1 each decade ... (INTERJECTION).
2 THE CHAIRPERSON: Sorry, that issue came up
3 in the course of the play ,
4 Mr. McMahon?
5 MR. McMAHON: Head shaving as a means of
6 punishment was a matter
7 which was referred to or came up in the course of the
8 showing of the play.
9 THE CHAIRPERSON: Okay, thank you.
10 A. Certainly I think there are quite a number of
11 external reports documentation that all exhibited a
12 degree of antipathy towards the institutionalisation
13 of children and generally making positive
14 recommendations for the development of alternative
15 forms of childcare rather than the
16 institutionalisation of children. That momentum
17 builds up then during the 1960' s.
18 MR. McMAHON: Yes.
19 A. We probably then move to 1962 with the OECD Report on
20 education, this was a wide ranging view of the
21 educational system in Ireland conducted by the OECD.
22 Again, it made a number of comments about the
23 industrial and reformatory school system, again
24 recommending substantial change in that area.
25 168 Q. Did that body look at the situation in Ireland?
26 A. It did, there is a short section in the appendix
27 document that documents reformatory and industrial
28 schools, and is particularly critical of the
29 educational standards within the schools. Then



1 probably next is the Tuairim Report of 1966. Tuairim
2 was an independent group who published a whole series
3 of reports on different aspects of social and
4 political life in Ireland. The very first one was
5 written by Donal Barrington entitled "Ireland
6 United". This is Tuairim pamphlet no. 13 entitled
7 "Some of Our Children - A Report on the Residential
8 Care of the Deprived Child in Ireland".

9 169 Q. This particular report that you are referring to, for
10 sake of clarity, is not the one that was written by
11 Donal Barrington?

12 A. No, sorry.

13 170 Q. There were a number of distinguished people or people
14 who subsequently went on to have very distinguished
15 and long careers who contributed to reports such as
16 this published under the umbrella of Tuairim, is that
17 correct?

18 A. That's correct.

19 171 Q. We may be able to come back to some of the other
20 authors if it is necessary to indicate the degree of
21 distinction that the various authors had?

22 A. This is published by the London branch of Tuairim in
23 1966, chaired by Joy Rudd, and included an
24 ex-industrial school pupil, Peter Tyrrell, who
25 subsequently died in tragic circumstances. Again,
26 similar to earlier reports, its recommendations
27 included the view that:

28 "We believe that the 1908 Children Act
29 has outlived its usefulness and it
should be superseded by an entirely new



1 Children Act which should take into
2 account the present needs of Irish
3 society and contemporary theory in
4 methods of childcare and protection.

5 All childcare services should be
6 coordinated in a single Government
7 Department which administer subsidiary
8 childrens' department.

9 We have considered the claims of the
10 Department of Education, the Department
11 of Health, the Department of Justice
12 and the Department of Social Awareness
13 and have concluded that the Department
14 of Health would be the most appropriate
15 Department to undertake this work."

16 Again, it is suggesting a move away from the large
17 scale residential care of children towards a more
18 family orientated system. This report was published
19 in 1966. Again, it is an accumulation of evidence
20 emerging in these public documents, growing
21 dissatisfaction with the system which is now nearly
22 100 years old at this stage. In many cases many of
23 the buildings are in very bad repair and considerable
24 momentum is building up at this stage, which
25 effectively leads then in 1967 to the establishment
26 of the Committee of Inquiry into Reformatory and
27 Industrial School Systems. Again, as I mentioned,
28 similar to the Cussen Report, no, or very little
29 documentation survives from this report

172 Q. When you say "little documentation survives from this
report", what sort of documentation are you referring
to?

A. In terms of the minutes of the meetings. For
example, it makes mention of the fact that:



1 "The Committee met formally on 69
2 occasions. It also set up a number of
3 sub-committees drawn from all Sole
4 Members which met on many occasions.
5 During the course of the Inquiry, all
6 industrial and reformatory schools in
7 the State were visited by members of
8 the Committee, some more than once."

7 Presumably there were minutes of all those meetings,
8 records of the visits to all of those schools, but to
9 the best of my knowledge those records are not
10 available at any rate. Again, that makes it
11 difficult in one sense of it being a unique
12 opportunity to see what was being said about the
13 institutions in 1967, 1968 and 1969, but to the best
14 of my knowledge those records do not exist. I think
15 a small number of files were found in the Department
16 of Justice, as there was a Department of Justice rep
17 on that Committee, so I think they were related
18 primarily to one institution. The generality of it
19 we don't, or certainly I have not seen, and I think
20 to the best of my knowledge the Minister for
21 Education at the time, Michael Martin, did set up
22 some inquiry as to the location of these files and
23 was not able to locate all of these minutes.
24 Certainly there is a file in the National Archives on
25 the public record about the background to the setting
26 up of the school which is somewhat interesting. What
27 we find in the National Archives file is that in 1967
28 we find the decision is announced by the Minister for
29 Education, Donagh O'Malley.



1 173 Q. Do we have a reference to that file number?

2 A. Yes, it is National Archives, Department of the
3 Taoiseach 98/6/156, entitled "Children - General
4 File".

5 174 Q. That is available in the National Archives?

6 A. Yes. It might be useful to run through some of the
7 key points of that memo since it is the only original
8 information that we have on that report or certainly
9 that is available in the archives. It would appear
10 that certainly in January 1996, the Taoiseach at the
11 time, Jack Lynch, wrote to Donagh O'Malley expressing
12 concerns about comments that were made by the Vicar
13 General of the Irish Christian Brothers, Br. NC
14 Normoyle on television. He had made a claim that the
15 lack of grants from the Government was a factor in
16 the closing of a number of industrial schools.
17 Effectively from the early 1960's onwards, about 14
18 different industrial schools closed in Ireland.
19 Lynch concluded his memo by suggesting that:

20
21 "Normoyle's comments may be true, but
22 if it is not, much as I admire the
23 Brothers, I would not wish to let the
24 matter go without some comment. On the
25 other hand, if there is something in
26 what Br. Normoyle had said you might
27 look into it."

28 A number of days later, then O'Malley responds to
29 Lynch and reiterated the point made by successive
30 Ministers for Education, that the primary problems
31 with the schools was the inadequacy of the capitation
32 grant. So O'Malley wrote back to the Taoiseach



1 saying that the only difficulty in regard to
2 Government policy which the school managers have ever
3 brought to the Department's notice is that of the
4 small size of the grants and matters stemming from
5 that.

6 "It is a constant cry with them that
7 the grant is only about one third that
8 given in the six counties. There is,
9 of course, something in this. It is
10 not so easy for them to provide a
11 building, maintain it, provide
12 staffing, clothe and feed the pupils,
13 take them on annual holiday, provide
14 medical and other care for them at 2
15 pounds 7 shillings and 6 pence per head
16 per week. In fact, while the 40 or so
17 industrial schools generally are well
18 run, there are some marked
19 deficiencies, particularly in relation
20 to the provision for the psychiatric
21 treatment of children."

22 O' Malley then went on to a rather condescendingly
23 dismiss the comments made by Br. Normoyle,
24 effectively suggesting that he did not quite know
25 what he was talking about. Anyway, we find an
26 agreement to set up a Committee in 1967. If I just
27 find my notes. We find in the memo the announcement
28 of the proposed Committee of Inquiry into Reformatory
29 and Industrial Schools. The conversation is somewhat
30 interesting. The first person is named as John
31 Hurley, who is described as a "cinema manager with
32 wide social interests". He is suggested as
33 Chairperson for this Committee. Then Mr. Declan
34 Lennon and Ms. Margaret McGovern, members of the
35 Dublin Junior Chamber of Commerce which has



1 interested itself in seeking improvements in the
2 facilities and amenities provided in Artane
3 Industrial School. The fourth person is the
4 Rev. Kenneth McCabe SJ, Middlesex, England. "He has
5 done a great deal of work in the field of juvenile
6 delinquency and neglected children, especially
7 recommended by Mr. Declan Costello, T.D., who for
8 many years has interested himself in the problems of
9 children suffering from physical and mental
10 handicap." Then Caoimhin O' Caoimhe of Little Sisters
11 of the Assumption, Corbally Limerick, described as "a
12 prominent social worker attached to the Limerick
13 Social Service Centre". Brother Francis O'Reilly,
14 Resident Manager Artane and Secretary of the Resident
15 Managers of Reformatory and Industrial Schools.
16 Finally, Dr. John Ryan, Medical Director of St. John
17 of God's Services for the Mentally Handicapped.

18
19 This was the original Committee which, I suppose, is
20 interesting in a number of ways, but the Chairperson
21 is described as a "cinema manager with wide socials
22 interests" seems an unusual choice to chair the first
23 Commission of Inquiry into Reformatory and Industrial
24 Schools since 1936. As it is, this proposal was
25 submitted to Cabinet and approved on 5th October
26 1967, and it was approved subject to certain changes
27 being made on the proposed membership of the
28 Committee.

29 175 Q. What were those changes?



1 A. 1. The deletion of Rev. K. McCabe, that is the
2 Reverend Kenneth McCabe. He was to be deleted from
3 the Commission.
4 2. The original Chairman, Mr. John Hurley, to be an
5 ordinary member, not a Chairman.
6 176 Q. Yes.
7 A. 3. District Justice, Ms. Eileen Kennedy, to be
8 Chairman (sic). The addition to the membership of
9 the Committee of a nominee each from the Ministers of
10 Education, Justice and Health.
11 177 Q. Yes.
12 A. Effectively there the memo concludes. So that is
13 certainly the only archival record I have seen in
14 relation to the setting up of the Kennedy Report and
15 its membership. In terms of the working, I think
16 there is a short file I saw on the Department of
17 Education that related to the very first meeting, but
18 I think it mainly continues the menu for the dinner
19 that was being had that Friday.
20 178 Q. I think the Committee went on to sit for a number of
21 years and you have described its modus operandi in a
22 basic way and ultimately it produced its report, that
23 report came out?
24 A. Yes, in 1970. The preface is worth reading:
25
26 "All children need love, care and
27 security if they are to develop into
28 full and mature persons. For most
29 children, this is provided by a warm,
intimate and continuous relationship
with their parents, brothers and
sisters. Children in institutions have
for the most part missed this happy



1 relationship. If they are to overcome
2 this deprivation, they must therefore
3 be given love, affection and security
4 by those in whose care they are placed.

5 The recommendations made by the
6 Committee in this report are based on
7 the assumption that all those engaged
8 in the field of child and family care
9 agree that this must be their
10 fundamental approach to the work they
11 are undertaking."

12 It then went on to list 13 quite specific
13 recommendations.

14 179 Q. Yes.

15 A. This is the first time we see a very fundamental
16 thinking in the ideology of the system. Many of the
17 recommendations were implemented and some are still
18 somewhat lagging. The first key recommendation was
19 that the whole aim of the childcare system should be
20 geared towards the prevention of family breakdown and
21 the problems consequent on it.

22 180 Q. I think you are reading from Chapter 2 of the report
23 at page 6?

24 A. Page 6 and 7.

25 181 Q. Which contains a summary of the major
26 recommendations. The report is a matter of public
27 record and is available in the National Archives and,
28 indeed, elsewhere?

29 A. Yes.

30 "1. The committal or admission of
31 children to residential care should be
32 considered only where there is not
33 satisfactory alternative.

34 2. The present institutional system of



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

residential care should be abolished and be replaced by group homes which would approximate as closely as possible to the normal family unit. Children from one family and children of different ages and sex should be placed in such group homes.

3. We find the present reformatory system completely inadequate.

4. St. Conleth's Reformatory, Daingean should be closed at the earliest possible opportunity and replaced by modern special schools conducted by trained staff. "

It is probably worth mentioning the particular comments on the Daingean Reformatory School, if I can find them very quickly.

MR. McMAHON:

Perhaps this would be an opportune moment to have a

short break?

THE CHAIRPERSON:

Certainly. We will come back in ten minutes time.

(SHORT ADJOURNMENT)



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29



1 are depressing and decayed. On
2 inspection, the toilets were dirty and
3 insanitary. The showers were corroded
4 through lack of use and the hot water
5 system was so inadequate that the boys
6 seldom, if ever, washed in hot water.
7 When it was first inspected, the boys
8 were ill-dressed and dirty and there
9 was a general air of neglect about the
10 place. To be fair, the Committee would
11 point out again that the capitation
12 rate paid was completely inadequate.
13 The Committee members were so perturbed
14 about conditions at St. Conleth's that
15 they sent a request to the Minister for
16 Education asking that immediate
17 specific steps be taken to ameliorate
18 conditions there."

11 186 Q. That is the end of your quote from that section of
12 the report?

13 A. Yes. The fourth recommendation then was that:

14

15

16 "4. The remand home and place of
17 detention, at present house in
18 Marlborough House in Glasnevin, Dublin,
19 should be closed forthwith and replaced
20 by more suitable building with trained
21 childcare staff.

22 5. The staff engaged in childcare work
23 who have responsibility for the care
24 and training of children, their mental
25 and emotional development, should be
26 fully trained in the aspects of
27 childcare in which they are working.

28 6. They recommend that we recognise
29 that education is one of the most
30 important formative influences on the
31 children with whom we are concerned,
32 whether they are deprived or
33 delinquent. All children in
34 residential care or otherwise in care
35 should be educated to the ultimate of
36 their capacities. The purpose of
37 education they safe should be to help
38 them develop as adequate persons. To
39 achieve this end, they will need
40 facilities over and above those
41 available to children reared in the



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

normal family. "

The seventh recommendation is that after care, which is now practically nonexistent, should form an integral part of the childcare system.

The eighth recommendation was that administrative responsibility for all aspects of childcare should be transferred to the Department of Health.

"Responsibility for the education of children in care should remain with the Department of Education. "

"9. All laws relating to childcare should be examined, brought up-to-date and incorporated into a composite children act.

10. The age of criminal responsibility should be raised to 12.

11. The present system of payment to the reformatory and industrial schools on a capitation basis should be discontinued. Instead, the payment should be made to the schools on the basis of a budget submitted by the schools and agreed to by the central authority.

12. An independent advisory body with statutory powers should be established to ensure that the highest standards of childcare are attained and maintained.

13. That there is a notable lack of research in this field in this country and if work in this area is to develop to meet the needs of childcare there should be continuous research. "

187 Q. I think they are the 13 recommendations provided for in that summary at the beginning of the report?



1 A. Now many of them over the last 30 years have been
2 implemented; some very recently, some have yet to be
3 implemented. Certainly to the best of my knowledge,
4 I suppose it is worth discussing maybe the aftermath
5 of Kennedy because there was the CARE Memorandum
6 which was published in 1972. CARE were a lobby group
7 who were campaigning to improve the plight of
8 deprived children in Ireland. They produced a very
9 detailed memorandum on children's services in 1972.
10 But to the best of my knowledge, it wasn't until 1973
11 and a debate in the Seanad raised, I think, by the
12 Trinity members, Trevor West and Mary Robinson, that
13 the first debate on the Kennedy Report took place in
14 the Oireachtas. I may be wrong in that, but
15 certainly to the best of my recollection it was 1973
16 and I think John Bruton was the Junior Minister in
17 Education who dealt with it at that time.

18
19 Perhaps maybe before we go too far forward with that,
20 it is worth mentioning an unpublished report from
21 1962 that is referenced in the bibliography of the
22 Kennedy Report, but to the best of my knowledge was
23 never published

24 188 Q. What report was this?

25 A. This was the Interdepartmental Committee on Crime
26 Prevention and Treatment of Offenders 1962. This was
27 a very wide-ranging committee. It seemed to have
28 consisted of a single representative from the
29 Department of Education, Health, Industry, Commerce



1 and Justice and was chaired by the Secretary of the
2 Department of Justice. Its terms of reference were
3 "to enquire into the present methods for the
4 prevention of crime and the treatment of offenders,
5 given attention in particular to the following
6 matters: Juvenile delinquency, the probation system,
7 the institutional treatment of offenders and their
8 aftercare and to recommend such changes in the law
9 and practice as the Committee considers desirable and
10 practicable. "

11
12 Now as I say, that is very wide-ranging Committee but
13 it does have a number of core recommendations in
14 relation to the industrial and reformatory school
15 system. It might be useful if just read out those
16 key recommendations from that Committee.

17 189 Q. Yes.

18 A. Firstly was that, and remember this was 1962, this
19 was eight years before the Kennedy Report, the first
20 recommendation was that the term "industrial school"
21 should be abolished. Secondly, larger State grants
22 should be made to industrial schools. Thirdly, a
23 visiting committee should be appointed for every
24 industrial school and in appropriate cases, aftercare
25 committees should be set up as well.

26 190 Q. THE CHAIRPERSON: Sorry, Dr. O'Sullivan, what
27 was that? Inspection
28 systems?

29 A. A visiting committee.



1 THE CHAIRPERSON: A visiting committee,
2 sorry.

3 A. A visiting committee should be appointed for every
4 industrial school.

5 THE CHAIRPERSON: Thank you very much.

6 A. Fourthly, the industrial schools should be inspected
7 more frequently than is at present and to enable this
8 to be done, an additional inspector should be
9 appointed in the industrial and reformatory schools
10 branch of the Department of Education. To ensure
11 that adequate proper bedding, clothing, footwear,
12 etc., is issued to the inmates of industrial schools,
13 the scale of issue showing minimum standards should
14 be prescribed by regulations. The next was that
15 adequate financial provision should be made for the
16 carrying out of essential maintenance and repair work
17 and for the supply of proper recreational facilities,
18 etc., at industrial schools.

19
20 A nurse/matron should be appointed to the staffs of
21 all industrial schools for boys in similar
22 institutions. Finally, generally speak, boys from
23 urban areas should not be sent to serve lengthy
24 sentences in an industrial schools in a rural
25 environment.

26
27 Again, it is certainly referenced in the bibliography
28 of the Kennedy Report but there is no mention
29 otherwise in the Kennedy Report of the existence of



1 this Committee. But again, it made a number of
2 similar recommendations and as far as I know, that
3 report was never published. I think there was a
4 question about it in the early 1970's. The Minister
5 for Justice at that time, Desmond O'Malley, suggested
6 that the Interdepartmental Committee was set up on
7 the basis that it would never be published, that it
8 was just an interdepartmental report and the
9 intention was never to publish that report.

10 191 Q. And that report is now to be seen?

11 A. In the archives of the Department of Education, or
12 certainly sections of, the sections dealing with
13 reformatory and industrial schools.

14 192 Q. Do you have the file reference number to hand?

15 A. I don't to hand, but I can get it for you.

16 193 Q. Thank you very much. So this unpublished report was
17 referred to, the 1962 report was referred to in the
18 Kennedy Report. The recommendations of the Kennedy
19 Report you have already dealt with?

20 A. I think gradually some of the changes came about.
21 Some of them are very recently, recommendation 10,
22 that the age of criminal responsibility should be
23 raised to 12. That was finally incorporated into the
24 Children Act 2001. "The administrative
25 responsibility for all aspects of childcare should be
26 transferred to the Department of Health." That still
27 has not happened. Again many of these
28 recommendations were made by the Tuairim Report as
29 well of four years earlier. But by and large I think



1 it is fair to say that the system changed fairly
2 fundamentally after the Kennedy Report. An
3 accumulation of issues brought about the decline in
4 the number of institutions. The administrative
5 responsibility for the majority of the schools, with
6 the exception of the small number retained by the
7 Department of Education, the remainder were
8 transferred over to the Department of Health. So the
9 Department of Education was only left with a small
10 number of what they then called "special schools",
11 which were effectively some of the existing
12 reformatories and some of the existing industrial
13 schools, for example Clonmel and Letterfrack, which
14 had been industrial schools and were now transferred
15 into the Department of Education special school
16 system.

17 194 Q. I see.

18 A. Whereas the bulk of the other industrial schools and
19 other childcare institutions became gradually the
20 responsibility of the Department of Health.

21 195 Q. If I could just bring you back a step,
22 Dr. O'Sullivan, in relation to the demise of the
23 industrial and reformatory schools, was that
24 contemporaneous with the publishing of the Kennedy
25 Report or was it part of an evolving situation which
26 was to be seen at that time?

27 A. I think it was part of an evolving situation. As we
28 saw this morning, the numbers had been declining for
29 effectively 15, 20 years at that stage. Certainly



1 from the early 1950's the total number of children
2 had been declining rapidly. A number of schools had
3 independent closed, I think something in the region
4 of 14 or 15 had closed pre the publication of the
5 Kennedy Report. Large schools such as Artane had a
6 capacity of 820 children and there was probably about
7 100 left at that stage so the numbers were relatively
8 small at that stage. So I think it was more an
9 evolving situation that the lack of children,
10 changing public attitudes towards children, the
11 efforts of lobby groups such as the Tuairim, CARE,
12 Irish Association of Care Workers, groups like that
13 were all lobbying for change. Some of them found
14 expression then in the establishment by Brendan
15 Corish in 1974 on the Task Force on Child Care
16 Services, which again was to look at the entire
17 system of child welfare in Ireland, which again
18 reported in 1980. It was a slow process but I think
19 it kind of eventually got there. So I think that it
20 was a long drawn process. I think the Kennedy Report
21 simply epitomised the sense that had been building up
22 from the 1960's of the future of the system.

23 196 Q. I think then in relation to the years subsequent to
24 the Kennedy Report and leading up until the present
25 time... (INTERJECTION)

26 A. Well, I think broadly, what we had seen is a very
27 decided shift away from institutional care of
28 children towards a system that values a support of
29 families, retaining children in their families and



1 for those families who can't, for whatever reason,
2 take care of their children, foster care is now the
3 option of first resort.

4 197 Q. Yes.

5 A. So I think all the Health Boards, certainly the
6 establishment of the Health Boards in 1970 certainly
7 contributed to that, the development of professional
8 social work and childcare work contributed to that
9 too. But I think generally we have seen a fairly
10 dramatic shift away from the institutionalisation of
11 children and a shift towards foster care, which is
12 somewhat ironic in the sense that this is what the
13 lady inspectors of boarding out children have been
14 recommending from 1904 onwards. So eventually around
15 the mid 1980's there were more children in care who
16 were in foster care rather than in residential care
17 and that trend has continued since the mid 1980's.
18 But certainly foster care was virtually extinguished
19 in Ireland by the time the Kennedy Report came along.
20 I think there were less than a thousand children in
21 foster care and the number had been declining
22 considerably over that period, partly because of the
23 health authority's reluctance or difficulty in
24 finding foster parents and they more easily resort to
25 placing the children within industrial schools rather
26 than attempting to find foster care. But certainly
27 by the mid 1980's, all the key policy actors had
28 agreed that foster care was the appropriate response
29 and I think that trend has continued to this date.



1 I can't remember the most recent figure, but there is
2 something in the region of 4,000 children in care in
3 Ireland today and about 500 or so are in residential
4 care, the remainder are in some form of foster care
5 or other family support systems. But again I can
6 that has changed and I think the Childcare Act
7 certainly in 1991 has helped that process as well.

8 198 Q. I think there are a number of other factors which
9 perhaps might be taken into account in leading to the
10 events precipitated by the Taoiseach's apology in
11 1999.

12 A. Well, I think there was an accumulation of exposures
13 to the system, historical exposures. There were a
14 number of autobiographical or semi-autobiographical
15 works emerging from the 1980's onwards about
16 conditions in some of the schools. There had been a
17 number of inquiries, child abuse inquiries in Ireland
18 during the 1990's that had been published, some
19 hadn't. But certainly the Kelly Fitzgerald case, the
20 Kilkenny incest case and the Donagh House Report, all
21 of these I think were heightening awareness of these
22 issues. Again, I don't think they were particularly
23 new in the sense that during the 1960's, not dealing
24 with very specific allegations but just generally the
25 difficulties associated with the institutionalisation
26 of children. So we had all of those reports, plus
27 the two I should mention; the Commission on Mental
28 Handicap and Commission on Mental Illness which were
29 also published in the 1960's, and all again suggested



1 a shift away from institutionalisation. And there
2 was growing academic literature at that time as well
3 about the deleterious effects of
4 institutionalisation, not just on children but on
5 people generally. So certainly I think this momentum
6 built up during the 1990's. I am probably a bit too
7 close to it to give any kind of objective comments on
8 it.

9 199 Q. No, not to go into it in any specific detail.

10 A. But I suppose my sense is that there was a kind of
11 growing accumulation of evidence, structures, and
12 institutions were being challenged and institutions
13 that had the height of respect, including the church,
14 universities, the law profession, banks, everything
15 was being challenged in the 1990's so I think it
16 would be surprising if these other institutions
17 weren't subject to the same degree of scrutiny as all
18 the others were scrutinised. Clearly there is
19 obviously a number of high profile cases involving
20 members of the clergy and others that all contributed
21 to the emergence of the Taoiseach's apology in 1999.

22 MR. McMAHON: Thank you very much,
23 Dr. O'Sullivan.

24
25 END OF EXAMINATION OF DR. O'SULLIVAN BY MR. McMAHON

26
27 THE CHAIRPERSON: Very good. Thank you very
28 much indeed for coming to
29 our assistance, Dr. O'Sullivan. Mr. McMahon, that



1 leaves us with our next hearings taking up on
2 Wednesday morning. So the hearings will continue on
3 Wednesday morning at 10:30. We will also sit on
4 Thursday. We won't be sitting on Friday. Then we
5 will resume the following week. All right, thank you
6 very much indeed. Thank you very much indeed,
7 Dr. O' Sullivan.

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

THE HEARING WAS THEN ADJOURNED TO WEDNESDAY,
23RD JUNE 2004 AT 10:30 A.M.

